

**SUBMISSION TO THE INTERNATIONAL
CRIMINAL COURT PURSUANT TO ARTICLES 15(1)
AND 53 OF THE STATUTE**

**REGARDING THE CRIMES AGAINST HUMANITY
COMMITTED AGAINST JOURNALISTS IN MEXICO
BETWEEN 2006 AND 2018**

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List of acronyms and terms used in this communication :

- **AG** : Attorney General
- **AGO** : Attorney General's Office
- **Cartels** : any criminal organization with the intention of supplying illegal narcotics through the practice of drug trafficking. Cartels may range from a clandestine and loosely managed agreements among similar drug traffickers to legitimate businesses.
- **CIC** : Propuesta Civica
- **CNDH** : Mexican National Commission on Human Rights (*Comisión Nacional de los Derechos Humanos*)
- **CPI** : Corruption Perceptions Index
- **FEADLE** : Mexico's office of the Special Prosecutor for Attention for Crimes Against Freedom of Expression (*Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*)
- **Nota Roja** : a type of journalism which focuses almost exclusively on stories involving physical violence occasioned by robbery, murder, tragic accidents, executions and natural disasters
- **OTP** : Office of the Prosecutor of the International Criminal Court
- **PAN** : National Action Party (*Partido Acción Nacional*)
- **PGR** : Attorney General's Office of Mexico (*Procuraduría General de la República*)
- **PRI** : Institutional Revolutionary Party (*Partido Revolucionario Institucional*)
- **RSF** : Reporters Without Borders (*Reporters sans frontières*)
- **UNESCO** : United Nations Educational, Scientific and Cultural Organization

1. Statement of facts

A. Mexico : Americas' deadliest country for journalists

Over the last 15 years, Mexico has been Americas' deadliest country for journalists¹. In 2018, The country is ranked 147th out of 180 countries in RSF's World Press Freedom Index², and Mexican journalists are operating in a constant climate of intimidation, pressure and violence.

Between the beginning of the "War on Drugs" in December 2006 and the election of President Andrés Manuel López Obrador in December 2018, 102 Mexican journalists have been assassinated and 14 have disappeared, according to the data collected by Reporters Without Borders (RSF) and its partner Propuesta Civica (CIC). Since the beginning of 2019, two journalists have already been killed.

The crimes perpetrated against journalists have contributed to create an environment of fear among the Mexican population, and specifically among journalists and media professionals. Many Mexican journalists have to censor themselves, and many strongly consider fleeing their home state³ or even the country in order to survive.

The state of Veracruz, for instance, represents one of the most appalling environment for journalists : caught between ultra-violent criminal cartels and corrupt politicians, journalists taking too close an interest in sensitive stories or in organized crime are subject to threats, enforced disappearance, physical violence, murder and torture. In the border state of Tamaulipas, very few journalists remain, and they tend to base their reporting on statements by officials to avoid retaliation⁴.

However, no judicial response has been brought to these atrocities. Mexico is now facing a sad rate of more than 90% impunity for crimes committed against journalists between 2006 and 2018. The Office for a Special Prosecutor dedicated to crimes against freedom of expression (FEADLE), founded in 2010, has only achieved one conviction during that period out of 116 pretrial investigations for

¹ According to data collected by Reporters without Borders. Mexico has been Latin America's deadliest country for journalists since 2004, except in 2013, when it was briefly overtaken by Brazil and Honduras.

² RSF. *2018 World Press Freedom Index*, 2018 - <https://rsf.org/en/ranking> - Accessed 4 March 2019

³ RSF. "More forced displacement of journalists seen in Mexico", 8 December 2017 - [online] Available at: <https://rsf.org/en/news/more-forced-displacement-journalists-seen-mexico> - Accessed 4 March 2019

⁴ RSF. *Veracruz: Journalists and the State of Fear*, 30 January 2017, p. 10 - [online] Available at: <https://www.refworld.org/docid/589343e04.html> - Accessed 4 March 2019

assassinations and enforced disappearances, as reported in this communication. Accordingly the FEADLE is facing a 99.14%⁵ failure rate for the assassinations and enforced disappearances referred to herewith.

The lack of efficiency of mechanisms of protection of journalists, as well as mechanisms of investigation of crimes against them, such as the FEADLE, is mainly due to their lack of funding and staffing constraints. In recent years, the Protection Mechanism for Human Rights Defenders and Journalists experienced a series of budget cuts that limited its resources to effectively protect threatened journalists. According to a September 2018 press release⁶ by the Advisory Council of the Mechanism, the Mechanism suffered in 2016 a 77% cut in its budget compared to the previous year.

It appears that the majority of slain reporters in Mexico in recent decades had focused their news coverage on issues of crime and corruption⁷ — most of them are believed to have been killed in retaliation by cartel members or corrupt politicians seeking to silence their critics.

These crimes also have consequences for the entire Mexican society, which is facing a severe violation of its right to freedom of expression and information. Without journalists reporting on malpractice, collusion and other abuses, in order to guarantee scrutiny and make sure that authorities be held accountable for their actions in a country where corruption is systemic, the whole Mexican society finds itself impacted by each of these crimes

In such a context, effective press freedom - i.e. the actual capacity of journalists to document and report on public interest issues widely involving public authorities and affecting the society as a whole - is all the most consubstantial to democracy

⁵ Centro de Investigación y Capacitación Propuesta Cívica, *Justicia Ausente : Diagnóstico Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión, Julio de 2010-Marzo de 2018*, October 2018, p.45 - [online] Available at: <http://files8.webydo.com/93/9388573/UploadedFiles/8F9A2E54-14EB-AFD7-65AC-83726CE20B84.pdf> - Accessed 4 March 2019

This source shows an official FEADLE data of a 99,6% failure rate (which can be found here : https://www.gob.mx/cms/uploads/attachment/file/314139/ESTADISTICAS_Marzo_2018.pdf) for the 803 pretrial investigations for crimes and felonies committed against journalists between 2010 and 2018.

Regarding the 116 cases of murders and enforced disappearances listed in this communication, only one conviction was pronounced, in the case of the assassination of journalist José Armando Rodríguez Carreón. From these figures can be deduced a failure rate of 99.14% for the crimes of murders and disappearance of journalists.

⁶ Consultivo del Mecanismo de Protección a Personas Defensoras de Derechos Humanos y Periodistas en México (@CMecanismo). "COMUNICADO | En riesgo, protección para personas defensoras y periodistas: Consejo Consultivo del Mecanismo de Protección para Personas Defensoras de los Derechos Humanos y Periodistas @CMecanismo". 5 September 2018. Tweet. - [online] Available at: <https://twitter.com/CMecanismo/status/1037367656238776320> - Accessed 4 march 2019

⁷ 62% according to the organization Committee to Protect Journalists (CPJ). See CPJ's Database of Attacks on the Press - Americas (Mexico) - [online] Available at: https://cpj.org/data/killed/americas/mexico/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&type%5B%5D=Media%20Worker&cc_fips%5B%5D=MX&start_year=1992&end_year=2019&group_by=location - Accessed 5 March 2019

and peace. With such conditions suffered by journalists and journalism in Mexico, democracy is in danger, peace is at stake.

B. Overall Mexican Context

The “war on drugs”

Mexican authorities have been waging a war against drug trafficking organizations for more than a decade, with limited success : thousands of Mexicans, including politicians, students, and journalists, continue to die in the conflict every year⁸.

Even though the Mexican “war on drugs” cannot be classified as a non-international armed conflict, the military has been engaged, casualties have mounted and violence has spread. Since December 2006, according to data collected by the international Human rights organization FIDH⁹, the ongoing violence between authorities and drug cartels has caused at least 250,000 voluntary manslaughters, 36,000 enforced disappearances and more than 18,000 cases of torture. More than 1,600 clandestine mass graves have been found in parts of Mexico. The crisis even seems to be intensifying, with more than 28,000 murders in 2018, the worst annual toll since 2006. In 2017 there was an annual rate of around 22 people murdered per 100,000 inhabitants, compared to 9 in 2007. Such figures can only be found in the world’s deadliest war zones.

Moreover, Mexico is faced with an extremely high level of corruption : the country has struggled with corruption for a long time, but recent events indicate that the situation is now at a truly intolerable pitch¹⁰. The country, now ranked 138 out of 180 countries in the 2018 Corruption Perceptions Index¹², has seen a sharp decline in its score, experiencing a six point drop since 2012, due to its failure to make significant progress against corruption. In the past few years, Mexico experienced

⁸ Council on Foreign Relations. “*Mexico’s Drug War*” - 24 January 2019 - [online] Available at: <https://www.cfr.org/background/mexicos-drug-war> - Accessed 5 March 2019

⁹ FIDH. “*Mexico: The President-elect must defer quickly the crimes committed to the Prosecutor of the ICC (Press Release)*” - 29 November 2018 - [online] Available at: <https://www.fidh.org/en/region/americas/mexico/the-president-elect-must-keep-his-promise-and-defer-quickly-the> - Accessed 5 March 2019

¹⁰ Grasso, Costantino. “*Mexico’s corruption problems are still among the world’s deepest*”, The Conversation - 19 June 2017 - [online] Available at: <https://theconversation.com/mexicos-corruption-problems-are-still-among-the-worlds-deepest-76627> - Accessed 5 March 2019

¹¹ Malkin, Elisabeth. “*Corruption at a Level of Audacity ‘Never Seen in Mexico*”, The New York Times, 19 April 2017 - [online] Available at: <https://www.nytimes.com/2017/04/19/world/americas/in-mexico-mounting-misdeeds-but-governors-escape-justice.html> - Accessed 5 March 2019

¹² Transparency International. *Corruption Perceptions Index 2018*, February 2018 - [online] Available at: <https://www.transparency.org/cpi2018>

huge corruption scandals, which involved political leaders, including several governors.

Public trust in Institutions :

Heading into the 2018 Mexican presidential elections, there were 14 current or former state governors under investigation for corruption. A decade of increasingly severe and widespread corruption scandals led nearly 90% of Mexicans to see the state and federal government as deeply corrupt, according to the Mexican National Institute of Statistics and Geography¹³. Citizens regard corruption as the second most important problem¹⁴ facing the country, after crime and violence.

Given the amount of illegal money used in electoral campaigns, elected officials frequently begin their terms in debt to their political contributors. Public servants break the law in order to get to their position and do so again after taking office because of commitments they made during the campaign.

