

Report: The Narvarte case, the truth as a "luxury"

JOURNALISTIC INVESTIGATION

**NI PERDÓN
NI OLVIDO** | Plataforma
de memoria del
caso Narvarte



Index

- 3 Foreword. Truth as the first step toward justice**
CARLOS DORANTES ANDRADE Y MARÍA DE VECCHI GERLI

- 6 Overview ReportIntroduction. Journalism as a contribution to the right to truth**
SARA PANTOJA

- 8 Without a diligent and thorough investigation, truth and justice truncated**
Notes on the relationship between the right to the truth and the administration of criminal justice.
MICHAEL REED HURTADO

- 10 Criminal investigation requires a dynamic and technical process that is strategically led

- 11 Investigating the perpetrators or executors of atrocity crimes: a luxury or a duty?

- 13 Journalistic investigation: The Narvarte case, truth as a “luxury”**
SARA PANTOJA

- 15 Friday, July 31, 2015

- 17 Tilting the scales, hiding the truth

- 18 Mile, the drug dealing and sex work hypothesis

- 20 Contradictions, lack of in-depth analysis

- 21 Ruben and Nadia. Journalism and Activism in Veracruz

- 25 The victims

- 28 The right to truth in the Narvarte case.
Interviews with ARTICLE 19

- 30 The duty of the new District Government



Foreword. Truth as the first step toward justice

Carlos Dorantes Andrade and María De Vecchi Gerli,
Right to Truth project

ARTICLE 19 Mexico and America Central



The absence of truth in cases of extreme violence and human rights violations has been the norm rather than the exception in Mexico. Civil society organizations constantly face the question of whether criminal justice is the best route to obtain the truth or if it is necessary to seek other mechanisms that may work in parallel and even accelerate criminal proceedings. This question has become much more pertinent when we talk about cases that have been mediatized and politicized, such as the multifemicide and homicide of the Narvarte neighborhood, where Mile Virginia Martín, Nadia Vera, Alejandra Negrete, Yesenia Quiroz, and Rubén Espinosa were murdered.

For this reason, ARTICLE 19 Mexico and Central America has developed over the last four years the project *Right to the truth in Mexico* to contribute to truth-seeking in cases of human rights violations when the criminal law and the justice system have failed to obtain it. The project aims at generating and disseminating information related to human rights violations to contribute to the right to truth. For this end, we organized our activities in two different ways: 1) obtaining information generated by official sources (freedom of information requests, investigation files or preliminary inquiries, statistical information, official communications, and any other source of information generated by the State) and 2) collecting, documenting and systematizing unofficial information. That is, all information not produced by the State: testimonies of direct and indirect victims outside a formal criminal investigation process, data or information recovered by the victims' relatives, journalistic investigations, life stories, among others.

The present investigative journalism study combines both sources of information by analyzing, on the one hand, fragments of the criminal investigation through the case's investigation file and organizing information from the victims on the other hand. ARTICLE 19 was able to access information from both types of sources. First, direct involvement in the case through Rubén Espinosa's legal representation allowed access to the investigation file. Also, the support to the victims' families by the organization and by Sara Pantoja, a journalist for the *Proceso* magazine, made dialogue and trust possible for the reception and capture of their voices in this text. This allows us to know the victims without stereotypes or media misrepresentations. Thus, these pages preserve their memory.

Although this investigation cannot tell us the details of what happened in apartment 401 of 1909 Luz Saviñón Street, in the Narvarte neighborhood, it does tell us why we do not know the truth. In other words, what were the obstacles in the investigation process that prevented us from knowing the truth?

These allow us to infer that there were interventions to keep us from the truth. It is almost impossible to know the truth since we can't obtain the original conditions of the case's evidence.

The investigation received support from Michael Reed Hurtado, a lawyer, journalist, and professor at Georgetown University, also a Board member of ARTICLE 19 Mexico and Central America. Reed Hurtado's accompaniment was fundamental to the author's process of reflection and to frame the research within the broad theme of the right to the truth. Therefore, we invited Michael Reed Hurtado to share his ideas on the right to truth, the limits of criminal law to provide truth, and the importance of investigations like this one for our society, which gather stories and voices that have been invisible. Especially when the State is the one denying the truth.

As part of this project co-financed by the Canada Fund for Local Initiatives and Open Society Foundations, we generated several publications that complement the journalistic investigation produced by Sara Pantoja from *Proceso* magazine:

- *Discourse Analysis of the media coverage of the homicide and the four feminicides known as the "Narvarte case"* report, an analysis of the stigmatizing discourse handled by the media after the multifeminicide and homicide, by Lucía Melgar and Emanuela Borzacchiello;
- A series of four podcasts, results of Sara Pantoja's investigation, that collect the stories of the victims and their impact on their families, as a way to recover their voices;
- A graphic novel entitled *Justice for the 5*, which aims to bring the memory of what happened to a wider public.

