

Attacks on Freedom of Expression in Mexico 2009

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ATTACKS ON FREEDOM OF EXPRESSION¹ (JULY-SEPTEMBER 2009)

Since the inception of the *Permanent Campaign for the Protection of Journalists in Mexico* in the third quarter of 2009 three additional murders of journalists have been registered, bringing the number of murders so far in 2009 to eight. These eight murders are included in the total of 59 attacks on journalists, reporters and the communications media registered in Mexico between July 1st and September 30th which are described in this report.

Although the issue has been in the public eye throughout 2009, freedom of expression continues to be subjected to different forms of attack. Proportionally, the majority of those allegedly responsible for the attacks which have been registered continue to be public officials – a category which includes mayors, members of federal, state and municipal police forces and military personnel – although organised crime groups, political parties and even academics have also been named. However, it is important to note that it is not possible to identify the presumed aggressor in all cases.

Since the start of President Felipe Calderón Hinojosa's administration in December 2006,

¹ This document is the result of work carried out by ARTICLE19, Office for Mexico and Central America, and the National Centre for Social Communication, Cencos, as part of the *Permanent Campaign for the Protection of Journalists*. It takes as its starting point the guidelines in ARTICLE 19's Programme for Freedom of Expression and Protection of Journalists and of Cencos' programme for Monitoring and Registering of the Area of Education and Research. Both of these organisations have been analysing, discussing, conceptualising and monitoring the problematic situation since 2006. Since the beginning of 2009 quarterly reports have been submitted containing information about the attacks on journalists, reporters and media outlets which have been registered nationally.

19 murders have already been registered, of which five took place in 2007 and six in 2008². Murder is the most extreme form of attack and is one of the indicators of violence which defines the difficult context in which journalists and reporters carry out their work. Even more importantly, because of the lack of guarantees for the exercise of freedom of expression, this indicator also serves to measure the quality of democracy and respect for the Rule of Law in Mexico. The continuing situation of a lack of investigation of these crimes and prosecution of the perpetrators fuels the culture of impunity surrounding attacks on freedom of expression.

So far this year 217 attacks have been registered, the majority of these in the states of Oaxaca, Veracruz, Sinaloa, Chihuahua, Guerrero and in the Federal District of Mexico City. Of these attacks, eight have been murders: three in Guerrero, two in Durango and one each in Chihuahua, Veracruz and Michoacán. The question remains: how many more will be necessary before the root causes of the problem are addressed?

² ARTICLE 19 and Cencos, [Guía práctica sobre la libertad de expresión en México](#) (*Practical guide on freedom of expression in Mexico*), México DF, 2008.

Table 2. Number of attacks in each State of the Republic³

State	NUMBER OF ATTACKS (JULY-SEPTEMBER)
Sinaloa	11
Veracruz	9
Oaxaca	8
Coahuila	5
Federal District	4
Chihuahua	3
Guerrero	3
Quintana Roo	3
Yucatán	2
Zacatecas	2
Colima	1
Durango	1
Guanajuato	1
Hidalgo	1
Jalisco	1
Michoacán	1
Puebla	1
Sonora	1
Tamaulipas	1
Aguas-calientes	0
Baja California	0
Baja California Sur	0
Campeche	0
Chiapas	0
México	0
Morelos	0
Nayarit	0
Nuevo León	0
Querétaro	0
San Luís Potosí	0
Tabasco	0

³ The following tables have been drawn up using data from the Programme for Monitoring, Registering and Following-up Attacks on Freedom of Expression of ARTICLE 19 and Cencos.

Tlaxcala	0
Total	59

Enumeration and description of the third quarter

In this third quarter 59 attacks were recorded; among these were cases of murder, arbitrary detention, physical/material attacks, threats and cases of intimidation or pressure against media outlets and reporters, distributed as shown in *Table 3*.

Table 3. Type of attack (July – September)

TYPE OF ATTACK	NUMBER
Physical/material	35
Arbitrary detention	5
Intimidation/ Pressure	9
Threats	7
Murders	3
Total	59

The majority of the cases which have been registered identify public officials as the alleged aggressors (71.19%), with a smaller number identifying members of political parties (6.78%). However, it can be difficult to clearly identify the perpetrators of an attack: in eleven of the 59 cases there is no clear evidence as to the origin of the attacks (18.64%).

Table 4. Classification according to type of attacker (July – September)

ALLEGED AGGRESSOR	NUMBER	PERCENTAGE (%)
Public officials	42	71.19
Political parties ⁴	4	6.78
Unknown	11	18.64

⁴ The term “Political Parties” is used when the alleged aggressors are identified as belonging to a political party but are not officials of that party and have not been elected to political office.

