



# No Excuse:

**Mexico must break cycle of impunity in journalists' murders**



A special report by the Committee to Protect Journalists



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# About this report

Mexico's press is caught in a deadly cycle of violence and impunity, with journalists in Veracruz state at particular risk of kidnap and murder. Despite authorities appointing a special prosecutor to investigate crimes against freedom of expression and establishing a protection mechanism for journalists, a lack of political will to end impunity exposes Mexico as one of the most dangerous countries in the world for journalists. **A special report by the Committee to Protect Journalists.**

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This report was produced by CPJ's Americas program.

**Carlos Lauría**, senior Americas program coordinator, wrote the introduction, "Fighting impunity should be priority for Mexican government." **Jan-Albert Hootsen**, CPJ's Mexico correspondent, and **John Otis**, CPJ Andes correspondent, wrote the report. Hootsen wrote the sidebar, "Federal efforts to protect journalists fall short." **Adela Navarro Bello**, general director of Mexican weekly *Zeta* and a member of CPJ's Americas Advisory Group, wrote the foreword, "Covering corruption in Mexico means living with impunity." CPJ senior Americas and U.S. researcher **Alexandra Ellerbeck** contributed research, along with local reporters from Veracruz and Oaxaca state. **Miguel Ángel Díaz**, editorial director of *Plumas Libres* in Xalapa, produced two videos to accompany the report, and **Pedro Matias**, a correspondent for national newsweekly *Proceso*, contributed to the chapter on Hernández Bautista.

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This report is available in English and Spanish.

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Cover photo: Images of murdered journalists from Veracruz are left at the state's government building in Mexico City in February 2016. Veracruz is one of the most dangerous regions in the Western hemisphere for journalists. (Reuters/Edgard Garrido)



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# Covering corruption in Mexico means living with impunity

By Adela Navarro Bello

It is a feeling of frustration that stays with you. Current affairs in Mexico today are dominated by two prevalent issues: corruption and impunity. Every story, breaking news or media report originates from these two issues. And to practice journalism here means to work in a climate of corruption and impunity. This is not fiction. It's the essence of the country.

Those who investigate corruption and impunity risk losing their sense of comfort or, worse, their lives. And after their murders, an incomplete file is the most likely end to an investigation into their deaths. Once more, corruption and impunity.

This is not a play on words. It is not nonsense. It is the sad and deadly reality of Mexico: a byproduct of the absence of the rule of law.

Between 2006 and 2016, 21 journalists were murdered with complete impunity in Mexico, putting the country sixth on CPJ's annual index that measures cases where perpetrators remain unpunished. The system seems to be corrupt down to its very foundation; either that or it's simply incapable of achieving justice.

Being a journalist in Mexico means learning to live in the shadow of impunity: the impunity you investigate and report on, and the impunity experienced firsthand. The messenger risks being a victim of the story he or she investigates, at times at the hands of government officials, police commanders, common criminals, and drug traffickers who go unpunished.

At *Zeta*, we have experienced firsthand both the dangers of impunity and corruption and the frustration of not being able to secure justice for our slain colleagues. In the 29 years since journalist Héctor Félix Miranda was murdered, the Baja California State Attorney General's Office hasn't pinpointed the mastermind. And in the 20 years since the attempted murder of Jesús Blancornelas, the federal attorney general's office hasn't been able to prosecute and sentence a single one of the 10 perpetrators. Thirteen years have passed since the murder of our editor, Francisco Javier Ortiz Franco, with none of his murderers—be it the perpetrators or the mastermind—identified, let alone prosecuted.

As I said when accepting CPJ's International Press Freedom Award in 2007, we will continue to do our work, to investigate, to seek the truth. But we are not heroes. And, no, we are not suicidal either. We are professionals who want to respond to the needs of an informed society.

At a time when transparency and accountability have become a priority globally, the fact that this country has lagged behind has allowed the spread of untouchable governors, wealthy police officers who bury the truth, and mercenaries at the service of the drug trade that buys protection.

Investigating corruption in police agencies means facing a threat when there's no room for self-censorship. This is what the Mexican press goes through every day, both small town journalists and big city reporters.

Doing it at the state level is even more dangerous. It is in the small towns, far from the nation's capital and the reach of the federal authorities, where corruption takes root. Local entities with officials that protect each other bury justice before a federal system seemingly unable to enforce Article 7 of the Mexican Constitution: "Freedom of speech, opinion, ideas, and information through any means shall not be abridged. Said right shall neither be abridged through any indirect means, such as abuse of official or private controls over newsprint, radio electric frequencies or any other materials or devices used to disseminate information or through any other means or information and communication technologies aimed at impeding transmission and circulation of ideas and opinions."

Fighting this endemic corruption and impunity is not about political parties, it's about will. President Enrique Peña Nieto's administration, just like Felipe Calderón Hinojosa's, has lacked the commitment, the capacity, and the authority to enforce the law and to locate, investigate, and prosecute the killers of journalists. Peña Nieto's administration rarely claims jurisdiction over investigations, so crimes against freedom of expression are not investigated at the federal level but rather at the local level. Although justice is not guaranteed in any of these jurisdictions, the federal government's insensitivity is conspicuous, as evidenced by a backlog of cases of journalist murders throughout the country.

Mexican journalists must endure the absence of the state. Their cases are ignored, and their work is easily dismissed. They are left alone to face the onslaught by those who are corrupt and remain unpunished.

Against this lack of will and, in some regions, deep-seated corruption, the protection mechanisms offered to the press—a bullet-proof vest, a helmet, a panic button, two guards from the federal police—don't mean anything.

Journalists are caught in the combination of corruption and impunity, brought about by an even deadlier combination: corrupt government officials and organized crime allied against the free press, against the truth exposed by investigative and critical reporting.

Being an investigative journalist in Mexico requires more than contacts, networks, qualifications, preparation, talent, and a free media outlet. It requires knowing safety practices, laws and legal proceedings, getting involved in some activism, and being willing to die for your profession.

In the path toward freedom of expression we have learned to live with impunity and to witness injustice. We appeal to the advocacy efforts of international press freedom groups so that voices unheard in our country can be heard abroad. We want justice for our dead so that the murderers of Félix Miranda, Ortiz Franco, and all of the journalists killed for their work in Mexico are prosecuted and sentenced. We want justice so that the crimes against freedom of expression—an inalienable right—do not go unpunished. ■

# Fighting impunity should be priority for Mexican government

Violence tied to drug trafficking and organized crime has made Mexico one of the most dangerous countries in the world for the press. Since 2010, CPJ has documented more than 50 cases of journalists and media workers killed or disappeared. But in nearly every case of a journalist murdered in direct retaliation for their work, justice remains elusive and impunity continues to be the norm.

Mexico's impunity rating has more than doubled since 2008, when CPJ released its first impunity index. But despite publicly condemning violence against journalists, President Peña Nieto, who has just over a year left in office, has done little to ensure his legacy will be one of ending this endemic problem.

For more than a decade, CPJ's advocacy efforts and engagement with the Mexican federal government during the successive administrations of presidents Vicente Fox, Felipe Calderón, and Peña Nieto have led to the creation of a special prosecutor's office for crimes against freedom of expression (FEADLE), the establishment of a federal protection mechanism for journalists and human rights defenders under threat, and the enactment of a constitutional amendment in 2013 that gives federal authorities broader jurisdiction to prosecute crimes against freedom of expression.

However, convictions in journalists' murders are infrequent and when they do occur—like in the case of a former police chief sentenced in March to 30 years in jail for killing Oaxacan reporter Marcos Hernández Bautista, whose case is covered in this report—they are often limited to the perpetrator and authorities fail to establish a motive.

By not establishing a clear link to journalism or providing any motives for the killings most investigations remain opaque. This lack of accountability perpetuates a climate of impunity that leaves journalists open to attack.

CPJ's research for this report into the murders of three journalists, including Hernández, highlights the failings of a judicial system that is both dysfunctional and

overburdened. But it also shows that strong political will is needed from the federal government to prioritize impunity in cases of attacks against the press and to guarantee journalists' safety.

Two of the cases—those of Gregorio Jiménez de la Cruz and José Moisés Sánchez Cerezo—took place in Veracruz state, one of the world's most lethal regions for the press. Between 2010 and 2016—during former governor Javier Duarte de Ochoa's administration—at least six journalists from Veracruz were murdered in direct retaliation for their work and three more went missing. CPJ is investigating the cases of at least 11 others to determine if they were killed for their journalism. Already this year in Veracruz, one journalist was shot dead and an editor was seriously wounded. CPJ is investigating to determine if the attacks are related to their work.

Duarte resigned as governor 48 days before the end of his term in October 2016 amid allegations of embezzlement and links to drug cartels, according to press reports. The governor, who critics say contributed to a climate of impunity that allowed for widespread murders, denied the allegations but disappeared before authorities could investigate him. As of April 17, Duarte was due to be extradited to Mexico after being arrested in Guatemala in a joint Interpol and Guatemalan police operation that used intelligence provided by the Mexican authorities, according to reports.

## JUSTICE DENIED

Structural flaws in the Mexican criminal justice system mean that suspects may have been identified, arrested, or even convicted, but the investigations cannot be fully solved and motives are still not entirely established. The cases covered here show not only the violence and threats the Mexican press faces, but also how delays and inefficiencies in the mechanisms created to protect journalists and fight impunity impact justice. In Sánchez's case for



President Enrique Peña Nieto speaks with the press in Mexico City, in June 2015. Peña Nieto has publicly condemned attacks on journalists but more needs to be done to end the violence. (AFP/Alfredo Estrella)

instance, police identified a mastermind—a city mayor—but bureaucratic delays allowed him to evade justice. Jiménez’s case is an example of how Veracruz authorities consistently refuse to acknowledge a connection between a victim’s journalism and murder, and try to frame it as a regular crime.

Mexican administrations, from former presidents Fox and Calderón to Peña Nieto, have all publicly recognized that violence against the press is an issue of national and international concern. All three condemned killings and impunity. But so far, their efforts to address the problem have been insufficient. The pursuit of justice has failed categorically.

Despite Peña Nieto enacting the complementary laws to implement the constitutional amendment that empowers authorities to prosecute crimes against freedom of expression, the level of violence remains high. The lack of convictions in crimes against the press is inhibiting citizens, including reporters, to fully exercise the right to

freedom of expression, guaranteed in Articles 6 and 7 of the Political Constitution of the United Mexican States.