This set of materials intends to cover a broad spectrum of analysis and dissemination of the available findings on the case so far. It is above all, to make sure the case won't get forgotten. Knowing is crucial for non repetition. Even when it has been impossible for us to know the truth about the case, we shall contribute to recovering the stories of those who were murdered and stigmatized. This is urgent to change how the prosecutor's offices and the justice system operate in Mexico. To guarantee non-repetition we need, as a society, not only to know what happened in this case, but also why we do not know and how our justice institutions can be strengthened.



Overview Report

Introduction. Journalism as a contribution to the right to truth

Sara Pantoja



With this report, we tried to offer a different journalistic approach to everything previously published about the multifemicide and homicide that happened in the Narvarte neighborhood on July 31st, 2015, and to combine it with the right to the truth. Yet, the journalistic reconstruction of multiple crimes is not an easy task. Even less when it has raised that much controversy about its circumstances and how the authorities led the investigations.

While reviewing the case documents, at least the few parts the Attorney General's Office (PGR, in its Spanish acronym) allowed the press to get access to, the numerous irregularities from the PGR in this investigation were striking. Everything suggests that there was no intention to investigate the case deeply. Denials in private and promises (unfulfilled) in public seemed to be strategies to tire the families and their lawyers so that the case would be eventually forgotten. This lack of due diligence from the Attorney General's Office raises concerns. If it happens when a case draws public attention and has human rights organizations' support, what happens for the victims, their case investigation, the truth when they are not considered publicly relevant or do not receive help?

Among the mistakes and contradictions underscored in the Attorney General's Office, we mention the insufficient investigation about Ruben's journalistic work and Nadia's activist work as a possible motive for the crime. Yet, they did not have enough information to corroborate the hypothesis of a crime linked to Mile and her supposed links with narcotraffic either. The Attorney General's work did provide "procedural truth" elements to understand how it happened (autopsies, recorded images of the alleged criminals helped for instance to apprehend some responsible and issue the first conviction). However, it still does not guarantee the right to the truth, as it failed to find out who committed the multifemicide and homicide or who the intellectual perpetrators were. Nor did it comply with finding the cause of the multiple crime or its context.

In light of these observations, this report aims to underline the following issue: the way the investigations have been conducted suggests that murdering people with such violence is a normal thing in Mexico and that obtaining the truth about it seems to be a "luxury", like Marco Reyes, central prosecutor of Homicide Investigation, later Deputy Prosecutor of Central Preliminary Investigations of the Federal Attorney General's Office, said.

We conclude this report on the fact that Claudia Sheinbaum, head of Mexico City's government, inherited a clear case of a failed justice system, with elementary pending issues to guarantee the right to truth of the victims and their families. According to her own campaign promises, she has the opportunity to straighten the path and respond to the unresolved issues of the Narvarte case and all those that remain unresolved.



03

Without a diligent and thorough investigation, truth and justice truncated

Notes on the relationship between the right to the truth and the administration of criminal justice.

Michael Reed Hurtado



Criminal law enforcement is a fundamental component of the State's response to atrocity. Thus, the formal recovery of the punitive exercise regarding heinous crimes contributes to the restitution of power over violence and reaffirms the values of the rule of law against extreme transgression. Based on its international human rights obligations, the State's essential duties are to provide justice and truth, as well as to punish those who commit or order the commission of violence. When criminality is protected by the State or by other sources of power (legal or illegal), it is even more crucial to take a qualitative leap forward in the criminal investigation, identifying and neutralizing all the sources of violence.

The criminal investigation and the first instance sentence regarding Mile Virginia Martín, Alejandra Negrete, Yesenia Quiroz, and Nadia Vera's femicides and Rubén Espinosa's torture and murder committed on July 31, 2015, in the Narvarte neighborhood, illustrate how the shortcomings and constraints on the exercise of criminal prosecution leave the victims' rights to truth and justice truncated. Passive conducts derived from carelessness or negligence were not only observed, but so were also active and passive conducts tending to conceal and neutralize the controls that should operate in a State governed by the rule of law.

These notes focus on the assignments to be completed and contribute to an understanding of the relationship between the administration of criminal justice and the truth-seeking process in cases of atrocity crimes that are part of broader collective dynamics. They provide some clues as to how the authorities can guide criminal investigation to improve the quality of the justice administration.

