

2-24-2010

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Recommended Citation

LADB Staff. "Government Names New Prosecutor To Investigate Violence Against Journalists." (2010).
<https://digitalrepository.unm.edu/sourcemex/5375>

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Government Names New Prosecutor To Investigate Violence Against Journalists

by LADB Staff

Category/Department: Mexico

Published: 2010-02-24

The Procuraduria General de la Republica (PGR) has appointed a new director of the special prosecutor's office investigating crimes against journalists (Fiscalia Especial para la Atencion de Delitos cometidos contra Periodistas, FEADP) and, in the process, has expanded the powers of the office. The new head of FEADP is Gustavo Salas Chavez, who previously worked at the Mexico City attorney general's office (Procuraduria General de Justicia del Distrito Federal, PGJDF). But skepticism abounds on whether Salas will be much more effective than his two predecessors in halting crimes against journalists, most of whom have been killed because of their coverage of the drug trade. Salas also could inherit the investigation into the murder of US independent journalist Brad Will, who was killed in Oaxaca while covering local protests against Gov. Ulises Ruiz. Citing a lack of evidence, a federal court recently ordered the release of the only suspect in Will's murder.

Prosecutor's office to report directly to attorney general Salas, who was appointed to head the FEADP in mid-February, becomes the third person in that position since ex-President Vicente Fox created the office in 2006 (SourceMex, February 15, 2006). Salas replaces Octavio Alberto Orellana, who embarrassed President Felipe Calderon's administration in December 2008 with controversial comments that only three of the 25 reporters killed in the previous two years were targeted because of their work. At the time, he suggested that Mexico's image as an especially dangerous country for journalists was based on erroneous information. The change also includes a reorganization of FEADP, with the head of the agency answering directly to the attorney general rather than to the PGR's human rights unit.

This change intends to give FEADP the investigative and prosecutorial powers that it did not previously have. In a statement announcing the change, Attorney General Arturo Chavez said he has instructed Salas to thoroughly review each open case and take the appropriate actions. A recent report from the Comision Nacional de Derechos Humanos (CNDH) said 60 members of the print and broadcast media have been killed since 2000, mostly because of their coverage of the drug trade. Of the total, 12 were killed in 2009, and three more have been murdered already this year. The most recent victim was Jorge Ochoa Martinez, director of El Sol de la Costa, a small newspaper in the town of Ayutla de los Liebres in Guerrero state, southeast of Acapulco. Ochoa was shot in the face as he left a food stand in late January. Two other journalists were kidnapped and murdered in northern states in January: radio crime reporter Jose Luis Romero of Linea Directa in Los Mochis, Sinaloa state, and newspaper reporter Valentin Valdes Espinosa of Zocalo de Saltillo in Coahuila state.

Authorities said there were signs of torture on Romero's body, along with a threatening note with the type of message normally attributed to drug-trafficking organizations. The CNDH recently released two reports questioning the government's anti-drug strategy, including a criticism of the effectiveness of the special prosecutor's office in investigating the killings of journalists (SourceMex, November 11, 2009 and February 03, 2010). "Journalists and other members of the media have paid

a very high price because of their defense of the values of democracy," said CNDH president Raul Plascencia at a forum in mid-February. "I am worried by the attacks on their rights, which range from intimidation and kidnapping to the loss of their lives."

The CNDH emphasized that the violence against journalists is manifested in other ways besides the number of deaths. "In Mexico, increasing numbers of journalists are the victims of threats, intimidation, persecution attacks, and kidnappings in the course of performing their work," the commission statement said. International press groups renew call for government to act The international press rights organization Reporters Sans Frontiers (RSF) said the threat of violence against members of the media has had the effect of severely limiting freedom of the press. This has prompted the organization to rank Mexico as number 137 out of 175 countries in its 2009 press-freedom index. "The violence is even paralyzing the work of the authorities responsible for security and justice, as shown by the murder of the police chief in charge of the investigation," said RSF. "The need is greater than ever for the federal authorities to intervene in order to confront this escalating terror, and when they do, they should work closely with journalists organizations and human rights groups."