Thus, democracy suffers. According to the latest Latinobarómetro¹⁵ poll, satisfaction with democracy in Mexico fell from 41% in 2006 to just 16% in 2018¹⁶. Support for democracy fell from 54% to 38% over the same period¹⁷. Both numbers are well below the current regional averages of 30% and 48%¹⁸, respectively.

Back in 1987, intellectual Gabriel Zaid's book *La economía presidencial* put it as bluntly as could be: "Corruption is not a disagreeable characteristic of the Mexican political system: it is the system."¹⁹ And where corruption pervades all levels of the State, as it does in Mexico, it creates an environment in which other forms of crime can thrive.

This is particularly true when it comes to organised crime. The sheer magnitude of illicit funds that major criminal organizations accrue allows them to readily bribe susceptible public authorities; this, in turn, gives them near-free reign for criminal activities such as drug trafficking, pimping and extortion, all of which raise more money.

¹³ INEGI. *Encuesta Nacional de Calidad e Impacto Gubernamental (ENCIG) 2015, 2016* - [online] Available at: <http://www.beta.inegi.org.mx/proyectos/enchogares/regulares/encig/2015/> - Accessed 5 March 2019

¹⁴ INEGI. *Resultados de la Encuesta Nacional de Calidad e Impacto Gubernamental (ENCIG) 2017*, 22 March 2018, p. 2 - [online] Available at: http://www.beta.inegi.org.mx/contenidos/saladeprensa/boletines/2018/EstSeqPub/encig2018_03.pdf - Accessed 5 March 2019

¹⁵ Corporación Latinobarómetro. *Informe 2018*, November 2018, Santiago de Chile - [online] Available at: http://www.latinobarometro.org/latdocs/INFORME_2018_LATINOBAROMETRO.pdf - Accessed 5 March 2019

¹⁶ *ibid.* p.35

¹⁷ *ibid.* pp.16-17

¹⁸ *ibid.*

¹⁹ See *supra* note 10.

This cycle can become almost impossible to break, and as honest citizens fall victim to violent crimes and watch their governments do nothing to stop them, they start to lose faith in their society's institutions.

The horrifying 2014 kidnap and presumed murder of 43 students in the state of Guerrero²⁰ is tragically remembered by all Mexicans. A government-appointed panel found that the students in the Ayotzinapa case, who may well have been targeted for their left-wing activism, were brutally attacked and abducted by local police officers²¹ in league with members of the criminal organization known as Guerreros Unidos.

Stories of collusion between Mexican authorities and organized crime are not rare : as an example, drug lord Joaquín Guzmán, internationally known as El Chapo, allegedly paid former president Peña Nieto 100 million USD, according a testimony by the drug lord's aid at his trial²².

Above all, corruption eats into the security of human rights²³, whether civil, political, economic, social and cultural. And its criminal perpetrators use the most brutal of methods to escape scrutiny : at least 62% of journalists murdered in Mexico²⁴ since 1992 had investigated cases of corruption, political or otherwise.

A corrupt political class

The numerous examples of corrupt politicians or governors in Mexico demonstrates that the whole mexican political system is deeply plagued by corruption.

In April 2017, after five years on the run, Tomás Yarrington, who lead the state of Tamaulipas from 1999 to 2005, was arrested in Italy in a joint operation by Interpol and the Mexican police. He stands accused of taking millions in bribes from both the Gulf and the Zeta cartels, two of the most vicious criminal organizations that have terrorised Mexico for the past decade.

His successor, Eugenio Hernández, faces United States money-laundering charges. He has not been seen in public since last June.

²⁰ BBC. "Mexico missing students: Knowns and unknowns", 10 February 2016 - [online] Available at: <https://www.bbc.com/news/world-latin-america-35539727> - Accessed 5 March 2019

²¹ Semple, Kirk. "Missing Mexican Students Suffered a Night of 'Terror,' Investigators Say", The New York Times, 24 April 2016 - [online] Available at: https://www.nytimes.com/2016/04/25/world/americas/missing-mexican-students-suffered-a-night-of-terror-investigators-say.html?_r=1 - Accessed 5 March 2019

²² BBC. "El Chapo 'paid \$100m bribe to former Mexican president Peña Nieto' ", 15 January 2019 - [online] Available at: <https://www.bbc.com/news/world-us-canada-46872414> - Accessed 5 March 2019

²³ UN Human Rights Council, *The negative impact of corruption on the enjoyment of human rights : Resolution adopted during the 23rd Session (A/HRC/RES/23/9)*, 13 June 2013

²⁴ See *supra* note 7.

Six days after Yarrington's capture, former Veracruz governor Javier Duarte (2010-2016) was tracked down in Guatemala after months on the lam. He allegedly stole almost US\$3 billion, bankrupting his home state in the process.

César Duarte, former governor of Chihuahua (2010-2016), slipped across the border to El Paso to evade a state investigation into the embezzlement of public funds.

In Quintana Roo, the former governor, Roberto Borge faded away for a year until his arrest in June 2017 by the Panamanian Police and extradition to Mexico. Among other things, Mr. Borge sold plots of public land to his family and friends for a fraction of their value. Although the federal attorney general's office has seized 25 such properties, no arrest warrant has been issued for Mr. Borge, who is thought to be in the United States.

As Mexican constitutional law expert Jorge Carpizo once acknowledged, appointing governors was one of a PRI president's unwritten constitutional powers. During the PRI's uninterrupted seven-decade reign, just a handful of non-PRI governors ever won state election (and only starting in the 1990s), and governors were expected to be subservient to the president.

Once the PRI lost power in 2000, state leaders no longer owed loyalty to the president. With limited federal oversight, governors – whose powers include controlling state legislatures, auditors and prosecutors – enjoyed unchecked power over federal funds allocated to their states. Many have since ruled with high impunity.

High impunity levels for crimes of corruption

Even though former President Peña Nieto planned to create a national anti-corruption system that would aim at giving the federal government ample tools to combat corruption, Mexican authorities still have a long way to go. The Senate has for years failed to appoint an anti-corruption prosecutor.

Though the scrutiny by journalists and civil society organizations has produced mounting evidence of misdeeds, the governors have rarely faced justice. Governors control state legislatures, state auditors and state prosecutors — a dominance that gives them the power of a modern potentate. That leaves it to federal prosecutors to pursue wrongdoing, but the response has been tepid.

According to activist group Mexicans Against Corruption and Impunity, in the majority of cases, proceedings reach no further than a complaint or an arrest warrant. Out of 42 governors suspected of corruption since 2000, only 17 were investigated.

C. 116 journalists killed or disappeared between 2006 and 2018

1. The period under examination : the mandates of former presidents Felipe Calderon and Enrique Peña Nieto (2006-2018)

The period considered in this communication is the period between December 1st, 2006 and November 30, 2018. These 12 years cover the mandates of the two former presidents of the United Mexican States, Felipe Calderon (president from December 1st 2006 to November 30, 2012) and Enrique Peña Nieto (president from December 1st, 2012 to November 30, 2018).

The war on drugs, that was waged at the beginning of this twelve-year period by president Calderon and continued under the mandate of president Peña Nieto, led to a dramatic increase of the violence against journalists. 116 of them were assassinated or disappeared over that period, crimes for which the impunity rate almost reaches 100%.

None of the two presidents took necessary actions to remedy this situation of violence and impunity. On the contrary, the lack of means dedicated to the investigation of these crimes and the absence of conviction of their authors demonstrate a deliberate and complicit unwillingness to fight impunity, which should be seen as an encouragement to the authors of such violence to continue silencing journalists who shed light on violence committed by drug cartels, corruption of officials and the collusion between the authorities and organized crime.

The new president of Mexico, Andrés Manuel López Obrador, who took office on December 1st, 2018, has taken strong positions against both corruption and violence against journalists. In view of this determination to improve the safety and security of journalists in Mexico, it is hoped that this communication will urge the new administration to take resolute action in order to crack the wall of impunity, or lead the prosecutor of the ICC to open a preliminary examination of the situation in Mexico with a view to prosecute those who are directly and personally responsible for this situation.

2. Exhaustive list of the 116 cases of journalists killed or disappeared during the period under investigation

DISAPPEARANCES AND MURDERS OF JOURNALISTS IN MEXICO
(December 1, 2006 - November 30, 2018)

Nº	Date of crime	Name of the victim	Nature of the crime	Place of commission	Profession and/or employer of the victim
2018					
1	01/12/2018	Jesús Alejandro Márquez Jiménez	Assassination	Tepic, Nayarit	<i>Orión Informativo</i>
2	21/09/2018	Mario Leonel Gómez Sánchez	Assassination	Yajalón, Chiapas	<i>El Herald</i>
3	06/08/2018	Rodolfo García González	Assassination	Valle de Santiago, Guanajuato	<i>Día Siete : El Semanario de Guanajuato</i>
4	24/07/2018	Rubén Pat Cauich	Assassination	Playa del Carmen, Quintana Roo	<i>Semanario Playa News</i>
5	09/06/2018	José Guadalupe Chan Dzib	Assassination	Carrillo Puerto, Quintana Roo	<i>Semanario Playa News</i>
6	29/05/2018	Héctor González Antonio	Assassination	Ciudad Victoria, Tamaulipas	<i>Excélsior / Grupo Imagen</i>
7	15/05/2018	Juan Carlos Huerta Gutiérrez	Assassination	Villahermosa, Tabasco	<i>Panorama sin Reserva 620 AM</i>
8	22/03/2018	Leobardo Vázquez Atzin	Assassination	Tecuanapan, Veracruz	<i>Enlace Informativo Regional</i>
9	05/02/2018	Leslie Ann Pamela Montenegro del Real "La Nana Pelucas".	Assassination	Acapulco, Guerrero	<i>Acapulco sin Censura (Facebook)</i>
10	21/01/2018	Agustín Silva	Enforced disappearance	Matías Romero, Oaxaca	<i>El Sol del Istmo</i>
11	13/01/2018	Carlos Domínguez Rodríguez	Assassination	Acapulco, Guerrero	<i>Horizonte de Matamoros</i>
2017					
12	05/10/2017	Edgar Daniel Esqueda Castro	Assassination	San Luis Potosí	<i>Infórmate Potosino / VoxPopuli</i>
13	22/08/2017	Cándido Ríos Vázquez	Assassination	Hueyapan de Ocampo, Veracruz	<i>Diario de Acayucan</i>
14	31/08/2017	Luciano Rivera	Assassination	Playas del Rosarito, Baja California	<i>CNR TV Noticias / El Dictamen</i>
15	09/07/2017	Edwin Rivera Paz/Honduras	Assassination	Acayucan, Veracruz	<i>Freelance Cameraman</i>
16	15/05/2017	Jonathan Rodríguez	Assassination	Autlán, Jalisco	<i>Semanario El Costeño</i>
17	18/05/2017	Salvador Adame Pardo	Assassination	Morelia, Michoacán	<i>Canal 6 Media TV</i>
18	16/05/2017	Javier Valdez Cárdenas	Assassination	Culiacán, Sinaloa	<i>Ríodoce / La Jornada</i>