Criminal investigation requires a dynamic and technical process that is strategically led

Michael Reed Hurtado underlines the values and working methods that should guide an investigation to be effective and guarantee the right to the truth:

Indeed, a criminal investigation shall reconstruct a procedural truth as close as possible to the material truth. To this end, the criminal investigation has to be a dynamic exercise strategically and technically oriented to provide results. It also meets a set of values such as independence, legality, rationality, or transparency. Firstly, what is needed is the explicit establishment of a methodological investigation plan that defines the investigation objectives and sets out the path for the collection or production of physical evidence or evidentiary material elements. Different elements structure this investigation plan but some mentioned by Michael Reed remain indispensable: Formulating different research hypotheses; explicitly stating the evidence required to prove or disprove each of the hypotheses; or guaranteeing information to the victims and their effective participation, among others. Also, to ensure a transparent and proactive initiative, the plan is subject to periodic controls and reviews. Thus, the investigation process is not linear but dynamic and enables it to make adjustments until a solid accusation can be successfully formulated.

While exploring all the clues to elucidate the motive of the crime and the modus operandi of all the perpetrators, the investigation must address all levels of criminal involvement and analyze the crime within a broader context and criminal dynamics. This helps to understand the role of circumstantial and contextual elements. The analytical and reflexive dimension must be present in this process at all times, as the authorities must be able to constantly assess the available evidence and evaluate how it supports each hypothesis.

This qualitative leap method is supposed to benefit the victim's right to truth as well as justice efficiency, as an efficient investigation prevents the case from being lost among thousands others. It also facilitates the coordination between the different services involved. Once this plan is followed, the authorities may proceed to build a successful prosecution according to the hypothesis proven by credible and reliable means of conviction (whether direct or indirect evidence), consistent with applicable law. This type of practice strengthens the investigative exercise and provides judges with more and better elements of conviction to administer justice, including the production of a meaningful procedural truth.

Investigating the perpetrators or executors of atrocity crimes: a luxury or a duty?

When faced with the commission of atrocity crimes, the Mexican authorities must confront the prevailing impunity and satisfy the victims' rights. Given the high incidence of atrocities and the persistent impunity that surrounds them, investigation and prosecution of many of these crimes cannot be limited to the clarification of isolated cases, as simple homicides. The exercise of the State's responsibility requires that all perpetrators and participants involved in the planning, execution and cover-up of a criminal act be prosecuted and punished. The violence patterns observed in Mexico necessarily respond to collective dynamics. If these elements are not attacked, the germ and stimulus of violence will remain intact.

The international standard of due diligence requires the Mexican State "to conduct an ex officio, prompt, serious, impartial and effective investigation, as a fundamental and conditioning element for the guarantee and protection of certain rights affected by atrocity crimes, such as personal liberty, personal integrity and life."¹ The authorities must carry out the investigation "aimed at determining the truth [...] and the investigation must seek the pursuit, capture, prosecution and eventual punishment of all perpetrators of the facts, especially when State agents are or may be involved"².

However, government practice is far from meeting these standards. States often justify the lack of results based on a mistaken interpretation of the maxim stating that *the duty to investigate is an obligation of means and not of result*. In fact, the sentence from the *Inter-American Court of Human Rights' decision on the Velásquez Rodríguez vs. Honduras case*³ in 1988 never implied that States were exempted from the obligation. It was simply qualified so as not to penalize States that in good faith show legitimate and appropriate efforts to combat impunity for serious crimes. By abbreviating the whole sentence, the States ignore the following second part: *the investigation must be oriented to the determination of the truth and the truth and the punishment of all those responsible (intellectual and material)*.

¹ Inter-American Court of Human Rights, Case of Manuel Cepeda Vargas v. Colombia (Preliminary Objections, Merits, Reparations and Costs), Judgment of May 26, 2010, para. 117.

² *Idem*

³ Inter-American Court of Human Rights, Case of Velásquez Rodríguez v. Honduras. Judgment of July 29, 1988. Series C No. 4, 1988, para. 177.

States cannot be compelled to the impossible; however, the possible cannot be subject to the scarcity or weaknesses that condition the justice administration systems. The obligation to conduct criminal investigations with due diligence is delineated by the Inter-American system for the protection of human rights (based on ARTICLES 8 and 25 of the American Convention on Human Rights).

Arguing that prosecuting heinous crime's perpetrators is a luxury, as a member of the Attorney General's Office of the Federal District (now Mexico City) did about the Narvarte neighborhood homicides, devalues and banalizes the international obligations of the Mexican State. Moreover, it is an affront to the dignity of the victims and their families. Investigating the perpetrators or perpetrators-by-means of heinous crimes is a duty: let there be no doubt about it!

