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Sinaloa State Imposes Controversial Gag Order on Journalists

by Carlos Navarro
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The threat of violence, kidnapping, and death has already created extreme difficulties for reporters in Mexico covering the drug trade and organized crime. Because of the threats and dangers, many news media outlets have been forced to practice self-censorship (SourceMex, May 18, 2011). Journalists in the western state of Sinaloa recently faced another potential obstacle when the state legislature unanimously approved an initiative from Gov. Mario López Valdez to ban reporters from crime scenes. Under the initiative, known as the Ley Mordaza, the media would be forced to rely on statements from police and other official sources instead of digging for information and conducting interviews.

The initiative was contained in Article 51 of the Ley Orgánica de la Procuraduría General de Justicia del Estado de Sinaloa, which ratified the powers of the state’s attorney general’s office (Procuraduría General de Justicia del Estado de Sinaloa, PGJESIN). Among other things, the law would prohibit news organizations from recording videos or taking photographs at the scene of a crime or interviewing anyone directly associated with an incident. Journalists would also be barred from access to results of an investigation until the information was released by the proper authorities.

Decision to be rescinded
A coalition of journalists’ organizations—including the Asociación de Periodistas de Sinaloa, the Asociación de Periodistas 7 de Junio, the Foro Nacional de Periodistas y Comunicadores, and Artículo 19—denounced the decision as a suppression of freedom of the press. The coalition threatened to bring the issue to the Supreme Court (Suprema Corte de Justicia de la Nación, SCJN), the Inter-American Court of Human Rights (IACHR), and the UN unless the legislature overturned the Ley Mordaza.

"This law will only serve to continue to encourage impunity and a lack of transparency and accountability by those in charge of procuring justice," said Artículo 19, the Mexican affiliate of the British journalists’ rights organization Article 19. "This was an exaggerated measure that would be typical in an authoritarian country."

To make their frustration and discontent known, several dozen journalists staged a protest in front of the offices of the Subprocuraduría General de Justicia de Sinaloa in the city of Culiacán on Aug. 4. The journalists demanded that the state legislature and López Valdez immediately rescind the Ley Mordaza.

The outcry from the journalists’ organizations and the public at large led the Sinaloa state legislature to announce a decision to revoke the measure. The problem is that it was approved just days before the legislature went on break, and any effort to rescind the measure would have to wait until the legislature returns for a special session on Aug. 19, said legislative leader Jesús Enrique Hernández.
Chávez. Under the proposal, Article 51 would be removed from Ley Orgánica de la Procuraduría General de Justicia del Estado de Sinaloa.

"As soon as we perceived the first negative reactions to Article 51, we decided to evaluate its impact," said Hernández Chávez, a member of the Partido Revolucionario Institucional (PRI). "After weighing the arguments against the new law, we determined that a change was needed. We saw the real possibility that the work of the professional news media could be negatively affected."

Hernández Chávez acknowledged that the legislature did not look at the Ley Mordaza closely on the day it was approved because it was one of many pieces of legislation that came before the legislature before recess, and legislators did not have time to "notice those kinds of details."

**Governor justifies decision, then admits mistake**

The administration initially justified the proposed changes to the Ley Orgánica de la Procuraduría General de Justicia as necessary to harmonize the state legal code with national penal standards contained in the Código Nacional de Procedimientos Penales. The changes were part of the move by Congress in 2008 to reform Mexico's criminal justice system (SourceMex, March 12, 2008).

Each state has a period of eight years to harmonize its laws to the federal code, and López Valdez said the changes were an effort to comply with the directive before the June 18, 2016, deadline. With the changes, said the governor, Sinaloa would be "unifying criteria and developing uniform rules to avoid imprecisions and confusion in order to guarantee the right of due process."

The administration insisted that the changes were not intended to suppress press coverage. "It is not the intention of the government to commit excesses and much less restrict the free practice of journalism in Sinaloa but rather to provide conditions to ensure its free and safe exercise," said a statement from the Sinaloa press office.

"We share the philosophy that the citizenry needs to have better access to information generated from our government agencies and all those entities that manage political resources," said the governor, who considers himself a political independent.

López Valdez won the state's gubernatorial election as a coalition candidate running under the banner of the center-right Partido Acción Nacional (PAN) in 2010 (SourceMex, July 7, 2010) but does not consider himself a member of the PAN.

In a brief statement in early August, the governor acknowledged that the legislation was a "mistake." However, Gov. López Valdez has had a history of attempting to address the problem of drug violence by suppressing the right of citizens to express themselves. In 2011, the governor issued a decree prohibiting broadcast-media outlets from playing ballads that glorified the drug cartels (SourceMex, May 18, 2011).

Sinaloa is the home of one of the most powerful drug-trafficking organizations, the Sinaloa cartel or Cártel del Pacífico. The cartel, considered one of the leading criminal organizations in the world, has gained its reputation more because of its business acumen and global operations than for its ruthless tactics (SourceMex, Feb. 27, 2013, and Dec. 18, 2013).

The cartel has been involved in many violent acts, primarily clashes with rival criminal organizations and law-enforcement entities. The Mexican government estimates that Sinaloa is one of Mexico's five-most-dangerous states, with 41 homicides for every 100,000 residents in 2013.
The Sinaloa cartel recently suffered a major setback when authorities arrested its powerful leader Joaquín Guzmán Loera, also known as El Chapo, in February of this year (SourceMex, Feb. 26, 2014). Guzmán Loera’s arrest is considered a reason for a spike in violence in Sinaloa, as other drug-trafficking organizations battle the cartel’s new leaders for control of the drug trade in western Mexico.

102 journalists killed in Mexico in 14 years, but few in Sinaloa

Journalists are among the victims of violence in Sinaloa, but the number of deaths of reporters, editors, and photographers in the state has not been as high as in other states. A recent report from the Procuraduría General de la República (PGR) said 102 journalists were killed in Mexico between 2000 and 2014, the majority during former President Felipe Calderón’s intensive campaign against drug traffickers between 2006 and 2012 (SourceMex, Jan. 24, 2007).

Surprisingly, only a handful of the murders of journalists during the 14-year period occurred in Sinaloa, compared with much larger numbers in the states of Tamaulipas, Guerrero, and Michoacán. The latest victim in Sinaloa was broadcast journalist Alberto Angulo Gerardo, who was killed in November 2013 in the community of Angóstura (SourceMex, Feb. 5, 2014).

In the aftermath of the report, President Enrique Peña Nieto’s administration boasted that the number of journalist deaths has declined since the president took office at the end of 2012. "During this administration, only 10 journalists have been killed nationwide, which represents a downward trend when you consider that 21 journalists were murdered during the administration of President Vicente Fox and 71 during the government of Felipe Calderón," said the PGR report.

While the number of journalists’ deaths has been small in Sinaloa, the number of police officers killed in the state is very high. López Valdez said that 66 law-enforcement officers have been murdered since he took office in 2010. The dead includes seven state police officers ambushed and massacred on a highway in Sinaloa in 2011 as they were transporting two prisoners to a new location. Another seven officers were killed during a gun battle with members of a criminal organization in 2012.

"The fight has not been easy because we have lost 66 colleagues," López Valdez told cadets at a ceremony marking the Day of the Federal Police on July 13. "Fortunately, during the last two years—2013 and 2014—we have only experienced 10 deaths. Let us remember the colleagues who died in those attacks and ambushes."

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