19	14/04/2017	Maximino Rodríguez Palacios	Assassination	La Paz, Baja California	<i>Colectivo Pericú</i>
20	23/03/2017	Miroslava Breach Veldeuca	Assassination	Chihuahua	<i>La Jornada / Norte de Ciudad Juárez</i>
21	19/03/2017	Ricardo Monluí Cabrera	Assassination	Yanga, Veracruz	<i>El Político / El Sol de Córdoba</i>
22	02/03/2017	Cecilio Pineda Birto	Assassination	Pungarabato, Guerrero	<i>Las Noticias al Instante (his Facebook page)</i>
2016					
23	20/07/2016	Pedro Tamayo Rosas	Assassination	Tierra Blanca, Veracruz	<i>Freelance correspondent for El Piñero de la Cuenca / Al Calor Político</i>
24	26/06/2016	Salvador Olmos García	Assassination	Huajuapán, Oaxaca	<i>Radio Comunitaria Tuun Nuu Savi</i>
25	19/06/2016	Elidio Ramos Zárate	Assassination	Juchitán, Oaxaca	<i>El Sur Diario</i>
26	14/05/2016	Manuel Santiago Torres González	Assassination	Poza Rica, Veracruz	<i>Noticias MT</i>
27	25/04/2016	Francisco Pacheco Beltrán	Assassination	Taxco, Guerrero	<i>El Foro de Taxco / Pacheco Digital Taxco</i>
28	20/02/2016	Moisés Dagdug Lützw	Assassination	Villahermosa, Tabasco	<i>Radio XEVX "La Grande de Tabasco"</i>
29	09/02/2016	Anabel Flores Salazar	Assassination	Mariano Escobedo, Veracruz	<i>El Sol de Orizaba</i>
30	08/02/2016	Gonzalo Alberto Manzanillo Escobedo	Assassination	Mérida, Yucatán	<i>Por Esto !</i>
31	22/01/2016	Marcos Hernández Bautista	Assassination	San Andrés Huaxcaltepec, Oaxaca	<i>Noticias, Voz e Imagen de Oaxaca</i>
32	22/01/2016	Reinel Martínez Cerqueda	Assassination	Santiago Laollaga, Oaxaca	<i>Radiodifusora comunitaria El Manantial</i>
2015					
33	31/07/2015	Rubén Manuel Espinosa Becerril	Assassination	Ciudad de México	<i>Proceso / Cuartoscuro</i>
34	02/07/2015	Filadelfo Sánchez Sarmiento	Assassination	Miahuatlán, Oaxaca	<i>La Favorita 103.3 FM - La Voz de la Sierra Sur</i>
35	30/06/2015	Juan Atalo Mendoza Delgado	Assassination	El Tejar, Veracruz	<i>Escribiendo La Verdad : Auténtica tribuna de Veracruz</i>
36	26/06/2015	José Gerardo Hesiquio Nieto Álvarez	Assassination	Comonfort, Guanajuato	<i>Periódico El Tábano</i>

37	03/05/2015	Armando Saldaña Morales	Assassination	Tierra Blanca, Veracruz	<i>Radio La Ke Buena 100.9 FM - "La Grilla Punto y Debate"</i>
38	14/04/2015	Abel Manuel Bautista Raymundo	Assassination	Barrio de San Pedro Juxtlahuaca, Oaxaca	<i>Radio Spacio 96.1 FM</i>
39	24/02/2015	José Moisés Sánchez Cerezo	Assassination	Medellín, Veracruz	<i>La Unión... La voz de Medellín</i>
2014					
40	07/12/2014	Mario Alberto Crespo Ayón	Enforced disappearance	Mazatlán, Sinaloa	<i>UNO TV Noticias</i>
41	15/10/2014	María del Rosario Fuentes Rubio	Assassination	Reynosa, Tamaulipas	<i>Frequent #reynosafollow poster</i>
42	10/10/2014	José Antonio Gamboa Urías	Assassination	Ahome, Sinaloa	<i>Revista Nueva Era</i>
43	11/09/2014	Octavio Atilano Román Tirado	Assassination	Mazatlán, Sinaloa	<i>Radio Fiesta Mexicana - XHVOX-FM 98.7</i>
44	11/08/2014	Octavio Rojas Hernández	Assassination	Cosolapa, Oaxaca	<i>El Buen Tono</i>
45	05/02/2014	Gregorio Jiménez de la Cruz	Assassination	Coatzacoalcos Veracruz	<i>Diario NotiSUR</i>
2013					
46	17/07/2013	Alberto López Bello	Assassination	Oaxaca, Oaxaca	<i>El Imparcial de Oaxaca</i>
47	24/06/2013	Mario Ricardo Chávez Jorge	Assassination	Ciudad Victoria, Tamaulipas	<i>Periódico El Ciudadano</i>
48	24/04/2013	Daniel Alejandro Martínez Bazaldúa	Assassination	Saltillo, Coahuila	<i>Periódico Vanguardia</i>
49	03/03/2013	Jaime Guadalupe González Domínguez	Assassination	Ojinaga, Chihuahua	<i>Ojinaga Noticias</i>
50	22/01/2013	Sergio Landa Rosado	Enforced disappearance	Cardel, Veracruz	<i>Diario Cardel</i>
2012					
51	14/11/2012	Adrián Silva Moreno	Assassination	Tehuacán, Puebla	<i>Diario Puntual</i>
52	26/10/2012	Adela Jazmín Alcaraz López	Enforced disappearance	Río Verde, San Luis Potosí	<i>Canal 12 de San Luis Potosí</i>
53	15/10/2012	Ramón Abel López Aguilar	Assassination	Tijuana, B.C.	<i>Tijuana Informativo</i>
54	19/07/2012	Miguel Morales Estrada	Enforced disappearance	Poza Rica, Veracruz	<i>El Diario de Poza Rica</i>
55	21/06/2012	Zane Alejandro Plemmons Rosales	Enforced disappearance	Nuevo Laredo, Tamaulipas	<i>Freelance photographer</i>
56	14/06/2012	Víctor Báez Chino	Assassination	Xalapa, Veracruz	<i>Reporteros Policiacos / Milenio Portal</i>

57	14/05/2012	Federico Manuel García Contreras	Enforced disappearance	Municipio de Tanquián, San Luis Potosí	<i>El Punto Crítico</i>
58	02/05/2012	Esteban Rodríguez Rodríguez	Assassination	Veracruz, Veracruz	<i>Agencia Veracruz News / Diario AZ</i>
59	02/05/2012	Guillermo Luna Varela	Assassination	Veracruz, Veracruz	<i>Notiver</i>
60	02/05/2012	Gabriel Hüge Córdova	Assassination	Veracruz, Veracruz	<i>Notiver</i>
61	28/04/2012	Regina Martínez Pérez	Assassination	Xalapa, Veracruz	<i>Proceso</i>
62	18/03/2012	Marco Antonio Ávila García	Assassination	Ciudad Obregón, Sonora	<i>El Diario de Sonora</i>
2011					
63	08/03/2011	Noel López Olguín	Assassination	Jáltipan, Veracruz	<i>Noticias de Acayucan / La Verdad de Jáltipan</i>
64	24/03/2011	Luis Emanuel Ruíz Carrillo	Assassination	Monterrey, Nuevo León	<i>La Prensa de Monclova</i>
65	07/06/2011	Marco Antonio López Ortiz	Enforced disappearance	Chilpancingo, Guerrero	<i>Periódico Novedades</i>
66	20/06/2011	Miguel Ángel López Velasco	Assassination	Veracruz	<i>Notiver</i>
67	20/06/2011	Misael López Solana	Assassination	Veracruz	<i>Notiver</i>
68	13/06/2011	Pablo Ruelas Barraza	Assassination	Huatabampo, Sonora	<i>Diario del Yaqui y El Regional de Sonora</i>
69	01/07/2011	Ángel Castillo Corona	Assassination	Mpio. De Ocuilán, Edo. De México	<i>Diario Puntual / Diario de México</i>
70	26/07/2011	Yolanda Ordaz de la Cruz	Assassination	Veracruz, Veracruz	<i>Notiver</i>
71	04/08/2011	Humberto Millán Salazar	Assassination	Culiacán, Sinaloa	<i>Diario A Discusión</i>
72	17/09/2011	Gabriel Manuel Fonseca Hernández	Enforced disappearance	Acayucan, Veracruz	<i>El Mañanero de Acayucan</i>
73	25/09/2011	María Elizabeth Macías Castro	Assassination	Nuevo Laredo, Tamaulipas	<i>Diario Primera Hora</i>
2010					
74	08/01/2010	Valentín Valdés Espinosa	Assassination	Saltillo, Coahuila	<i>Periodico Zócalo</i>
75	16/01/2010	José Luis Romero	Assassination	Los Mochis, Sinaloa	<i>Línea Directa Radio</i>
76	30/01/2010	Jorge Ochoa Martínez	Assassination	Ayutla de los Libres, Guerrero	<i>Periódico El Sol de la Costa (Ayutla)</i>