Many journalists say the mechanisms set up to address impunity and violence don’t go far enough. FEADLE is criticized for securing justice in only three cases. And, although the protection mechanism is set up to respond within three hours of being notified of a serious threat, journalists who use it told CPJ the emergency measures don’t go far enough. Risk assessments, which are carried out in Mexico City, lack the expertise of regional specialists who could advise on needs specific to their location, and reporters are reluctant to trust authorities with their safety.

Peña Nieto and his government are running out of time to resolve these problems. His administration has been beset by corruption scandals and a poor human rights record, including an inability to solve the 2014 forced disappearance of 43 students in the state of Guerrero. If justice does not prevail before his term ends however, Peña Nieto risks leaving a legacy of endemic impunity.

# Mexico's Most Deadly States

Journalists murdered in direct retaliation for their work since 2010



## LOCALIZED VIOLENCE

Another factor highlighted by this report is how the climate of violence makes it dangerous for local journalists to investigate the murders of their colleagues. As in other dangerous countries, Mexican reporters are on the front lines of violence and are usually unable to conduct in-depth investigations without serious risk to their own lives. CPJ research of killed journalists worldwide since 1992 shows that in nearly nine out of 10 cases the victims were covering news in their home country.

When CPJ traveled to Veracruz and Oaxaca in January, it relied on local reporters to help conduct interviews and meet with journalists, press groups, relatives of the murdered journalists, and officials. Miguel Ángel Díaz, editorial director of *Plumas Libres* in Xalapa, Veracruz, and Pedro Matias, Oaxaca correspondent for the newsweekly

*Proceso* and the website *Página 3*, contributed greatly to the research and facilitated critical logistical support. At same time, collaborating closely with CPJ should help provide these local journalists with a measure of safety in reporting on the cases of murdered colleagues.

Breaking the cycle of impunity in crimes against the press is the main challenge the federal government faces to restore faith in the judicial system. Reforms to mend the deficiencies of a system that grants impunity for journalists' killers are vital, but any change will be impossible without the full political will of the current administration. The creation of new prosecutorial bodies, the implementation of protection mechanisms, and the enactment of legal reforms are limited by a lack of strong political will to ensure that these measures succeed. If Mexico is seriously committed to addressing impunity, solving these crimes and ensuring the safety and protection of journalists must become a priority in Peña Nieto's national agenda. ■

# Moisés Sánchez: Justice blocked by delays, errors

As he was dragged from his home and into a waiting car, José Moisés Sánchez Cerezo pleaded with his attackers, “Please don’t hurt my family.” His wife, who at the time was embracing her two young grandsons, could only gaze in horror as Sánchez, the 49-year-old editor of *La Unión*, was driven away. It was the last time his family saw him alive.

“By the time I arrived home, all my mother could say was, ‘They took him,’” his son, Jorge, 31, said. Sánchez’s decapitated and dismembered body was found three weeks later on January 24, 2015, in a ditch in the town of Manlio Fabio Altamirano, about 25 kilometers east of Medellín de Bravo.

In a rarity for journalist murders in Mexico, authorities quickly arrested the suspected hitmen and identified an alleged mastermind: Medellín Mayor Omar Cruz Reyes who, the journalist’s family and colleagues said, was angered by Sánchez’s critical coverage.

However, a report by the independent government agency State Commission for the Care and Protection of Journalists (CEAPP), found that several lines of investigation were poorly explored, including the alleged involvement of then-state Governor Javier Duarte de Ochoa, and actions that could have secured the arrest of suspects were delayed or not taken. Agencies set up to investigate crimes against journalists, such as the federal Special Prosecutor for Crimes against Freedom of Expression (FEADLE), were not implemented quickly after a prosecutor’s office twice said in statements it was unsure that Sánchez was a journalist, according to news reports. The result is that only one person was jailed for the murder and the suspected mastermind fled.

“My father always thought that, because he was a journalist for such a small publication, they wouldn’t do anything against him, that there was no need for anyone to hurt him,” said Jorge Sánchez. “He said, ‘If they would do something to me, it’ll be big news.’ Unfortunately, that was ultimately what happened.”

## ‘LIVING WITH FEAR IS NOT AN OPTION’

Few tourists visit Medellín de Bravo, despite it being only a 30-minute drive from the busy harbor and picturesque colonial center of Puerto de Veracruz, and the swanky beach resorts of Boca del Río.

Located in a flood plain near the crossing of two rivers and next to one of the state’s major expressways, the municipality of about 70,000 inhabitants is one of many smaller communities in Veracruz, Mexico’s third most populous state. An unassuming town, Medellín’s economy mostly consists of agriculture and commerce, with shops and simple restaurants lining the busy and noisy main avenue.

The Sánchez family lives in Gutiérrez Rosas, a working-class neighborhood on the outskirts of town. The fallout from Moisés Sánchez’s murder was immediately visible when CPJ visited their modest, two-story residence next to a dirt road in January. A police patrol car was parked by the entrance and a recently erected fence covered the exterior walls of the house in an apparent attempt to prevent intruders from climbing over. Several cameras, placed strategically inside and outside the premises, connect to a makeshift security center in the living room that is operated by Jorge Sánchez and his mother. The measures are all provided by Mexico’s protection mechanism for journalists.

Jorge Sánchez, a graphic designer and journalist, sat at a table covered in recent editions of *La Unión*, the small newspaper that his father founded. With financial assistance from Mexican press freedom organizations, he continues to publish it on a monthly basis.

Even after his murder, *La Unión* is still very much Moisés Sánchez’s newspaper. The top right corner of every front page, reads “Living with fear is not an option,” a quote attributed to its founder. Jorge Sánchez steers the paper according to how he says his father would have wanted him to, with stories denouncing crime, corruption,

and a lack of basic services in Medellín and its surrounding communities, and criticism of Veracruz state politics.

*La Unión* is a far cry from the paper Moisés Sánchez began publishing in the late 1980s, when he was barely 17. Jorge Sánchez said his father had no formal education beyond high school, but was a self-taught intellectual. He read voraciously and had a determination to denounce corruption and abuse of power by authorities, and decry a lack of public services.

“My father used to say that all change comes with a cost, and that if you don’t denounce, if you don’t write about authorities or anyone else who causes you harm, nothing will happen,” Jorge Sánchez said. “He wanted to exercise his right to inform.”

Jorge Sánchez and journalists who knew his father well said that *La Unión* began as leaflet, with handwritten articles, photos and political cartoons carefully glued together on pages that Moisés Sánchez copied and distributed personally, a practice he continued when he moved from the city of Veracruz to Medellín.

*La Unión* was always free and financed entirely by its owner. Over the years, Sánchez held many different jobs to make a living and to keep his newspaper running, his son said. Sánchez was, at various times, a butcher, a newspaper vendor, a fruit and vegetables salesman, and a scrap collector. In later years, he worked as a taxi driver.

*La Unión* was meant to appear every 10 to 15 days, but lack of resources sometimes hampered circulation: the paper would simply appear when there was money for copies and would sometimes stop circulating for months. It was for that reason, Jorge Sánchez said, that the print version had been out of circulation in the months leading up to his father’s death. Despite these gaps, Moisés Sánchez was always visible: when he wasn’t writing, he would join and organize protests at city hall.

Two journalists based in the nearby city of Veracruz, who spoke with CPJ on condition of anonymity because of the sensitivity of the case, said Sánchez often gave them tips about local events and would help by passing on contacts and photos free of charge. “He never left Medellín and his coverage was very local, but he was a real journalist and incredibly helpful,” one of the reporters said.

Until the last few years of his life, Sánchez’s articles focused almost exclusively on public services, such as lack of sewer drainage and street lighting. “In a small community such as Medellín, my father’s articles would often pressure mayors into doing the things they had promised,” said Jorge Sánchez. “The people here would be made aware

of things through *La Unión*, of problems they normally didn’t even realize were there.”

A sudden rise in violent crime caused by a gang turf war led to Moisés Sánchez extending the paper’s coverage—a move that family and colleagues say may have put him in direct confrontation with the mayor accused of ordering his murder.

Veracruz, a hub for important highways connecting the north, south, and Mexico City, has traditionally been a strategic and lucrative turf for organized crime groups conducting drug and human trafficking operations. When the relationship between the Gulf Cartel and its former armed wing, Los Zetas, ruptured in 2010, the state became the scene for some of the worst violence in the country. Medellín was no exception.

The violence has severely affected journalism in the state. At least six reporters from the state have been murdered in relation to their work between 2010—when Duarte came to power—and 2016, according to CPJ research. Most of the cases never led to arrests or convictions and remain mired in impunity.

In response to the violence, Sánchez expanded his coverage. Although no print copies of *La Unión* from that period are still available, one article on its website, dated December 10, 2013, denounced kidnappings and extortion allegedly carried out by policemen in league with a gang. In another article, dated January 8, 2014, Sánchez reported how he confronted the mayor over his refusal to request military assistance to combat crime in the city.

“In earlier years, my father didn’t cover crime,” Jorge Sánchez said. “He knew how dangerous that could be. Medellín is a bastion for organized crime, because we’re so close to the city of Veracruz. But as we began to see this battle between the cartels, dead bodies began to show up. My father began to cover [the issue].”

Around the same time that *La Unión* started to cover crime, Cruz became mayor of Medellín. At first, his relationship with Moisés Sánchez was amicable, said Jorge Sánchez. The journalist even supported Cruz, a member of the conservative National Action Party, during his election campaign. Soon after Cruz assumed office in 2013 however, the relationship soured.

According to the March 2015 report authored by then CEAPP-commissioner Jorge Morales Vázquez and based on the official case file, Moisés Sánchez became disillusioned by the mayor who, the journalist believed, was not keeping campaign promises. Sánchez was also using his paper and role as an outspoken citizen to demand that



A portrait of Moisés Sánchez is seen at the Medellín home of his son in August 2015. The Veracruz journalist, known for his critical coverage of local authorities, was abducted and murdered in January 2014. (AFP/Alfredo Estrella)

the mayor allow the navy to take charge of security in the town as part of the so-called Veracruz Seguro operation, a statewide initiative to involve the military in combating organized crime, according to Sánchez's son, several journalists with whom CPJ spoke, and the CEAPP-report.

In the weeks leading up to his murder, Sánchez had been actively involved in the formation of a self-defense group and on December 14, 2014, he uploaded a video to Facebook of a group of residents who said they were organizing the group.