Others	2	3.39
Total	59	100

A closer look at the attacks which have been attributed to public officials shows that: fifteen of the attacks are attributed to military personnel; eleven to municipal authorities (municipal presidents, aldermen/women or municipal employees); five to members of municipal police forces; two to state authorities; three to private security police officers on duty at a public event presided by the governor of Oaxaca; one to ministerial police; two to the Ministry of Federal Public Security; and three to teachers and academic institutions. Several of these cases will be elaborated below, particularly those in which the alleged aggressors are members of the army.

Forty-nine of the victims of the attacks are journalists and six are media outlets (See Table 5). One case of intimidation and pressure has been registered among the attacks on media outlets (the case of the magazine *Proceso*, which will be described below), as well as five cases of material attacks on media installations and work equipment (attacks with explosives, gun shots, theft of equipment, attempts to seize equipment, and alleged interference with the website of the media outlet).

The two cases registered this quarter against media workers can be interpreted as indirect attacks on the media outlets for which they worked⁵. The same can be said in the case of an attack directed against an editorial director; these were presumably attacks motivated by the content of the newspapers and occurred at the moment of its distribution.

⁵ There is a difference between attacks which target media outlets directly and those which are carried out against workers at these media outlets. However, in many cases, the latter can be interpreted as an indirect form of attack against the media outlet itself. Communications media workers can be understood to comprise “all persons, groups of persons or enterprises which belong to the administrative structure of a communications medium who carry out activities and/or who provide a service within the process of communication and the dissemination of information”.

Table 5. Attacks according to victim (July – September)

VICTIM		NUMBER
Jour- nalist	Reporter	33
	General Director	1
	Editorial Director	5
	Editorial Coordinator	1
	Graphic Reporter	4
	Columnist	1
	Radio announcer	4
Media outlet		6
Media worker		2
Other		2
Total		59

Three more cases of murdered journalists

Some of those who while practising their profession have been inconvenient witnesses to certain events or power relations have had to pay the highest price of all: the loss of life. During this third quarter three additional murders of journalists were registered⁶.

On July 12th, the body of Martín Javier Miranda Avilés, who had been stabbed to death, was found in Zitácuaro, Michoacán (in the west). The victim had been working as a reporter for the newspaper *Panorama* and was a correspondent for *Quadratin, Agencia Mexicana de Información y Análisis (Quadratin, Mexican Agency for Information and Analysis)*.

On July 28th the body of Juan Daniel Martínez Gil was found in Acapulco, Guerrero (in the south of the country). Martínez Gil was 48 years of age and had worked in journalism for over 20 years. At the time of his death he was the host of two general news programmes at radio stations belonging to the media group *Radorama Guerrero*: “W Guerrero” and “Guerrero en vivo” (“*Guerrero live*”), the latter of which broadcast across the state of

⁶ Part of the approach of the *Permanent Campaign for the Protection of Journalists* has been to document cases of the murder of journalists or of reporters where the evidence collected indicates that the possibility of the murder resulting from the victim’s professional activities cannot be discounted; these cases can therefore be considered to be attacks on freedom of expression.

Guerrero. The journalist was found half buried in a vacant lot in the low-income area of La Máquina, in the port of Acapulco; his body showed signs of torture.

On Wednesday September 23rd at 10 p.m., according to official sources, five persons armed with pistols and assault rifles entered the premises of *Radio Visión Casas Grandes*, in Nuevo Casas Grandes, Chihuahua (in the north of the country on the US border), where the journalist Norberto Miranda Madrid was at that time, and murdered the journalist in front of witnesses. Miranda Madrid, known as “El Gallito” (*The Little Rooster*), was a radio host and also wrote an Internet column. In his last piece of writing Miranda Madrid denounced the climate of insecurity prevalent in the north-western part of the state.

To date there has been no clear information regarding the progress of the investigations of these cases so that motives for the murders can be determined and the perpetrators charged.

Attacks on the media

On May 12th, 2008, President Felipe Calderón announced the launch of the joint operation Culiacán-Navolato, which got underway in the state of Sinaloa (in the northwest) with the participation of 740 federal agents, 1,433 members of the Mexican Army, 500 members of the Mexican Navy and 50 experts, and Public Ministries of the Attorney General’s Office of the Republic (PGR) to ensure safety⁷. Sinaloa is one of the states with the highest crime rates in Mexico, and its location is strategic for the production and transfer of drugs to the United States. Nevertheless, the question remains whether these police and military strategies will be able to ensure safety throughout the state.