77	01/03/2010	Miguel Ángel Domínguez Zamora	Enforced disappearance	Reynosa, Tamaulipas	<i>El Mañana de Reynosa</i>
78	12/03/2010	Evaristo Pacheco Solís	Assassination	Chilpancingo, Guerrero	<i>Semanario Visión Informativa</i>
79	02/03/2010	Jorge Rábago Valdez	Assassination	Reynosa, Tamaulipas	<i>Radio Rey (Tamaulipas)</i>
80	06/04/2010	Ramón Ángeles Zalpa	Enforced disappearance	Paracho, Michoacán	<i>Cambio de Michoacán</i>
81	20/04/2010	Evaristo Ortega Zarate	Assassination	Xalapa, Veracruz	<i>Semanario Espacio (Colipa)</i>
82	28/06/2010	Juan Francisco Rodríguez Ríos	Assassination	Coyuca de Benítez, Guerrero	<i>El Sol de Acapulco</i>
83	06/07/2010	Hugo Alfredo Oliveras Cartas	Assassination	Apatzingán, Michoacán	<i>La Voz de Michoacán</i>
84	09/07/2010	Marco Aurelio Martínez Tijerina	Assassination	Montemorelos, Nuevo León	<i>XEDD La Tremenda Radio de Montemorelos</i>
85	10/07/2010	Guillermo Alcaráz Trejo	Assassination	Chihuahua, Chihuahua	<i>Cameraman for the Comisión Estatal de Derechos Humanos (CEDH)</i>
86	16/09/2010	Luis Carlos Santiago Orozco	Assassination	Ciudad Juárez, Chihuahua	<i>El Diario de Juárez</i>
2009					
87	13/02/2009	Jean Paul Ibarra Ramírez	Assassination	Iguala, Guerrero	<i>Periódico Correo</i>
88	24/02/2009	Luis Daniel Méndez Hernández	Assassination	Tuxpan, Veracruz	<i>Radio La Poderosa 106.9</i>
89	03/05/2009	Carlos Ortega Melo Samper	Assassination	Santa María del Oro, Durango	<i>Periódico El Tiempo de Durango</i>
90	25/05/2009	Eliseo Barrón Hernández	Assassination	Torreón, Coahuila	<i>Milenio Diario</i>
91	12/07/2009	Martín Javier Miranda Avilés	Assassination	Zitácuaro, Michoacán	<i>Periódico Panorama (Michoacán)</i>
92	28/07/2009	Juan Daniel Martínez Gil	Assassination	Acapulco, Guerrero	<i>W Radio 96.9</i>
93	23/09/2009	Norberto Miranda Madrid	Assassination	Nuevas Casas Grandes, Chihuahua	<i>Radio Visión Casas Grandes</i>
94	11/10/2009	Fabián Ramírez López	Assassination	Mazatlán, Sinaloa	<i>Radio Magia 97.1</i>
95	02/11/2009	José Bladimir Antuna Vázquez García	Assassination	Ciudad Victoria, Durango	<i>Periódico El Tiempo de Durango</i>
96	11/11/2009	María Esther Aguilar Cansimbe	Enforced disappearance	Zamora, Michoacán	<i>Cambio de Michoacán / El Diario de Zamora</i>

97	24/11/2009	José Emilio Galindo Robles	Assassination	Ciudad Jalisco	Guzmán,	<i>Radio Universidad de Guadalajara</i>
98	22/12/2009	José Alberto Velázquez López	Assassination	Tulum, Roo	Quintana	<i>Diario Expresiones de Tulum</i>
2008						
99	05/02/2008	Francisco Ortiz Monroy	Assassination	Ciudad Tamaulipas	Camargo,	<i>Diario de México</i>
100	12/02/2008	Mauricio Estrada Zamora	Enforced disappearance	Apatzingán, Michoacán		<i>La Opinión de Apatzingán</i>
101	07/02/2008	Bonifacio Cruz Santiago	Assassination	Estado de México		<i>Periódico El Real (Chimalhuacán)</i>
102	27/02/2008	José Luís Villanueva Berrones	Assassination	Ciudad Tamaulipas	Victoria,	<i>El Gráfico de Tamaulipas</i>
103	07/04/2008	Felicita Martínez Sánchez	Assassination	San Juan Oaxaca	Copala,	<i>Radio comunitaria La Voz que Rompe el Silencio 95.7</i>
104	07/04/2008	Teresa Bautista Merino	Assassination	San Juan Oaxaca	Copala,	<i>Radio comunitaria La Voz que Rompe el Silencio 95.7</i>
105	23/06/2008	Candelario Pérez Pérez	Assassination	Ciudad Chihuahua	Juárez,	<i>Revista Sucesos</i>
106	24/09/2008	Alejandro Zenón Fonseca Estrada	Assassination	Villahermosa, Tabasco		<i>Radio EXA FM</i>
107	09/10/2008	Miguel Ángel Villagómez Valle	Assassination	Lázaro Michoacán	Cárdenas,	<i>La Noticia de Michoacán</i>
108	09/10/2008	David García Monroy	Assassination	Ciudad Chihuahua	Juárez,	<i>El Diario de Chihuahua</i>
109	13/11/2008	José Armando Rodríguez Carreón	Assassination	Ciudad Chihuahua	Juárez,	<i>El Diario de Juárez</i>
110	14/12/2008	Raúl Martínez López	Assassination	Poza Rica, Veracruz		<i>Periódico Noreste</i>
2007						
111	20/01/2007	Rodolfo Rincón Taracena	Enforced disappearance	Villahermosa, Tabasco		<i>Tabasco Hoy</i>
112	06/04/2007	Amado Ramírez Dillanes	Assassination	Acapulco, Guerrero		<i>Televisa</i>
113	16/04/2007	Saúl Noé Martínez Ortega	Assassination	Agua Prieta, Sonora		<i>Interdiario</i>
114	10/05/2007	Gerardo Paredes Pérez	Assassination	Monterrey, León	Nuevo	<i>TV Azteca Monterrey</i>
115	10/05/2007	Gamaliel López Candanosa	Assassination	Monterrey, León	Nuevo	<i>TV Azteca Monterrey</i>
116	08/12/2007	Gerardo Israel García Pimentel	Assassination	Uruapan, Michoacán		<i>La Opinión de Michoacán</i>

3. Details of 5 cases of journalists killed or disappeared

In many of the above-mentioned cases, investigations have been stagnating for several years : in some of them, 5 to 9 years have passed without any diligence. In most cases, Mexican investigators did not even consider the journalistic work of the victim as a lead, and never conducted actual searches for the masterminds or intellectual authors of crimes committed against journalists in the country.

In the two cases of disappeared journalists detailed hereinbelow, 8 to 9 years have elapsed without results. The five cases detailed hereinafter contain enough elements to consider that Mexican journalists have been assassinated or disappeared with the consent of Mexican authorities. In all these cases, there are also elements to believe that members of the organized crime were involved.

The cases detailed hereinafter occurred in two regions which are emblematic of the violence against journalists in Mexico : Michoacán, where the Mexican war against drug trafficking originated; Veracruz, one of the deadliest states for the press in the country. Between January 2000 and December 2018, RSF recorded 23 murders of journalists in Veracruz, which constituted 22.3% of the total of journalists murdered in the country during that period. During the six years former governor Javier Duarte de Ochoa was in office, about 40% of the cases of murdered or disappeared journalists in Mexico were recorded in the state of Veracruz, according to the data collected by RSF in its 2017 report on Veracruz²⁵.

The five cases detailed in this report have been selected to demonstrate that enforced disappearances and murders of journalists in Mexico are crimes that fall within the jurisdiction of the International criminal court, as part of a widespread and systematic attack committed against a civilian population with the consent or knowledge of the authorities and for which Mexican authorities have neither the will nor the capacity to investigate and punish.

Among the most emblematic cases of victims of this pattern are the cases of Gregorio Jiménez de la Cruz, Regina Martínez Pérez, Miguel Ángel López Velasco, María Esther Aguilar Cansimbe and Ramón Ángeles Zalpa ; here is the story of how journalists are dying in Mexico.

These five cases perfectly illustrate the pattern and policy behind the crimes : in order to prevent journalists from reporting on malpractice or collusion between politicians and members of the cartels, investigative journalists or crime reporters are first constantly pressured and threatened to death, and those who dare to carry on their journalistic activity are then killed or disappear for their articles on drug trafficking and/or corrupt politicians.

²⁵ RSF. *Veracruz: Journalists and the State of Fear*, 30 January 2017 - [online] Available at: <https://www.refworld.org/docid/589343e04.html> - Accessed 5 March 2019

1) Miguel Ángel López Velasco

Miguel López was a prominent columnist and the deputy editor for the Events section of Veracruz daily *Notiver*. On June 20, 2011, López, along with his wife and son were killed by unidentified assailants who broke into their home of Playa Linda (Veracruz) around 5:30 a.m.

López, also known by his pen name “Milo Vela”, had written columns addressing politics, security issues and general interest topics, and was the editor of *Notiver*’s police section called *Va de Nuez*. In addition to that, he was the author of a book entitled *Masacre en el Llano de la Víbora*, in which he depicts in detail the killing of federal agents and judicial police officers by members of the Mexican army during a drug-related shootout in November 1991. A few days before the killing, he had written a column about local drug trafficking. According to some journalists, the assassination could be retaliation for this very same column.

López’s son, Misael López Solana, killed along with his parents, also happened to work for *Notiver*. As a photographer for the Veracruz daily, he had covered the campaign of Miguel Ángel Yunes, former PAN candidate running for governor in Veracruz.

Notiver, which employed both Miguel and Misael López at the time, is known for having the largest newspaper circulation in this part of Mexico and for its *nota roja* style, a type of journalism which focuses almost exclusively on stories involving physical violence occasioned by robbery, murder, tragic accidents, executions and natural disasters. Even though *nota roja* stories often focus on blood and gore, they also include stories related to organized crime, especially drug trafficking. For this reason, *Notiver* journalists continue to be pressured and threatened on a regular basis.

A few days after the killing, under national and international pressure, the Attorney General’s Office (AGO) for the state of Veracruz designated Mexican drug lord Juan Carlos Carranza Saavedra (a.k.a “El Ñaca”) as the alleged intellectual author of the crime. However, the Prosecution has not investigated on the threats received by Miguel López a month prior to the killing, and which - according to the victim’s family - came from Luis Rosas Duarte, commander of the Mexican Public Security’s Division of Criminal Investigation at the time, and nephew of the then Veracruz Governor Javier Duarte de Ochoa, who had been the subject of a column from Miguel López entitled “*Primo incómodo*” (“*an embarrassing cousin*”).

Carranza Saavedra, leader of the *Jalisco Nueva Generación* cartel and the alleged mastermind behind Miguel López’s assassination, was later killed in a shootout with members of the Mexican Navy in Zapopan (Jalisco) on May 13, 2018.

In March 2016, UNESCO asked the Mexican government for information about 58 murders of journalists committed in Mexico. In the case of Miguel López, the

government only responded that two preliminary investigations²⁶ from the FEADLE were ongoing.

Despite this response from the Mexican government, the fact remains that there has been no effective investigation, nor conviction in this case to date.

2) Regina Martínez Pérez

Regina Martínez Pérez was the Veracruz correspondent for *Proceso*, a renowned weekly newspaper based in Mexico City, with a particular focus on politics and social issues. On April 28, 2012, she was strangled to death at her home in Xalapa (Veracruz).