"Moisés at that point presented himself as someone who, apart from being a journalist, was involved in civil action," said Morales, who is now executive secretary of CEAPP. "That caused discomfort among politicians on a state and municipal level, and also among organized crime."

The rise of self-defense groups was a sensitive issue in Mexico in 2013 and 2014, when groups formed in Michoacán and Guerrero took control of entire areas and directly challenged federal authority. According to Jorge Sánchez, Morales, and other journalists with whom CPJ spoke, both

Cruz and then-Governor Duarte were shocked to hear of such a group being organized in their territory. The journalists said that the presence of self-defense groups was embarrassing to local and state officials because they revealed shortcomings of law enforcement or could expose links between law enforcement and organized crime.

After Moisés Sánchez uploaded the video, state and municipal authorities organized a meeting with the self-defense group. According to the CEAPP report, Sánchez repeated his demand at the meeting that Medellín become part of the Veracruz Seguro program and demanded that state and municipal authorities recognize the group's existence. Authorities promised more presence in the Gutiérrez Rosas neighborhood and better cooperation with its inhabitants, according to a statement given by Cruz to the state attorney general, which CEAPP cited in its report.

Jorge Sánchez said that Cruz had threatened his father on several occasions over his reporting and activism. He said his father also told him that Duarte had allegedly derided Cruz for his inability to silence Moisés Sánchez.



Jorge Sánchez displays copies of his father's paper, La Unión, at his home in January. After Moisés Sánchez's murder, Jorge took over the running of the paper. (CPJ/Miguel Ángel Díaz)

At a meeting between the mayor and governor in the state capital of Xalapa, Duarte asked Cruz why he “hadn’t been able to shut Sánchez up.” Jorge Sánchez said a person whom the journalist did not identify but who was at the meeting, told his father about the comment. Jorge Sánchez said that in response, “[Cruz] supposedly told the governor that it was impossible and that my father could not be silenced or bought.” Jorge Sánchez said that the mayor had also on at least one occasion offered his father a job in his municipal government for 30,000 pesos (US\$1,500 in today’s money) per month, which Moisés Sánchez turned down as an attempt to bribe him. Jorge Sánchez said the offer would have been a substantial increase in income for his father.

Despite the threats, Moisés Sánchez continued to publish news on his Facebook page. His last post, on January 2, 2015, accused Cruz of unjustly charging residents for garbage disposal. He was kidnapped the same day.

## A CRITICAL VOICE SILENCED

Maria Ordóñez Gómez still can’t speak without breaking down in tears about the events of January 2, 2015, when assailants abducted her husband. Jorge Sánchez maintained his composure as he monotonously recounted what his mother witnessed: six men, armed with rifles and pistols, forced themselves into the family home at approximately 7 p.m. His father was sleeping after a long day of driving his taxi. The kidnappers forced Moisés Sánchez downstairs, took his laptop, camera, tablet, and several cell phones, pushed him in one of the cars waiting outside and drove off.

According to Jorge Sánchez, authorities failed to respond adequately from the moment the family reported it. He said it took police two hours to respond to the emergency call and that the investigation took off only because of the nationwide media attention. Jorge Sánchez said he

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## Federal efforts to protect journalists fall short

The Mexican government has responded to the crisis by creating a special federal prosecutor to investigate attacks against the press and a safety mechanism to help at-risk reporters. But journalists with whom CPJ spoke say the measures don't go far enough.

"As Mexican journalists, we feel alone," said Miguel Ángel Díaz, an editor who has used the safety mechanism. "We're facing violence and impunity without knowing who to turn to or in whom we can trust."

Díaz said he began to feel threatened around the time that Rubén Espinosa Becerril, a photographer from Veracruz, was murdered in Mexico City in 2015. Díaz, the editorial director and co-founder of *Plumas Libres*, an independent news website that is critical of authorities, said he noticed patrol cars constantly circling his offices in the state capital Xalapa, and police apparently monitoring him from street corners. *[Editor's note: Díaz contributed research for this report.]*

Placing little faith in the administration of then-Governor Javier Duarte de Ochoa, he turned to the federal authorities for help. Díaz reported his case to the office of the Special Prosecutor for Crimes against Freedom of Expression (FEADLE) and accepted protective measures from the Federal Protection Mechanism of Human Rights Defenders and Journalists—two institutions set up by the federal government to protect journalists.

But, he said, neither made him feel any safer. "The FEADLE refused to pick up my case, arguing that there hadn't been any actual physical aggression against me," he said. "And the mechanism only provided me with a panic button, but not much else."

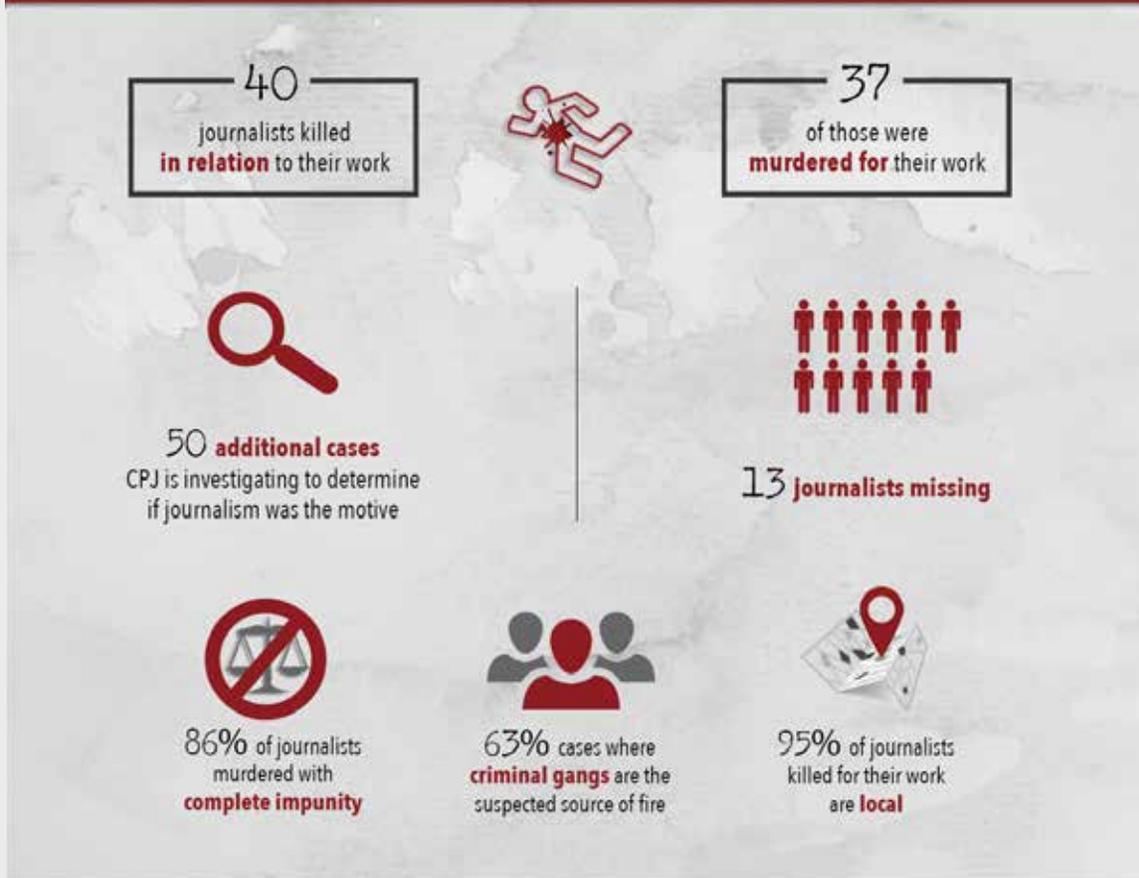
Eventually, in October 2015, CPJ helped Díaz and his family relocate temporarily to Argentina.

Díaz's story is one repeated by journalists across Mexico, who face being attacked or killed for their critical coverage. Few cases ever lead to arrests, let alone convictions, and many journalists say that Mexico's federal government is still failing to adequately protect them.

A special prosecutor to investigate attacks on Mexico's press has been in place for more than 10 years. It was set up after then-President Vicente Fox pledged in a meeting with CPJ in September 2005 that he would establish the office in response to violence against the press in the northern states. In February 2006, two days after a vicious attack against the daily Nuevo Laredo-based *El Mañana*, the federal government named the first special prosecutor tasked with investigating crimes against journalists.

In 2010 FEADLE's mandate was expanded to include crimes against freedom of expression. As a subdivision of the federal attorney general's office, the agency operates under the auspices of the Sub-Prosecutor for Human Rights and has authority to conduct investigations into attacks on journalists and news outlets. Even when local authorities are looking into an attack, FEADLE can undertake a parallel investigation to determine whether a case should be handled by the federal authorities in lieu of the states.

# A DEADLY PROFESSION



Source: CPJ research of journalists killed or missing in Mexico between 1992 and April 15, 2017. Design by Maha Masud.

“State authorities can’t tell us to not attract a case,” said Ricardo Nájera Herrera, who currently heads FEADLE. “We try to work together with them, we don’t want to get in the way of an ongoing investigation, but rather attempt to complement what they’re doing.”

The agency opened 123 case files between February 29, 2016 and January 31 of this year, 10 of which are homicides, according to figures it provided to CPJ. But since its inception, FEADLE has achieved only three convictions.

The ability of the institution to undertake investigations independent of state authorities is more effective on paper than in practice, according to many journalists and press freedom groups.

Nájera said that one of the reasons so few cases are taken up is because journalists are hesitant to report

crimes, especially to local or state authorities. However, journalists can report attacks directly to the agency. FEADLE can also independently decide to undertake an investigation if it deems it necessary, regardless of whether it has been reported or not.

“It’s understandable that journalists don’t trust municipal and state authorities. They denounce, but in newspapers or in other media,” Nájera said. “One of the things we’re trying to do to solve that problem is organize a kind of intelligence gathering by scouring social media, the internet and media to find aggression against journalists ourselves.”

Part of the agency’s limitations at the start was a problem of “duplicity”—the inability to assume a case already under investigation at the state level. The duplicity issue was largely solved when changes to the Federal Code of Criminal Procedure in May 2013 allowed FEADLE to conduct parallel investigations whenever it saw fit.

