

A Safer World For The Truth

**The murder of Regina  
Martínez Pérez:  
*An opportunity for justice***





## **A Safer World For The Truth**

A Safer World for the Truth works towards the pursuit of justice for crimes committed against journalists. The project consists of a series of investigations of cases where a journalist was murdered for doing his/her job. Through these investigations, new facts and information around the killings will be revealed, paving the way for pursuing justice. A Safer World for the Truth is a collaborative initiative of Free Press Unlimited, the Committee to Protect Journalists and Reporters without Borders.



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# Executive summary

Regina Martínez Pérez was a prolific journalist from the state of Veracruz in Mexico, one of the most dangerous countries for journalists, with homicide rates comparable to war zones such as Iraq and Afghanistan. Since 2006, Veracruz has seen a particularly high rate of journalist murders, and on 28 April 2012, Regina Martínez Pérez was brutally murdered in her home in the city of Xalapa. During her career, Regina exposed significant human rights abuses that took place in Veracruz and fearlessly reported on the corruption of public officials. She was one of the highest profile reporters killed in Mexico over the last two decades.

Regina was a correspondent for *Proceso*, a prominent progressive news magazine known for its high-impact publications, including those related to corruption and narco-politics. As Veracruz faced extreme violence linked to a turf war between the Zeta cartel and the Jalisco New Generation Cartel, *Proceso* covered the alleged links between public officials and organised crime. Due to *Proceso*'s strong reputation and national reach, these publications formed a major source of concern for the officials in Veracruz. Several journalists associated with *Proceso* have faced threats due to the magazine's effective investigations and critical reporting.

Regina was murdered at the highpoint of tension in Veracruz, against the backdrop of increased attacks on journalists. On 28 April 2012, she was found strangled to death in the bathroom of her home. The brutal murder led to a public outcry and journalists and press freedom organisations called on the Governor of Veracruz to investigate the murder and bring those responsible to justice. After six months, the police made an arrest in the case and between October 2012 and October 2014 legal proceedings took place, which resulted in the conviction and sentencing of Jorge Antonio Hernández Silva, one of the two suspects of the murder. While the governor claimed this to be a success, the police investigation has been heavily criticized by various experts and observers, pointing to significant anomalies in the official investigation.

To address the many questions around the official investigation and in an attempt to uncover the truth around the murder, we conducted our own investigation into the case. Our investigation team thoroughly reviewed the official case files (*expedientes*) and interviewed key witnesses. Findings from the investigation raise further questions concerning the accuracy and legitimacy of the official investigation into Regina Martínez Pérez' murder. We also identified several leads that require further investigation. The most important findings of the investigation are:

1. The conviction of the main suspect of the murder, Jorge Antonio Hernández Silva, rests on a confession that was obtained under extremely questionable circumstances. During our investigation, the suspect stated that he was detained illegally a month before he made his confession and received specific instructions from the police regarding the content of his confession. He further states that he was tortured into making his official confession.
2. This investigation also raises significant doubt as to the accuracy and reliability of a statement by eye-witness, Diego Hernandez Villa, that was key to building the prosecutor's case against the convicted suspect. The prosecutor's case relies partially on this statement, which claimed that, on the evening of the murder, Regina Martínez Pérez bought beer at Rosa Maria Balderas Espindola's shop. Our investigation team discovered that the eye-witness himself was deceased. And in an interview, Rosa Maria Balderas Espindola stated that Regina had not visited her shop on the night of the murder and that Regina only drank a brand of beer that she did not sell.
3. In order to identify possible leads for the murder, the investigation team reviewed any of *Proceso*'s publications that could have sparked these threats against its journalists. Our investigation also documents a series of threats made over the past ten years against journalists who have looked into the murder of Regina Martínez Pérez. The most serious threats were levelled against *Proceso* journalist Jorge Carrasco, who had to be put under federal police protection for three years because he was investigating Regina's murder, a clear indication that certain actors had an interest in preventing the truth from coming out.

This report concludes that the investigation into the murder of Regina Martínez Pérez was compromised at the state level, and that there are strong indications of obstruction of justice by investigators acting under the authority of the State Attorney General of Veracruz. At a recent press conference on 17 November 2020 Mexican President Andrés Manuel López Obrador promised to commit to reviving the case.

Welcoming this renewed interest in the case, we make the following recommendations:

**To the Special Prosecutor for Attention for Crimes Against Freedom of Expression (FEADLE):**

4. **In order to uncover the truth concerning the murder of Regina Martinez and to achieve justice, FEADLE must assert its jurisdiction in the case.** FEADLE can attract the case on grounds that the murder of Regina Martínez Pérez constitutes a grave crime that has significant impact on the right to information, the right to freedom of expression and press freedom, which took place in a state where conditions for the exercise of these rights are unfavourable.
5. **In its investigation, FEADLE must effectively and thoroughly investigate Regina's work as a motive for the murder.** This investigation must include the relationship between Regina's murder, and her published and ongoing journalistic work in the lead up to the murder. Specifically, the investigation must include the relationship between her murder and the *Dos Regresos Peligrosos* story. Furthermore, FEADLE must, in accordance with its own internal protocols, exhaust all lines of inquiry and explore the possible relationship between the murder and organised crime groups and public officials.
6. **In its investigation, FEADLE must thoroughly review all errors found in the state-level investigation.** In doing so, FEADLE must explore any possible collusion between the perpetrators of the murder and state investigators.
7. **During its investigation, FEADLE must effectively guarantee the protection of witnesses with existing witness protection procedures.** The likely obstruction of justice by state investigators and allegations of torture highlight the urgency of witness protection.

**To the Attorney General of Mexico (FGR):**

8. **The Attorney General must investigate the possibility of the forced disappearance of the second official suspect without delay.** This official suspect of the murder, José Adrián Hernández Domínguez (El Jarocho), is still at large as a fugitive. It is likely he possesses key information about the murder. Given that the official state-level investigation was compromised, there are grounds for questioning his official status as fugitive. The General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National Missing Persons System, enables the Attorney General to prosecute suspected cases of forced disappearance *ex officio* and allows the coordination of an investigation without the involvement of third persons (article 13).<sup>1</sup>

**To the Mexican government:**

9. **The Mexican government must commit to providing FEADLE with the necessary financial and human resources so that it can effectively carry out its mandate.** A Safer World for the Truth welcomes the expansion of FEADLE's mandate in the last decade as a commitment to ending impunity. But FEADLE must be provided with sufficient resources so that it can effectively carry out its investigations.

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<sup>1</sup> Article 13. *The General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National Missing Persons System*. 2017. [https://dof.gob.mx/avisos/2606/SG\\_171117/SG\\_171117.html](https://dof.gob.mx/avisos/2606/SG_171117/SG_171117.html).

**To the international community:**

10. **The international community must monitor the progress of the investigation into the murder of Regina Martinez and include the case in Mexico's human rights monitoring cycles.** When requested by the Mexican authorities, the resources and expertise needed to help resolve the murder should be made available.

# 1. Context of the murder: Mexico as the most dangerous country for journalists

Journalists in Mexico have always been the target of violence. Since President Felipe Calderón launched a militarized crackdown on drug trafficking organisations<sup>2</sup> in 2006, there has been a sharp increase in attacks. Since then, Mexico has been a notoriously dangerous place for reporters to do their work. According to the Committee to Protect Journalists (CPJ)<sup>3</sup>, Mexico has long been the deadliest country for journalists in the Western hemisphere. The murder of Regina Martínez Pérez in 2012 therefore took place in an extremely violent context, at a time when attacks against journalists had been going on for several years. Furthermore, Regina Martínez Pérez was killed in the state of Veracruz, which was – and continues to be – one of the most dangerous Mexican states for journalists.<sup>4,5</sup> The ensuing sections put the murder of Regina Martínez Pérez in context by shedding light on Mexico's rampant organised crime and the threats this creates for journalists. The patterns of crimes against journalists and the systematic impunity for its perpetrators will be further highlighted. Finally, the specific power dynamics in Veracruz at the time of the murder will be outlined.

## Rampant criminal violence, impunity, and the subversion of Mexican institutions

Mexico suffers from rampant criminal violence that victimizes large sections of the population. According to the official count by state police departments, compiled by the federal government's *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública* (SESNSP)<sup>6</sup>, over 300,000 people were murdered in Mexico between 2007 and 2020. Felipe Calderón's crackdown on the cartels, launched in 2006, involved the Mexican Army, Marines, and Federal Police, that have been active in internal law enforcement since. Part of their strategy was to take out the leaders of drug trafficking organisations, which led to the splintering of the criminal organisations into more fractured groups.<sup>7</sup> This led to more internal strife, and further escalation of violence.<sup>8</sup> Drug trafficking organisations also began to form paramilitary-style hit squads, sometimes recruited from special force units within the military; they adopted more extreme forms of violence, like mass beheadings.<sup>9</sup> Despite the less confrontational strategies attempted by President Enrique Peña Nieto (2012 to 2018) and the current President López Obrador, the problem of rampant criminal violence in Mexico persists. According to a recent study by *Impunidad Cero*<sup>10</sup>, almost 90 percent of murders in Mexico remain unsolved. Of all murders committed in 2012, the year of Regina's murder, 89.6 percent was not resolved.<sup>11</sup> A large number of murder convictions in Mexico have relied exclusively on confessions, with no physical evidence to support them.<sup>12</sup> Considering the many reports of

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2 Council on Foreign Relations. 2019. *Mexico's Drug War*. <https://www.cfr.org/background/mexicos-drug-war>.

3 Committee to Protect Journalists. 2020. *Murder of journalists more than double worldwide*. <https://cpj.org/reports/2020/12/murders-journalists-more-than-doubled-killed/>.

4 Bartman, J. M. (2018) Murder in Mexico: are journalists victim of general violence or targeted political violence? *Democratization*, Vol. 5, No. 7.

5 International Crisis Group. 2017. *Veracruz: Fixing Mexico's State of Terror*. <https://www.crisisgroup.org/latin-america-caribbean/mexico/61-veracruz-fixing-mexicos-state-terror>.