Her body was found in her bathroom with signs of beating around her face and ribs and strangulation. Her home was also robbed. Martínez's family was not allowed to see her entire body.

She was known for her in-depth reporting on drug cartels and the links between organized crime and government officials. A few days before her assassination, she had published information on the arrest of nine police officers who were allegedly implicated in drug trafficking. In the week before her murder, she also covered the arrest of an allegedly high-ranking leader of the *Zetas* drug cartel, and the story of a local mayor who was arrested with other alleged cartel gunmen after a shootout with the Mexican Army.

Proceso has alleged Martínez was most likely to have been killed for her critical reporting on state officials.

In April 2013, *Proceso* reported a plot by officials in the government of Veracruz to harm Jorge Carrasco, senior editor with the magazine, who had reported extensively on Martínez's murder. While he had to go into hiding with federal government protection following this, the Veracruz state Attorney general office (AGO) wrote a letter to *Proceso* in which it called the accusations "unfounded".

In a public media statement dated October 30, 2012, the Veracruz state Attorney general (AG) designated petty criminals Jorge Antonio Hernández Silva (a.k.a "El Silva") and José Adrián Hernández Domínguez as perpetrators of the crime. Shortly afterwards, the state AG announced that "El Silva" had confessed and that robbery was the motive. Nevertheless, in his first court appearance, "El Silva" claimed he had been tortured and his family threatened if he did not make a false confession. Even though he was convicted and sentenced to 38 years in prison by the Third Judicial District Court of Xalapa in April 2013, he was released in August 2013 after judges voted to vacate the sentence. His co-accused is still at large.

²⁶ 129/FEADLE/2011 and 130/FEADLE/2011

In order to reverse the release, Martínez's brother²⁷ appealed the decision.

In June 2014, on appeal, the Fourth Collegiate Criminal Court of Xalapa ordered the State Superior Court of Justice to resume prosecution of "El Silva" in this case for the crimes of homicide and robbery. The latter one was apprehended in October 2014 and was sentenced to 31 years of prison.

However, the journalistic work of the victim was not considered as a lead in the investigation, and the authorities focused solely on the alleged direct perpetrators leaving aside the search for the intellectual author for this crime. Consequently, despite a response from the government, there has been no effective complete investigation in this case to date and the masterminds of this crime remain at large.

3) Gregorio Jiménez de la Cruz

Gregorio Jiménez was a crime reporter for Coatzacoalcos dailies *NotiSur* and *Liberal del Sur*. On February 5, 2014, he was abducted after dropping his children off at school. On February 11, 2014, his body was found buried along with two other people in Las Choapas, Veracruz.

Jiménez was intercepted at his home of Coatzacoalcos by a group of armed men. After one of the assailants shouted "*That's him, that's the photographer!*", one of the men threatened him with a knife, while another one pointed a gun at him. He was then forced into a car and taken to an unknown direction.

The abductors tried to take Jiménez's camera, but before being taken away Jiménez managed to throw it in his house. According to a later independent observation mission by journalists and NGOs (among which RSF), one of the reasons for this crime could be a picture taken by Jiménez in 2013 and published in *Notisur et Liberal del Sur*, which showed three abducted people and their kidnapers in a 'casa de seguridad', a secret hiding place. This information, given by Jiménez's wife, was never investigated.

About a week later, his body was found buried in the city of Las Choapas, Veracruz. One of the two bodies found next to his belonged to Ernesto Ruiz Guillen, an abducted union leader whose disappearance had been reported by Jiménez.

For twenty years, Jiménez had worked as an event photographer, and he had spent the last five years of his life as a *nota roja* journalist. During his time as a police reporter for *NotiSUR* and *Liberal del Sur*, he had reported on local abductions and violence toward migrants. As part of his investigation into violence against migrants, he had written an article about the kidnapping of two migrants at a local bar, which some believe might be the cause for his abduction.

²⁷ Ángel Alonso Martínez

Under international pressure, the Attorney general office for the state of Veracruz admitted that Jiménez's case was "obviously related to his journalistic work"²⁸.

In February 2014, six suspects - which included both the alleged perpetrators and alleged masterminds in Jiménez's case - were arrested and detained in Coatzacoalcos' prison. Four years after the events and the trial of these six accused, there has been no conviction : all suspects have been acquitted and those who ordered the crimes remain at large.

In March 2016, UNESCO asked Mexican authorities for information regarding 58 murders of journalists committed in Mexico, including Jiménez's. The FEADLE's office responded it was conducting a preliminary investigation in this case. Nevertheless the FEADLE's office indicated that it had appealed a Veracruz District Court's decision to reject its demand for arrest warrants, and that it was now waiting for this appeal to be solved.

Despite a response from FEADLE, there has been no effective investigation, nor conviction in this case to date.

4) María Esther Aguilar Cansimbe

María Aguilar was a reporter who covered stories of crime and corruption for regional news outlets in the state of Michoacán, including the Zamora-based daily *El Diario de Zamora* and the regional daily *Cambio de Michoacán*. She disappeared on November 11, 2009. She was last seen leaving her home in Zamora to cover a local event of the civil defense organization nearby after receiving a cell phone call.

On October 27, 2009, she published an article focusing on the abuse of power of the then Police and Traffic Director for Zamora, Lieutenant Jorge Arturo Cambroni, who was relieved of his duties shortly after the release of the article. A couple of months before that, she had published information regarding the detention of members of the *La Familia Michoacana* drug-cartel.

According to her family, in response to this article, she was approached and intimidated in a restaurant in Zamora, by a group of individuals who asked to publish certain information in exchange for money, which she refused to do.

In addition to these two articles, she had also covered the Mexican Army's raid on a ranch in Ecuandureo (Michoacan), where the son of former Tangancicuaro Mayor was arrested.

²⁸ Excelsior. "Aporta PGJ pruebas contundentes que esclarecen el homicidio de Gregorio Jiménez", 28 May 2014 - [online] Available at: <https://www.excelsior.com.mx/nacional/2014/05/28/961900> - Accessed 5 March 2019

In 2015, RSF wrote to the UN Working Group on Enforced or Involuntary Disappearances in order to have the authorities pressured to resume investigations in the case of María Aguilar. The investigation resumed and is now continuing with the integration of both the FEADLE and the Attorney general office for the state of Michoacan, but has not achieved any results yet. This year will mark the 9th anniversary of the disappearance of Aguilar.

María Aguilar's husband, David Silva, told the organization *Committee to Protect Journalists* (CPJ) that the influence of the cartels in Zamora was so strong he did not have faith in police to determine what happened. "*With most of the police here you don't know who you're talking to--a detective or a representative of organized crime*" he said.

5) Ramón Ángeles Zalpa

Ramón Ángeles was a part-time correspondent for the newspaper *Cambio de Michoacán*. He disappeared on April 6, 2010. He was last seen leaving his home to go to the National University of Pedagogy in Mexico City, where he worked as a professor.

As a general assignment reporter for *Cambio de Michoacan*, he did not routinely cover sensitive stories. However, prior to his disappearance, the journalist covered an attack committed by an armed group related to organized crime on a local indigenous family between the cities of Angahu and San Juan Nuevo Parangaricutiro, in the state of Michoacán.

According to the victim's son, the journalist received an anonymous phone call two days before he vanished. Ramón Ángeles did not disclose details of the call and never mentioned having any enemies or fear, according to his son.

In April 2018, eight years after the disappearance of Ángeles, the missing-person investigation of the Michoacan Attorney General had still produced no results, just like the investigation on this case led by the FEADLE since 2012. The FEADLE, as of February 2019, still has not tried to get in contact with Ramón Ángeles' family. No leads have been disclosed to date, no information shared with the victim's family.

Despite an investigation led by FEADLE since 2012, there has been no effective investigation, nor conviction in this case to date.

2. Crimes against humanity are committed against journalists in Mexico

In order to have jurisdiction over the crimes of enforced disappearance and murder committed against journalists in Mexico between 2006 and 2018, one needs to verify that the Court does have jurisdiction *ratione materiae*, *ratione loci* and *ratione temporis*.

The Rome Statute entered into force on 1 January 2006 in Mexico, pursuant to article 126 of the Statute. The facts described in this communication refer to crimes committed on the territory of Mexico by Mexican nationals between 2006 and 2018, i.e. after the Statute entered into force in the country.

The information presented herein relates to the commission of crimes falling within the jurisdiction of the court committed against journalists throughout Mexico between 2006 and 2018. It is believed that these acts were mainly carried out by or with the consent or knowledge of Mexican authorities as part of a policy of carrying out such crimes in order to silence critical voices against the endemic corruption that has been affecting Mexico for decades.

RSF and Propuesta Civica (CIC) have documented and analysed evidence that crimes against humanity of murder and crimes against humanity of enforced disappearance have been committed against a civilian population, namely the journalists, on the territory of Mexico since 2006.

In many cases described in this communication, unidentified perpetrators killed one or more persons as a part of a widespread or systematic attack directed against a civilian population with knowledge or intent that this conduct be part of such attack, which constitutes the crime against humanity of murder.

In other numerous cases referred to in this communication, unidentified perpetrators abducted one or more persons and purposely omitted to give information on the fate or whereabouts of the abductee(s). Such abductions were carried out by or with the acquiescence of Mexican authorities, and the perpetrators intended to remove the abductee(s) from the protection of the law for a prolonged period of time. Moreover, these abductions were committed as part of a widespread or systematic attack directed against a civilian population, with the knowledge or intent that this conduct be part of such attack. Therefore,

these abductions constitute the crime against humanity of enforced disappearance.

1. Existence of an attack against a civilian population

An attack, for purposes of crimes against humanity, is the course of a conduct that involves the commission of acts of violence. According to article 7(2)(a) of the Rome Statute, it is “a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population”. According to the Elements of Crimes under the Rome Statute, it is not necessary that this be a military attack.