Nájera said FEADLE is also working to improve coordination with local authorities, assume more cases and improve information gathering to get more journalists to report aggression directly to federal authorities. The agency has also increased its staff.

“When we started we had half the people we have now, and that meant there were limitations,” Nájera said. “We now have more investigators and we have members of the federal police working permanently with us.”

While FEADLE was set up to investigate attacks, the Federal Protection Mechanism of Human Rights Defenders and Journalists was founded to try to prevent them from happening. Currently employing 37 people and working with a budget of approximately 16 million pesos (US\$835,000) per month, the institution’s aim is to conduct risk assessment in cases of threats against journalists and human rights defenders and take protective measures when necessary.

The mechanism can evacuate reporters, activists and their families, and provide them with a safe house, police protection, and a panic button. It is activated when either a journalist or third party reports receiving a threat to the agency. The mechanism does a risk assessment and, based on the level of threat, decides the best course of action.

“In a situation of imminent risk of death, we are legally mandated to act within three hours to evacuate the person in danger,” said Patricia Colchero Aragonés, who heads the mechanism. “When the risk is less immediate, we evaluate which measures we need to take to provide the person with protection.”

The level of protection offered is decided by the institution’s governing board, which includes representatives from several federal government secretariats and four members of a consultative council, made up of human rights and press freedom defenders.

“As Mexican journalists, we feel alone. We’re facing violence and impunity without knowing who to turn to.”

*Miguel Ángel Díaz, Plumas Libres*

Many journalists, including at least two with whom CPJ spoke who have used the protection measures, described the mechanism as lacking.

Díaz, who was enrolled for approximately a year in its protection program, said he was provided with only a panic button and the mechanism communicated with him a handful of times in that period. Last year, when CPJ visited another journalist, who was evacuated and cannot be named for security reasons, the door to his room in a safe house could be reached without a single person apparently standing guard or asking CPJ what the purpose of its visit was. News reports and the National Human Rights Commission, a watchdog set up by the federal government to monitor human rights violations, have repeatedly issued warnings in recent years that the institution lacks the funding and personnel to adequately deal with all cases.

### 3 Hours within which the safety mechanism is legally mandated to respond to imminent threats

When asked about the criticisms from journalists who use the mechanism, Colchero said that those enrolled in the program are also responsible for their safety. “When you’re in a safe house, you can’t call anyone. Those are rules we put in place. You can’t invite anyone over. We also don’t give psychological assistance, because we don’t

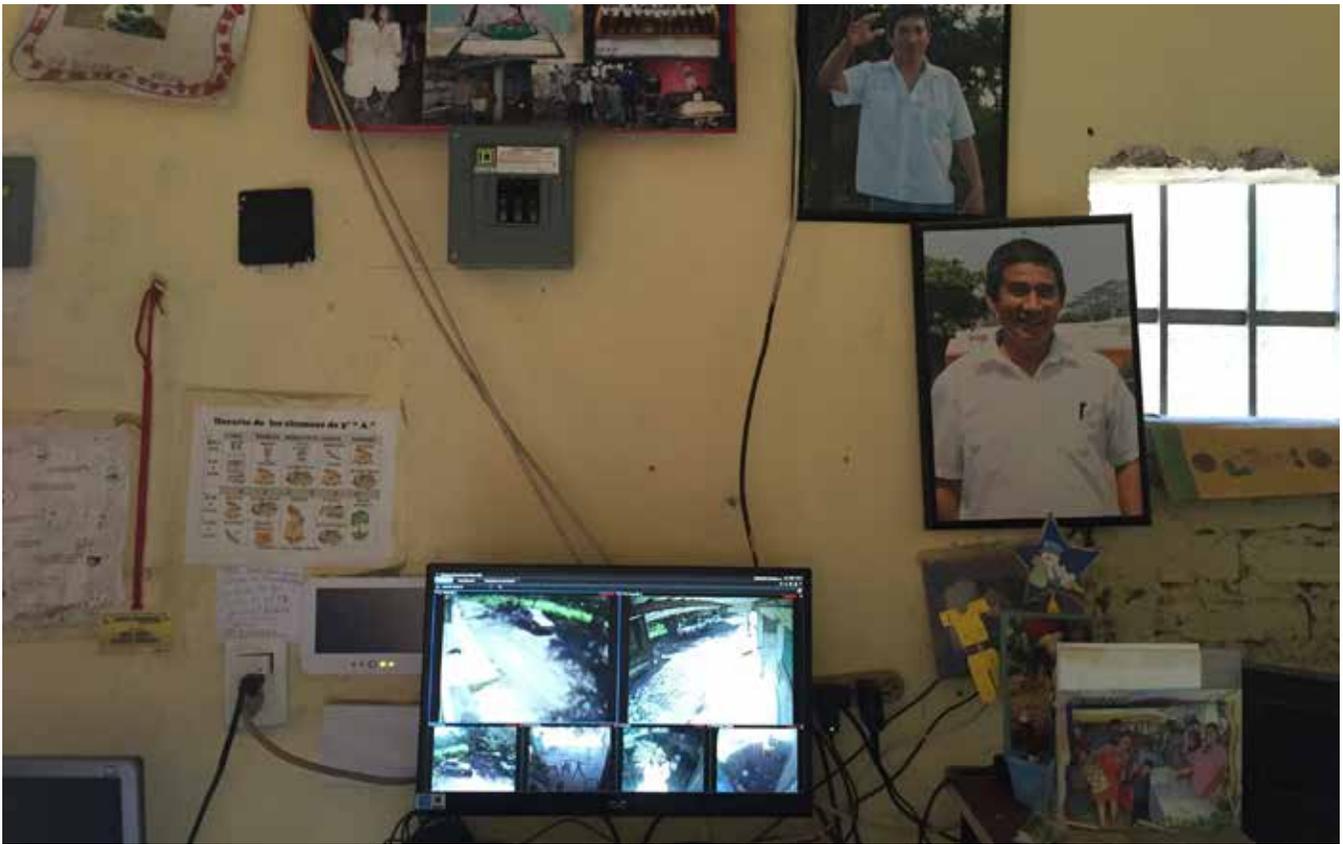
have the resources to do so and because it’s the responsibility of the [federal] Executive Commission for Attention to Victims.”

Colchero acknowledges the mechanism got off to a rocky start. “We started out really badly. We didn’t have the money to implement protection measures, and the first year and a half we were lagging,” she said. “You can imagine that with the number of cases we had to handle. We didn’t have a methodology to evaluate risks, because in this country risk evaluations are done by the police. It was a very complicated period.”

According to the most recent statistics the mechanism provided to CPJ, it has admitted a total of 388 cases since 2012, 220 of them journalists. As of January 2017, it was providing 499 people with some form of protection, including 174 journalists.

Colchero denied claims in March 2017 news report that the mechanism has no budget, which is provided via a federal trust, for 2017. The report in *La Jornada*—a leading newspaper based in Mexico City—did not provide a source for its figures. Colchero said that the mechanism has funding through a trust until September and “the money to pay for protection measures. The Finance Secretariat will need to add funds to finance the remaining months of this year.” The head of the mechanism added, “We do hope, however, that we receive funds for next year, otherwise we’ll end up with the same issues as when we started.”

Colchero said she believes that most of the problems the mechanism faced are fixed and that the institution can adequately deal with its caseload. “We could use maybe 10 more people, but in terms of funding we have enough,” she said, adding, however, that the mechanism has not currently budgeted for new staff. ■



Photos of Moisés Sánchez surround a security system installed by Mexico's protection mechanism for journalists after his murder. (CPJ/Miguel Ángel Díaz)

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*Continued from page 14*

made immediate phone calls to a journalist he knew was friendly to his father to try to publicize the case. The son added that witnesses, who he did not name, told him they saw two policemen parked nearby in a patrol car who must have seen the suspects driving away with his father, but did nothing.

Even in a state where killings of journalists have become so common in recent years that their mortality rate makes Veracruz the deadliest region for the press in the Western hemisphere, the murder of Moisés Sánchez stands out for its brutality. His death became a rallying call for Veracruz's and indeed Mexico's embattled press, capturing international headlines and fueling outrage across the country. Despite their demands, justice has not been achieved.

Sánchez's murder exemplifies the climate of fear, impunity, violence, and contempt against reporters in Veracruz. The indifference to reporters extends to both regional and national *gremio* (the Guild), a term Mexican journalists often proudly use to refer to themselves. State and federal

authorities for instance showed little inclination to provide CPJ with comment or documents to support this investigation.

In the days following his abduction, the family met with the then-state authorities in Xalapa, including state Attorney General Luis Ángel Bravo and Governor Duarte. The governor provoked anger among Veracruz journalists by at first referring to Sánchez as a "taxi driver and neighborhood activist." Bravo also refused at first to acknowledge that Sánchez was a journalist, and told media that the priority was to find the victim "regardless of his activities," according to news reports.

Jorge Sánchez said that Bravo told the family they "already had a person" and that finding his father was a "matter of hours." Several days passed and no arrests were made. On January 7, Jorge Sánchez traveled with several Mexican press freedom organizations to Xalapa to look at the case file in which, he told CPJ, they found several anomalies in the investigation, a view the CEAPP report later reiterated.

"There are several cameras in the area that should have



Veracruz prosecutor general Luis Ángel Bravo at a 2015 news conference in Veracruz about the murder of Moises Sánchez. Medellín mayor Omar Cruz Reyes is accused of ordering the journalist's murder. (Reuters/Oscar Martinez)

registered the moment they took my father, the cars, and the suspects that were involved. We told the attorney general that there were cameras, that there must have been video images,” Jorge Sánchez said. “But when we looked at the case file, we saw that the authorities had not even requested the videotapes.”

According to the family, it wasn't until January 9 that a request was made to C4, the law enforcement agency that manages the statewide video surveillance network. By then, any images had been erased. The footage is preserved for only three days unless the agency receives a request from law enforcement.

The federal special prosecutor for freedom of expression (FEADLE) also initially refused to acknowledge that Sánchez was a journalist: it took Sánchez's family a two-year legal battle to force the latter to agree to take over the case from Veracruz's state authorities, the family said.

“The authorities never looked for justice. They tried to wash their hands of it,” Jorge Sánchez said. “They are only here to perpetuate impunity.”

Ricardo Nájera Herrera, who heads FEADLE, told CPJ that the principal reason the agency initially didn't take the case was not because of questions of Sánchez's profession but because the state authorities had already made arrests. If FEADLE became involved it could lead to “duplicidad”—the Mexican equivalent to double jeopardy—and could complicate the investigation.