ION DE LA NARVARTE FUE CRIMEN DE ES



Journalistic investigation: The Narvarte case, truth as a “luxury”

Sara Pantoja



Killing in Mexico seems increasingly normal. The authorities in charge of procuring justice, in this case, the Federal District Attorney General's Office, reinforce this idea by omitting in-depth investigations to fulfill the right to truth. Four years after the multiple crime, only three alleged perpetrators have been apprehended (through irregular processes), and only two of them have received a sentence. Worse still, it has not exhausted the main lines of investigation of the motive (freedom of expression and right to information, and drug trafficking and human trafficking) nor of the intellectual perpetrators. This would be a “luxury” according to what Marco Reyes (then the central prosecutor for the investigation of the homicide crime) told the victims’ relatives during their meetings at the Attorney General’s Office.

The investigation in the Narvarte case is illustrative of the way justice is sought and administered in the Mexican capital: multiple human and methodological deficiencies, political manipulation of information, and a total disinterest in getting to the truth and compensating the damage. It also raises critical problems the country faces: the impunity regarding organized crime, even the likely cover-up by the authorities, and the danger under which journalists, activists, and human rights defenders have to live and work. Eventually, it sends the political message that we must accept death as part of what happens in the city and ignore the killing machine and the “strategy of oblivion” that negates the demand for truth and justice.

Friday, July 31, 2015

On Friday afternoon, July 31, 2015, Alejandra Negrete, Mile Virginia Martín, Nadia Vera, Yesenia Quiroz, and Rubén Espinosa were tortured and murdered in apartment 401 of building 1909 on Luz Saviñón Street, in the Narvarte neighborhood, in the then delegation Benito Juárez of Mexico City.

Ruben was visiting his friend Nadia, who shared the apartment with Mile and Yesenia. Alejandra was the housekeeper. According to the Federal District Attorney General's Office investigation, one of the victims allowed three individuals' access to the apartment, identified as Daniel Pacheco Martínez, Abraham Torres Tranquilino, and César Omar Martínez Zendejas, allegedly responsible for the crime.

In approximately 50 minutes, the assailants entered the place where they beat, subdued, tortured, and killed the victims. All five bodies had a bullet wound in the head made with a single 9-millimeter caliber weapon and two of them had multiple stab wounds. Two had traces of sexual violence and two had been asphyxiated. Alejandra's body was found in one of the bathrooms; those of Mile and Yesenia in the bedroom they both shared; while Nadia and Ruben's bodies were in Nadia's room. According to the District Attorney's Office version, the assailants turned the place upside down, looking for something. Video cameras recorded them leaving the place, one of them carrying a black suitcase and another one taking the Mustang car parked outside the building, owned by Mile. The crime was discovered around 7:00 p.m. by Esbeidy Lopez, the fourth occupant of the apartment.

The crime could have gone unnoticed, added to the list of 23 average daily homicides in the capital in 2015. But before the victims were even identified, Ruben's relatives and ARTICLE 19 made his disappearance public and alerted about the threats and harassment he had suffered from the governor of Veracruz. When Rubén was confirmed as one of the victims on August 1st, the case started to be widely publicized and generated protests in the streets of Mexico City and on social media.

Indeed, with Rubén's murder, the first fatal attack on a journalist in Mexico City, the capital ceased to be an oasis of safety for Mexican journalists.

Due to social pressure, the authorities were forced to meet on August 2nd with the heads of the newspapers, networks of journalists who collaborated with Rubén, and ARTICLE 19, in order to speak out publicly about the case. Rubén was the only one publicly identified by the Attorney General. The death of the four women was confirmed without even mentioning their names. Attorney General Rodolfo Rios immediately dismissed the idea of a link between the murder and the persecution suffered by Rubén, despite his public assurance that all investigative options were open. Rodolfo Rios announced the opening of an investigation for homicide and robbery (without detailing the latter). Yet, he added that he had activated the investigation protocols related to journalistic work and freedom of expression and that the elements related to Ruben Espinosa's activity as a journalist in Veracruz would be investigated, thus admitting that the Attorney General's office was aware of the complaints filed by Ruben. However, he refused to say more in the name of secrecy and the risk of obstructing the investigation.

As for the head of the government of Mexico City, Miguel Angel Mancera, it was only three days after the tragedy and under pressure from international press organizations that he reacted, only on his Twitter account. On two occasions, he met with the families of the victims and their lawyers, promising them that this case would not go unpunished. So far, his promises have not been fully fulfilled.