6 Gobierno de Mexico. 2021. *Incidencia delictiva*. <https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-87005>.

7 Schedler, A. (2013). The Criminal Subversion of Mexican Democracy. *Journal of Democracy*, Vol. 25, No. 1.

8 Schedler, A. (2013). The Criminal Subversion of Mexican Democracy. *Journal of Democracy*, Vol. 25, No. 1.

9 BBC. 2020. Mexico crime: *Could this become the bloodiest year on record?* <https://www.bbc.com/news/world-latin-america-53332756>.

10 Impunidad Cero. 2020. *Impunidad en homicidio doloso y feminicidio: Reporte 2020*.

<https://www.impunidadcero.org/articulo.php?id=142&t=impunidad-en-homicidio-doloso-y-feminicidio-report-2020>.

11 Impunidad Cero. 2020. *Impunidad en homicidio doloso y feminicidio: Reporte 2020*.

<https://www.impunidadcero.org/articulo.php?id=142&t=impunidad-en-homicidio-doloso-y-feminicidio-report-2020>.

12 The Economist. 2016. *Criminal Justice in Mexico: Trials and Errors*.

<https://www.economist.com/the-americas/2016/06/18/trials-and-errors>.

forced confession under torture, these confessions are unreliable.<sup>13 14</sup> Given that the chance of a murderer being caught is only 10%, the threat of punishment is not an effective deterrent. With such rampant impunity, it is also impossible to know exactly how many of the registered murders are related to drug trafficking organisations, and how many are common crimes such as domestic violence and muggings. However, between 2008 and 2011, a cross-agency unit in the Mexican federal government investigated how many of Mexico's murders were related to the Mexico's drug war, or the fight among organised crime groups and the security forces and came up with an estimate of about two thirds of all killings.<sup>15</sup> While the Mexican government struggles to protect its citizens, observers claim that there is also immense corruption and collusion with organised crime within government institutions.<sup>16 17</sup> This entanglement of government institutions and criminal networks is illustrated by the arrests of police officers, soldiers and politicians for colluding with organised crime. A recent example is the imprisonment in 2019 of Genaro García Luna, the secretary of public security under President Felipe Calderón (2006 – 2012), in the United States. He was believed to be an architect of the crackdown on cartels, but was charged with participating in cocaine trafficking and accepting bribes from drug cartels.<sup>18</sup>

## The specific dangers for Mexican journalists

The violent situation in Mexico creates significant dangers for critical Mexican journalists, where some must do their work under a constant threat of violence. In the period January to June 2020 alone, ARTICLE 19 registered 406 attacks against journalists and the media.<sup>19</sup> These included 47 physical attacks, 2 forced displacements, and 2 murders.<sup>20</sup> To illustrate the pervasiveness of the problem, the CPJ reports that 82 journalists were killed in the period 2010 – 2020 in Mexico.<sup>21</sup> In 36 of these 82 cases, the CPJ confirmed the motive for these killings, and of these 36, 33 were singled out for murder in retaliation for reporting.<sup>22</sup> While Mexico suffers generally from rampant criminal violence, the probability of journalists being murdered is five times higher than for the general population in Mexico.<sup>23</sup> The rate of solved cases of murders of journalists is slightly higher than for other homicides, but it is still extremely low. The United Nations Educational, Scientific, and Cultural Organisation (UNESCO) recently reported a rate of 15 percent of solved homicide cases where the victim was a journalist, indicating an impunity rate of 85 percent.<sup>24</sup> With so few murder cases effectively resolved, analysts have struggled to identify the main motives for these murders. According to the Committee to Protect Journalists, in some instances, organised crime groups are behind these murders.<sup>25</sup> There are also instances

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13 Justice in Mexico. 2020. *New Justice in Mexico working paper. Forced Confessions: Tracking Torture and Mistreatment in Mexico's Accusatorial Criminal Justice System*. <https://justiceinmexico.org/forced-confessions-tracking-torture-mistreatment-mexicos-justice/>.

14 Amnesty International. 2016. *Mexico: Sexual violence routinely used as torture to secure "confessions" from women*. <https://www.amnesty.org/en/latest/news/2016/06/mexico-sexual-violence-routinely-used-as-torture-to-secure-confessions-from-women/>.

15 El País. 2011. *Más de 15.000 personas murieron en México en 2010 a causa del 'narco'*. [https://elpais.com/internacional/2011/01/12/actualidad/1294786820\\_850215.html](https://elpais.com/internacional/2011/01/12/actualidad/1294786820_850215.html).

16 International Crisis Group. 2013. *Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico*. <https://www.crisisgroup.org/latin-america-caribbean/mexico/pena-nieto-s-challenge-criminal-cartels-and-rule-law-mexico>.

17 Congressional Research Service. 2020. *Mexico: Organized Crime and Drug Trafficking Organisations*. <https://fas.org/sgp/crs/row/R41576.pdf>.

18 BBC. 2019. *Genaro García Luna: US arrests Mexico ex-minister on drugs charges*. <https://www.bbc.com/news/world-latin-america-50736482>.

19 Article 19. 2020. *Mexico: Attacks against the press grew exponentially in the first half of 2020*. <https://www.article19.org/resources/mexico-attacks-against-the-press/#:~:text=Documented%20attacks%20against%20the%20press,journalists%20from%20January%20to%20June%3A&text=Between%20January%20and%20June%202020,of%20which%20were%20death%20threats>.

20 Article 19. 2020. *Mexico: Attacks against the press grew exponentially in the first half of 2020*. <https://www.article19.org/resources/mexico-attacks-against-the-press/#:~:text=Documented%20attacks%20against%20the%20press,journalists%20from%20January%20to%20June%3A&text=Between%20January%20and%20June%202020,of%20which%20were%20death%20threats>.

21 Committee to Protect Journalists. 2021. *82 journalists killed in Mexico between 2010 and 2020*. [status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&cc\\_fips%5B%5D=MX&start\\_year=2010&end\\_year=2020&group\\_by=location](https://www.cptj.org/data/killed/americas/mexico/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&cc_fips%5B%5D=MX&start_year=2010&end_year=2020&group_by=location).

22 Committee to Protect Journalists. 2021. *36 journalists killed in Mexico between 2010 and 2020*. [https://cpj.org/data/killed/americas/mexico/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc\\_fips%5B%5D=MX&start\\_year=2010&end\\_year=2020&group\\_by=location](https://cpj.org/data/killed/americas/mexico/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=MX&start_year=2010&end_year=2020&group_by=location).

23 Bartman, J. M. (2018) Murder in Mexico: are journalists victim of general violence or targeted political violence? *Democratization*, Vol. 5, No. 7.

24 El Universal. 2020. *México ha resuelto 14 de los 93 asesinatos de periodistas ocurridos desde 2010: UNESCO*. <https://www.eluniversal.com.mx/nacion/mexico-ha-resuelto-14-de-los-93-asesinatos-de-periodistas-ocurridos-desde-2010-unesco>.

25 Committee to Protect Journalists. 2020. *In Iguala, Mexico, murder and threats by organized crime shut down the news*. <https://cpj.org/2020/12/in-iguala-mexico-murder-and-threats-by-organized-crime-shut-down-the-news/>.



of organised crime groups confessing to the murders of journalists.<sup>26</sup> It is believed that an important motive for drug trafficking organisations to murder journalists lies in the desire to avoid negative publicity that could provoke law-enforcement action against them.<sup>27</sup> The role of public officials in the murders of journalists is rarely investigated. While Article 19 finds that public officials are important actors behind the targeting of journalists, it does not report in how many occasions public officials are behind the murder of a journalist.<sup>28</sup> While the role of public officials in the murder of journalists is rarely investigated, one exception was the arrest of former mayor of Chínipas Hugo Amed Schultz, for complicity in the murder of journalist Miroslava Breach.<sup>29 30</sup>

The threat of violence means that journalists in Mexico generally live in fear of reprisal for their reporting; they therefore employ risk-reducing strategies.<sup>31</sup> These strategies include self-censorship and concealing selected information within newsrooms, leading to the further deterioration of press freedom.<sup>32</sup> While it is difficult to calculate how many articles have not been written because of fear, a national survey of Mexican journalists found that 67.4 percent of Mexican journalists engages in some sort of self-censorship.<sup>33</sup>

## An effort to end impunity and protect journalists

Over the past ten years, several important steps were taken to end impunity for the murder of journalists and to protect journalists from harm. With regard to the fight against impunity, the most notable action was the creation of the position of special federal prosecutor in 2010 to handle serious crimes against journalists, the so-called *Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión* (or: Special Prosecutor for The Attention of Crimes Against Freedom of Expression) (FEADLE). FEADLE is based in Mexico City, and has a federal budget that fluctuates between 600,000 pesos (approx. 30,000 dollar) and 39 million pesos (approx. 1.9 million dollar).<sup>34</sup> The latest reported budget, of 2019, was roughly 13 million pesos (640,000 dollar).<sup>35</sup> It expanded on a previous special prosecutor position that had a more limited budget and staff. In specific circumstances it can attract (take over) murder investigations, for example when public officials are suspected to be involved in the murder of a journalist.<sup>36</sup> There have been cases where FEADLE has effectively conducted parallel investigations alongside those of state prosecutors.<sup>37</sup>

## Background: FEADLE's mandate

FEADLE is a federal prosecutorial body that falls under the authority of the Office of the Mexican Attorney-General (FGR). It was founded to circumvent the intimidation and corruption that impact many local

26 On 1 March 2010 for example, five members of the Zetas group confessed that they tortured, shot, beheaded, mutilated, journalist Rincón Taracena, after which they burned his body inside a metal barrel with diesel. La Jornada. 2010. *Autoridades de Tabasco resuelven plagio y homicidio de periodista, tres años después*. <https://www.jornada.com.mx/2010/03/01/politica/017n1pol>.

27 Holland, B. E., & Rios, V. (2017). Informally governing information: How criminal rivalry leads to violence against the press in Mexico. *Journal of Conflict Resolution*, Vol. 61, no. 5, 1095-1119.

28 Article 19. 2019. *Mexico report shows silencing of journalists and media freedom*. <https://www.article19.org/resources/mexico-report-shows-silencing-of-journalists-and-media-freedom/>.

