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## High Court to Investigate Police Abuses in 2006 Crackdown in Mexico State

by LADB Staff

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In a 7-4 vote, Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN) agreed in early February to open an investigation on the conduct of state and federal police during the crackdown on demonstrators in San Salvador Atenco and Texcoco in May 2006. The court did not set a timetable for the conclusion of the investigation but named federal Judges Jorge Mario Pardo Rebolledo and Alejandro Gonzalez Bernabe to take charge of the case.

The SCJN will determine whether any human rights abuses occurred when police intervened to quash the demonstration, which followed a dispute regarding the rights of independent vendors to sell flowers outside a local market in Texcoco. The incident escalated into a major confrontation between vendors, supported by the Frente de Pueblos en Defensa de la Tierra (FPDT), and federal and Mexico state riot police (see SourceMex, 2006-05-17).

The protesters also gained the support of the Ejercito Zapatista de Liberacion Nacional (EZLN), which made the incident part of its "other campaign" during the 2006 presidential election (see SourceMex, 2006-07-19). In the investigation, the high court will determine whether the police used excessive force during the operation.

Human rights advocates allege that many of the 240 men and women arrested were subjected to serious abuses, including rape and torture, while they were being transported to the La Palma maximum-security prison. "The decision is a first step that brings us closer to the exercise of justice in these regrettable events," said a spokesperson for the FPDT, an umbrella organization representing the rights of small-scale farmers and residents of rural communities, primarily in Mexico state.

The FPDT was instrumental in mobilizing local residents, who carried machetes during their protests, to defeat a proposal by President Vicente Fox's administration to construct a new airport terminal for Mexico City near Lake Texcoco in 2003 (see SourceMex, 2002-02-17 and 2003-06-04).

### *Constitution encourages such investigations*

In announcing the SCJN's decision to assume the investigation, Chief Justice Guillermo Ortiz Mayagoitia cited the high court's responsibility under Article 97 of the Mexican Constitution. The provision gives the SCJN the leeway to form special committees to investigate violations of individual guarantees.

Joining Ortiz in voting to open the investigation were Justices Genaro Gorgora Pimentel, Margarita Luna Ramos, Fernando Franco Gonzalez, Juan Silva Meza, Olga Sanchez Cordero, and Jose Ramon

Cossio. The four dissenters were Justices Mariano Azuela, Sergio Aguirre, Jose de Jesus Gudino Pelayo, and Sergio Valls Hernandez.

Speaking for the minority, Azuela raised concern that the court would become inundated with requests to investigate not only political disputes but also other disagreements. While offering his full support for the investigation, Justice Ortiz also scolded members of the FPDT for using improper tactics to pressure the court. "Those presenting themselves as members of the San Salvador Atenco community have made threats against one of the ministers of this high tribunal to get him to change his vote," Ortiz Mayagoitia said. "This attitude is not just reproachable but unacceptable."

Some human rights organizations lamented that the case had to be brought before the judicial branch. "This reflects the inefficiency and the complicity of government institutions, particularly the federal and state attorney generals' offices, to investigate these cases," said the Red Nacional de Organismos de Derechos Humanos Todos los Derechos para Todos, an umbrella for dozens of human rights organizations.

### *Mexico state governor Pena Nieto could face new scrutiny*

Some observers say the investigation could bring unfavorable publicity to several prominent government officials like Mexico state Gov. Enrique Pena Nieto, who had been considered a rising star in the Partido Revolucionario Institucional (PRI) and who was being groomed as a possible presidential candidate. "As governor of the State of Mexico, Pena Nieto is ultimately responsible for the state officers' actions," said Kelly Arthur Garrett, a columnist for the Mexico City English-language daily newspaper The Herald.

Pena Nieto has pledged to collaborate with all aspects of the court investigation. He acknowledged that some abuses might have occurred during the response of state police to the riot. "I have never stopped investigating [this case], and I have already imposed some sanctions," said Pena Nieto. "That is why we offer the full support of our government to any investigations that are warranted."

The court's decision to investigate the case has already resulted in the resignation of Wilfrido Robledo Madrid, who had oversight of the state police forces. Robledo, a former director of the federal police (Policia Federal Preventiva, PFP), resigned after Pena pledged to punish any official found to be responsible for abuses in the Atenco case.

The governor has faced criticism, however, for his failure to accept the conclusions of an investigation from the semi-independent Comision Nacional de Derechos Humanos (CNDH). "The CNDH has already determined that there were sexual violations, torture, arbitrary detentions, and illegal confiscations of property," said FPDT attorney Juan de Dios Hernandez.

Another prominent official who could come under renewed scrutiny from the SCJN investigation is Attorney General Eduardo Medina Mora. Medina, who was Public Safety Secretary during ex-President Vicente Fox's administration, made the decision to dispatch federal police to Atenco. Medina was also criticized for refusing to accept the CNDH recommendations during his time as head of the Secretaria de Seguridad Publica (SSP). At that time, Medina dismissed the report as based on "fictitious" information. (Sources: El Financiero, 02/02/07; El Economista, Excelsior, El

Universal, 02/02/07, 02/07/07; Milenio Diario, The Herald-Mexico City, 02/07/07; Agencia de noticias  
Proceso, 02/05/07, 02/06/07, 02/08/07; La Jornada, La Cronica de Hoy, 02/02/07, 02/06/07, 02/07/07,  
02/09/07)

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