## ANOMALIES AND DELAYS

Despite apparent progress with initial arrests and the alleged mastermind being identified, so far, none of Bravo's promises were kept and key suspects are in hiding.

Then-Mayor Cruz was implicated in the murder by Clemente Noé Rodríguez, a former police officer turned drug trafficker, according to the case file cited in the CEAPP report. Police arrested Rodríguez at a checkpoint near the town of Alvarado on January 23. The CEAPP report said that an unnamed witness to the journalist's abduction identified him. He confessed the same day to

being involved in the murder and, based on his testimony, Moisés Sánchez's dismembered and decapitated body was found near the town of Manlio Fabio Altamirano. The remains were so badly decomposed that, according to Jorge Sánchez and a statement by Bravo at the time, they ultimately had to be identified through a DNA test.

According to the CEAPP report, Rodríguez confessed to being part of a group that abducted Moisés Sánchez. He named five other suspects, but only by their nicknames. All are allegedly former policemen who formed a drug trafficking gang. One of them, "El Harry," allegedly decapitated and dismembered Sánchez's body. According to Rodríguez, the order to abduct and kill the victim was given by Martín López Meneses, deputy police chief of Medellín, who worked as Cruz's bodyguard and driver. Meneses, in turn was given the order to kill by the mayor who, according to the testimony cited in the CEAPP report, wanted Sánchez killed because his crime reporting in *La Unión* "interfered" with the mayor.

In a statement to the press two days after Sánchez's body was found, Bravo confirmed that Cruz was under investigation as the mastermind and was the prime suspect in the murder.

Cruz, in a statement to the state attorney general's office on January 12, 2015, denied any involvement in the crime.

Veracruz's state congress was asked to strip the mayor of immunity from prosecution afforded to elected officials. But it wasn't until more than a month later that congress voted to do so. By then, the mayor had disappeared, Bravo told journalists. Meneses, who was put in preventive detention but not charged, was released in November 2015 after a federal judge accepted his appeal that there was not enough evidence to keep him in jail. He later absconded, according to news reports.

To this day only Rodríguez remains in jail. None of the other suspects he named have been identified.

## EMPTY PROMISES

Morales, CEAPP-commissioner at the time, is critical of the police investigation and said it was botched from the start. "It has been full of anomalies and omissions," he said. "There still hasn't been a professional investigation."

Among the problems Morales cited was the assumption that three vehicles and six people were involved in the kidnapping, even though some witness testimonies

suggest up to nine people and four vehicles. He said that police never determined the identity of the five other suspects. With the exception of one suspect, no composition sketches were made, the video material of the C4 cameras wasn't requested in time, and the homes of the suspects weren't searched for evidence. Moreover, the alleged comments of former Governor Duarte to Cruz about "shutting up" Sánchez were never explored by the authorities.

Duarte stepped down from office in October last year over corruption charges, which he denied, according to reports. The former governor then went missing. He was arrested in Guatemala on April 15, 2017, in a joint Interpol and Guatemalan police operation that used intelligence provided by the Mexican authorities, according to reports.

"There's also an unwillingness by the authorities to even share the case file with us," said Morales. "They place obstacles, give excuses. We still don't even have the case file here at the commission."

One of the issues complicating the investigation is a change in state government. Miguel Ángel Yunes Linares, of the conservative National Action Party, was elected governor in June 2016 and assumed office on December 1. As is common in Mexico, an incoming administration can often imply changes to institutions that can ground existing investigations to a halt.

Attempts by CPJ to locate and speak to former Veracruz state Attorney General Bravo were unsuccessful and requests for comment from his successor, Jorge Winckler, were not immediately answered. Jaime Cisneros, the special state prosecutor handling attacks against journalists, agreed to an interview in January, but later declined, citing rules by the incoming administration that prohibit state officials other than those in the social communications department from commenting on existing cases.

Jorge Sánchez said the family is waiting for the FEADLE in Mexico City, which received the case file in December 2016, to continue the investigation and bring Moisés Sánchez's murderers to justice. But, he said, he has little hope the case will be solved anytime soon.

"I believe that there is no desire to really continue the investigation, because a former governor might be involved," he said.

He showed one of *La Unión's* recent copies. "The goal of this newspaper was to make people aware of what was going on in their surroundings," he said, with a sigh. "[My father's] motto was always, 'Above all, the truth, even if it hurts.'" ■

# Marcos Hernández Bautista: The rebel reporter

Marcos Hernández Bautista usually brushed off death threats. But in January 2016, the reporter who regularly covered government corruption in towns near the Pacific coast of Oaxaca state in southern Mexico, received several menacing phone calls that seemed more serious and left him fearing for his life, said his editor, María de los Ángeles Velasco.

“I told him to get out of there immediately,” Velasco, chief of correspondents at *Noticias, Voz e Imagen de Oaxaca*, a daily in the city of Oaxaca, told CPJ. “I said, ‘Come here to Oaxaca and we will hide you. We will help you.’”

It is unclear if Hernández, who was also a left-wing activist and culture secretary in his hometown of Santiago Jamiltepec, considered fleeing. On January 21, 2016, two days after speaking with Velasco, the 38-year-old reporter was fatally shot in the head.

A former police chief of Santiago Jamiltepec was convicted and sentenced in March 2017 to 30 years in prison for the shooting. But, like most homicides involving journalists in Mexico, whoever ordered the killing has not been detained and more than a year later the Hernández case has yet to be fully solved.

## THE AUTODIDACT

Hernández was a self-taught journalist—and proud of it. That’s according to a close friend who, like numerous colleagues and acquaintances of the reporter interviewed by CPJ during a January trip to Oaxaca, asked to remain anonymous due to fear of reprisal.

One of four sons of Mixtec Indians, Hernández was born in Santiago Jamiltepec, a town that’s home to around 15,000 people and dominated by a Roman Catholic cathedral in the central square. Hernández was expected to become a tenant farmer like his father, who grew *jicama*, a tuber with a bark-like skin. His mother sold fruit and vegetables in the town market and the family never had much money. To help pay for high school, the friend said,

Hernández enrolled in a government program that provided scholarships to students who helped teach impoverished Mixtec Indians how to read.

Hernández wanted to go to university but couldn’t afford it. So he volunteered at a local radio station which inspired him to take up journalism. Well-read and fascinated by politics, Hernández was soon hired to host a morning news program on La Ke Buena, a commercial station in the nearby town of Pinotepa Nacional.

“He loved to be on the air,” the friend said. “He loved to interact with the public. He won the respect of the people and politicians of all stripes.”

Hernández was also involved in promoting his Mixtec culture. Santiago Jamiltepec and outlying regions have a history of land disputes and conflicts between indigenous group and mixed-race *mestizos*. Even the town cemetery is segregated, with Indians buried on one side and *mestizos* on the other. But Hernández tried to build bridges. At the time of his death, he was serving as culture secretary in the Santiago Jamiltepec town government, in which he promoted cultural events and organized groups to perform Mixtec dances at festivals. Town legal adviser Miguel Calderón told CPJ that Hernández often wore typical Mixtec clothing—loose fitting white outfits—to work.

“Marcos was 100 percent Indian,” his close friend said. “He would let you know if you mispronounced a Mixtec word.”

But journalism was his first love. In 2008, Hernández began collaborating with *Noticias, Voz e Imagen de Oaxaca*—referred to as simply *Noticias*—one of the biggest newspapers in the state. “Marcos had an itch to be a journalist. He told me, ‘I want to report for *Noticias*.’ So I told him to send me something to see how he could write,” Velasco said.

Hernández was hired as a stringer and photographer. He earned a typical salary for rural journalists, of between US\$5 and US\$10 per story, plus about US\$3 per photo. He filed stories almost every day and even distributed the



Marcos Hernández Bautista, a reporter for Noticias, was shot dead in January 2016. (Noticias)

paper along the coast. Joking about his paltry earnings, Hernández once suggested that his close friend commit suicide by jumping off a balcony so he could snap the picture and sell it to *Noticias*. But, the friend said, money was never all that important to Hernández. He lived with his brother, Fortino, and his biggest luxury was a white Volkswagen Jetta, a kind of mobile office from which he often wrote and filed his stories.

Velasco said she was impressed by Hernández's understanding of local politics, his lucid writing, and his ethics. She said that many part-time reporters in the provinces accept gifts from politicians to write positive stories about them. Others work out a more formal arrangement of monthly payments from politicians in exchange for good coverage. But, Velasco said, Hernández steered clear of corrupt practices. She said she once saw him turn down a bottle of liquor from a politician from the ruling Institutional Revolutionary Party (PRI).

Delfina Elizabeth Guzmán Díaz, a former federal congresswoman and a former mayor of Santiago Jamiltepec who was close to Hernández, echoed Velasco's view that he was an ethical reporter. "Journalists will approach you and say, 'I will write good things about you if you pay me

4,000 pesos per month.' But Marcos never did that. He was valiant. He told the truth."

Truth-telling can be risky in Oaxaca. Aside from indigenous conflicts, the state is home to left-wing rebels and a thriving and widely reported drug-trafficking business in which smugglers pick up Colombian cocaine delivered via submarines and aircraft and re-route the drugs to the U.S. Drug money, in turn, has worked its way into local campaigns as smugglers attempt to ensure that politicians and law enforcement officials look the other way, Nestor Ruíz Hernández, who runs an independent human rights organization Comisión Regional de Derechos Humanos de la Costa (Coastal Regional Commission of Human Rights) in the town of Pinotepa Nacional, said. He said murders have become a common occurrence. The night before Ruíz spoke with CPJ, three people were killed in a shootout on the main highway running through Pinotepa Nacional, he said.

In addition, many of these towns are controlled by powerful political families with strong ties to the ruling PRI, said Guzmán, a member of the left-leaning opposition party National Regeneration Movement, also known as Morena. Leaders of these political clans are known as "cacicazgos"—from an indigenous word meaning "chieftain"—and they often display little tolerance for critical reporting, said Razhy González, an investigator for the Oaxaca state government's Human Rights Defense Office. He said that in addition to Hernández's case, he was aware of five other journalists killed in Oaxaca in 2016, although he said it remains unclear whether they were targeted for their reporting. CPJ's research, which counts only cases of journalists killed in direct relation to their work, lists two murders in the state for that year.