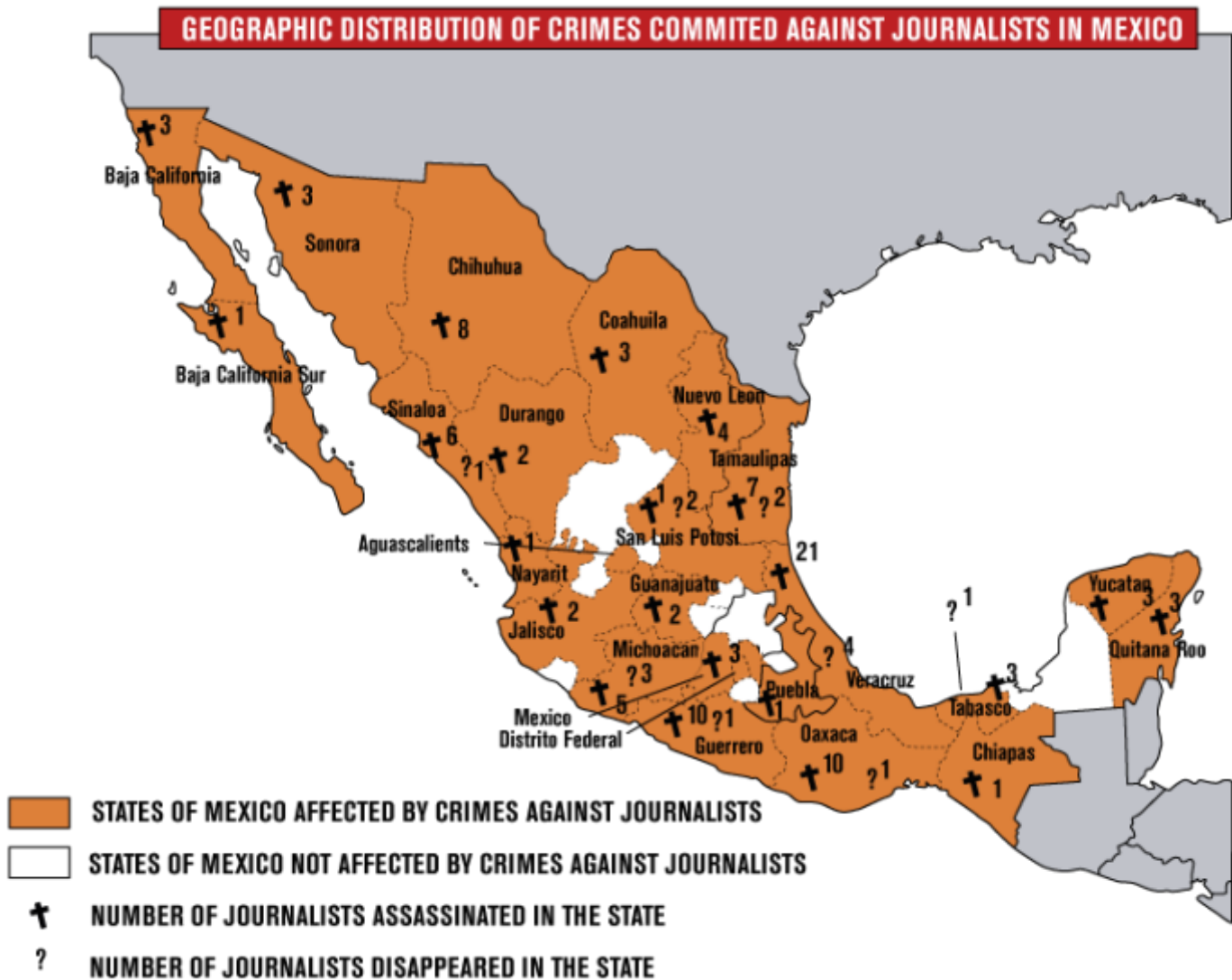
The attack has to be directed against the civilian population. For such purposes, it is not necessary that the entire civilian population in a geographic area be the objective of the attack, but only that they are the main target and not merely an accidental victim. Civilian population is understood to be civilians who are not members of the armed forces or other actors to whom international humanitarian law recognizes as having the status of a combatant. In this aspect, journalists shall be regarded as civilians, as they do not take part in hostilities.

Multiple crimes of murder and enforced disappearance are carried out in Mexico by or with the consent of security forces. Security forces either committed these crimes directly, or have contributed to the commission of these crimes, through joint participation with state or federal officers and/or even members of drug-cartels, or through the facilitation of resources. The examples contained in this communication are just a sample of crimes committed as part of a widespread and systematic attack as defined by Article 7(2)(a) of the Rome Statute, as we will demonstrate in the following paragraphs.

These actions were directed against journalists operating in Mexico - specifically those investigating on stories of crime, drug trafficking, corruption, malpractice and other related stories. Most of the victims had released articles or investigated on information sensitive for politicians, security forces and drug-cartels.

Their ability to disclose information that would have harmed the aforementioned people, as well as their vulnerability, made them a priority target for corrupt public servants, politicians and the cartels. They were clearly targeted as journalists. They were not incidental victims, nor collateral victims of State actions within Mexico's war on drugs.

2. The widespread nature of these attacks



In the context of International Criminal Law, the adjective “widespread” refers to the attack being conducted on a large scale as well as to the high number of victims it caused²⁹.

As the cases indicated in this communication show, the attack against journalists in Mexico caused a high number of victims, amounting to at least 102 murders and 14 disappearances during the time period referred hereinafter.

²⁹ ICTY, Prosecutor v. Jadranko Prlić, Case No. IT-04-74-T, Judgement (TC), 29 May 2013, paras. 41-42 ; See also ICTY, Prosecutor v. Dario Kordić and Mario Čerkez, Case No. IT-95-14/2-A, Appeal Judgement, 17 December 2004, para. 94. ; See also ICTY, Prosecutor v. Tihomir Blaškić, Case No. IT-95-14-A, Appeal Judgement, 29 July 2004, para. 101; See also ICTY, Prosecutor v. Dragoljub Kunarac et al., Case No. IT-96-23 & IT-96-23/1-A, Appeal Judgement, 12 June 2002, para. 94

Moreover, regarding the “large scale” criterion, this attack has affected 23 of the 31 states of Mexico, which represents around 90% of Mexico’s territory. In other words, the entire country is plagued with crimes against journalists.

These figures, which are only similar to those recorded in war zones, put Mexico at the first rank of the deadliest country at peace for journalists, with 10 journalists murdered and 1 enforced disappearance in 2018. Such figures are to be compared to those found in Afghanistan, where 15 journalists and media workers were murdered in 2018, or in Syria, with 11 journalists killed in the conflict for the same year.

Consequently, it is clear that the attack referred in this communication was conducted on a large scale and caused a high number of victims.

3. Systematic attacks committed in furtherance of a State policy

In the context of International Criminal Law, it is well established that “systematic” refers to “the organised nature of the acts of violence and the improbability of their random occurrence.” Patterns of crimes – that is the non-accidental repetition of similar criminal conduct on a regular basis – are a common expression of such systematic occurrence.³⁰

Only the attack, not the individual acts of the accused, must be widespread or systematic. Moreover, the acts of the accused need only be a part of this attack, and all other requirements being met, a single act or relatively limited number of acts by that person would be characterised as a crime against humanity, unless those acts may be said to be isolated or random.³¹

The systematic character of an attack can be proven by “(the) organized nature of the acts of violence and the improbability of their random occurrence;”³² by the existence of a landscape of crimes that demonstrates the deliberate and regular repetition of similar criminal behaviors;³³ where there exists a pattern of crimes whose similarity is not accidental;³⁴ and where there are elements that speak to its organized nature, its regular pattern, its execution based on a common policy, and/or the use of public or private resources.³⁵

³⁰ *ibid.*

³¹ *ibid.*

³² ICC-01/04-01/07-3436, The Prosecutor v. Germain Katanga, Judgment pursuant to article 74 of the Statute, 7 March 2014, para. 1123.

³³ *ibid.*

³⁴ ICC-01/09-19, PTC II, Situation in the Republic of Kenya, Decision pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation in the Situation in the Republic of Kenya, 31 March 2010, para. 96

³⁵ *ibid.*

The cases documented in this communication clearly show a landscape of crimes that were deliberately repeated in similar situations and on a similar category of victims which indicted the improbability of their random occurrence or fortuity.

Since 2006 and the beginning of Mexico's "war on drugs", widespread and systematic attacks have led to murders, torture and enforced disappearances of civilians. Among the victims of these crimes constitutive of crimes against humanity, Mexican journalists have been targeted as a specific group among the civilian population, because of their activity, both by the Mexican forces and members of the drug cartels.

The attacks committed against journalists were neither isolated, nor random, and happened to share common features. First of all, Mexican journalists or journalists operating in Mexico were clearly targeted due to the fact that they were in a position to speak out on the crimes committed throughout the country, on the scandals of corruption and the alarming level of collusion between public servants and drug cartels at various levels. Second, the regularity in the commission of these crimes against journalists (with an average of 8 murders and 1 enforced disappearance per year between 2007 and 2018) in Mexico discredits the thesis of an addition of isolated and random attacks. The systematic failure to act by the authorities to punish the authors of these crimes, as shown by the level of impunity, is a third common features.

The improbability of their fortuitous nature is highlighted by the fact that some of the victim's bodies were found with a note aimed at sending a clear warning to those who denounce and report on the criminal activities that have been plaguing the country for decades. In the vast majority of the cases recorded in this report, the alleged authors of the crimes (when identified) belonged to drug cartels which are well-identified by the Mexican authorities. Therefore, the randomness of these attacks is more than unlikely.

On the contrary, our organizations are of the view that these attacks were planned to instil a climate of fear among the entire population, but in particular among journalists, in order to maintain an *omertà* on matters of collusion and corruption (i.e.) which - if broken - could have severely impact the activities of both corrupt public servants and drug cartels.

Consequently, there has been a deliberate and systematic failure to act from Mexican authorities, which is clearly revealed by elements such as the investigators' habit to keep aside the lead of journalistic work of the victim in many cases, the inability to identify the intellectual authors of these crimes, or the lack of means dedicated to the FEADLE and its absence of results (resulting in a 99.14% record failure rate for assassinations and enforced disappearances of journalists).

Such a level of impunity, despite a well-identified targeting of journalists by drug cartels, show a deliberate failure to act, which may even amount to complicity.

Moreover, the fact that many of the state governors - who were responsible in first place for launching investigation efforts on these crimes - were implicated in scandals of corruption and, for some of them, even threatened journalists in the past, gives credence to such hypothesis.

At the very least, Mexican authorities could not ignore that such specific crimes were being committed on national territory, and the deliberate failure to act demonstrates that Mexican authorities do not and did not have the will to take action to prevent or punish them. This deliberate failure to act indicates a conscious encouragement of crimes against humanity committed against journalists operating in Mexico.

Therefore, the attack shall be deemed systematic.

In light of what is established by Article 7 of the Rome Statute, a necessary component of crimes against humanity is that the criminal conduct forms part of a widespread or systematic attack against the civilian population, "pursuant to or in furtherance of a State or organizational policy to commit such attack".