Tilting the scales, hiding the truth

Quickly, information treatment and diffusion by the authorities about the multiple murder indicated an intention to hide or control the truth. Some reporters were invited to unofficial meetings with the attorney general. National newspapers received parts of the case file confirming the authority’s hypothesis that the three alleged perpetrators knew the victims and had robbed them, making it seem as an attempt to weaken the assumption of a link between the crime and the threats made against Ruben and Nadia in Veracruz. Under national and international pressure, the PGR finally issued press releases to report on the progress of the investigation. But the cover-up machinery was already in place: while public statements were claiming one thing, leaked elements of the file were demonstrating the opposite.

Mile, the drug dealing and sex work hypothesis

With the arrests of Daniel Gutiérrez Pacheco, Abraham Torres Tranquilino, and César Omar Martínez Zendejas, the Attorney General Office started to build a version of events related to Mile Virginia Martín, alleged drug trafficking and prostitution.

They first arrested Daniel Gutiérrez Pacheco on August 4th. According to him, Abraham, whom he had known a few months before, invited him to go to Nicole’s home (Mile’s supposed nickname), whom he knew to work with women who offered sexual favors, and said that Omar would also go. Daniel claimed he walked out of the apartment with the bag Abraham entrusted to him at that time, while Abraham and Omar remained in the apartment. From one statement to another, Daniel changed his version about the circumstances of his arrest, eventually accusing the police of illegal detention and torture, which an investigation by the Federal District Human Rights Commission contradicted.

A month after the facts, Abraham Torres Tranquilino was arrested. According to him, he was constrained to join Daniel and Omar (the latter introduced as a possible Zeta member by Daniel) to deal with drug-related matters with Mile. He would have stayed in the car and would have realized what happened only three days later. He has also changed his testimony throughout the interrogations. At first, he said it was Omar and Daniel who entered the apartment. In a second statement, he said that Omar ordered Daniel and another man identified as “el Duy” to go to Mile to collect the 50,000 pesos she owed him for drugs but said that Omar did not enter. In a third statement, Abraham refused to corroborate what he had previously confessed to and accused investigators of forcing him to confess in exchange for protection in jail, where he and Omar were incarcerated.

From the beginning of his arrest, Omar denied being at the crime scene or even knowing Daniel. He said that he knew Abraham, who helped his wife with the household chores, but that he had fired him for his bad behavior and friendships. Yet, the authorities had evidence linking Omar to the crime.

In January 2017, the judge eventually sentenced Abraham to 315 years in prison and a fine of 57,700 pesos for the crimes of aggravated femicide of Alejandra, Mile, Yesenia, and Nadia; for the aggravated homicide of Rubén; for the aggravated

robbery and gang robbery of Esbeidy, and the aggravated car theft. As of July 2019, Abraham remained the only one to be sentenced. The trials of Daniel Pacheco and Omar Martinez continued to be delayed because they filed appeals that were still being processed. The three were being held in the high security and restricted area “Diamond” of the East Men’s Preventive Prison, at the request of the Attorney General’s Office

Contradictions, lack of in-depth analysis

However, this version provided by the prosecutor’s office has its limits, there were many facts that were not investigated deeply enough, starting with the many contradictions in the three defendants’ statements. In addition, according to the work of experts from the prosecutor’s office, there was at least a fourth person in the apartment to help subdue the victims. However, the authorities did not follow up on this issue and did not make any further arrests.

While for the authorities the key figure in the case was Mile, they did not deeply investigate several elements of her life before the crime. The Attorney General’s office did not thoroughly investigate the part played by “Ms. Model Management”, the modeling agency in which Mile was working since 2014. Barely a year later, another Colombian woman working for them, Stephanie Magón Ramirez, died under similar circumstances. The police did not investigate Omar’s alleged membership with the organized crime group Los Zetas either. Another limitation of narco-trafficking as the ultimate case explanation is the lack of evidence that Mile would have gone to pick up a drug shipment at Mexico City’s international airport, as Abraham had stated. It is also unclear what was in the black suitcase or where the other cars the alleged perpetrators fled in came from.

Above all, the Attorney General’s office made no effort to investigate beyond the physical perpetrators and explore the possibility of a case of hired killers commissioned by someone else, a “luxury” it seems. During meetings, the authorities were very hostile, although the drug trafficking and sex work angle left more doubts than answers.

Ruben and Nadia. Journalism and Activism in Veracruz

The case has reverberated internationally, not only for its high level of violence, but above all because it was the first time a journalist escaping danger and threats from another state was murdered in Mexico City, which until then was a refuge for them. The capital was considered a haven in which freedom of expression and the right to protest could be freely exercised most of the time. National and international organizations for the protection of journalists and human rights defenders immediately called on President Enrique Peña Nieto and the head of government, Miguel Angel Mancera, to demand an investigation into the possible link of the complaints filed by Rubén and Nadia of harassment and threats from the governor of Veracruz.