"The cacicazgos are the ones who have power in these towns. They are the ones who decide who will live and who will die. And they have a network of hired killers to carry out their orders," an Oaxaca government human rights investigator, who is familiar with the coastal region and who requested anonymity, told CPJ.

That pervasive danger prompted several sources to advise CPJ during a visit to the region to avoid staying overnight in several of the coastal towns known to be especially violent, and to avoid speaking to the police or local cacicazgos.

Another factor discouraging aggressive reporting is the cozy relationship between news outlets and local politicians. One editor, who asked not to be identified for fear of retribution, told CPJ that newspapers and radio stations

sometimes accept payments from politicians to run positive stories about them that appear as legitimate news items.

Another journalist, Pedro Matías, the Oaxaca correspondent for the Mexico City-based *Proceso* magazine, said that many newspapers, and TV and radio stations in Oaxaca depend on government advertising which can be parceled out or withdrawn depending on the tone of the coverage. [Editor's note: Matías contributed research for this report.]

Matías said reporters who deviate from this position are known as *revoltosos*, or rebels, and are the most likely targets of threats and attacks. "Doing good journalism in Oaxaca is nearly impossible," Matías said. "It's a very frustrating situation."

## PRINCIPLED REPORTER

Despite these risks, friends and colleagues say Hernández was something of a *revoltoso* who often cast a critical eye on local officials. He wrote about resistance to a government plan to build a hydroelectric dam, a project that large landowners favor but opponents claim will have a negative impact on the environment. He denounced officials for land theft,

for taking bribes, for pilfering public funds, and for failing to confiscate drugs in a major smuggling corridor, Velasco said. Hernández used a 2014 obituary of Gabriel Iglesias Meza, a former Jamiltepec mayor, cacicazgo, and PRI stalwart,

**"Doing good journalism in Oaxaca is nearly impossible. It's a very frustrating situation."**

Pedro Matías, *Proceso*

to criticize him for failing to carry out public works projects. Velasco said that to minimize the risk of being targeted for his reporting, Hernández sometimes asked for his byline to be removed.

Alongside his journalistic work, Hernández was a part-time activist with the opposition Morena party. Guzmán said she thinks he harbored ambitions to run for public office but may have demurred for lack of money. Just days before he was killed Hernández agreed to join Guzmán's

campaign team as she geared up to recapture her old job as mayor of Santiago Jamiltepec in the June 2016 election. It was a long-shot bid and somewhat risky. The Oaxaca coastal region is a PRI stronghold and several Morena activists have been killed, according to Ruíz, who runs the independent human rights commission in Pinotepa Nacional.

Hernández's brother, Fortino, said that friends and family warned the journalist that his nonconformist politics and journalism could make him a target. Fortino said that their mother was especially concerned and said she feared something might happen to Hernández. But, he told CPJ, "Marcos was very reserved. He didn't like us asking what he was writing about. He did things his own way."

Hernández's close friend said he also tried to get the journalist to be careful in his work. He recalled their conversation after Hernández wrote a 2009 story that criticized a town official in Santiago Jamiltepec for allegedly using government vehicles for his own business. "I told Marcos, 'You better tone down your stories or this man will come after you,'" the friend said. "But Marcos said, 'What do you want me to do? Resign and become a hermit?' That's the way he was. Marcos did what he thought was right."

Hernández didn't report receiving threats for that article, but he was threatened several times over the years for other reporting, Velasco and another editor said.

Ironically, the article that may have provoked his murder was a story Hernández did not write, Velasco said.

On January 18, 2016, three days before the journalist was gunned down, an item appeared on Facebook that was designed to look like a news article from *Noticias*, but was not. It accused Braulio Hernández Ocampo, who at the time was Santiago Jamiltepec's mayor, and Cecilia Rivas, the widow of former mayor and PRI strongman Iglesias, of stealing more than 50 acres of public land from the government's National Indigenous Institute.

The story carried no byline but Hernández told a friend he was worried people would think he wrote it. "Marcos was a very visible person and he denounced things," said his close friend.

Another of the journalist's friends in Santiago Jamiltepec, who asked to remain anonymous due to fears of reprisal, said that Rivas was extremely angry about the fake news story. CPJ attempted to reach Rivas for comment via telephone but its calls went unanswered.

The day after the fake report appeared, Hernández told colleagues he had received threatening phone calls. He did



Images of victims from drug cartels and gangs in Oaxaca are held up at a rally in 2011. The state is home to a thriving drug trafficking operation that has driven up the murder rate. (AP/Eduardo Verdugo)

not specify who made the calls, his colleagues told CPJ. “Marcos was very scared. He said, “They threatened me. They are going to kill me,” Velasco said.

Speaking with him by phone, Velasco said she told Hernández to write a story distancing himself and *No-ticias* from the Facebook story and assured him that the newspaper would immediately publish the clarification. But, she said, Hernández never filed the article.

Guzmán, the politician, said she learned about the fake news story on January 21. She and Hernández spent much of that day together driving to nearby villages to try to convince people to join the Morena party. During the trip, Guzmán said she urged the journalist to publicly distance himself from the article. Hernández said that he would.

At about 6 p.m., the reporter dropped Guzmán off at her house in Santiago Jamiltepec. Hernández then drove about 20 miles to the town of San Andrés Huaxpaltepec where he had recently opened a nightclub. Called Los Abuelos (the grandparents), the bar was a way for Hernández to make some extra cash while promoting local music

and dance groups that performed there, his close friend said.

According to a statement from the Oaxaca Attorney General’s Office, later that evening Hernández left the bar to retrieve his cell phone charger from his car. At about 9:30 p.m., the statement said, he was shot several times with a 9mm pistol while getting into his car which was parked across the street from the bar. Police found his lifeless body sprawled next to his Jetta, with the door open.

## SCARED INTO SILENCE

The murder of Hernández made the front page of his town newspaper but otherwise caused little stir in Oaxaca—even among journalists. Of the state’s seven major newspapers, numerous TV and radio stations and 400 news websites and blogs, not one sent a reporter to the crime scene, said Matías, who added that his own editors at *Proceso* showed scant interest. Matías said that he and about two dozen other reporters held a protest march in



The bar in San Andrés Huaxpaltepec belonging to Hernández. Before the journalist was shot dead outside it, he received several threats. (CPJ/John Otis)

the state capital, Oaxaca, but after that, the murder was largely forgotten.

One problem was that Hernández was relatively unknown: a part-time journalist covering small towns far from the state capital, Matías said. For another, he said there have been so many reporters killed in Mexico and in Oaxaca in recent years—40 confirmed cases in the country since 1992, according to CPJ statistics—that the homicides are starting to seem almost normal. There was also a fear factor. Velasco said she planned to dispatch a *Noticias* reporter and photographer to investigate but the

journalists begged off the story. Velasco did not insist.

“I am from that region of the country,” Velasco said. “If people don’t like what you are investigating they will kill you. They don’t care what organization you represent. They will just grab you and kill you. I am not going to send my reporters into a slaughterhouse.”

A *Noticias* correspondent in Pinotepa Nacional, a town just down the road from San Andrés Huaxpaltepec where Hernández was killed, attended the funeral. But Velasco said he refused to write about the homicide. The reporter was so spooked that for the next year he would not even pick up the telephone when Velasco called to request stories, she said. Several of Hernández’s relatives also spoke with Velasco and the paper’s top editor. They were scared and suggested that any further probing by the newspaper could cause problems for them, Velasco said. Hernández’s brother, Fortino, confirmed to CPJ that the family is scared.

In the 15 months since the Hernández killing, *Noticias* has published about 10 follow-up stories but most have been short dispatches about the official investigation rather than enterprise reporting. In that part of Oaxaca, Velasco said, “Our journalists will cover issues like immigration, culture, tourism, and the work of local artisans. But when it comes to the investigation of a crime that may involve *cacicazgos*, you have to be very careful.”

Parallel to the main investigation by the state prosecutor’s office, the state human rights office is examining the Hernández murder. But the unit that specializes in crimes against reporters has just six officials working on about 250 cases. It has not sent anyone to the crime scene and is conducting interviews by telephone, said González, who heads the unit.

A break in the case came on February 25, 2016 when Jorge Armando Santiago Martínez, the police commander of Santiago Jamiltepec, was arrested for shooting Hernández. Over a year later, on March 3, 2017, a regional court in the coastal town of Puerto Escondido convicted Santiago of murder and sentenced him to 30 years in prison. He was also ordered to pay 178,000 pesos in damages to Hernández’s family, according to a statement from the Oaxaca Attorney General’s Office.

Despite a conviction, there has been little progress in identifying those responsible for ordering the murder. In a story published on the one-year anniversary of Hernández’s death, *Noticias* alleged that the killing may have been carried out by the police chief and a group of hit men working for the ruling PRI party. But the story offered no evidence.

The head of PRI, in Oaxaca state, did not return CPJ's calls requesting comment.

Masterminds of killings—journalists or otherwise—in Oaxaca are rarely identified and prosecuted, according to González. He knows firsthand about impunity. A former journalist and newspaper editor in Oaxaca, González was kidnapped and threatened with death in 1996. CPJ documented at the time how he was mentally and physically tortured then released after 44 hours. No one has been prosecuted for the crime.

Juan Rodríguez, González's boss who heads the state human rights office, said that although the state prosecutor's office is supposed to be independent, in practice, it continues to be influenced by the executive branch. And because the state house is currently controlled by the PRI, he said prosecutors can come under pressure to scale back investigations that may involve wrongdoing by political clans connected to the party.

"When there is a crime involving important political families it may be that this crime is not fully investigated or that the investigation ends once the gunman is captured," Rodríguez said.

He added that rather than solving crimes against journalists, he thinks the state government seems more focused on protecting the reputation of the PRI. Instead of arresting the criminal masterminds, which would help deter crimes against reporters, he said the state government's focus has been on providing threatened journalists with bodyguards.

In a brief telephone interview with CPJ, Héctor Joaquín Carrillo Ruíz, the chief government prosecutor in Oaxaca, denied that he faces political pressure to hold back on sensitive investigations or to protect ruling party politicians. "I have full autonomy," he said.

Carillo told CPJ the department is actively looking for the mastermind.

Alfonso Martínez, a spokesman for Alejandro Murat Hinojosa, the Oaxaca governor and a member of the PRI, also denied that state prosecutors come under pressure to protect ruling party members. He told CPJ that the state government would use all its powers to track down and arrest those responsible for attacking journalists "no matter what political party they belong to."