In accordance with the Elements of Crimes, it is understood that a finding of a policy to commit this attack requires that the State or organization "actively promote or encourage such an attack against a civilian population."³⁶

Additionally, it is required that the policy be implemented through the action of the State or organization, although in exceptional purposes it can be demonstrated by a deliberate failure to act that indicates a conscious encouragement an act of that type, which cannot be found exclusively based on the organization or government's failure to act.³⁷

The Pre-Trial Chamber of the ICC has interpreted that the requirements of this policy imply that the attack would follow a regular pattern, and that it may be implemented by a group of persons who govern a specific territory or by an organization that has the capacity to commit a generalized or systematic attack against the civilian population, and while that plan does not have to be formalized, it should be planned, directed, or organized and not spontaneous or made up of isolated acts of violence³⁸.

It is our organizations' view that this widespread and systematic attack against journalists (a civilian population) was committed in furtherance of a policy on the part of Mexican authorities to commit such attack. By this, we aim at demonstrating that Mexican authorities - by their constant inaction to stop the

³⁶ ICC. Elements of Crimes. Article 7, 2011 - para. 3 - p. 5

³⁷ ICC. Elements of Crimes. Article 7, 2011 - (Footnote n°6) - p. 5

³⁸ ICC- ICC-01/05-01/08, Pre-Trial Chamber III, The Prosecutor v. Jean-Pierre Bemba Gombo, Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, June 15, 2009, para. 81. See also ICC-01/04-01/07-717, Pre Trial Chamber I, The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, Decision on the confirmation of Charges, September 26, 2008, para. 396

rise of impunity for these crimes - actively encouraged this attack : as shown above, the attack followed a regular pattern and cannot be regarded as the sole addition of isolated acts of violence. The fact that these crimes are committed by cartels, or security forces, who “govern a specific territory” and have “the capacity to commit a generalized or systematic attack against the civilian population” has also been demonstrated above. The organized and non-spontaneous character of these crimes can be inferred from the systematic failure to act by the authorities, the link of whom with organized crimes has been demonstrated above. As provided by the Elements of Crimes in exceptional purposes, Mexican authorities’ systematic and deliberate failure to act indicates a conscious encouragement to pursue the perpetration of crimes against journalists.

From the scale of the crimes committed against journalists, their systematic character, the fact that journalists killed or abducted were all investigating on drug-related or police-related subjects in a context of close connection between public authorities and organized crime, the serious lack of means to investigate those crimes which demonstrates an absence of will to do so, and the systematic failure by the authorities to punish their authors, can be inferred a policy on the part of the Mexican authorities to silence investigative journalists in the country.

At the very least, Mexican authorities could not ignore that such specific crimes were being committed on national territory, and the deliberate failure to act demonstrates that Mexican authorities do not and did not have the will to take action to prevent or punish them.

Therefore, in view of all these elements, the Court appears to have jurisdiction *ratione materiae* over the situation described in this communication.

3.Domestic justice is unable, unwilling: the situation is admissible before the ICC

The present request shall be deemed admissible before the ICC, with regard to the criterion of complementarity and the gravity threshold.

A. Complementarity

Since 2006, Mexico is faced with an issue of endemic violence against journalists. The vast majority of cases of crimes committed against journalists remain unsolved or have not yet led to the arrest of suspects, although the facts sometimes date back about ten years, as demonstrated in the detailed cases. The country is faced with an almost total impunity for crimes committed against journalists.

Although former President Vicente Fox (2000-2006) had decided to create special mechanisms to provide concrete responses to this dramatic situation, and established a special prosecutor for crimes committed against journalists, the situation has not improved since then, even with the later creation of the Special prosecutor for crimes against freedom of expression (Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión - FEADLE). Indeed, the latest figures provided by the Mexican Attorney general office demonstrated a record failure rate of 99.14% to effectively investigate and prosecute these crimes in the country.

Moreover, journalist Cándido Ríos Vázquez, correspondent of the *El Diario de Acayucan* regional newspaper and editor of local newspaper *La Voz de Hueyapan*, who was under protection measures since March 2017 by the Federal Mechanism for Protecting Human Rights Defenders and Journalists, a programme attached to the interior ministry, was nevertheless gunned down in the street in the city of Hueyapan de Ocampo, in the state of Veracruz, on 22 August 2017. This tragedy confirmed the urgent need for the federal authorities to overhaul the mechanisms for protecting journalists.

Since its inception, the FEADLE has only achieved four convictions³⁹. The ability of the institution to undertake investigations independent of the state authorities is more effective on paper than in practice, according to many journalists and press freedom groups. The FEADLE lacks the necessary personnel, funding and political will to deal quickly and effectively with the complaints it receives. When it finally prepares cases and takes them to court, they are only too often rejected by the judge on the grounds of being legally flawed.

The tragic record of a 99.14% failure rate for investigations and convictions in assassinations and enforced disappearances of journalists reflects these poor results. In addition to that, despite being capable of independently deciding to

³⁹ Centro de Investigación y Capacitación Propuesta Cívica. *Justicia ausente : Diagnóstico Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión*, October 2018, Mexico - [online] Available at: <http://files8.webydo.com/93/9388573/UploadedFiles/8F9A2E54-14EB-AFD7-65AC-83726CE20B84.pdf> Accessed 5 March 2019

undertake an investigation if it deems it necessary, the FEADLE continues to wait for journalists to report attacks to its services⁴⁰.

Similarly, while the country is still as deadly - if not more so - for journalists, and unsolved crimes are on the rise, President Peña Nieto's administration decided to leave the FEADLE almost without resources at the end of its term. In 2018, the total FEADLE's budget amounted to 17,989,600 Mexican pesos⁴¹ (hardly one million US\$), whereas it was of almost 40,000,000 in 2014. Therefore not only the FEADLE has seen its resources cut by more than a half in 4 years, but its current budget is far from being sufficient in view of the severity of the situation, the amount of unsolved cases and the number of new cases each year.

Despite special mechanisms dedicated to preventing and sanctioning crimes against journalists, the record rate of impunity enjoyed by those responsible for these crimes, the lack of funding and the staffing constraints encountered by the above-mentioned mechanisms demonstrate that Mexican authorities are unwilling to carry out genuine proceedings.

Moreover, albeit shocking and unacceptable, this lack of willingness to genuinely prosecute the perpetrators of crimes against journalists also can be understood in part by the collusion between political authorities, judicial authorities and the police, with the latter one being primarily responsible for the violence against journalists⁴².

Impunity for the authors of crimes against journalists benefits primarily to those journalists intended to denounce in their reporting. As RSF put it in its 2017 report on Veracruz: *"The countless cases of corruption and collusion between police and judicial officials, which are especially visible at the local level, fuel the vicious cycle of impunity. Investigators are directly linked to the police officers – the principal agents of violence against journalists – and are close to local government officials, who are themselves close to judicial officials."*⁴³

⁴⁰ Committee to Protect Journalists. 'No Excuse' Report, May 2017 - [online] Available at: <https://cpj.org/x/6c8a> - Accessed 5 March 2019

⁴¹ PGR-FEADLE. *Presupuesto total asignado a la Fiscalía*, 2018 - [online] Available at: https://www.gob.mx/cms/uploads/attachment/file/285954/Presupuesto_FEADLE_2018.pdf - Accessed 5 March 2019

⁴² RSF. *Veracruz : Journalists and the State of Fear*, 30 January 2017 - p. 24 - [online] Available at: https://rsf.org/sites/default/files/rapport_veracruz_fr.pdf - Accessed 5 March 2019

⁴³ *ibid.*

B. Sufficient gravity

With regard to the case-law and practice of the ICC, and more specifically to the Regulations of the Office of the Prosecutor (OTP), the so-called “gravity threshold” is assessed from both a “quantitative” and a “qualitative” viewpoint⁴⁴, and through four factors recognized as the appropriate legal criteria to determine the issue of gravity :

- scale of the crimes ;
- nature of the crimes ;
- manner of commission of the crimes ;
- impact of the crimes ;

Each criterion is met.

1. Scale of the crimes

Quantitatively, the crimes referred to in this communication have resulted in at least 102 deaths and 14 disappearances of journalists and media professionals between the moment former President Felipe Calderon assumed office in December 2006 and the end of Enrique Pena Nieto’s presidency, i.e. November 2018.

These figures are of exceptional gravity. First, because they are similar to those recorded in the world’s deadliest war zones; second, because crimes committed against journalists are not ordinary crimes: they are perpetrated to silence those who convey information, and without whom there can be no democratic debate, no accountability of political leaders and institutions, no voice given to those less heard. Therefore, the entire Mexican society as a whole should be taken into account as an indirect victims of these crimes.

Mexico is the deadliest country at peace for journalists, with 10 journalists murdered and 1 enforced disappearance in 2018 according to the data collected by RSF. This is an exceptionally high total for a country at peace, as these figures are only found in war zones: in Afghanistan, where 15 journalists and media workers were murdered in 2018, or in Syria, with 11 journalists killed in the conflict for this year. Mexico's figures are even higher than those recorded in Yemen, another country plunged into the horror of war, the situation of which has been described by the UN as the “worst humanitarian crisis in the world” and where eight journalists were killed in 2018.

⁴⁴ ICC, Situation on the Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia (ICC-01/13-34) Pre-Trial Chamber I (16 July 2015), para. 21.

It must also be noted that these crimes have affected 23 of the 31 states of Mexico, which represents around 90% of Mexico's territory. The entire country is plagued with violence against journalists.

Consequently, the crimes referred in this communication are of a sufficiently high scale to meet the gravity threshold for an ICC investigation.

2. Nature of the crimes

The cases described in this communication include numerous crimes of murder and enforced disappearance, which, by the intimidating effect they purposely have on the whole society, the chilling effect they wilfully cause to the exercise of fundamental rights such as freedom of expression and information, the terror they intend to impose on journalists, the continuous pain they cause to the relatives of the victims (who cannot know the whereabouts of their kin, or are faced with impunity), are of such a nature they meet the gravity threshold necessary for the Prosecutor of the ICC to open a preliminary investigation.

3. Manner of commission of the crimes

The gravity threshold is also met with regards to the manner of commission of these crimes.

It appears from the circumstances of the crimes referred in this communication, that in operating openly and in committing these crimes with a particular degree of cruelty, the perpetrators intended to have a deterrent effect on journalists and media professionals.

Indeed, numerous journalists have been killed or abducted in public or in broad daylight in Mexico since December 2006.