Other organizations like the Inter-American Press Association (IAPA), which represents 1,300 media outlets in the Americas, continue to pressure Mexico to take actions to curb violence against journalists. In mid-February, an IAPA delegation traveled to Mexico City to meet with Attorney General Chavez and Interior Secretary Fernando Gomez Mont. They said it was urgent for Mexico to adopt measures to address violence and impunity in crimes against journalists and to guarantee freedom of the press. The IAPA delegation, which included several representatives of US and Mexican newspapers, later traveled to Durango state for a press conference. The city of Durango is considered one of the more dangerous communities in Mexico for journalists. "It is well-known that Mexico is considered one of the countries with the highest risk for journalists in Latin America," said IAPA official Roberto Rock. "This is a situation that worries the IAPA and the profession in general."

Court releases lone suspect in murder of US journalist in Oaxaca In addition to addressing the violence against journalists by organized crime and drug traffickers, Salas will be under pressure to clarify Brad Will's death. Will, a reporter and camera operator for US-based Indymedia, was shot while photographing a demonstration in Oaxaca City in October 2006 (SourceMex, November 01, 2006). Will's case went unresolved until October 2008, when authorities arrested Juan Manuel Martinez Moreno on charges of homicide. At that time, authorities said they had evidence that Martinez Moreno had fired the shots that killed Will. Two of Martinez Moreno's companions were detained briefly on charges of covering up the murder but were later released. All three were members of the Asamblea Popular de los Pueblos de Oaxaca (APPO), the umbrella organization that organized the protest against Gov. Ruiz.

APPO members argued that the Ruiz administration and federal authorities, including the PGR (SourceMex, October 29, 2008), fabricated the charges against Martinez Moreno without presenting evidence. They said that there was no reason why Martinez Moreno would want Will dead and that he was being used as a scapegoat to deflect pressure in the US to solve the murder. "Mexican authorities had used Juan Manuel as a scapegoat to demonstrate that there had been progress in the Will case," said Kerrie Howard, deputy director for the Americas of Amnesty International (AI).

APPO and several Mexican and international human rights organizations fought to clear Martinez Moreno's name, even bringing the case to the Mexican courts.

In February of this year, a federal court (Tribunal Colegiado en Materia Penal y Administrativa del Decimo Tercer Circuito del Poder Judicial Federal) agreed that there was insufficient evidence against Martinez Moreno and ordered his immediate release. "I was unjustly deprived of my freedom," Martinez told reporters shortly after his release. "There is evidence that shows who committed this murder, but those who did it are being protected by Ulises Ruiz's administration." Critics say Martinez Moreno's release is only a partial victory unless the government takes the steps necessary to find Will's true killer. In the eyes of many, the culprit might be the Oaxaca state government. "We are now waiting for the investigation to resume, but this time in an objective manner," said Miguel Angel de los Santos, an attorney for the Will family. While Salas has not said whether FEADP would take on Will's case, a precedent exists for the special prosecutor to examine this situation.

Salas' predecessor, Octavio Orellana, had a lot to do with the PGR's determination in 2008 that Martinez Moreno had killed Will. Syndicated columnist Miguel Angel Granados Chapa said that FEADP was useless under Orellana's watch and that his recommendation that Martinez Moreno be found guilty was simply an effort to show some results. "The special prosecutor, who lacked the appropriate training, latched on to the false accusation made by the state of Oaxaca to attain what he viewed as a success," said the columnist. If FEADP decides to reopen the case, said Granados Chapa, then the investigation would be in good hands. "Gustavo Salas was the main homicide investigator at the PGJDF," said the columnist. "He would conduct investigations according to the rule of law and not make up suspects, as was the situation with the Martinez Moreno case."

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