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LADB Staff

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Supreme Court Finds Oaxaca Governor Ulises Ruiz Responsible For Human Rights Violations, Violence In 2006 And 2007

by LADB Staff

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In mid-October, Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN) dealt a major blow to Oaxaca Gov. Ulises Ruiz, blaming the state executive for human rights abuses during a deadly crackdown on protestors in 2006 and 2007. The SCJN decision, handed down in mid-October, does not mandate Ruiz's removal from his post. And the governor, a member of the Partido Revolucionario Institucional (PRI), has already said he will not resign. The animosity against Ruiz and the PRI is so strong that leaders of the conservative Partido Accion Nacional (PAN) and a leftist coalition led by the Partido de la Revolucion Democratica (PRD) have set aside their differences to run a single candidate in the 2010 gubernatorial race.

Court clears federal government

In a 7-4 decision, the SCJN exonerated the administration of former President Vicente Fox for the abuses, saying that the Ruiz government was entirely responsible for human rights violations against the protestors during demonstrations that took place between May 2006 and January 2007. Members of the teachers union (Sindicato Nacional de Trabajadores de la Educacion, SNTE) in Oaxaca initially organized the demonstrations, taking over the historic central plaza in Oaxaca City to protest low pay and poor working conditions. A coalition of human rights advocates, labor unions, and leftist organizations later joined the protests to support the SNTE and also press a list of grievances against the Ruiz government (SourceMex, August 02, 2006 and September 13, 2006).

The Oaxaca government responded to the protests with force, resulting in the deaths of about 20 demonstrators. The incidents prompted both the Senate and the Chamber of Deputies to condemn the actions of the Oaxaca state government and urge Ruiz to step down (SourceMex, November 01, 2006). Ruiz accused the legislators of overstepping their authority and filed a constitutional complaint through the SCJN. In late 2007, the high court dismissed Ruiz's complaint (SourceMex, August 22, 2007).

The Ruiz controversy came before the court again when justices were asked to look into the matter, including investigating whether the federal government bore any responsibility for the violence. After months of deliberation, the court ruled on Oct. 15 that the responsibility was entirely on the shoulders of the Ruiz government. The SCJN determined that a general violation of human rights took place and blamed the Oaxaca state government, but it did determine that local and federal troops also bore some responsibility. "The governor of the state of Oaxaca bears clear and plain responsibility" for what happened, the high court said. Still, a minority of the justices sought to place greater responsibility on the Fox government. Justice Juan Silva Meza accused Daniel Cabeza de Vaca, who was Fox's attorney general, of covering up the participation of agents from the Policia

Federal Preventiva (PFP) in three raids conducted without legal warrants. The dissenting justices also criticized the Secretaria de Defensa Nacional (SEDENA) for refusing to release names of soldiers who participated in operations headed by the PFP in Oaxaca. Ruiz rejects courts decision, will not resign Ruiz, whose term ends in November 2010, offered a diplomatic but firm response to the SCJN decision, saying he respected the decision of the justices but did not agree with their conclusions. "I would like to congratulate the justices for their good work. They conducted a very ample and valuable investigation," said the governor, adding, "In no way do I agree with the conclusions." A defiant Ruiz also told reporters that he had no plans to step down.

The governor received strong support from key leaders of his party, including PRI president Beatriz Paredes and Deputies Francisco Rojas and Eviel Perez Magana. Rojas is the PRI floor leader in the lower house and Magana coordinates the PRI deputies from Oaxaca state. The opposition parties, in contrast, praised the court's decision and said the governor dug himself into a hole not only by endorsing the repressive measures by police and security officials in his administration but also by protecting the officials who carried out the violations, including public security director Jose Manuel Vera Salinas, ministerial police director Jose Moreno Rivas, and auxiliary police director Joaquin Dario Berges. "Ulises Ruiz had two choices," said Carlos Moreno Alcantara, president of the PAN in Oaxaca state. "He could have applied justice [by punishing his cabinet secretaries] or he could have been brought to justice. He didn't want to apply justice, so now he could face judgment, either legally or politically." While the PAN has stopped short of calling for congressional action against Ruiz, the PRD and the Partido del Trabajo (PT) have not been shy about calling for an impeachment trial for Ruiz. One option would be for the Oaxaca state legislature to conduct the trial. This is extremely unlikely because the PRI controls the legislature. Chances of such a trial at the federal level are also remote, since the PRI and its ally the Partido Verde Ecologista Mexicano (PVEM) have tight control over the Chamber of Deputies.

In the Senate, the PAN remains the powerbroker but also appears reluctant to bring any action against Ruiz. This has prompted national PRD president Jesus Ortega to accuse the PAN of collusion with the PRI. He said the PAN in the Senate might have promised the PRI not to bring any action against Ruiz in exchange for PRI support for a package of tax increases sought by Calderon in 2010. Opposition parties form coalition for 2010 election in Oaxaca Even with Ortega's accusations that the PAN is colluding with the PRI, his faction of the PRD, known as Nueva Izquierda, has strongly endorsed a coalition with the PAN in the Oaxaca gubernatorial elections in July 2010. The PAN, whose political support in Oaxaca is very small, has endorsed the plan to join with the PRD, the PT, the Partido Convergencia por la Democracia (PCD), and the Partido Nueva Alianza (PANAL) to field a joint candidate to oppose whoever represents the PRI. Ortega said the coalition seeks to provide a democratic alternative to the PRI's style of "cacique" governance, in which a strong leader dictates policies with little or no input from other quarters.

The PRI is the only party to have governed Oaxaca since 1928, with preceding governors not having any party affiliation. Ruiz and his predecessor Jose Murat Casab have been especially controversial, with the latter going so far as to fabricate an assassination attempt against himself to gain sympathy for the PRI ahead of the 2004 election that Ruiz won by a narrow margin (SourceMex, June 09, 2004). "It's not just a matter of political arithmetic," said Moreno Alcantara. "We want to send a message that the parties who oppose the PRI can find common ground." The PAN leader said the coalition could also be an option for the voters who are undecided. "We see this alliance as necessary to

develop a platform that will give confidence to citizens who are looking for an alternative," said Moreno Alcantara. One likely candidate to lead the coalition is Gabino Cue, a member of the PCD, who narrowly lost the election to Ruiz in 2004.

Cue and his supporters accused the PRI of committing fraud to steal the election (SourceMex, August 04, 2004) While Ortega's Nueva Izquierda faction has strongly endorsed the alliance, a rival faction that supports ex-presidential candidate Andres Manuel Lopez Obrador is promoting a different kind of coalition. In a recent speech in Oaxaca, Lopez Obrador called for an alliance between the PRD, the PT, the PCD, citizen groups, civil organizations, and labor unions to form a broad coalition to take back the Oaxaca state government. And state grassroots groups are not necessarily behind the coalition. Margarito Galvez Cuellar, a PAN delegate in the community of Haujulpan de Leon, raised concerns about the difference in philosophy between his party and the other coalition members. "I cannot endorse joining with parties like the PRD and the PT, which have a political philosophy opposite to ours," said Galvez. Similar comments came from local PRD members. "We cannot align ourselves with a party that is governing our country poorly to oust a government that is governing our state poorly," said Jesus Romero Lopez, head of the PRD delegation in the state legislature. The PRI accused Interior Secretary Fernando Gomez Mont of orchestrating the effort. "This perverse alliance between the PAN and the PRD is coordinated from the Interior Secretariat by Gomez Mont, who is supporting Gabino Cue," said former PRI deputy Oscar Levin.

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