29 Aljazeera. 2020. *Mexico politician arrested for 'complicity' in journalist murder*. <https://www.aljazeera.com/news/2020/12/18/politician-arrested-for-complicity-in-mexico-journalist-murder>.

30 We were unable to find a public statement of Hugo Amed Schultz in reaction to his arrest.

31 Hughes, S and Márquez-Ramírez, M. (2017). Examining the Practices That Mexican Journalists Employ to Reduce Risk in a Context of Violence. *International Journal of Communication*, vol. 11, no. 23.

32 Hughes, S and Márquez-Ramírez, M. (2017). Examining the Practices That Mexican Journalists Employ to Reduce Risk in a Context of Violence. *International Journal of Communication*, vol. 11, no. 23.

33 Hughes, S and Márquez-Ramírez, M. (2017). Examining the Practices That Mexican Journalists Employ to Reduce Risk in a Context of Violence. *International Journal of Communication*, vol. 11, no. 23.

34 FEADLE budgets and other details can be found at: <https://www.gob.mx/fgr/documentos/conoce-a-la-fiscalia-especial-para-la-atencion-de-delitos-cometidos-contra-la-libertad-de-expresion>.

35 Fiscalía General de la República. 2021. *Respuesta total asignado a la FEADLE*. [https://www.gob.mx/cms/uploads/attachment/file/461521/Presupuesto\\_FEADLE\\_2019.pdf](https://www.gob.mx/cms/uploads/attachment/file/461521/Presupuesto_FEADLE_2019.pdf).

36 Committee to Protect Journalists. 2017. *No excuse: federal efforts to protect journalists fall short*. <https://bit.ly/3ajIroP>.

37 Committee to Protect Journalists. 2017. *No excuse: federal efforts to protect journalists fall short*. <https://bit.ly/3ajIroP>.

investigations of murders of journalists.<sup>38</sup> Established in 2010, its material jurisdiction includes cases involving crimes against journalists, persons or infrastructure that intentionally affect, limit or impair the right to information, the right to freedom of expression or press freedom.<sup>39 40</sup> While FEADLE has only achieved a small number of convictions,<sup>41 42</sup> it does have the legal mandate to investigate and assert jurisdiction in these cases. According to the *Código Nacional de Procedimientos Penales* [National Code of Criminal Procedures] (CNPP), FEADLE can open a preliminary investigation to establish whether it is competent to act in a specific case.<sup>43</sup>

The investigation begins when FEADLE learns about a case after having received information via a crime report from the victim or injured party, representatives of a national or international human rights organisation or a civil society organisation, police reports, court hearings or communication by another authority.<sup>44 45</sup> After FEADLE has established that the case may fall within its mandate, it must determine whether it can start the case *ex officio* or whether it requires a formal complaint by the victim or injured party.<sup>46</sup> Once it has started, the investigation must comply with the investigation protocol for crimes against freedom of expression.<sup>47</sup> In many cases, its investigation runs parallel to that of the state authorities.<sup>48 49</sup> The protocol specifies that if this is the case, and FEADLE and prosecutors at the state level are investigating the same crime, FEADLE must ensure ongoing coordination with the state authorities with the aim of obtaining and exchanging information about the case.<sup>50</sup>

In the majority of the cases, FEADLE's involvement is limited to running a parallel investigation, providing its expertise and delivering its findings to the state authorities, who initiate prosecution of the perpetrators.<sup>51</sup> However, FEADLE also has the competence to take over the case by 'attracting' it. Between 2010 and 2013, FEADLE was only able to attract cases involving a crime against the freedom of expression if the crime was connected to a federal crime.<sup>52</sup> In order to make FEADLE more effective, legislation was passed in May 2013 removing this requirement. Circumstances in which FEADLE can appeal cases involving crimes against freedom of expression were reformulated in 2014 in the new Federal Criminal Procedure Code. This now includes cases in which any of the following circumstances apply:<sup>53</sup>

- There are indications that a public official from the state or municipality participated in the crime
- The victim or injured party has identified a public official from the state or municipality as a perpetrator or participant in the crime

38 Eduardo Bertoni. 2015. *Prevent and Punish: In search of solutions to fight violence against journalists*. [https://en.unesco.org/sites/default/files/prevent-and-punish\\_bertoni.pdf](https://en.unesco.org/sites/default/files/prevent-and-punish_bertoni.pdf).

39 *Acuerdo A/145/10*. 5 July 2010. [https://www.gob.mx/cms/uploads/attachment/file/341745/Acuerdo\\_A\\_145\\_10.pdf](https://www.gob.mx/cms/uploads/attachment/file/341745/Acuerdo_A_145_10.pdf).

40 *Decreto por el que se reforma la fracción XXI del artículo 73 de la Constitución Política de los Estados Unidos Mexicanos*. 8 October 2013. [https://dof.gob.mx/nota\\_detalle.php?codigo=5317162&fecha=08/10/2013](https://dof.gob.mx/nota_detalle.php?codigo=5317162&fecha=08/10/2013).

41 Eduardo Ortega. 2020. *Fiscalía especial para periodistas, sin resolver 99.6% de los casos*. <https://www.elfinanciero.com.mx/nacional/fiscalia-especial-para-periodistas-sin-resolver-99-6-de-los-casos>.

42 Edison Lanza and David Kaye. June 2018. *Special Report on the situation of Freedom of Expression in Mexico*. [https://www.oas.org/en/iachr/expression/docs/2018\\_06\\_18\\_CIDH-UN\\_FINAL\\_MX\\_report\\_ENG.pdf](https://www.oas.org/en/iachr/expression/docs/2018_06_18_CIDH-UN_FINAL_MX_report_ENG.pdf), p. 11.

43 *Código Nacional de Procedimientos Penales* [National Code of Criminal Procedures] (CNPP), art. 211 (1a).

44 CNPP, art. 211(1a); [https://leyes-mx.com/codigo\\_federal\\_de\\_procedimientos\\_penales/211.htm](https://leyes-mx.com/codigo_federal_de_procedimientos_penales/211.htm).

45 Procuraduría General de la República. 2018. *Protocolo Homologado de Investigación de delitos cometidos contra la libertad de expresión*. [https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo\\_homologado\\_de\\_investigaci\\_n\\_de\\_delitos\\_cometidos\\_contra\\_la\\_libertad\\_de\\_expresi\\_n.pdf](https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf), p. 38.

46 CNPP, art. 211(1a). [https://leyes-mx.com/codigo\\_federal\\_de\\_procedimientos\\_penales/211.htm](https://leyes-mx.com/codigo_federal_de_procedimientos_penales/211.htm).

47 Procuraduría General de la República. 2018. *Protocolo Homologado de Investigación de delitos cometidos contra la libertad de expresión*. [https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo\\_homologado\\_de\\_investigaci\\_n\\_de\\_delitos\\_cometidos\\_contra\\_la\\_libertad\\_de\\_expresi\\_n.pdf](https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf), p. 39.

48 Procuraduría General de la República. 2018. *Protocolo Homologado de Investigación de delitos cometidos contra la libertad de expresión*. [https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo\\_homologado\\_de\\_investigaci\\_n\\_de\\_delitos\\_cometidos\\_contra\\_la\\_libertad\\_de\\_expresi\\_n.pdf](https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf), p. 57.

49 WOLA. March 2019. *Turning the Tide on Impunity*. <https://www.wola.org/wp-content/uploads/2019/03/ENGLISH-WOLA-PBI-2019.pdf>, p. 21.

50 Procuraduría General de la República. 2018. *Protocolo Homologado de Investigación de delitos cometidos contra la libertad de expresión*. [https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo\\_homologado\\_de\\_investigaci\\_n\\_de\\_delitos\\_cometidos\\_contra\\_la\\_libertad\\_de\\_expresi\\_n.pdf](https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf), p. 57.

51 WOLA. 2019. *Turning the Tide on Impunity*. <https://www.wola.org/wp-content/uploads/2019/03/ENGLISH-WOLA-PBI-2019.pdf>, p. 21.

52 *Acuerdo A/145/10*. 5 July 2010. [https://www.gob.mx/cms/uploads/attachment/file/341745/Acuerdo\\_A\\_145\\_10.pdf](https://www.gob.mx/cms/uploads/attachment/file/341745/Acuerdo_A_145_10.pdf).

53 *Decreto 3/05/2013*. 3 May 2013. [https://www.gob.mx/cms/uploads/attachment/file/341743/Decreto\\_final.pdf](https://www.gob.mx/cms/uploads/attachment/file/341743/Decreto_final.pdf).

- The case concerns a crime classified as a 'grave crime'
- The life or physical integrity of the victim or injured party is at risk
- The competent state authority requests that the case is attracted
- The crime has a significant impact on the right to information, the right to freedom of expression or press freedom
- In the state where the crime was committed or where its effects are felt, the circumstances for exercising the right to information, the right to freedom of expression or press freedom are adverse
- The crime transcends the borders of one or more states

A treaty body has established the international responsibility of the Mexican state for an omission in the investigation, prosecution or adjudication of crimes against journalists, persons or infrastructure that affect, limit or impair the right to information, the right to freedom of expression or press freedom.<sup>54</sup>

FEADLE may attract a case at any stage of the investigation. Once FEADLE attracts a case, it will immediately notify the relevant authority at the state level, collect the investigation file, safeguard all evidence and notify the victim in writing.<sup>55</sup> After FEADLE has attracted the case, the state prosecutor must end its investigation.<sup>56</sup>

Founding FEADLE was an important step in recognizing the specific dangers that Mexican journalists in Mexico face. However, while FEADLE's foundation was applauded by press freedom groups, the agency has suffered criticism for its lack of resources and effectiveness. According to the UN Special Rapporteur on freedom of expression, documented by the United Nations Human Rights Office of the High Commissioner (OHCHR), FEADLE 'lacks effective investigative plans, does not exhaust all lines of inquiry, and does not analyse the context in which the crimes took place, particularly the way in which political and criminal power operate at the local level and other local realities.'<sup>57</sup> Both the OHCHR and the Committee to Protect Journalists have stated that FEADLE has not succeeded in ending impunity.<sup>58 59</sup> According to the Committee to Protect Journalists, FEADLE opened 123 cases, ten of which were homicides, in the period between 29 February 2016 and 31 January 2020.<sup>60</sup> Only, three of the 123 cases resulted in a conviction.<sup>61</sup> However, there have been important achievements, like the case of the murder of Chihuahua-based journalist Miroslava Breach. In this case, FEADLE managed to identify a suspect, who was later convicted.<sup>62</sup> Also in 2016, the family of murdered journalist Moisés Sánchez Cerezo successfully challenged FEADLE's decision not to attract a case in court. They obtained a court sentence that ruled FEADLE's inaction as a violation of the right to freedom of expression.<sup>63</sup> A similar judgment was delivered to journalist Miguel Ángel Villarino Arnábar, who protested FEADLE's decision not to attract his complaint of having endured torture.<sup>64</sup> These are small positive steps in the battle against impunity.