Rubén’s murder added to the murders of 20 journalists during Peña Nieto’s term. Similarly, between 2010 and 2016 (period corresponding to the government of Javier Duarte Ochoa in Veracruz) sixteen journalists were killed, and three persons were victims of forced disappearance in the state that is considered to be the most violent for the press. Restless, Rubén covered several demonstrations and movements as a journalist. In 2013, his exposure began when he was beaten by state police when he was taking photos of the violent expulsion of dissident teachers and students of the University of Veracruz from Lerdo Square. While Rubén was filing a complaint and finding protection from FotoReporteros MX, Red de Periodistas de a Pie, and ARTICLE 19, intimidation, threats, and attacks against him persisted, forcing him to move to the capital in June 2015. One of the colleagues with whom he had a protection mechanism assured that the incidents continued in Mexico City.

Rubén and Nadia knew each other from Xalapa since they participated in the same demonstrations. Nadia was known for her strong commitment to human rights and freedom of expression. Several times beaten and threatened with guns, Nadia always felt tracked and persecuted by the authorities. In 2014 while participating in the violently repressed student protests, Nadia had warned that she felt in danger and blamed Javier Duarte for what could happen to her. By early 2015, she moved to the capital to feel safe and found a job in cultural management.

Duarte and Bermudez

Considering the dangerous and deadly context for journalists in Veracruz under their mandate, Javier Duarte and his Public Security Secretary, Arturo Bermudez, were fingered as suspects by lawyers, journalists, activists, and social media users that called upon the head of government on this point.

The response of both leaders consisted of a double discourse: while Javier Duarte was publicly willing to collaborate in the investigation, he did not hesitate to distance himself from the case, suggesting that the investigation should focus on the robbery rather than on the accusations of Rubén and Nadia, and declaring that he was a victim of public lynching when questioned about it. This case represents the first time that the government has taken the statement of a governor as a criminal matter. Duarte’s speech was not clear, although he acknowledged he knew the journalist (but not the activist) and did not question his accusations, he said he ignored that Rubén suffered any type of persecution and insisted on the respect of human rights by his government. After giving up his position in 2016, Duarte was arrested in Guatemala in 2017 for financial embezzlement and organized crime and sentenced to 9 years in prison in 2018.

Arturo Bermúdez Zurita adopted a similar position, claiming to be aware of the proceedings initiated by Rubén but denying being the origin or having information about the aggressions against journalists in his state. Yet, in late March 2017, victims’ representatives asked the PGR to investigate Bermúdez’s security companies based in the capital. Thus, Juan Omar Fierro, a journalist, had revealed in a report that at least one of them was located just a six-minute drive from Luz Saviñón’s apartment. A few days before, Bermúdez Zurita had also been arrested in Veracruz for illicit financial enrichment and forced disappearance but got out of jail in 2018 after posting one million pesos bail. We still do not know anything about the investigation of his companies.

Help to investigate

The Attorney General’s office appeared unwilling to investigate the harassment of Nadia and Rubén and conducted very superficial interrogations. Therefore, lawyers tried to contribute to the work of the Attorney General’s office by providing testimony from a dozen people who were aware of Rubén and Nadia’s working and harassment conditions in Xalapa. In 2017, the Attorney General’s office reluctantly agreed to take the testimony of only four of them.

These persons testified and gave many concrete elements about the threats Rubén suffered, from verbal threats to surveillance by armed men, apparently plain-clothes police. At the end of their statements, the witnesses requested that their testimonies and evidence be used to further the line of investigation related to

Rubén’s photojournalistic work. Yet they only remained on paper, kept in the file: so far, there have been no other advances on this line of investigation. From the beginning, the lawyers asked the Attorney General’s office to investigate the events in Veracruz that caused Nadia and Rubén to leave, but all requests remained unanswered.

The Attorney General’s Office

The PGR demonstrated a policy of leaking some evidence from the investigation file (photos, toxicological test results, among others) to certain media, with the intention of reinforcing the version of drug theft, justifying the crime, and discarding or forgetting other lines of investigation. This criminalized, stigmatized, and discriminated against the victims, and violated the human rights of their relatives. It was a sort of media trial and even though a judge recognized the Attorney General’s Office as responsible for the leaks, there has been no sanction. It comes along with numerous irregularities in the investigation, including the crime scene alteration.

In the name of “procedural immediacy”, neither the PGR or the Judge 25 of the Criminal Court, Hermelinda Silva Meléndez, addressed the accusations of torture during Daniel Pacheco’s detention or the threats to Abraham Torres from investigative police and guards of the “Reclusorio Oriente” (*Western Prison*, one of the biggest prisons in the city) in order to maintain protection and guarantee his safety inside the prison. In fact, the Judge 25 of the Criminal Court also raised concerns because she was known for being controversial and having specific political interests. Generally speaking, it seems like the authorities were rushing to “close the case” rather than resolve it.