In this context, on September 7th at 1:45 p.m. a group of unidentified persons set off a fragmentation grenade near the offices of the weekly news magazine *Río Doce*, located in the city of Sinaloa. No one was injured but the explosion caused material damage to the premises of the media outlet.

In an interview with ARTICLE19 and Cencos, Javier Valdés, the northern area coordinator for *Ríodoce* stated that, “We do not discount the possibility that the attack took place

⁷ [“El Ejército ocupa Culiacán y Navolato, en un intento por abatir ola de violencia”](#) (*The Army occupies Culiacán and Navolato, in an attempt to stop the wave of violence*), *La Jornada*, May 12, 2009.

because of the type of information that we publish in the weekly news magazine but this definitely fuels the climate of insecurity and uncertainty which prevails in Sinaloa and in many parts of the country.”

This was the third attack of this nature against a media outlet so far this year, all in the north of the country. On January 6th an attack took place against the *Televisa-Monterrey* network in Monterrey, Nuevo León, and the perpetrators left a written message which stated: “Stop reporting just about us and report on the narco-officials too: this is a warning”⁸. In another incident, shots were fired at the premises of the newspaper *El Siglo de Torreón*, in Coahuila on August 18th of this year. There has been no public announcement of any progress in the investigation of any of these cases, and the result has been an increase in the fear and concern felt by journalists as they practise a profession which is becoming increasingly dangerous.

Attacks carried out by security forces

Chihuahua, Veracruz, Guerrero, Oaxaca, Sinaloa and Tamaulipas are identified as high-risk states for journalists exercising the right to freedom of the press. Even though in some cases the attackers cannot be identified (or are presumably linked to organised crime), in other cases attacks are carried out by the police or members of the military themselves when journalists are covering operations in which they are participating.

During the third quarter several cases were documented. On July 20th, members of the Mexican army in Oaxaca (in the south) obstructed the professional work of the information coordinator for the newspaper *Noticias Voz e Imagen de Oaxaca (News Voice and Image of Oaxaca)* and correspondent for the radio station XEW for the radio news programme “Hoy por Hoy” (“*Today*”) as he was taking photographs of an unusual event on the national highway. The soldiers examined the content of the journalist’s mobile phones and erased images of the event. They also searched his car, his camera, the vehicle registration papers and an audio recording device which he carried for work purposes.

⁸ ARTICLE 19 and Cencos, [Alerta-LE: Atentado con explosivos contra instalaciones de periódico, el cuarto en menos de 12 meses](#) (*Attack with explosives against newspaper premises, the fourth in less than 12 months*), México D.F., September 10, 2009.

On August 7th, four journalists were detained and held incommunicado by members of the Mexican army in Monclova, Coahuila (in the north), for almost 16 hours. This attack took place when the reporters were on their way to cover a military operation. While they were detained, the journalists were blindfolded and handcuffed, and were beaten while being accused of belonging to an organised crime cell. Afterwards they were brought before the Federal Public Ministry and were later released⁹.

Four days after this attack, the National Commission for Human Rights (CNDH) issued a recommendation addressed to the Secretariat of National Defence (SEDENA) which states that “the rights of juridical security and legal defence, the right to dignified treatment, to personal integrity and security, as well as the right to freedom of expression of the reporters who were the victims of the attack, were violated by acts consisting of arbitrary and unlawful detention and cruel and inhumane treatment, after the reporters attempted to cover a news story related to activities carried out by personnel of SEDENA, in Monclova, Coahuila.”¹⁰

On August 9th, in the town of Jesús María, Sinaloa (in the north) members of the military operation Culiacán-Navolato-Guamúchil attacked both physically and materially journalists, photographers, writers and camera operators of the newspapers *Noroeste*, *Primera Hora*, *El Debate*, *El Sol de Sinaloa*, *La I.*, *Canal 8* and correspondents for the newspapers *El Universal*, *Reforma* and *Telemundo* who were attempting to document a situation in which the soldiers were beating three young people. The soldiers obstructed the work of the journalists and reporters by pulling and pushing them, at the same time as three Bell 212 helicopters were flying at less than three metres above their heads.

Although some members of the public feel that these acts of aggression are indicative of the lack of training given to military forces in their dealings with the public, others claim that reporters and journalists have indeed “got in the way” in carrying out their work and are “collateral victims” of the operations. According to our investigations the reasons are more complex, as attacks against journalists are motivated by the intent to silence the voices that

⁹ ARTICLE 19 and Cencos, [Cuatro periodistas más agredidos por el Ejército en el norte del país \(Four more journalists attacked by the Army in the north of the country\)](#), México DF, August 19, 2009.