54 Art. 21 CNPP (I-IX) Facultad de atracción de los delitos cometidos contra la libertad de expresión. [https://leyes-mx.com/codigo\\_federal\\_de\\_procedimientos\\_penales/21.htm](https://leyes-mx.com/codigo_federal_de_procedimientos_penales/21.htm).

55 Procuraduría General de la República. 2018. *Protocolo Homologado de Investigación de delitos cometidos contra la libertad de expresión*. [https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo\\_homologado\\_de\\_investigaci\\_n\\_de\\_delitos\\_cometidos\\_contra\\_la\\_libertad\\_de\\_expresi\\_n.pdf](https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos_contra_la_libertad_de_expresi_n.pdf), p. 59.

56 WOLA. 2019. *Turning the Tide on Impunity*. <https://www.wola.org/wp-content/uploads/2019/03/ENGLISH-WOLA-PBI-2019.pdf>, p. 21.

57 United Nations Human Rights Office of the High Commissioner. 2017. *Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November – 4 December 2017*. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484>.

58 United Nations Human Rights Office of the High Commissioner. 2017. *Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November – 4 December 2017*. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484>.

59 Committee to Protect Journalists. 2017. *No excuse: federal efforts to protect journalists fall short*. <https://bit.ly/3ajIroP>.

60 Committee to Protect Journalists. 2017. *No excuse: federal efforts to protect journalists fall short*. <https://bit.ly/3ajIroP>.

61 Committee to Protect Journalists. 2017. *No excuse: federal efforts to protect journalists fall short*. <https://bit.ly/3ajIroP>.

62 Knight Centre. 2020. *Federal judge issues conviction against man involved in murder of Mexican journalist Miroslava Breach*. <https://latamjournalismreview.org/articles/federal-judge-issues-conviction-against-man-involved-in-murder-of-mexican-journalist-miroslava-breach/>.

63 Wola; Advocacy for Human Rights in the Americas. 2019. *Turning the tide on impunity; protection and access to justice for journalists and human rights defenders in Mexico*. <https://www.wola.org/wp-content/uploads/2019/03/ENGLISH-WOLA-PBI-2019.pdf>.

64 Wola; Advocacy for Human Rights in the Americas. 2019. *Turning the tide on impunity; protection and access to justice for journalists and human rights defenders in Mexico*. <https://www.wola.org/wp-content/uploads/2019/03/ENGLISH-WOLA-PBI-2019.pdf>.

Whereas FEADLE was set up to end impunity, the Federal Protection Mechanism of Human Rights Defenders and Journalists was founded to provide protection and prevent murders from happening in the first place.

In 2020, the mechanism had a budget of 16 million pesos (800,000 dollar) and employed 37 people.<sup>65</sup> The Mechanism can take a series of protective measures to help a journalist who faces real threats and seeks protection. The Mechanism can – among other things - evacuate journalists and their families, offer them shelter in a safe house, and provide a panic button.<sup>66</sup> While the Mechanism is an important acknowledgment of the specific dangers journalists and human rights defenders in Mexico face, it has not succeeded in lowering the number of murders of journalists. Also, journalists have criticized the Mechanism for lacking the capability to monitor risks country-wide.<sup>67</sup>

## Local power dynamics in Veracruz

Over the past decade, Regina Martínez Pérez' home state of Veracruz has been one of the most dangerous places in the world for journalists.<sup>68</sup> Journalists in Veracruz are 50-times more likely to be murdered than the general population.<sup>69</sup> The Committee to Protect Journalists counted 21 killed journalists in the period 2011 – 2020.<sup>70</sup> This murder rate became a national scandal under the *Partido Revolucionario Institucional* (PRI) of Governor Javier Duarte de Ochoa (2010 – 2016), when the violence was at its peak.<sup>71</sup> The murder of Regina Martínez Pérez in 2012 is an example of a broader problem in Veracruz at that time. At the time of the murder of Regina Martínez Pérez, the state of Veracruz had become a key battleground in Mexico's drug war, with its port, one of the largest in Mexico, being an important trafficking hub.<sup>72</sup> In the 2000s, under Governor Fidel Herrera, the Gulf Cartel, together with the 'Los Zetas' group, gained control of the drug market in large areas of Veracruz. The Zetas-faction started as a group of former elite forces of the Mexican Army.<sup>73</sup> They mushroomed in size, recruiting many routine criminals, as well as other ex-soldiers and police. In 2010, the Zetas entered into open warfare with the rest of the Gulf Cartel, resulting in the Zetas taking control of most of the drug trafficking in Veracruz.<sup>74</sup> From 2011 on, the Jalisco New Generation Cartel, using a front group called the *Mata Zetas* (Zetas killers) also stormed the state and battled fiercely with the Zetas. This group took over the port of Veracruz, then gradually pushed into various cities in the central region. It currently controls several parts of Veracruz.<sup>75</sup>

Journalists in Veracruz face challenges as a result of violence and repression at local level. Most murders of journalists in Veracruz remain unresolved, so it is often unclear, or at least has not been proven, who is behind these murders. However, there are indications that drug trafficking organisations target journalists in Veracruz. For example, journalists who cover crime (*la nota roja*) are often targeted.<sup>76</sup> Also, the heavily organised crime-like way that journalists in Veracruz are often murdered indicates the involvement of organised crime groups.<sup>77</sup> Some

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65 Committee to Protect Journalists. 2017. No excuse: federal efforts to protect journalists fall short. <https://bit.ly/3ajIroP>

66 Committee to Protect Journalists. 2017. No excuse: federal efforts to protect journalists fall short. <https://bit.ly/3ajIroP>

67 United Nations Human Rights Office of the High Commissioner. 2017. *Preliminary Observations by the UN Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of expression of the IACHR following their joint visit to Mexico, 27 November – 4 December 2017*. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484>.

68 For an extensive analysis of how journalists deal with the danger of reporting, see: Reporters Without Borders. 2017. *Veracruz: journalists and the state of fear*. <https://rsf.org/en/news/rsf-publishes-report-veracruz-journalists-and-state-fear>.

69 Bartman, J. M. (2018) Murder in Mexico: are journalists victim of general violence or targeted political violence? *Democratization*, Vol. 5, No. 7.

70 Committee to Protect Journalists. 2021. *Mexico*. <https://cpj.org/americas/mexico/>.

71 International Crisis Group. 2017. *Veracruz: Fixing Mexico's State of Terror*. <https://www.crisisgroup.org/latin-america-caribbean/mexico/61-veracruz-fixing-mexicos-state-terror>.

72 BBC. 2015. *Six bodies found in eastern Mexican state of Veracruz*. <https://www.bbc.com/news/world-latin-america-32580461>.

73 Grayson, G. W. (2012). *The Executioner's Men: Los Zetas, Rogue Soldiers, Criminal Entrepreneurs, and the Shadow State They Created* (1st ed.), page 46, Transaction Publishers.

74 Mexico News Daily. 2020. *Veracruz attorney general confirms cousin is Los Zetas chief*. <https://mexiconewsdaily.com/news/veracruz-attorney-general-confirms-cousin-is-los-zetas-chief/>.

75 Insight Crime. 2020. *Jalisco Cartel New Generation (CJNG)*. <https://www.insightcrime.org/mexico-organized-crime-news/jalisco-cartel-new-generation/>.

76 Holland, B. E., & Rios, V. (2017). Informally governing information: How criminal rivalry leads to violence against the press in Mexico. *Journal of Conflict Resolution*, Vol. 61, no. 5, 1095-1119.

77 For description of the organized crime modus operandi in which journalists in Veracruz are often killed, see: The Guardian. 2012. *Mexico's drug cartels target journalists in brutal killing spree*. <https://www.theguardian.com/world/2012/oct/13/mexico-drug-wars-target-journalists>.

journalists in Veracruz have explicitly stated that they have been abducted by members of the Zetas.<sup>78</sup> One of them, Rubén Espinosa, a former colleague of Regina Martínez Pérez, stated (before he was murdered) that he had been abducted by the Zetas.<sup>79</sup> Occasionally, journalists were abducted by small groups of armed men, and subsequently found dead, leaving only eye-witnesses to tell the story.<sup>80 81</sup> In the case of journalist Víctor Manuel Báez Chino, who was kidnapped and murdered in 2012, authorities claimed that a note was pinned to his body, which said: 'This is what happens to traitors and people who act smart. Sincerely, the Zetas.'<sup>82</sup>

In addition to the organised crime problem, Veracruz has also suffered from corruption, and it is alleged that its institutions suffer from collusion between public officials and organised crime groups. A case in point when it comes to corruption, is Javier Duarte (2010 – 2016), the incumbent governor of Veracruz at the time of Regina's murder. He was arrested for money laundering and corruption in 2017 and sentenced in 2018 to nine years in jail.<sup>83</sup> During a Texas court hearing in 2012, cartel money launderer, Francisco Antonio Colorado Cessa, accused former governor Fidel Herrera of collaborating with the Zetas.<sup>84 85</sup> However, Fidel Herrera has never been officially charged and claims to be innocent.<sup>86</sup> Also, several senior members of Duarte's administration have faced criminal charges. In 2018, Duarte's secretary of public security, Arturo Bermúdez Zurita, together with 18 other officials, was charged with the forced disappearance of 15 people.<sup>87 88</sup> He awaits his trial in freedom, after his preventative detention was withdrawn by a judge.<sup>89</sup> After his release, Arturo Bermúdez Zurita claimed to be innocent and stated that he was tortured into incriminating himself and others.<sup>90</sup>

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78 For an interview with one of these journalists, see: Index on Censorship. 2018. *After cartel kidnapping, Mexican journalist fled to U.S.* <https://www.indexoncensorship.org/2018/02/cartel-kidnapping-mexican-journalist-fled-u-s/>.