Examples include :

- José Guadalupe Chan Dzib was shot and killed in a bar in the city of Sabán on June 29, 2018
- Javier Valdez Cárdenas, pulled from his car and killed in broad daylight near his his office in Culiacán on May 15, 2017
- Rubén Pat Caiuch, shot to death as he was exiting a bar in the coastal resort city of Playa del Carmen on July 24, 2018.
- Juan Carlos Huerta Martínez, shot on May 15, 2018 after unidentified armed men in a SUV blocked his car, forcing him to stop.
- Carlos Dominguez Rodriguez, stabbed 21 times by two men who approached his vehicle after he stopped at a traffic light in the afternoon of January 13, 2018.
- Pedro Tamayo, shot in front of his wife outside their home in Tierra Blanca, Veracruz on July 20, 2016.

- Edwin Rivera Paz, who was and shot by armed men, killing him in cold blood in the middle of a street in broad daylight on July 9, 2017.

In other cases, the perpetrators intended to deposit the body of assassinated journalists with ostentation, in order to terrorize the public. The most horrifying example in this category is probably the case of María Elizabeth Macías, a blogger for *La Primera Hora* who used to report on social networks about organised crime in the Nuevo Laredo region, and who was decapitated, with her head placed on top of the well-known Christopher Columbus Monument, in a busy section of Nuevo Laredo.

The fact that some of the victims were well-known journalists (nationally or locally) confirms that the authors of these crimes wanted to seed psychosis among the Mexican audience, to induce terror through these crimes. RSF believes that prominent journalists such as Javier Valdez, Juan Carlos Huerta or Miroslava Breach were also targeted in order to make an example.

The degree of cruelty of some of these crimes also demonstrates that they are of sufficient gravity for the ICC Prosecutor to open an investigation :

In addition to the case of María Elizabeth Macías, decapitated with her head exposed atop a statute, one must also remember the case of Rubén Espinosa, whose body was found in an apartment with scars indicated he had been tortured before he was shot in the head.

Consequently, the crimes referred in this communication are of a sufficiently high scale to meet the gravity threshold for an ICC preliminary investigation.

4. Impact of the crimes

Journalists are playing an outstanding role in shaping public opinion and strengthening democratic society. They act as watchdogs in order to protect public interest against malpractice and create public awareness. Media have a prominent role in the fight against oppression and injustice, and in countries such as Mexico, where corruption has permeated almost all segments of society - greatly affecting the country's legitimacy, transparency, accountability, and effectiveness - media have an even greater responsibility.

As stated in the 2012 UN "Plan of action on the safety of journalists and the issue of impunity"⁴⁵, *"without freedom of expression, and particularly freedom of the press, an informed, active and engaged citizenry is impossible. In a climate where journalists are safe, citizens find it easier to access quality information and many objectives become possible as a result: democratic governance and*

⁴⁵ UNESCO, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, CI-12/CONF.202/6, 2012, paras. 1-5 to 1-6, p. 1 - [online] Available at: https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf - Accessed 5 March 2019

poverty reduction; conservation of the environment; gender equality and the empowerment of women; justice and a culture of human rights". The plan of action further states that "the safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights. Freedom of expression is an individual right, for which no one should be killed, but it is also a collective right, which empowers populations through facilitating dialogue, participation and democracy, and thereby makes autonomous and sustainable development possible."

The UN Security Council, in its resolution 2222⁴⁶ on the protection of civilians in armed conflicts, dated 2015, also affirmed *"that the work of a free, independent and impartial media constitutes one of the essential foundations of a democratic society".* The UN General Assembly as well recognized *"the relevance of freedom of expression and of free media in building inclusive knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance"*, and therefore urged UN member States to *"to do their utmost to prevent violence against journalists and media workers, to ensure accountability through the conduct of impartial, speedy and effective investigations into all alleged violence against journalists and media workers falling within their jurisdiction and to bring the perpetrators of such crimes to justice and ensure that victims have access to appropriate remedies"*⁴⁷.

When journalists disappear or are murdered, it is the rights and freedoms of each of its citizens, as well as the ability of the whole society to build an open and democratic political system that is weakened.

Crimes against journalists in Mexico have a chilling effect on journalists and media professionals, as they aimed at doing : the systematic and widespread characters of the attack, the particular degree of cruelty in some of these crimes, as well as the "warning notes" found near some victims' bodies on crime scenes are clear evidence demonstrating the perpetrators' intention to have a deterrent effect on journalists.

The circumstances of some cases perfectly illustrate the aim of the perpetrators :

- **Miroslava Breach**, a prominent crime correspondent for the national daily *La Jornada* who often covered corruption, political and social issues. On March 23, 2017, she was repeatedly shot in the head in front of one of her children. The gunmen left a note saying: *"Por lengüona"* (spanish for : "For being a loudmouth / a snitch").

⁴⁶ UN Security Council. Resolution 2222 on protection of journalists and the issue of impunity adopted by the Security Council, 27 May 2015, S/RES/2222 - [online] Available at: <http://unscr.com/en/resolutions/doc/2222> - Accessed 5 March 2019

⁴⁷ UN General Assembly. The safety of journalists and the issue of impunity : Resolution adopted by the General Assembly, 11 February 2015, A/RES/69/185 - [online] Available at: <https://undocs.org/A/RES/69/185> - Accessed 5 March 2019

- **Víctor Báez**, a well-known reporter for the state digital edition of the national newspaper *Milenio* who mainly covered crime-related stories. Three armed men abducted him in the middle of the night, and his body was recovered on the morning of June 14, 2012 near the main square in Xalapa, capital of the state of Veracruz. According to a statement published by the state AGO, a note had been found with the journalist's body, saying :

*"This is what happens to those who betray us and try to be clever.
Sincerely, Los Zetas"*

- **María Elizabeth Macías**, a blogger and managing editor for the Nuevo Laredo daily *La Primera Hora*, also known under her internet pseudonym *NenaDLaredo*, who denounced drug violence on social networks and websites. On September 24, 2011, she was found decapitated, with her head placed on top of a statute in a busy section of Nuevo Laredo, and a computer keyboard as well as a note left next to her body as a warning to others. According to media reports, the note - allegedly from the Zetas cartel - said⁴⁸:

*"Nuevo Laredo Live and [other] social networking sites, I'm the 'Nena de Laredo' and I'm here because of my reports, and yours. For those who don't want to believe it, this happened to me because of my actions, for believing in the army and the navy.
Thank you for your attention, respectfully. La 'Nena de Laredo'... ZZZZ."*

The Office of the ICC Prosecutor itself recognized that the impact of these crimes on the society as a whole can "be assessed in light of, inter alia, the sufferings endured by the victims and their increased vulnerability; the terror subsequently instilled, or the social, economic and environmental damage inflicted on the affected communities."⁴⁹

Precisely, the acts described in this communication have instilled terror throughout the Mexican society, specifically impacting journalists operating in the country : many Mexican journalists now feel the need to censor themselves and strongly consider fleeing the country in order to survive. In addition to consequences for the victims' families, these abhorrent crimes also have consequences for the entire Mexican society.

As the Mexican National Commission on Human Rights (CNDH) put it in its 2016 Report⁵⁰ :

⁴⁸ The Guardian. "Mexican journalist decapitated", 29 September 2011 - [online] Available at: <https://www.theguardian.com/media/greenslade/2011/sep/29/journalist-safety-mexico> - Accessed 5 March 2019

⁴⁹ ICC-OTP. *Policy Paper on Preliminary Examinations*. November 2013. Para. 65.

⁵⁰ Comisión Nacional de los Derechos Humanos. *Recomendación general n°24 sobre el ejercicio de la libertad de expresión en México*, §4 p.2, 8 February 2016 (translated freely from Spanish to English) - [online] Available at:

"The significant increase in the number of aggressions against journalists and media professionals reveals the risk the latter ones are currently facing in Mexico. The absence of public policies aiming at guaranteeing a safe journalism, free of any kind of intimidation, as well as the impaired action taken by the ministerial authorities in charge of investigating these attacks, contribute to making Mexico a country in which the exercise of the fundamental right to freedom of expression is violated."

Journalists in Mexico are now living and operating in a constant climate of fear, and in some states, such as Tamaulipas, very few journalists remain, and any kind of news now has to be based on the official statements and press releases from the government in order to avoid retaliation⁵¹.

Consequently, despite the victims being journalists, these crimes have impacted the entire Mexican society, which is being deprived of a free press to denounce abuses of power, human rights violations, corruption and other scourges to this very same society.

In light of the foregoing, the facts contained in this communication meet the criteria defined by the Office of the Prosecutor regarding gravity, taking into account the scale, the nature, the impact, and the manner of commission of the crimes.

Conclusion

Journalists in Mexico suffer the perpetration of what our organizations believe amount to crimes against humanity as defined under article 7 of the Rome Statute on the International criminal court. The global impunity rate for such crimes from 2006 to 2018 arises to 99,14% according to official figures. The inability or unwillingness of domestic authorities to not only investigate, prosecute but also punish and repair, in accordance with international standards, is beyond any doubt.

For these reasons RSF decided to formally trigger the ICC prosecutor by mean of an official "communication" in accordance with article 15 of the Rome statute and recommend the Prosecutor of the ICC to open a preliminary analysis on the situation of Mexico for the Office to proceed with its own assessment.

http://www.cndh.org.mx/sites/all/doc/recomendaciones/generales/recgral_024.pdf - Accessed 5 March 2019

⁵¹ RSF. Veracruz: *Journalists and the State of Fear*, 30 January 2017, p. 10 - [online] Available at: <https://www.refworld.org/docid/589343e04.html> - Accessed 5 March 2019

This *démarche* is without prejudice of measures and practices that the newly elected Mexican authorities may wish to decide so as, for Mexico, to eventually abide by its obligation to guarantee press freedom, first and foremost to actually protect journalists : independent judicial investigations, prosecution and punishment would be in RSF's opinion the most effective, urgent and needed mean to achieve that goal.

It is RSF's proposal and expectation that the new Mexican administration will decide on an emergency "Justice for journalists" plan able in scope, resources and means to crack the wall of impunity. Demonstrating the willingness and ability to provide justice for journalists suffering the perpetration of the gravest crimes is the only way forward for Mexico to actually protect journalists and deter further international crimes perpetration.

It is also our recommendation to the new President of Mexico to refer the situation to the International criminal court thus demonstrating availability and interest in the Court's involvement to help ending impunity for crimes against journalists in Mexico.