Carillo said there have been delays identifying the mastermind of the Hernández killing because potential witnesses are too scared of retaliation to collaborate with his office. But, he said, his office is investigating at least one PRI politician in Santiago Jamiltepec as a possible



Friends and family gather for Hernández's funeral. A former police chief is convicted of the journalist's murder in March 2017, but police have not identified the mastermind. (Noticias)

mastermind of the crime.

"If important political players are behind this murder then we will have to take them on," said Carrillo, who declined to name the politician under investigation.

In the aftermath of the Hernández killing, journalists in Oaxaca are exploring ways to better protect themselves. Matías said that reporters in the state capital are exchanging contacts with their colleagues in outlying towns in Oaxaca with the idea of creating a rapid-response network among reporters when they come under threat.

Hernández's editor remains in a state of anguish. "Today, I think I should have been more insistent that Marcos leave town. I am stuck with these feelings that I should have done something more," said Velasco, dabbing tears from her eyes as she sat in the lobby of the *Noticias* office. "Why did this have to happen?" ■

# Gregorio Jiménez de la Cruz: A barbaric silencing

Gregorio Jiménez de la Cruz was not a journalist who went looking for danger. But living and working in a small town in Veracruz state—mired by gang warfare, human trafficking, and a lucrative trade in kidnap for ransom—meant he covered stories that could put in him danger.

Being the sole reporter in Villa Allende, near the city of Coatzacoalcos, also left few places to hide, even when Jiménez used a fake byline to distance himself from his most critical reporting.

Police have not definitively established a motive for his abduction on February 5, 2014 and subsequent murder, but the brutal treatment of his body, which was found decapitated and with the tongue cut out, left little doubt among his colleagues and friends that it was a direct attempt to silence a reporter.

Even though the case has led to arrests of five suspected hitmen and the alleged mastermind—a rarity for cases of journalist murders in Mexico—the investigation has been far from perfect and no convictions have been achieved. CPJ has not been granted access to the case files, but a fact-finding mission made up of journalists and press freedom organizations found that other leads and potential suspects were not fully investigated, and that authorities have tried to distance the murder from the victim's work as a journalist.

The journalist's family lives with a permanent police guard and say they have been warned that the alleged mastermind says she plans to take revenge.

## CRIME BEAT BY NECESSITY NOT CHOICE

Even in winter, the humid climate in Coatzacoalcos can be punishing to those used to the temperate weather of Mexico City and the state capital, Xalapa. It took CPJ four hours to reach Veracruz state's second most important port city, traveling through tropical lowlands and passing vast stretches of plantations and farmland.

Coatzacoalcos lies at the mouth of the river with the same name. The city is rugged, crowded and noisy, and has few sights to offer. Its broad, deep waterway is home to one of Mexico's busiest ports and the surrounding area hosts enormous petrochemical plants and is a major hub for the country's oil industry.

The Jiménez family home in Villa Allende lies across the river, in a working-class neighborhood that was never formally incorporated into the city.

"It's one of the reasons we didn't have security cameras installed after Goyo was gone," Carmela Hernández, the journalist's 37-year-old widow, said, referring to Jiménez by his nickname. "The authorities told us we needed to have an electricity meter, but we don't have one. We just get power intermittently through a cable connected a few blocks from here."

Carmela Hernández lives in the home with three of the couple's four children, a daughter-in-law, a son-in-law who's also a journalist, and an armed state policeman who permanently guards the residence. A portrait of her husband still hangs above the door of the bedroom she shares with her daughters. Another portrait, of her and Jiménez as a young couple, lay on one of the beds.

"This home was Goyo's life's work, you know," she added, gesturing at the living room. "When he wasn't out there chasing news, he was working here, either with his children's schoolwork or on the house. He loved working, he hardly ever took a day off."

But Jiménez, who also had three children from a previous relationship, will never see what has become of his residence. The fresh layer of paint on the walls and the corrugated sheets covering a spacious living room built on what was a patio, were added after the 43-year-old reporter was abducted from the house.

The additions were a gesture from Coatzacoalcos mayor Joaquín Caballero Rosiñol after Jiménez's murder led to statewide indignation among reporters over what has become one of the most notorious killings of journalists in



A relative holds a photo of Gregorio Jiménez de la Cruz in February 2014, shortly after the journalist was kidnapped in front of his daughters. Jiménez was later murdered and his body mutilated. (AP/Viridiana Zepeda)

Veracruz state in recent memory. Anger over what many said they perceived as a faulty investigation led a group of 16 journalists and several members of press freedom organizations to travel to the region in February 2014 to investigate the murder. The group, known as Observation Mission, published a critical report based on its findings on March 19, 2014.

The official investigation has been criticized for being unclear, but the details of Jiménez's abduction and brutal killing are widely known. At approximately 7 a.m. on February 5, 2014, Jiménez returned home from dropping off children at school. After Jiménez entered the house with his two other daughters, a gray SUV pulled up to the house and five masked men, armed with pistols and knives, forced their way inside, pointed their guns at Jiménez's daughters and pulled a knife and gun on Jiménez.

One of the journalist's daughters, Flor, who witnessed the abduction, told CPJ that the kidnappers took her father's radio telephone and tried to take his camera, but

Jiménez managed to throw it away. He was then dragged out of the house, pushed into the SUV, and driven away, she said.

Six days later, on February 11, authorities found Jiménez's body near Las Choapas, a town about 55 kilometers southeast of Villa Allende. He was buried in a shallow grave alongside two other bodies: those of Ernesto Ruiz Guillén, a local union leader whose kidnapping Jiménez reported on the month before, when he criticized the police investigation, and a taxi driver whose identity was not given in reports. Jiménez had been beheaded, according to statements by then-Attorney General Luis Ángel Bravo. News reports added that his tongue was cut out.

"The fact that they cut out his tongue was significant, it was symbolic," said Sayda Chiñas, who was Jiménez's editor at *Notisur*. "It was a way of showing that they silenced him."

Journalists with whom CPJ spoke said that Jiménez was known in Coatzacoalcos as being the only reporter based



A fence surrounds the Jiménez family home in Villa Allende, in January 2017. The family has a permanent police guard to protect them. (CPJ/ Miguel Ángel Díaz)

on “the other side,” a term reporters in the city commonly use to refer to Villa Allende. Before Jiménez became a reporter, he and his wife were professional photographers who covered social events and schools.

Jiménez had to work hard because he made little money as a journalist. He began work as a reporter two years before his death, freelancing for the local newspapers *Liberal del Sur*, *La Red*, and *Notisur*, the latter being the most widely read newspaper in Villa Allende.

“The newspaper paid him very little money. He made 20 pesos (US\$1) per story, if that story was published,” Chiñas said. His work as a journalist wasn’t nearly enough to support his family so he and Carmela Hernández continued their photography business. While Jiménez roamed the streets for stories, his wife took photos of weddings and other events, she said.

Jiménez wasn’t prone to taking risks as a journalist, said Chiñas, who described him as “fearful.” His widow confirmed that, saying, “He never went out looking for trouble, and he never sought problems with anyone. He was very good-natured.”

But for a journalist covering a region where violent and organized crime is rife, and with his unique position as the only reporter based in Villa de Allende, he had little choice but to cover these issues, Chiñas and Carmela Hernández said. Villa Allende is a small community and, in the years before his murder, violence was on the rise and organized crime was omnipresent, according to news reports, his family and local journalists interviewed by CPJ.

“There were a lot of kidnappings and a lot of shootouts here,” Carmela Hernández said. “He would go out and cover them. I never asked him what he was working on because, frankly, it scared me.”

Aside from the long-standing drug wars as rival cartels fight for supremacy in the Coahuila region, the area is a target for human traffickers who prey on the undocumented migrants using the railroad that cuts across the state to try to reach the U.S., according to news reports.

In southern Veracruz, Los Zetas began dominating lucrative drug and people-smuggling routes and specialized in extortion of businesses and abductions. Coahuila’s petrochemical industry provides a steady stream of

income for kidnappers. “It’s easy for gang members to kidnap employees of those factories,” Chiñas said. “Employees of Pemex are often the target. The gangs kidnap them for a short period of time, the families pay them a ransom and they’re let go.” In the first two months of 2017 alone, three Pemex employees were kidnapped, according to news reports.

Jiménez covered those crimes, although relatives and colleagues acknowledged that he often said he was scared of the consequences. When a story was particularly “hot,” the byline would simply be “editorial staff.” He sometimes used the byline *El Pantera* (The Panther) as an alias to protect himself, according to news reports. Despite his attempts to mitigate the risks of particularly dangerous stories, being the only journalist based in Villa Allende meant anyone generally knew if Jiménez was the author, Chiñas said.

## REPORTER THREATENED

That was the case on October 23, 2013, when *Liberal del Sur* and *Notisur* published an article by Jiménez about a stabbing not far from El Palmar, a bar owned by a woman called Teresa de Jesús Hernández (no relation to Jiménez’s wife.) The byline read “editorial staff,” but according to Chiñas and the journalist’s family, Teresa Hernández knew immediately that Jiménez was the author.

The article is no longer available on the websites of either paper, but it contained little more than the description of a fight near the bar. Both Chiñas and Jiménez’s widow said that Teresa Hernández was upset over the article because newspaper vendors exaggerated the headline and described the fight as having taken place in a “bar de la mala muerte” (bar of bad death), a colloquialism for a place where organized crime and criminal violence is prevalent. “It was known by locals to be a place where members of organized crime would meet and talk about business,” Chiñas said.

When CPJ visited Villa Allende in January 2017, the bar was closed and CPJ was unable to locate anyone connected to the bar to ask for comment.

“If you read the article, there really wasn’t anything special in it. Goyo just described what happened,” Jiménez’s widow said. “But the newspaper vendors need to sell papers, so they said things that weren’t necessarily accurate.”

She said that the owner of the bar showed up angry and intoxicated at her house shortly after the article appeared, and threatened the journalist, who was at home

with one of his daughters. According to news reports, Teresa Hernández said to him, “You, you, you owe me, remember the story you wrote about me?” the daughter said. One report cited Jiménez’s daughter, Cindy, as having told authorities that Teresa Hernández told Jiménez that “she knew Los Zetas” and threatened to have him killed by the gang. The threat was confirmed to CPJ by Jiménez’s family. They also said that relations between the journalist and Hernández were already tense due to a personal rift between the families.