79 For an interview with Rubén Espinosa about his kidnapping, see: Bartman. 2020. *The repression of boundary-blurring actors in subnational undemocratic regimes Empirical explorations in Veracruz and Gujarat.* <https://books.ipस्कampprinting.nl/thesis/548902-Bartman/>.

80 BBC. 2016. *Mexico: Crime reporter kidnapped in Veracruz.* <https://www.bbc.com/news/world-latin-america-35529639?tblang=english>.

81 Reuters. 2012. *Kidnapped crime reporter found dead in eastern Mexico.* <https://www.reuters.com/article/us-mexico-drugs-journalist-idUSBRE85D1PX20120614?edition-redirect=in>.

82 Guardian. 2012. *Mexico's drug cartels target journalists in brutal killing spree.* <https://www.theguardian.com/world/2012/oct/13/mexico-drug-wars-target-journalists>.

83 The Guardian. 2018. *Javier Duarte, former governor of Veracruz, pleaded guilty to charges of criminal association and money laundering.* <https://www.theguardian.com/world/2018/sep/27/javier-duarte-mexico-veracruz-guilty-sentenced-corruption>.

84 Organized Crime and Corruption Reporting Project. 2020. *The cartel's consul in Barcelona.* <https://www.occrp.org/en/investigations/the-cartels-consul-in-barcelona>.

85 Forbidden Stories. 2020. *Uncovered: the buried truth of Assassinated Journalist Regina martnez.* <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-Martinez/>.

86 For a detailed visualization of Fidel Herrera's Network, see: Forbidden Stories' Network: <https://forbiddenstories.org/fidel-herrerass-networks/>.

87 Mexico News Daily. 2018. *19 officials accused in disappearances of 15.* <https://mexiconewsdaily.com/news/19-officials-accused-in-disappearances-of-15/>.

88 For various articles on the issue, see: El Universal. <https://www.eluniversal.com.mx/tag/arturo-Bermúdez-zurita>.

89 El Universal. 2018. *Javier Duarte's former security secretary is released from prison.* <https://www.eluniversal.com.mx/estados/ex-secretario-de-seguridad-de-javier-duarte-sale-de-prision>.

90 Animal Politico. 2020. *Sin avance caso contra Javier Duarte por desapariciones; México no logra permiso para detenerlo.* <https://www.animalpolitico.com/2020/12/sin-avance-caso-contrajavier-duarte-por-desapariciones-mexico-no-logra-permiso-para-detenerlo/>.



## 2. Regina Martínez' life and work: a fearless investigative journalist



Portrait of Regina Martínez. Credits: Alberto Morales García

### Life and career as a critical journalist

Regina Martínez Pérez came from a humble farming background and at the time of her death had risen to become a high-profile and respected print journalist in Veracruz. She died at age 48, leaving a legacy of publications that documented the struggles and injustices faced by the people in her home state, and also their hopes for a better future. At the same time, she lived a simple and modest life centred around her profession.

One of 11 children, she was born on 7 September 1963 in Rafael Lucio, a small town near the Actopan river in the central mountains of Veracruz. She left her hometown for the *Universidad Veracruzana* in the capital Xalapa, to study *Comunicaciones* [Communications], the degree taken by most Mexican journalists.<sup>91</sup> After completing her degree, she began her career as a journalist in 1980, working for a local television channel called *Televisión Rural Mexicana*.<sup>92</sup> Politically, it was a turbulent time in Mexico. It was marked by increased criticism of the ruling Institutional Revolutionary Party (PRI), in response to a botched response to the earthquake of 1985, and a deep economic crisis. The period witnessed growing opposition from both the right, particularly in the north of Mexico, and the left, particularly in the centre and south of the country.<sup>93</sup>

After working for the Veracruz state TV company *Cuatro Más* for a brief period, Regina and other journalists from Veracruz moved south to the state of Chiapas.<sup>94</sup> Chiapas, the poorest state in Mexico, was experiencing upheaval

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91 Norma Trujillo. 2012. *Regina Martínez Pérez*. <https://mataranadie.com/regina-Martinez-perez/>.

92 Proceso. 2012. *Honesta, comprometida y recta. Así era Regina*. <https://web.archive.org/web/20120720093035/http://www.proceso.com.mx/?p=306568>.

93 Bailey, J. and Gómez, L. (1990). The PRI and Political Liberalization. *Journal of International Affairs*, 43:2, pp. 291-312.

94 Proceso. 2012. *Honesta, comprometida y recta. Así era Regina*. <https://web.archive.org/web/20120720093035/http://www.proceso.com.mx/?p=306568>.

among indigenous groups, which would eventually turn into the Zapatista uprising.<sup>95</sup> It was believed that Regina and the other Veracruz journalists were bringing in important skills and, as one old colleague remembers, they were key to the development of journalism in the southern state.<sup>96</sup>

At the end of the 1980s Regina returned to Xalapa<sup>97</sup> to work for two critical left wing newspapers: *Politica*, one of the most important outlets in Veracruz, and *La Jornada*, Mexico's most well-known left wing national daily. She focused particularly on indigenous and rural issues, including those of coffee producers in the municipality of Coatepec,<sup>98</sup> and illegal loggers in the state's forests.<sup>99</sup> She covered protests against the nuclear plant at Laguna Verde in 1989, and reported on groups in Veracruz sympathetic to the Zapatista uprising in Chiapas in 1994, including coffee growers protesting against low prices.<sup>100</sup> One of her major stories was about a 73 year-old indigenous woman who was raped and beaten to death by army soldiers.<sup>101</sup> In 2000, Regina became the Veracruz correspondent for the Mexico City-based left-wing weekly magazine *Proceso*,<sup>102</sup> founded in 1976 by the legendary journalists Julio Scherer and Miguel Angel Granados Chapa. It was during the 2000s that she published her most notable work in the magazine, writing 63 large features,<sup>103</sup> and hundreds of short reports. In addition to her work for *Proceso*, she continued to work for several years as a writer and editor at *Politica*, mentoring a generation of younger journalists.<sup>104</sup> One of the reporters she mentored describes her as an incredibly diligent journalist who would listen to hours of recordings of state legislative sessions and other technical affairs to find stories that had a serious impact: "She always chose issues with a social focus: workers, farmers, minorities, those without a voice," he said. "She gave them a voice first and then confronted the powers-that-be with this information."<sup>105</sup> Her work was factual and expository rather than colourful and literary. Where other media shied away, she fearlessly published multiple reports of corruption and violence. In some cases, her reports in *Proceso* had no by-line, as is customary in Mexico when the material is especially sensitive. In other cases, she collaborated with *Proceso* national correspondents who came in from Mexico City, and would use their by-line while also incorporating her own material.

## Sensitive publications before the murder

In order to understand which actors may have had a motive for murdering Regina Martínez Pérez because of her publications, our investigation team has reviewed the stories she published in the period leading up to her murder. In the months prior her murder, she published several incriminating stories, most of them with her own by-line. Some of the stories were published under the name of another *Proceso* correspondent who had travelled from Mexico City to Veracruz to work with Regina. Finally, some stories were published simply with the name, "La Redacción", i.e. "The Desk". The strategy of using the "The Desk" by-line in Mexican outlets is often to protect the writer when the piece contains sensitive information. However, it would not be difficult to discover that Regina provided the information for these *Proceso* stories since she was the *Proceso* correspondent in Veracruz.

One point made by a Veracruz based journalist during our investigation was that many of the controversial issues in the stories written by Regina were also addressed by local media outlets. However, Regina's publications on these issues garnered more attention because she published them in *Proceso*, bringing them to a national

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95 Australian Institute of International Affairs. 2014. *The Zapatista Movement: The Fight for Indigenous Rights in Mexico*. <https://www.internationalaffairs.org.au/news-item/the-zapatista-movement-the-fight-for-indigenous-rights-in-mexico/>.

96 Interview 6, 7-00. 30 September 2020.

97 Forbidden Stories. 2020. *Uncovered: The buried truth of assassinated journalist Regina Martínez*. <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-Martinez/>.

98 Norma Trujillo. 2012. *Regina Martínez Pérez*. <https://mataranadie.com/regina-Martinez-perez/>.

99 Norma Trujillo. 2012. *Regina Martínez Pérez*. <https://mataranadie.com/regina-Martinez-perez/>.

100 Norma Trujillo. 2012. *Regina Martínez Pérez*. <https://mataranadie.com/regina-Martinez-perez/>.

101 AP News. 2016. No justice in Veracruz, as journalist's death is unresolved. <https://apnews.com/article/41d509cc221e47de8c178c2ed8d9c2ed>.

102 De Volkskrant. 2020. *Drugskartel of Overheid? Onderzoek naar moord op 'onomkoopbare' Mexicaanse journaliste heropend*. <https://www.volkskrant.nl/nieuws-achtergrond/drugskartel-of-overheid-onderzoek-naar-moord-op-onomkoopbare-mexicaanse-journaliste-heropend~b0a00fd7/>.

103 The figure of 63 features is mentioned by various sources, including by *Proceso* colleague Ricardo Ravelo in his book, 'Los Expedientes,' published in 2016.