On November 9th, 2016, relatives of the victims, journalists, and international human rights defenders presented the Platform for Accompanying the case, with the purpose of guiding the investigation and demanding results from the Government of the Federal District (GDF) with “transparency, clarity and historical and legal certainty”. Initially welcomed by the authorities, no one took it into account.

On June 21st, 2017, the Human Rights Commission of the Federal District issued the 4/2017 Recommendation on the case against the Attorney General’s Office of the Federal District and the local Superior Court of Justice, in which it evidenced the violation of the rights of due process and due diligence in relation to the right to defend human rights and the right to freedom of expression, to truth and access to justice, to personal integrity in relation to memory, honor and dignity, and women’s access to a life free of violence. With 17 recommendation points, it promoted, for example, the implementation of an Integral Plan of Investigation, updating its protocols for investigating crimes related to attacks on

journalists, human rights defenders and femicides, as well as public apologies. Although the authorities accepted the recommendations, they have not yet carried them out. What is glaring, on the contrary, is the incapacity of various authorities, numerous changes of officials, the blatant lack of political will to solve the case, and the interference of political actors in the investigation.

Among the PGR's pending tasks are the following: to investigate and, if necessary, arrest at least a fourth alleged perpetrator -of which there is evidence of participation in the crime-, to investigate the intellectual authors, to carry out various procedures requested by the coadjutants, including treatment with a gender perspective, and, most importantly, to clarify the motive and comply with the HRC's Recommendation.

If the Attorney General's Office of Mexico City deals with “high profile” cases in this way, controversial cases that generate national and international condemnations, then: how will it investigate and resolve “low profile” or ordinary cases in which no one, more than the common citizen, without any kind of influence, media pressure or the support of human rights defenders, expects a proper administration of justice?

The victims

Before their murder, Alejandra Negrete, Mile Virginia Martín, Nadia Vera, Yesenia Quiroz, and Rubén Espinosa had a story, concerns, and dreams. Beyond the stigmatization and revictimization generated around them. Who were they, and what were they like? How did they get to apartment 401 in the Luz Saviñón street?

Alejandra Negrete

The eldest of five siblings, Olivia Alejandra Negrete Avilés was born on November 6th, 1975. She was a single mother of three daughters aged 23, 22, and 13. Alejandra was very friendly, says her sister. She lived in Naucalpan in the state of Mexico but worked in the capital as a housekeeper since 2015 to save money for her daughter’s 15th birthday party. She started working in the Colonia Narvarte building on July 27, a few days before the murder. On Friday, July 31, Alejandra left for work telling her youngest daughter that she loved her. Around 7:30 pm, her relatives started to worry as she did not show up to pick up her daughter up from a friends’ house. They went to her workplace and discovered what had happened. Her daughter, Adriana, recognized her mother’s body.

Mile Virginia Martín

Happy, extrovert, hard-working. This is how Mile Virginia Martín’s brother describes her. Mile was born in Bogotá, Colombia, on October 20th, 1983. Coming from a modest family, she wanted to become a fashion designer and left her family in 2012 to move to Mexico City and find better job opportunities. In June 2015, Mile met Yesenia at a party, who offered to house her while she was looking for a place to live. According to the Attorney General’s version, based on Abraham Torres’ testimony, he knew Mile, so she opened the door for him on July 31st. After the tragedy, the Attorney General’s office took more than three days to confirm Mile’s identity, in part because his family was unable to travel to Mexico City to identify the body.

Nadia Vera

“Niña de azúcar”, *Sweet girl*, is what Mirtha Luz Pérez called her daughter Nadia Dominique Vera Perez. The second of four siblings, Nadia was born in Comitán, Chiapas, on February 8th, 1983. She studied Social Anthropology at the Universidad Veracruzana, where she stood out for her active participation in human rights, freedom of expression, and animal rights promotion. Her friends described her as “sweet” and “caring”, the University Committee of Struggle of the Veracruz capital wrote in a letter “with your firm voice and your small feet that left footprints that many of us began to follow soon after”. Her dedication to human rights caused her to be beaten and threatened, so she sought refuge in Mexico City in early 2015, where she was working as a cultural manager, producer, and promoter. When Ruben arrived in the capital, Nadia welcomed him. On Saturday, August 1, one of Martha’s sons told her of the tragedy. Mirtha identified Nadia with her tattoos “Rebellion is life” and “Let’s be realistic, let’s do the impossible”.

