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Mexico Decriminalizes Libel & Slander, But Journalists Continue To Face Other Threats

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In mid-April, President Felipe Calderon signed into law an initiative that decriminalizes libel, slander, and other types of defamation in Mexico. The decree, approved by the Chamber of Deputies late last year and the Senate early this year, in effect changes the legal status of defamation from a criminal to a civil matter. The approval is a welcome development for the Mexican news media, which continues under siege on other fronts. Media advocates are pushing federal and state governments to do more to stop drug-related killings of journalists. More than a dozen Mexican reporters have died since October because of their coverage of the drug trade. The move to remove criminal penalties for defamation brings Mexico in line with most other developed countries. This means that cases of libel and slander will result in monetary penalties rather than jail time. "Thanks to this reform, journalists can now perform their duties without fear of being jailed because of accusations by those who feel they have been affected by their work," Calderon said at a signing ceremony at the presidential residence of Los Pinos. "With this new legal framework, the Constitution's fundamental principles of freedom of expression and freedom of opinion are guaranteed." Before the reform went into effect, a journalist in Mexico could face jail time if somebody felt he or she had been insulted by words ("injuria"), been the victim of false or malicious attributions ("calumnia"), or had his or her good reputation attacked ("difamacion"), said Kelly Arthur Garrett, a columnist for the Mexico City English-language daily newspaper The Herald. Analysts said the law would create a real change in Mexico. "The criminalization of libel and defamation was an instrument for controlling press freedom," political analyst Ricardo Raphael of the Centro de Investigacion y Docencia Economica (CIDE) said in a column published in the Mexico City daily newspaper El Universal. The potential for abuse became apparent in a recent high-profile case in which textile-manufacturing mogul Kamel Nacif gained the support of Puebla Gov. Mario Marin to detain freelance journalist Lydia Cacho on charges of libel and defamation. Cacho, who was taken into custody in Cancun and transported 19 hours to a Puebla prison, had implicated Nacif in a book she had written about pedophile networks in Mexico (see SourceMex, 2006-02-22). The libel charges were dropped shortly after Cacho's arrival to Puebla, but she was not released immediately because the defamation charges were pending. Cacho fought the defamation charges for the next several months, finally convincing authorities to drop them entirely in February of this year. The journalist also struck back by filing charges against Nacif, Marin, and other Puebla officials of violating her individual rights. She won a hearing in Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN), which agreed to form a special panel to determine whether the case should come before the full court (see SourceMex, 2006-04-26 and 2006-09-27). In January of this year, the panel recommended that the full SCJN review the case. Eight journalists killed in last six months While Mexican journalists will no longer have to face the threat of criminal charges for libel and slander, many reporters and editors continue to work under constant death threats. The Miami-based Inter American Press Association (IAPA) said eight journalists in Mexico have been murdered since October 2006, and dozens of others have received death threats. In almost all cases, the violence or threat of violence is the result of the reporter's coverage of the drug trade

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(see SourceMex, 2005-04-20, 2005-08-10, and 2006-02-15). In the most recent case, a reporter for the television chain Televisa was gunned down in Acapulco in early April as he left an interview at a local radio station. Gonzalo Marroquin, who leads an IAPA commission on freedom of expression, said the latest murder is part of a pattern that has worsened in Mexico in the last several years. "Even though we have registered eight murders since October, many more have occurred over the past several years," said Marroquin, who criticized authorities for failing to conduct appropriate investigations. Marroquin said Mexico has become the most dangerous country for journalists in the Americas, surpassing Colombia. The IAPA study coincides with a similar report presented late last year by the international press organization Reporters Without Borders (RWB) or Reporters Sans Frontiers (RSF), which rated Mexico the second-most-dangerous country for journalists after Iraq, which is in the midst of a war (see SourceMex, 2006-12-06). Another study by the Mexican organization Fundacion Prensa y Democracia (PRENDE) said journalists who work in 18 states are at greater risk of violence. These are the states where operations of drug organizations are concentrated. PRENDE rated the risk as "very high" in six states: Sonora, Chihuahua, Tamaulipas, Baja California, Sinaloa, and Guerrero. The states rated "risky" for journalists were: Veracruz, Mexico state, Nuevo Leon, Coahuila, Chiapas, Michoacan, and Oaxaca. Journalists in Mexico City, Jalisco, Morelos, Campeche, and Yucatan have to work under "insecure and difficult" conditions, said PRENDE. The report, released in mid-April, noted that attacks on journalists increased by 60% between 2000 and 2005, the first five years of President Vicente Fox's administration.

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