104 Interview 6, 7-00. 30. September 2020.

105 Interview 6, 7-00. 30. September 2020.

audience. As the journalist said: “In Regina’s case, it was the impact the information made. The difference was that she published the issue in a national paper where it made more impact than it would in little local newspaper.”<sup>106</sup> From 2007 on, Regina carried out extensive work on the case of Ernestina Ascención Rosario, an indigenous woman from Zongolica who was allegedly raped and murdered by soldiers in the area of Soledad Atzompa in February 2007.<sup>107</sup> In May that year, the Veracruz state prosecutors ruled that it was a natural death, but Regina and others reported that Ascencio was found alive and told people about the attack before she passed away.<sup>108</sup> Her publication also quoted a doctor who reported finding semen and bruising around the vaginal area.<sup>109</sup> According to Regina, the case forced a response from then President Calderon who refuted the abuse.<sup>110</sup> In November 2011, the case was finally sent to the Inter-American Commission on Human Rights, an event that Regina published in *Proceso* months before her death.<sup>111</sup> In the period 2004 – 2010 Regina wrote dozens of stories critically examining Governor Fidel Herrera’s administration of Veracruz. These stories range from reports of how Herrera’s bodyguards beat a disabled man, to details of how the Veracruz governor illegally cleared a prison of its inmates to allow Mel Gibson to use it as a film location.<sup>112</sup> In another critical piece on Herrera, she wrote about the alleged dealings between Governor Fidel Hererra and a textile magnate who was accused of having links to child prostitution.<sup>113</sup>

In the month before Regina’s murder, *Proceso* published an important story on a sensitive issue related to the alleged collusion between public officials and the organised crime group Los Zetas. The story appeared in *Proceso*’s Sunday print edition on 8 April, under the title “*Dos Regresos Peligrosos*”.<sup>114</sup> While the story appeared with Jenaro Villamil’s by-line, local officials were able to assume that Regina was involved in the reporting of the story, given that she was the Veracruz correspondent.<sup>115</sup> The article profiled two state Congress candidates, Reynaldo Escobar and Alejandro Montano Guzmán. The article cited the findings of a federal investigation that Escobar allowed the Zetas into Xalapa when he was a state attorney general of Veracruz and later mayor of Xalapa. The article states, “Investigations of the Federal Attorney General’s Office, based on the statements of 14 protected witnesses, indicate how Escobar was one of those responsible for the growth of ‘The Company’<sup>116</sup> and the Zetas during the government of Herrera Beltrán.”<sup>117</sup>

The story goes on to mention how Alejandro Montano Guzmán, Veracruz’ state Public Security Secretary, acquired nine properties including a home worth approx. 1.5 million dollars. It states: “Montano, who boasts humble origins as a ‘carrier of vegetables in Jamaica market,’ is the owner of nine properties valued at a total of

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106 Interview 4, 22:00. 30 September 2020.

107 Aristegui Noticias. 2012. *Últimos textos de la corresponsal de ‘Proceso’ en Veracruz*. <https://aristeguinoticias.com/2904/mexico/ultimos-textos-de-regina-Martínez-corresponsal-de-proceso/>.

108 That story was published in *Proceso* on Nov. 1, 2011, under the headline “A la CIDH el caso de indígena violada y ejecutada por militares en 2007” and with Regina’s byline. It can be found here: <https://www.proceso.com.mx/nacional/2011/11/1/la-cidh-el-caso-de-indigena-violada-ejecutada-por-militares-en-2007-94262.html>.

109 *Proceso*. 2021. *Caso Ernestina Ascencio: Una vieja versión refutada por el gobierno*. <https://www.proceso.com.mx/reportajes/2021/1/9/caso-ernestina-ascencio-una-vieja-version-refutada-por-el-gobierno-255945.html>.

110 That story was published in *Proceso* on Nov. 1, 2011, under the headline “A la CIDH el caso de indígena violada y ejecutada por militares en 2007” and with Regina’s byline. It can be found here: <https://www.proceso.com.mx/nacional/2011/11/1/la-cidh-el-caso-de-indigena-violada-ejecutada-por-militares-en-2007-94262.html>.

111 That story was published in *Proceso* on Nov. 1, 2011, under the headline “A la CIDH el caso de indígena violada y ejecutada por militares en 2007” and with Regina’s byline. It can be found here: <https://www.proceso.com.mx/nacional/2011/11/1/la-cidh-el-caso-de-indigena-violada-ejecutada-por-militares-en-2007-94262.html>.

112 The first story was published in *Proceso* on January 23, 2007, under the headline, “Guaruras de Fidel Herrera golpean a un discapacitado.” It can be accessed here: <https://www.proceso.com.mx/nacional/estados/2007/1/23/guaruras-de-fidel-herrera-golpean-un-discapacitado-regina-Martínez-31101.html>. The second story was published in *Proceso* on July 5, 2010, under the headline, “Fidel Herrera se entrega a Mel Gibson.” This story can be accessed here: <https://www.proceso.com.mx/cultura/2010/7/5/fidel-herrera-se-entrega-mel-gibson-5352.html>.

113 The story was published in *Proceso*, was entitled, “Los portenos se mofan de Fidel Herrera, el otro gober precioso,” and was published on February 28, 2006. It can be found here: <https://www.proceso.com.mx/nacional/estados/2006/2/28/los-portenos-se-mofan-de-fidel-herrera-el-otro-gober-precioso-41204.html>. The affair of the Puebla governor has been most thoroughly documented by journalist Lydia Cacho, including in the book, “Los demonios del Eden.”

114 The story was published in the print edition of *Proceso* on April 8, 2012, under the headline, “*Dos Regresos Peligrosos*,” and the byline of Jenaro Villamil. The edition was numbered 1849.

115 Interview 16. 1 February 2021.

116 ‘The Company’ is an alternative name used for the Gulf Cartel.

117 The story was published in the print edition of *Proceso* on April 8, 2012, under the headline, “*Dos Regresos Peligrosos*,” and the byline of Jenaro Villamil. The edition was numbered 1849.

93.8 million pesos, according to a list given to *Proceso*.<sup>118</sup> The article sent shockwaves through Veracruz, leading to copies of *Proceso* being bought up in bulk,<sup>119</sup> a tactic used by politicians to prevent a story getting into the hands of the public.<sup>120</sup> Regina told editors in *Proceso* there was an adverse reaction to the story.<sup>121</sup> However, one of Regina's former colleagues also mentioned that other major features written by Regina also led to the bulk buying of *Proceso* issues. "In Xalapa, when powerful reports from Regina appeared in *Proceso*, politicians ordered all copies to be bought up, so no one could read them," he said.<sup>122</sup>

## Ongoing investigations at the time of the murder

During our field investigation, Regina's former colleagues also spoke of various ongoing investigations that Regina was working on at the time of her murder.<sup>123</sup> The first was a project into corruption in the Fidel Herrera administration. This investigation was also referenced by various reports and profiles of Regina's that were published after her death. One of these stated: "At the beginning of 2012, according to close friends Regina had locked herself in her house to work on an issue of corruption linked to the administration of Fidel Herrera."<sup>124</sup> In 2011 and 2012, Regina had already published several stories in which she critically assessed the financial practices in the Herrera administration and of Herrera himself after he had left office. One of these publications, published in May 2011, discusses Herrera's shares in the Veracruz football team, Los Tiburones.<sup>125</sup> And in February 2012, she wrote about the state debts accumulated under Herrera.<sup>126</sup> However, it is not clear which sensitive documents Regina may have had in her possession, or what type of allegations she might have published based on this investigation.

A second investigation that Regina was said to be working on at the time of her murder, related to the unclaimed bodies at the public cemetery in Xalapa, known as Palo Verde. Families of disappeared people in Veracruz accused state prosecutors of hiding bodies in this cemetery, implying that it could be a mass grave, and they had reportedly spoken to Regina about this.<sup>127</sup> The issue did eventually come out into the open after Regina's death and in 2015, state officials exhumed several bodies from the graveyard. One of those was identified as being that of a 29 year old woman who had disappeared in 2011.<sup>128</sup>

During an interview, one of Regina's colleagues also mentioned a third report that Regina was working on; it was about a Veracruz official with possible links to a cartel, but it was not exactly clear what evidence Regina had gathered on the politician.<sup>129</sup> However, *Proceso* colleague Jorge Carrasco said that Regina had not shared with the magazine that she was working on any incriminating investigations. According to him, she had taken the decision in November not to work on any investigative stories related to issues of crime and violence.<sup>130</sup>

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118 *Proceso*. 2012. Dos Regresos Peligrosos. Edition number 1849.

119 The mass buying of the edition is reported in, among places, Katherine Corcoran's story "No justice in Veracruz as journalists death is unsolved," published July 23, 2017. This story can be found at <https://kathycorcoran.com/nojustice/article.html>.

120 Interview 6, 30 September 2020, and Interview 16, 1 February 2021.

121 Interview 16, 1 February 2021.

122 Interview 6, 13-20. 30 September 2020.

123 Interview 4, 30 September 2020; Interview 6, 30 September 2020, and Interview 17, 1 February 2021.

124 The story is published on <https://mataranadie.com/regina-Martinez-perez/> under the headline, "Regina Martínez Perez," and byline of Norma Trujillo. The mention of the Fidel Herrera investigation is also in Katherine Corcoran's story "No justice in Veracruz as journalists death is unsolved," published July 23, 2017.

125 The story was published in *Proceso* on May 18, 2011, under the headline, "Fidel Herrera ahogó a los Tiburones" with Regina's byline. It can be found here: <https://www.proceso.com.mx/reportajes/2011/5/17/fidel-herrera-ahogo-los-tiburones-87163.html>.

126 The story was published in *Proceso* under the headline, "Veracruz: Otra Deuda Exorbitante," on February 2, 2012. It can be found here: <https://www.proceso.com.mx/reportajes/2012/2/2/veracruz-otra-deuda-exorbitante-98266.html>.

