Controversial Report Released on Death of U.S. Journalist Brad Will in Oaxaca

LADB Staff
Federal authorities threw gasoline on the fire with a report concluding that US journalist Brad Will was killed in Oaxaca state two years ago by sympathizers of the protest group Asamblea Popular de los Pueblos de Oaxaca (APPO). Will was filming a confrontation between APPO members and pro-government demonstrators when he was shot.

The common theory following Will's death was that members of the state police or paramilitary units sympathetic to Oaxaca Gov. Ulises Ruiz fired the shots that killed Will. The government’s conclusion that APPO protestors or sympathizers actually fired the shots led human rights advocates and APPO to accuse the federal and Oaxaca state governments of engaging in a cover-up.

Conclusions could boost tensions in Oaxaca

APPO had battled with Ruiz since the governor, a member of the Partido Revolucionario Institucional (PRI), took office in 2004. Ruiz won a highly controversial election, defeating coalition candidate Gabino Cue by a very narrow margin (see SourceMex, 2004-08-04). Ruiz initially locked horns with the local chapter of the teachers union (Sindicato Nacional de Trabajadores de la Educacion, SNTE) regarding pay raises and other labor-related issues. The SNTE took over the main plaza of Oaxaca city to express its displeasure (see SourceMex, 2006-08-02 and 2006-09-13).

Several civic, labor, and political organizations later joined the SNTE in the protest, eventually forming APPO. APPO held a series of protests throughout Oaxaca, insisting that the organization would not back down until Ruiz resigned from his post. Ruiz responded to the situation by cracking down violently against the protestors. It was during one of the APPO protests when two bullets killed Will as he filmed the clashes for the New York chapter of the Independent Media Center (Indymedia). The journalist had been in Oaxaca recording the protests for four weeks (see SourceMex, 2006-11-01).

Will's death brought widespread condemnation from Mexican and international human rights advocates and journalist organizations like Reporters sans frontieres (RSF). Facing strong pressure to look into the case, the Procuraduría General de la Republica (PGR) launched a long investigation.

In October 2008, two years after the incident, the PGR released the results of its investigation, but a report from the federal authorities did not offer the conclusions that many advocates had sought: that the Oaxaca state government or its accomplices had conspired to murder Will.

One of the theories mentioned most often before the report was released was that members of paramilitary units or state police officers fired the shots that killed the US journalist. Report places
blame on sympathizers of APPO. Instead of confirming that theory, prosecutors concluded that the killers were members or sympathizers of APPO who were standing near Will.

The PGR said the US journalist was filming confrontations between APPO and police from the municipality of Santa Lucia del Camino. To back their theory, PGR investigators cited forensic evidence that the shots were fired at close range, perhaps at 2 meters from the victim. Furthermore, the PGR pointed to Will's video, in which an unidentified voice was demanding that he stop filming. "The expert's report indicates that the shots against Will were intended to deprive the journalist of his life," said deputy attorney general Victor Emilio Corzo Cabanas, who was in charge of the investigation.

Following their investigation, authorities arrested Juan Manuel Martinez Moreno and Octavio Perez, whom they identified as sympathizers or members of APPO. According to the investigation, Martinez fired the shots that killed Will, while Perez was an accomplice who helped cover up the crime.

The PGR said that Will's death was intended "to bring international attention" to APPO's causes, which could have the end result of forcing Gov. Ruiz from office. But some critics questioned this theory. "The presence of the US cameraman Brad Will in Oaxaca was convenient for APPO and was a source of discomfort for the government," said the Mexico City daily newspaper La Jornada.

Other critics said APPO benefited greatly from the reports Will and Indymedia filed from Oaxaca, which exposed the abuses perpetrated by the Ruiz government and other PRI officials. "There was no reason for APPO to seek Brad Will's death," said Adrian Ramirez, president of the Liga Mexicana de Defensa de los Derechos Humanos (LIMEDDH). "There were many more reasons for the government of Oaxaca and the PRI to seek this outcome."

Still, some officials were cautious about the link between the suspects and APPO. "We cannot be sure that they belong [to that organization]," said Alberto Orellana Wiarco, who is in charge of the PGR's office that investigates crimes against journalists. Orellana took great pains to emphasize that the arrests should not be viewed as an indictment of APPO. "Independent of this action [the homicide], we are not judging this group but rather are investigating people who might be linked to the group."

**Human rights groups call conclusions inaccurate**

The PGR's conclusions drew strong protests from APPO, Will's parents, and human rights advocates, who accused the PGR and Oaxaca state investigators of conducting a biased investigation. Insisting that Moreno and Perez were innocent, APPO spokespersons said paramilitaries were the ones who fired the shots that killed the US journalist. "These detentions are part of a wave of government aggressions against APPO," said Florentino Lopez, a spokesperson for the organization.

Similar comments came from Will's parents, who spoke to reporters from their home in Chicago. The slain journalist's mother, Kathy Will, said she had no doubt that paramilitaries sympathetic to the Ruiz administration were responsible for her son's death. "It's been two years of the same
thing," said Kathy Will. "They are absolutely determined to pin it on somebody nearby." The Wills, who have hired a lawyer in Mexico, criticized President Felipe Calderon for failing to speak out on this incident and allowing the Ruiz government to continue to act with impunity.

The semi-independent Comision Nacional de Derechos Humanos (CNDH) said the PGR's probe contained many deficiencies, irregularities, and omissions, which resulted in a report that was not impartial. For example, said the CNDH, the PGR and the Procuraduria General de Justicia de Oaxaca (PGJO), which assisted in the probe, chose to ignore information provided from Physicians for Human Rights (PHR), which, through an investigation conducted by its International Forensic Program, provided evidence that the bullets that killed Will might not have been shot at close range.

The CNDH contends that the bullets that killed Will might have been shot from a distance of 35 to 50 meters, meaning that Moreno and Perez probably were not the killers. Furthermore, said the commission, independent investigations suggest that the bullets entered Will from the side, which contradicts official accounts that the US journalist was shot from in front. Nationally syndicated columnist Jorge Zepeda Patterson disputed the government's interpretation of the data obtained from the footage in Will's camera. "The delay between the sound of the gunshots and Will's anguished cries indicates that the bullets were shot from a distance," said the columnist.

Others said the process of gathering evidence is still deficient in Mexico, which has contributed to the less-than-satisfactory conclusion. "There were many mistakes," said Edgar Cortez, secretary-general of the coalition Red Todos los Derechos para Todos (Red TDT). "A long time transpired between the incident and when the evidence was collected, which left it open to manipulation." Cortez raised concerns that the PGR's conclusions give Gov. Ruiz a free pass to continue his government's use of impunity and violation of human rights. "It appears that we won't get justice in this case," said the human rights advocate.

The international journalists organization RSF also criticized the Mexican government for its conclusion, which has the effect of exonerating the Oaxaca authorities. RSF called the probe "a botched investigation" that was intended solely to relieve Gov. Ruiz and his collaborators of all culpability.

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