Yesenia Quiroz

Since she was a little girl, Yesi dreamed of becoming a great artist, said her mother Indira Alfaro. Born on September 4th, 1996, in Mexicali, Baja California, the youngest of three brothers, she decided to join the capital at 16 years to study in the field of beauty. She also worked as a seasonal hostess. Her mother describes her as having character, without being confrontational, a nice girl. On Friday, July 31st around 2:50 pm, Yesenia sent a message to her mother saying she was ok and at her apartment. On the morning of August 1st, Indira received a friend request from Yesenia’s friend Sandra (La Chikis) on Facebook. This is how she learned the news. Once there, she identified the body of her daughter thanks to her tattoo “free yourself”.

Rubén Espinosa

Rubén Manuel Espinosa Becerril was born in Mexico City on November 29th, 1983. The youngest of three brothers, he grew up in the popular Tacubaya neighborhood. Although he did not study photography or journalism, Rubén learned to use a camera when he joined the CHS collective. In 2009 he went to work in Veracruz, in Xalapa, where he worked for news agencies, for Javier Duarte’s electoral campaign, and the Social Communication office of the Xalapa City Hall. Restless, always looking to help, he began to portray the violence and social malaise in the entity. When he started to feel harassed and watched, he sought refuge in Mexico City. His friends described him as very calm, as someone who, indeed, did not believe in the State because he knew that there were people who attacked journalists, but he was not paranoid like some said.

On July 30th, 2015, Ruben asked his friend Antonio Contreras to go with him to pick up his credential at the National Electoral Institute. Then they met Nadia at a bar in the Historic Center, and ended up in Nadia’s apartment. On July 31st, Rubén never answered his friends and sister’s messages. On August 1st, her sister called Antonio, worried, and they went to the Narvarte building. There, the police told them that there had been a multiple-homicide. She burst into tears. Later, the authorities confirmed what she already feared.

The right to truth in the Narvarte case. Interviews with ARTICLE 19

The investigation of the Narvarte case is a clear example of the human right to truth’s violation by the Mexican State. In particular, the justice system of the Mexico City government (formerly Federal District’s government) does not seem to be made to identify perpetrators or hold them accountable, but rather to generate parallel courts, criminalize victims and bet on oblivion. Ana Cristina Ruélas and Leopoldo Maldonado, respectively regional director and regional deputy director for Mexico and Central America of the international organization ARTICLE 19, agree on this. In an interview, they develop arguments proving that Miguel Angel Mancera’s administration (then head of government, current senator of the Republic) did not fulfill his obligation to provide information to the victims, their families, and society about what happened on July 31st, 2015.

As they explain, the Attorney General’s Office focused more on the legal truth than the actual truth. They seem to stick to a formalistic perspective of the right to truth, without really understanding all the issues related to it. Leopoldo Maldonado, the legal representative of Rubén’s family, describes the Attorney General’s Office as unwilling and careless, reluctant to guarantee the right to the truth, and often acting illegally.

The two representatives of ARTICLE 19 blame the PGR for putting aside hypotheses and clues in the investigation, especially concerning Rubén’s journalistic work and Nadia’s work in defense of human rights, which they believe is a sign the PGR is covering something up. They also criticize the victims’ revictimization and the omission of gender perspective in the murder of the four women. Above all, the mismanagement of this case, coupled with a good defense, could lead to the release of two alleged perpetrators, Daniel Gutiérrez Pacheco and César Omar Martínez Zendejas.

Despite discussions with the previous administration to fulfill some points of the 04/2017 Recommendation issued by the local Human Rights Commission (like compensation for the victims and a public apology) the mandate ended without any of the promises being fulfilled.

The Attorney General’s Office owes a debt to the victims: the families need to know that everything has been done to know the truth, but this is not the case here. Recognition from the highest levels of the state that there has been justice

obstruction since the beginning of the process is necessary. The PGR must carry out the Human Rights Commission’s recommendations to avoid impunity and repetition.

The duty of the new District Government

Ana Cristina Ruelas and Leopoldo Maldonado agree that the government of Claudia Sheinbaum Pardo in Mexico City should take up the case of the Narvarte neighborhood with indispensable goodwill and due diligence. The new government must recognize everything the past administration failed to do. Without, however, talking about a clean slate, which would be terrible for the victims. What must be done, concludes Leopoldo Maldonado, is a whole plan to guarantee truth and justice in all these cases, “emblematic” or not, known or not. It is crucial to compensate the victims and fulfill their human right to the truth.



casonarvarte.articulo19.org

**NI PERDÓN
OLVIDO** | Plataforma
de memoria del
caso Narvarte