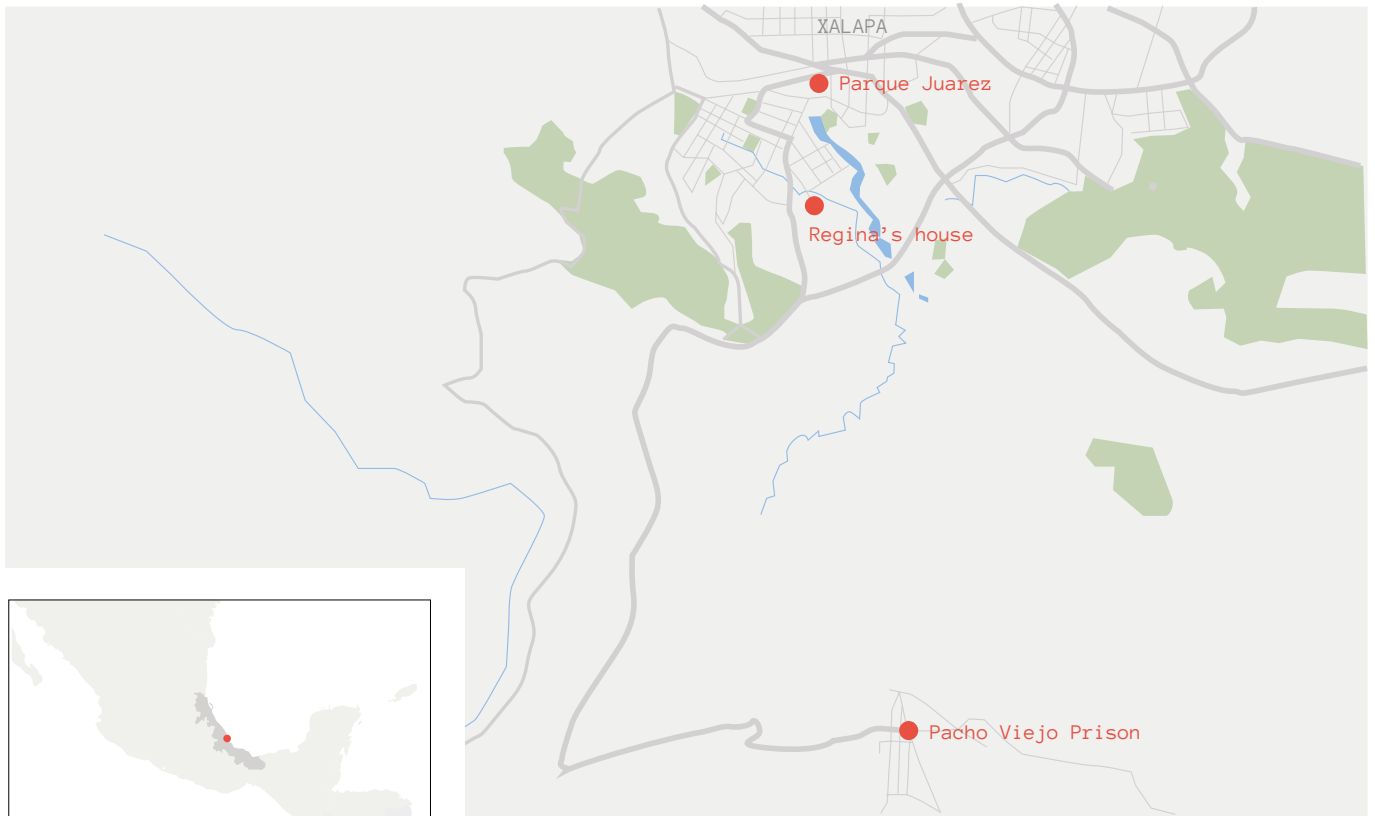
127 Published by Associated Press on Dec. 1, 2016, under the headline "Crimen de la periodista Regina Martínez sigue sin resolverse," and in English as "No justice in Veracruz, as journalist's death is unsolved." The English story can be found here: <https://apnews.com/article/41d509cc221e47de8c178c2ed8d9c2ed>.

128 This is detailed in, among places, "La FGE de Veracruz inhumó 192 cuerpos sin cumplir protocolos," published by La Jornada, Sept. 4, 2016. This story can be found here: <https://www.jornada.com.mx/2016/09/04/estados/023n1est>.

129 Interview 4, 23-00. 30 September 2020.

130 Interview 16. 1 February 2020.

# 3. The murder



## The Lead up

Opinions about Regina Martínez Pérez' mood before she was murdered vary among colleagues and in reports published after her death. Several colleagues interviewed for this investigation said that she seemed normal, and they didn't notice anything out of the ordinary. A colleague who had long phone calls with her during this period said, "She talked of her daily life, of getting her electricity fixed and about children playing football on the street, that type of thing."<sup>131</sup> Another colleague mentioned that, a week before the murder, Regina invited family members over for a dinner. The colleague said that Regina cut herself while preparing the food but that she did not seem especially worried.<sup>132</sup> However, there are reports that emphasize that Regina was nervous in the week before her murder. As the Associated Press published in 2016, "Friends say that privately, she was concerned."<sup>133</sup>

One suspicious event was identified in the period leading up to the murder. According to the Associated Press, in late 2011,<sup>134</sup> after Regina returned from visiting her family home, she discovered that her house on Privada Rodríguez Clara 208 had been broken into and money taken from her Christmas bonus, known in Mexico as an *aguinaldo*. What was especially ominous was that it seemed the thief had also taken a shower and left a damp towel in her bathroom.<sup>135</sup>

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131 Interview 6, 25-00. 30 September 2020.

132 Interview 4, 26-00. 30 September 2020.

133 Published by Associated Press on Dec. 1, 2016, under the headline "Crimen de la periodista Regina Martínez sigue sin resolverse," and in English as "No justice in Veracruz, as journalist's death is unsolved." The English story can be found here: <https://apnews.com/article/41d509cc221e47de8c178c2ed8d9c2ed>.

134 While the date is unknown, it can be assumed that this was in December because of the fact that in this month *aguinaldos*, or Christmas bonuses, are paid in Mexico.

135 This event is detailed in, among places, the Associated Press story, "No justice in Veracruz," as above. No date of the event is given.



In addition, the *Proceso* journalist Jorge Carrasco said he had spoken to Regina in November 2011, and that she had said she did not want to do any more investigative reports into organised crime because the violence involving the Zetas and the Mata Zetas made it extremely dangerous.<sup>136</sup> While she did not report a specific threat, she said she would only report the basics of such events, for example, when the police announced arrests. She also mentioned that her government sources were becoming more hesitant about sharing information.<sup>137</sup>

On Friday 27 April 2012, Regina Martínez finished her last two stories: one on an investigation into the death of a community leader and one on the arrest of nine policemen on charges of organised crime. According to her colleague Jorge Carrasco, the last story was sent to *Proceso* that evening at 7:01 pm (at the time she was working from home and submitted the stories from there).<sup>138</sup> It is reported in the *expediente* (the case file) that at around 6:30 pm, a neighbour saw Regina take out her trash, because the garbage truck came to collect it from the street around that time. The neighbour, cited in the *expediente*, stated that Regina was wearing denim shorts and a short-sleeved blouse.<sup>139</sup> The AP also reported that Regina sent a message to one of her sources around this time, cancelling an interview that was planned for some weeks later.<sup>140</sup>

According to the *expediente*, at 10.30 pm Regina's neighbour Martha Isabel Nunez Aguilar noticed that Regina's front gate was open, which seemed odd. She phoned Regina, who said she would close the gate. The following morning, the same neighbour noticed that the gate was still open. The neighbour "shouted powerfully" to make contact with Regina but there was no reply. At 5pm, the neighbour called emergency number 066 to alert the police. Three state police officers led by Commander Refugio Mendez Miranda drove to Regina's house in patrol car no. 1401. They entered the house along with the neighbour Nuñez Aguilar, where they found Regina's body.<sup>141</sup>

## Reactions to the murder

On Saturday 28 April 2012, the day of the murder, Governor Duarte released a statement promising justice. According to the statement he "ordered the Attorney General's Office to follow all lines of investigation and use all legal means to solve this crime, which damages all the people of Veracruz, and hurts the entire journalistic profession."<sup>142</sup> Reactions also followed from journalists across the country. Among them, *Proceso* released a strong statement calling for justice and saying the murder illustrated a decomposition of the country.<sup>143</sup> *Proceso*'s editor and nationally renowned journalist Julio Scherer then flew into Xalapa by helicopter with his team, demanding a meeting with Governor Duarte. This meeting took place on 29 April 2012.<sup>144</sup>

Duarte repeated his promise of justice. Scherer stunned him by responding, "Señor Governor. We don't believe you."<sup>145</sup> Duarte responded by reaffirming that someone would pay for the crime. A legal expert interviewed for this investigation indicated that it was likely these promises put pressure on the state investigators to arrest someone for the murder.<sup>146</sup> *Proceso* assigned Jorge Carrasco Arriazaga to investigate the murder of his colleague. The State Attorney General's office, headed by Attorney General Amadeo Flores Espinosa, opened a formal investigation with number 019/2012/PC, which is the number of the official case file (*expediente*). Investigator Clorinda Ferral

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136 Interview 16. 1 February 2021.

137 Interview 16. 1 February 2021.

138 As published in "Es inútil, señor gobernador, no le creemos": CRÓNICA del encuentro entre Julio Scherer y Javier Duarte,' by Jorge Carrasco, by *Proceso* and republished in Sin Embargo. This article can be found here: <https://www.sinembargo.mx/06-05-2012/225442>.

139 This account is detailed in the government *expediente* in AVI report 1880/2012.

140 Associated Press. 2016. "No justice in Veracruz". <https://apnews.com/article/41d509cc221e47de8c178c2ed8d9c2ed>.

141 These details are in the government *expediente* in AVI report 1880/2012.

142 The statement was released on 28 April 2012, under the headline, "Lamenta gobernador Javier Duarte muerte de Regina Martínez." Parts of the statement can be found here: <https://zonafranca.mx/sin-categoria/el-gobernador-javier-duarte-lamenta-muerte-de-periodista-regina-Martínez-en-veracruz/>.

143 Sin Embargo. 2012. "It's useless, Mr. Governor, we don't believe you": CHRONICLE of the meeting between Julio Scherer and Javier Duarte. <https://www.sinembargo.mx/06-05-2012/225442>.

144 Sin Embargo. 2012. "It's useless, Mr. Governor, we don't believe you": CHRONICLE of the meeting between Julio Scherer and Javier Duarte. <https://www.sinembargo.mx/06-05-2012/225442>.