While the Observation Mission report says authorities arrested the right people over the murder, it criticized them for not investigating the family’s reports of other threats more thoroughly.

Police arrested Teresa Hernández and five suspects allegedly linked to Los Zetas, for Jiménez’s murder, between February 6 and 12. One of the suspects, José Luis Márquez Hernández—“El Pony”—(no known relation to either the victim’s wife or the bar owner) confessed to helping abduct the journalist and said he killed the victim in exchange for a 20,000 pesos (\$1,000) payment by Teresa Hernández, according to the 2014 Observation Mission report, which cites the case file. All deny the accusations against them.

The theory that Teresa Hernández was linked to organized crime was bolstered in March 2015, a year after her arrest, when news outlets reported on the murder of her son-in-law Sergio Montalvo López. Reports said the police officer, who was found beaten to death near the city of Córdoba in March 2015, was part of a criminal group and that he protected Teresa Hernández who used the bar to run illicit businesses.

According to the Observation Mission report, it is unclear what led police to the journalist’s body. Case files viewed by the mission did not specify whether questioning of one of the suspects led authorities to the grave.

“The fact that they cut out his tongue was significant, it was symbolic. It was a way of showing that they silenced him.”

Sayda Chiñas, *Notisur*



El Palmar, known locally as the 'Bar of Bad Death,' is seen in this January 2017 photo. The bar's owner is in custody for allegedly ordering Jiménez's murder after he reported on a stabbing outside the establishment. (CPJ/ Jan-Albert Hootsen)

## INVESTIGATION UNDER SCRUTINY

In a country where impunity is endemic and masterminds rarely identified, transparent and thorough investigations are a necessity. Yet, despite the quick arrests of the alleged killers and mastermind, the investigation was deficient, the Observation Mission found.

Some journalists and the Observation Mission said that police did not sufficiently explore Carmela Hernández's statement about a threat made to her husband. The possibility that Jiménez's general reporting on organized crime may have been a motive was also not sufficiently investigated.

The authorities' reaction to the murder was criticized by journalists across the state, especially in Coahuila. Many journalists said they were appalled when Erick Lagos, then-state secretary of the interior, told the daily, *Milenio*, on February 11, 2014 that Jiménez was murdered because of a personal conflict with Teresa Hernández. Gina Domínguez, spokeswoman for then-Governor Duarte,

backtracked on that statement the next day, telling media the victim's work as a journalist had not been discarded as a possible motive.

The family, local journalists with whom CPJ spoke, and Laura Borbolla, then head of the federal Special Prosecutor for Crimes against Freedom of Expression (FEADLE), all said that Jiménez was murdered "without a doubt" because of his journalism.

State Attorney General Amadeo Flores Espinosa and Domínguez resigned on February 19 and 20, 2014 respectively. State officials said in news reports the resignations are unrelated to the controversy over their unwillingness to link the murder to Jiménez's profession.

Ultimately, the Observation Mission accepts that police identified the correct suspects who carried out the murder, but the report's findings said it was unclear how authorities discovered the identities of Jiménez's kidnappers. It questioned the speed at which the suspects apparently confessed. One of them told a judge they had been tortured to make them confess to the murder, according to

news reports.

CPJ contacted the state attorney general's office for comment, but has not received a reply.

Chiñas said she shares some of the doubts raised by the Observation Mission. She left *Notisur* in 2015 and was appointed a commissioner in Coatzacoalcos for the State Commission for Attention and Protection of Journalists (CEAPP) in December 2016. According to her, the investigation needs a "do-over." "Several lines of investigations should be explored further," she said.

The victim's family said that despite the alleged culprits being in jail they don't feel safe. After the murder, the family relocated to a safe house in Xalapa, but returned shortly afterwards. They still live down the road from Teresa Hernández's family and the bar that may have led to Jiménez's kidnapping, torture and murder.

Three years after the murder, an armed state policeman offers permanent surveillance of the residence. It's hardly

**"I never asked him what he was working on because, frankly, it scared me."**

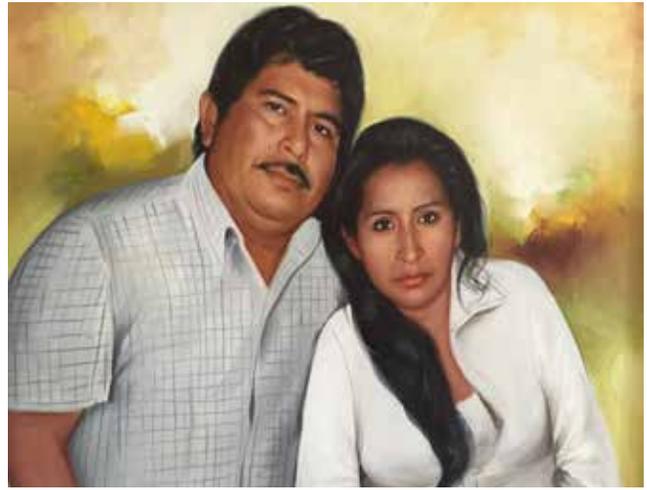
**Carmela Hernández, widow**

a redundant safety measure: Jiménez's widow said she has been told that Teresa Hernández will seek revenge after leaving prison. The widow did not name the person Hernández allegedly said this to. Teresa Hernández is charged with masterminding the abduction and killing and, if convicted, could be jailed for up to 30 years. Neither she nor the others in custody on kidnap and homicide charges have been convicted. A judge rejected an appeal to excuse them from federal prosecution in September 2015.

## LOST IN BUREAUCRACY

On February 15, 2014, then-state Attorney General Amadeo Flores told human rights and press freedom organizations, including CPJ, that they would be given access to the case file. CPJ never did get to see the case files and the position of state attorney has been affected by a series of resignations, and authorities cited changes in administration as reason to not speak with CPJ.

Amadeo Flores' successor, Bravo, resigned in November 2016 and was replaced by Jorge Winckler Ortiz, who



A painting of Gregorio Jiménez and his wife, Carmela. The journalist's widow says she wants convictions to be made in her husband's case. (CPJ/ Miguel Ángel Díaz)

did not respond to a request for comment. Jaime Cisneros, the state special prosecutor for issues of freedom of expression, initially granted CPJ an interview, but later refused, citing rules by the new administration led by governor Miguel Ángel Yunes Linares that allow only the social communications secretary to comment. CPJ made several attempts to reach the attorney general's office via telephone for comment, but its calls went unanswered.

FEADLE told CPJ it has run a parallel investigation into the murder, but the case ultimately remains under the auspices of the Veracruz state authorities. Ricardo Nájera Herrera, who heads FEADLE, said in February that he does not contest the results of the Veracruz state authorities' investigation.

Jiménez's widow and daughters said they are convinced that Teresa Hernández masterminded the murder and that the others in custody are responsible for carrying it out. Carmela Hernández said her main hope now is that they are convicted.

"I was told several weeks ago that I was to go to court again to testify," she said in January. "But I haven't heard anything since. Frankly, I just want it to be over."

Her priority is to survive without her late husband's income. Carmela Hernández still works as a photographer, but said she doesn't make enough money to pay the bills and receives no financial support from the government.

"Goyo's death has been a great blow to the family because we don't really know how to get by," she said. "We'll have to find a way to survive." ■

# Recommendations

The Committee to Protect Journalists offers the following recommendations:

## TO PRESIDENT ENRIQUE PEÑA NIETO

- Publicly commit to addressing impunity in crimes against freedom of expression, pledge to resolve these crimes, and put the safety and protection of journalists as a priority in your government's agenda during your remaining time in office.
- Use the full power of your office to ensure that all citizens, including members of the press, can exercise their right to freedom of expression as guaranteed in Articles 6 and 7 of the Constitution.
- Ensure that federal law enforcement officials take responsibility for all attacks against the press that fall within their jurisdiction and direct federal officials to investigate these cases thoroughly and prosecute perpetrators to the full extent of the law.
- Use your influence to ensure that the office of the Federal Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) has sufficient authority and resources to apply the law effectively.
- Ensure that the protection mechanism provides effective aid to at-risk journalists and enhances prevention to avoid deadly attacks.

## TO THE ATTORNEY GENERAL

- Hold the office of the Federal Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) accountable for any failure to investigate these crimes and prosecute those responsible.
- Ensure that federal law enforcement officials assume responsibility for all attacks against the press that fall within their current jurisdiction under the law. Direct federal law enforcement officials to investigate these cases thoroughly and prosecute the perpetrators to the full extent of the law.
- Use the full resources of your office to obtain successful prosecutions in the cases of José Moisés Sánchez Cerezo, Gregorio Jiménez de la Cruz, Marcos Hernández Bautista, and other murdered journalists where suspects have been identified and progress has been made in the investigations.
- Provide training to prosecutors assigned to crimes against freedom of expression. Ensure that this training addresses the unique problems facing journalists and highlights the vital role a free press plays.
- Cooperate fully with state attorneys general in current investigations of attacks against the press. Demand that state authorities cooperate and communicate fully with your office.
- Ensure that the masterminds who order the murder of journalists are pursued and convicted in addition to those who carry out the killings.

## TO THE VERACRUZ STATE AUTHORITIES

- Require state prosecutors to cooperate fully with the federal attorney general's office in current investigations of attacks against the press.
- Ensure that police fully investigate threats against journalists and media outlets and that the state human rights office has the resources necessary to conduct timely, on-the-ground investigations.

- Ensure that investigations into journalists' murders are opened immediately and that requests for any video footage is made to C4, the law enforcement agency that manages the statewide surveillance network, within the three-day time limit.
- Take witness testimony immediately, including sketches, request video footage and other materials in a timely matter, conduct searches of suspects in a timely manner, and thoroughly investigate allegations of intimidation.

## **TO THE ORGANIZATION OF AMERICAN STATES**

- Hold the Mexican federal government accountable under Principle 9 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights. Principle 9 states that “the murder, kidnapping, intimidation of and/or threats against social communicators, as well as the material destruction of communications media, violate the fundamental rights of individuals and strongly restrict freedom of expression.”
- Set specific goals to ensure Mexico's compliance with recommendations issued by the office of the special rapporteur for freedom of expression. The special rapporteur has urged Mexico to fully, effectively, and impartially investigate these crimes, clarify their motives, and determine the relationship with journalism and freedom of expression.







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