¹⁰ National Commission for Human Rights, [Recomendation 52/2009](#), August 9, 2009.

provide evidence of the abuse of power and of authority by the armed forces and that challenge attempts to legitimise this violence.

Criminalising the profession of journalism?

Last July the weekly news magazine *Proceso* was the victim of a new form of attack on freedom of expression. After alleged members of the criminal organisation *La Familia* were detained, they were brought before the media as is customary, along with pieces of evidence such as weapons, money and mobile phones. However, this time several copies of *Proceso* were arranged and photographed together with the alleged criminals as part of the evidence, to demonstrate the operation of the organisation. The Federal Public Security Secretariat (SSPF) gave to understand, or at least suggested, the existence of a possible link between the investigative journalism weekly and the activities of organised crime.

Proceso is a weekly news magazine which has been in operation for 33 years and it performs an important task of investigative journalism. It has a print run of approximately 120 thousand copies which are distributed extensively throughout all of the states of the Republic of Mexico as well as in countries such as the United States, Spain, France, England, Brazil and Argentina, among others. During the month of July, *Proceso* took on the task of disseminating information about the work of the Federal Public Security Secretariat (SSPF) in Michoacán in the context of the operation against the organised crime group *La Familia* (editions 1705, 1707 and 1708 as well as a special edition, number 25, titled “El México Narco, 2a parte” (“*Narco Mexico, 2nd part*”). Just as in similar types of reports about different topics having to do with the national public agenda, this information was dealt with according to the guidelines for investigative reporting developed by and characteristic of this magazine, a task which contributes to the exercise of freedom of expression and to access to information for members of the public.

With its actions, the SSPF fuelled speculation surrounding the alleged links between the news magazine and *La Familia*, although no evidence or conclusive proof was produced to suggest that the news magazine does have any connection to the operation of this criminal organisation. In this way all of the individuals who work in the production of the news magazine were put at risk, exacerbating the difficult conditions in which they work given

Mexico's ongoing problems in the areas of public safety and organised crime .

After this incident, executives of the news magazine filed a complaint with the National Human Rights Commission (CNDH) and, at the same time, the Permanent Commission of Congress in the LX Legislature (outgoing) unanimously approved a point of agreement in which the Secretary of Public Security, Ing. Genaro García Luna, was asked to guarantee the physical integrity and the safety of the journalists who work for this publication.

On September 24th of this year, Secretary García Luna appeared before the Chamber of Deputies to comment on the Third Government Report of Felipe Calderón's administration and he stated that the fact that copies of the magazine *Proceso* were presented as evidence "ha[d] no meaning or specific reference"¹¹. He asserted that if they were included as evidence it was because judicial procedures state that everything in the possession of a person accused of a crime must be presented at the moment of his or her detention.

These facts illustrate the subtle ways in which even representatives of the Mexican government themselves obstruct and criminalise the exercise of freedom of expression.

Other types of pressure on the media

The cases of attacks on the communications media described above have the objective of intimidating those who exercise one of the fundamental rights in their professional work, and by so doing, preventing the dissemination of information.

However, other types of pressure and intimidatory tactics are also used against the media; for example, defamatory remarks made publicly by public officials and, as detailed above, attacks on media workers. In many cases these can be interpreted as attacks on the media as their purpose is to prevent the circulation of newspapers so that certain news items published in these are not disseminated. For example, this was the case of the two employees of *El Sol de Orizaba* who were severely beaten by five persons in Ixhuatlancillo, Veracruz, while they were distributing copies of the newspaper in that town last September 19th. Both of the workers were severely beaten with baseball bats and received gunshot

¹¹ Apro, "["Sin sentido' la exhibición de Proceso en detención de narcos: García Luna"](#)"("With no meaning' the exhibition of Proceso in the detention of drug traffickers: García Luna", *Proceso.com.mx*, September 24, 2009.

wounds in the legs as they were escaping from their attackers in the pickup truck belonging to the newspaper. They subsequently had to be taken to hospital because of the severity of their injuries; one of the workers was suffering from cranioencephalic trauma. The motive for the attack is probably linked to the publication of a news item about the detention of a person charged with robbery, injuries, damages and plunder, and who it seems may have some connections with the municipal president of Ixhuatlancillo.

Case report: Criminalisation of community radios.

In August, the Federal Attorney General's Office chose to bring a criminal case against the reporter Rosa Cruz Rosas, of Ocumicho, Michoacán, for operating an indigenous community radio station without a government permit. According to information provided by the World Association of Community Radios (AMARC – Mexico), the Federal Public Ministry (MPF) brought the case before the court; at the moment of writing this report it is not yet clear whether it will be decided that there are grounds for issuing an order of apprehension against the reporter.

