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## High Court Sides with Congress in Oaxaca Governor's Constitutional Complaint

by LADB Staff

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Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN) handed Oaxaca Gov. Ulises Ruiz a major setback by throwing out the governor's recent lawsuit against the federal Chamber of Deputies. In the complaint, the governor charged that the chamber had violated the Mexican Constitution by passing a resolution asking him to resign or take a leave of absence. In the resolution, passed in October 2006, the legislators blamed Ruiz for fomenting the climate of violence and instability that had prevailed in Oaxaca since May 2006.

Ruiz's complaint was directed only at the Chamber of Deputies, even though the Senate approved a similar resolution (see SourceMex, 2006-11-01). The SCJN, which handed down its decision in mid-August, is also planning to appoint a special judicial committee to investigate whether state and federal authorities, including Ruiz, violated the human rights of citizens of Oaxaca in suppressing the violence that occurred between May 2006 and January 2007.

The conflict began with an action by the local chapter of the teachers union (Sindicato Nacional de Trabajadores de la Educacion, SNTE), which was seeking pay raises for 70,000 elementary, secondary, and preparatory teachers. Section 22 of the SNTE took over the central square in Oaxaca City to press its demands, but the Ruiz administration refused to give in (see SourceMex, 2006-08-02).

Other civil and political organizations joined the teachers, forming an umbrella group called the Asamblea Popular de los Pueblos de Oaxaca (APPO), which expanded its demands to include Ruiz's resignation. The Ruiz government responded by cracking down on the protestors, intensifying the conflict (see SourceMex, 2006-09-13). The teachers' strike resulted in the suspension of several weeks of classes for students throughout Oaxaca in 2006. There was some concern that teachers would walk out again at the start of this school year, but classes began on time for most schools.

### *Court says governor lacks jurisdictional power*

In announcing its decision to throw out Ruiz's complaint, the court said the Oaxaca governor "lacks the legitimate jurisdictional power" to challenge the resolution passed by the lower house. Furthermore, said the SCJN, the resolution passed by Congress did not move to directly remove Ruiz from office but was a simple request. "The Chamber of Deputies simply recommended to the governor that he either take a leave of absence or resign, which would be a step to restore governability, legal order, and social peace to Oaxaca," the SCJN said.

While the high court's decision was a victory of sorts for opponents of Ruiz, the SCJN has generally taken a hands-off approach in recent cases involving governors accused of violating human rights, including Ruiz, Puebla Gov. Mario Marin, and Mexico state Gov. Enrique Pena. All three governors

are members of the Partido Revolucionario Institucional (PRI). Marin is accused of complicity in the kidnapping and illegal detention of journalist Lydia Cacho (see SourceMex, 2006-04-26 and 2006-09-27). Pena is said to have supported the violent crackdown on demonstrators in the community of Atenco in May 2006 (see SourceMex, 2006-05-17).

Deputy Aleida Alavez Ruiz, the legal affairs coordinator for the center-left Partido de la Revolucion Democratica (PRD) in the lower house, said the SCJN has declined to directly address complaints against the three governors and transferred cases to the lower courts. "The Constitution does not preclude the high court from handing down an opinion on the guidelines that should be followed in punishing those responsible for repression in Puebla, Atenco, and Oaxaca," said Alavez Ruiz.

The court's decision led others to call for Ruiz to resign his post, including Juan de Dios Castro Lozano, deputy secretary for human rights in the Secretaria de Gobernacion (SEGOB). Castro said ample evidence compiled by the government-sanctioned Comision Nacional de Derechos Humanos (CNDH) and other organizations like Amnesty International showed that Ruiz's administration was involved in violating the human rights of protestors. Castro said Ruiz employs the old style of government prevalent during the years when the PRI had almost absolute power. "Oaxaca is still one of the states where the governor controls the legislative and judicial branches," he said.

Castro said the governor might not face prosecution until he completes his term in office, which ends in 2010, because he enjoys immunity as an elected official. Ruiz gained a political advantage for the remainder of his term after his party, the PRI, swept the municipal and state legislative elections in Oaxaca (see SourceMex, 2007-08-08). "Even if Ruiz completes his term, this doesn't mean that he will not eventually face a trial when he leaves office," said Castro. At that point, the governor will no longer have immunity as an elected official, making it easier to bring a legal case against him.

### *Numerous complaints of human rights violations*

Ruiz's human-rights record has come into question on several occasions. The most recent complaint came in late July, when the international nongovernmental organization (NGO) Human Rights Watch (HRW) called for an investigation of local police to determine whether they used excessive force to quell a violent protest against the Ruiz administration.

New York-based HRW said the organization received credible reports that police made arbitrary arrests, pulling people from passing cars and buses and beating those in custody, including some so severely they needed to be hospitalized. "If Governor Ulises Ruiz is committed to law and order in his state, he should ensure that alleged brutality by the police is thoroughly investigated and that those responsible are prosecuted," said Jose Miguel Vivanco, Americas director of HRW.

In mid-August, the Inter-American Commission on Human Rights (IACHR) issued a statement calling on Mexico's federal government and on the government of Oaxaca to conduct an "objective" and "impartial" investigation on the violations of human rights in Oaxaca between June and December of 2006, and again in July 2007. The Washington-based IACHR, affiliated with the Organization of American States (OAS), said violations include violent deaths, executions, torture, police brutality, the disproportionate use of force, mass detentions, isolation of detainees, aggression against journalists, and public calls for attacks on human rights advocates.

The most recent protests against Ruiz came just days before the start of the Guelaguetza, a folk festival that for years has been a huge draw to Oaxaca City. Hundreds of riot police controlled access to the main festival, ensuring that protests did not disrupt this year's celebration of the Guelaguetza. Crowds at the festival were very sparse, but authorities said this was better than last year, when the Guelaguetza was cancelled because of the extreme unrest. Still, critics said Ruiz used the festival this year to improve his image and promote his own interests.

APPO spokesman Florentino Lopez said Ruiz transformed Guelaguetza into a "propagandistic farce" staged with "2,000 people he rounded up and thousands of police disguised as spectators." The heavy police presence and the threat of unrest acted as a deterrent to potential visitors. During normal years, hotels are booked almost to capacity during the festival, but were only at about 40% of occupancy this year, said the Oaxaca chapter of the Asociacion Mexicana de Hoteles y Moteles (AMHM). "In 2005, this place was full," one vendor told the Mexico City daily newspaper Reforma. "One could hardly walk." The vendor said his sales of beads were almost nonexistent this year. "It is the foreign visitors who buy my necklaces," he said.

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