Rosa Cruz Rosas, a Puerépecha indigenous woman who speaks little Spanish, works with the community radio station Uékakua, which in 2002 applied for a broadcasting permit without its having been granted to date. This violates the constitutional right of indigenous communities to operate their own media. In addition, the Supreme Court of Justice of the Nation acknowledged that there was a legal vacuum in this area as there is no current law regulating the concession of such permits.

The General Law of National Assets was applied, accusing Mrs. Cruz Rosas of “using, exploiting and taking advantage of the radioelectric spectrum without a permit”, which is clearly a disproportionate response. The action against Mrs. Cruz Rojas is listed among the acts of aggression registered in the month of January: over 100 members of the now defunct Federal Agency of Investigations (AFI) arrived at the premises of the radio station, and with excessive use of force the police officers frightened the children who were in the radio station at the time, threatened to beat the women, covered the mouth of a young girl and injured her hand, and dragged a woman violently out of the station.

As a number of civil organisations reported, “The persistence shown by the authorities in

utilising criminal legislation instead of the administrative legislation which would be appropriate for repossessing the broadcast frequency, demonstrates the continuing police approach of persecution and the criminalisation of community radio stations. In this particular case they have also behaved in this way against an indigenous woman who has to face an illegal and unfounded criminal case from a situation of vulnerability because of her poverty; because she speaks Spanish with difficulty she has few means of defence”¹².

In this type of case, the Inter-American Commission on Human Rights holds that the establishment of discriminatory legal frameworks which obstruct the allocation of broadcast frequencies for community radio stations is inadmissible, and in addition, that it is necessary to seek access to goods and services that will ensure the basic conditions of dignity, security, subsistence and development¹³.

Final reflections

The three additional murders registered this quarter added to the lack of investigations and sanctions for the perpetrators of the attacks described above demonstrate the continuing inability of the Mexican government to guarantee the exercise of freedom of expression and the strengthening of the culture of impunity.

In this context it is disturbing to note that it is chiefly the authorities themselves who violate this right. Equally disturbing are the abuses of authority, the intents to legitimise violence and the silence from the authorities in the face of this violence: it is disturbing to have a democracy without democrats.

It is clear that the government still has much to do to guarantee the right to free expression; the question is when it will decide to address these deficiencies and why it is delaying. The recommendations and declarations from international organisations have been very clear on this matter. During the recent Universal Periodic Examination (UPE) before the

¹² AMARC México and civil organisations, [Gobierno Federal intenta encarcelar a mujer indígena que ejerce su libertad de expresión](#) (*Federal Government tries to jail an indigenous woman for exercising freedom of expression*), México D.F., September 1, 2009.

¹³ Inter-American Commission on Human Rights, [Informe Anual de la Relatoría para la Libertad de Expresión](#) (*Annual Report of the Office of the Special Rapporteur for Freedom of Expression*), Washington DC, 2002.

Organisation of the United Nations (UN) this past February, Mexico received eight recommendations on the subject of freedom of expression. Among other things, these establish the responsibility of the government for implementing more effective measures for addressing the issue of violence against journalists and the communications media and for guaranteeing their safety, particularly while they are carrying out their professional duties, and especially the safety of journalists that investigate and report on cases of drug trafficking and corruption¹⁴.

After the murder of Norberto Miranda Madrid, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) reiterated its position on the need for the Mexican government to “resolutely advance the existing investigations into crimes and threats against journalists and to adopt, as soon as possible, urgent measures such as strengthening the Special Prosecutor’s Office for the Attention of Crimes against Journalists, federalising crimes against reporters and implementing permanent specialised protection mechanisms which would guarantee the life and physical integrity of reporters at risk”¹⁵.

In spite of international recommendations, of the deteriorating situation and the increasing number of victims, what is truly striking is the apathy of authorities at all levels of government. The numbers continue to grow and public officials are negligent in fulfilling their professional obligation to shed light on the murders and other attacks on journalists, a situation which helps to strengthen the climate of impunity. There is a lack of commitment by the Mexican government to protect the free flow of ideas and information¹⁶.

¹⁴ The eight complete recommendations may be consulted in the document *Examen Periódico Universal y la libertad de expresión (Universal Periodic Examination and freedom of expression)* available at www.libertad-expresion.org.mx.

¹⁵ [Comunicado de prensa núm. R70/09](#) (Press release no. R70/09) of the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Washington, D.C., September 29, 2009.

¹⁶ Darío Ramírez, “[Violencia para censurar](#)” (*Violence to censor*), *El Universal*, August 6, 2009.

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