145 The meeting was described by Jorge Carrasco, who was present, and detailed the account in "Es inútil, señor gobernador, no le creemos": CRÓNICA del encuentro entre Julio Scherer y Javier Duarte, in Sin Embargo, published on May 6, 2012. Find it here: <https://www.sinembargo.mx/06-05-2012/225442>.

146 Interview 12. 29 October 2020.

Ferrando was initially assigned to the case and did much of the initial investigative work, but the case would later be passed around various investigators and prosecutors.

On 2 May 2012, four days after the murder, FEADLE's special prosecutor Laura Borbolla headed down to Veracruz to look into the case and opened her own case file.<sup>147</sup> In various interviews, Borbolla criticized the state investigators' handling of the case, claiming that the crime scene was mishandled.<sup>148</sup> However, while FEADLE conducted an initial investigation, it did not actually attract the case, or conduct significant interviews of witnesses and suspects. Thereby, the case remained officially in the hands of the Veracruz state prosecutor, who carried out their investigations.

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147 Safer World for the Truth does not have the official files. However, Laura Barbolla said in an interview with Forbidden stories that FEADLE did not engage in any further investigation.

148 Forbidden Stories. 2020. *Uncovered: the buried truth of Assassinated Journalist Regina martnez*. <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-Martinez/>.

## 4. The official investigation and prosecution

### The Crime Scene investigation: questions concerning the handling of evidence

During our investigations, we obtained key parts of the official case files, consisting of court files and the case file of the State Attorney General of Veracruz. The description of the crime scene is detailed in the Attorney General's file on the case, in document PGJ/DSP/10501/2012, which also contains photos from the crime scene. The image below depicts a reconstruction of the crime scene made by investigators from the State Attorney General's Office. Regina's body was lying in the bathroom, her arms stretched out to form a cross, her face tilted slightly to her left.



Reconstruction of the crime scene from the expediente.

According to the case file, the murder happened between 2 am and 6 am on the morning of 28 April.<sup>149</sup> The buttons of Regina's clothes were slightly undone, as if she had been attacked after urinating, and the report concludes that, "the attacker entered the bathroom and surprised the victim from behind".<sup>150</sup> It further concludes that Regina fell against the wall and thereby sustained injuries. The attacker then grabbed her by the neck or hair while she was on her knees, and pushed her head towards the toilet bowl, according to the expediente.

Regina struggled, it said, and sustained an injury on her right cheek. The initial report prepared by investigators who inspected the murder scene, stated this injury was a bite. It assumed that the attacker was behind her and held her on her knees while he bit her face. The autopsy report would later refute this and conclude that it was a "knuckle duster," or "brass knuckles" that had damaged her cheek and broken her jaw.<sup>151</sup> The official reconstruction of the murder then reports that the attacker took a rag from the bathroom, the type used to mop up water after showers. He used the rag to strangle Regina from behind. After he killed her, the attacker left Regina lying on her back, according to the expediente. It then states that he went on to ransack and rob the house.

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149 The crime scene investigation is described in pages 000400 to 000450 of the *Expediente*.

150 *Expediente*, file page 000418.

151 *Expediente*, file page 000418.

It was still unclear, however, how much the house had actually been ransacked. Various valuables, including jewellery, were still at the scene. However, the attacker, or attackers, reportedly took Regina's two cell phones: a Blackberry with the number 2281-081008 and another with the number 228-839-6425. Other items taken were an LG Flat screen television and a Toshiba Satellite Pro laptop, serial number 780220190, as well as any information that was on the items.<sup>152</sup>

The defence lawyer of the person eventually convicted for the murder [Jorge Antonio Hernández Silva], Diana Coq Toscanini and FEADLE special prosecutor Laura Borbolla would both say that the police at the scene mishandled the evidence and made fundamental errors.<sup>153 154</sup> "From the very beginning, there were so many errors," Coq Toscanini explained during an interview.<sup>155</sup> "The investigator performed a poor examination on the corpse, and even worse, there was insufficient collection of evidence."<sup>156</sup> In other interviews, Borbolla also said that an excessive amount of fingerprint powder was used by investigators, which destroyed fingerprints and made it impossible to collect DNA on items around Regina Martínez.<sup>157 158</sup> Furthermore, the investigators noted that there was a pile of magazines and documents in the house but not which ones they were. They noted there were beer bottles but not if they were full or empty. They noted there was food out on the table but not if any had been eaten.<sup>159</sup> Such details would have implications for the credibility of the official murder theory, which holds that the perpetrators were partying in the house before murdering Regina.

### The subsequent investigation by the Veracruz State Attorney General's office

In the first few days following the murder of Regina Martínez Pérez, after the crime scene investigation was completed, investigators from the Veracruz State Attorney General's office continued the investigation but found little of interest.<sup>160</sup> They interviewed neighbours and workmen who had been in Regina's home prior to the murder. The investigators went over the crime scene several times and prepared a photographed reconstruction of the crime scene. They visited pawn shops to try and find the items missing from Regina's house: the TV, laptops, phones and camera, but to no avail.<sup>161</sup> They also interviewed several journalists in Veracruz. However, according to Regina's colleagues, investigators did not speak to Regina's closest colleagues but rather to journalists that were close to the state government.<sup>162</sup>

According to the expediente, the breakthrough in the official investigation came on 7 May 2012, nine days after the murder. Investigators report finding Diego Hernandez Villa, a part-time construction worker, who used to go to Regina's street to drink with his father in law. Hernandez Villa stated that on the night of 27 April, he had been in Regina's street - Privada Rodriguez Clara - where he had seen Jorge Antonio Hernández Silva, known as "El Silva", and José Adrián Hernández Domínguez, known as "Jarocho", along with another person called El Paleta Payaso, walking in Regina's street around 10 pm. The report also states that he heard that, on the evening of the murder, Regina went to the shop "La Tienda El Puente" on the street to buy beer from its owner, known as Doña Rosa.<sup>163</sup> This statement gave the police suspects to investigate. However, they did not arrest anyone for another five months.

The investigation did not move forward for several months until 26 October 2012, when investigators carried out an important extended interview with Jarocho's partner María del Rosario Morales Zárata. In her statement,

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152 Expediente, file page 000418.

153 Interview 12, 4-00/5-40. 29 October 2020.

154 Forbidden Stories. 2020. *Uncovered: The buried truth of assassinated journalist Regina Martínez*. <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-Martínez/>.

155 Interview 12, 4-00/5-40. 29 October 2020.

156 Interview 12, 4-00/5-40. 29 October 2020.

157 The point on the finger prints was described by Laura Borbolla to Forbidden Stories in 2020. See: <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-Martínez/>.

158 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

159 Interview 12, 4-00/5-40. 29 October 2020.

160 From Expediente, pages April 29 to May 6.

161 From Expediente, file page 000418.

162 This is confirmed in interviews with various Veracruz journalists, including in interview 4, 30 September 2020.

163 Her complete name is Rosa Maria Balderas Espindola.

according to the expediente, she said she had not seen Jarocho since 6 May. She stated that on 28 April, the day of the murder, she noticed that Jarocho was wounded. When she asked about it, he got angry.<sup>164</sup> According to the expediente, she stated that after several days, El Jarocho confessed to her that he and El Silva had been involved in the murder. “He told me about the objects he had stolen,” she reportedly stated.<sup>165</sup> This statement would be an important piece of evidence in the prosecution against El Silva.

Finally, on 30 October, the Veracruz State Attorney General’s Office held a press conference during which they presented El Silva to the press, a common practice in Mexico. They stated that he had been arrested and had subsequently confessed to his involvement in the murder of Regina Martínez Pérez. According to the prosecutors, he had confessed on 28 October, during an interrogation by state prosecutors. Meanwhile, the police were still looking for Jarocho, according to the expediente.

During the investigation, on 9 May, about the same time investigators had presumably found Diego Hernandez Villa, a separate event took place that bears relevance to the murder. Alleged Zeta operative Jesús Hernández Rodríguez, also known as *El Chilango*, was arrested by Mexican marines. He was interrogated by agents from Mexico’s federal anti-drug trafficking unit, known by the Spanish acronym SIEDO, and his case is recorded in a different expediente.<sup>166</sup> Rodríguez made a statement about the Zetas operating with corrupt officials in Veracruz. He also commented on Regina Martínez Pérez’ murder. However, the statement is confusing. The SIEDO interrogator incorrectly refers to her as “Yolanda”, and Hernández Rodríguez replies, “The journalist from *Proceso* was killed by a guy who is hooked on rocks. He is a crack addict and he washes cars.” He went on to say that the motive was robbery. “He wanted money. He strangled her with a towel, and took her money and her jewels.”<sup>167</sup> While this statement raises questions about possible links to a Zeta-operative, the expediente of Regina’s murder does not report on any exploration of this investigative lead.

## El Silva’s confession

The case against El Silva is built largely on his own confession. This confession gives a version of what happened, and parts of it were repeated in public statements by the Veracruz attorney general’s office and the Attorney General Amadeo Flores Espinoza.<sup>168</sup> Later, the journalist Ricardo Ravelo retold El Silva’s confession in more detail, also in his book, *Los Expedientes*.<sup>169</sup>

As is detailed in the confession, described in the expediente, El Silva is from Xalapa where spent most of his youth growing up on the street. He was informally adopted by the family of María del Rosario Morales Zárte and spent time in their home, which is close to Regina’s house. However, he also worked as a sex worker in Parque Juárez, a park in central Xalapa, contracted HIV, and got into trouble with police for various crimes, eventually doing a four-year prison sentence from 2007 to 2011 for stealing a motorcycle. In prison, Silva met Jarocho and introduced him to his adopted sister Rosario, who became Jarocho’s girlfriend. Silva was released in June 2011, and returned to sex work in Parque Juárez.

**Ce.Re.So. Zona I Xalapa Pacho Viejo**  
**MEDIA FILIACION**



FIL IZQUIERDO                      FRENTE                      PERFIL DERECHO

DEL CENTRO DE READAPTACION SOCIAL EN ESTE DECIMO PRIMER DISTRITO JUDICIAL

**HACE CONSTAR:**

Libro de Filiaciones de Reclusos que lleva este establecimiento penitenciario  
folio núm.: 20120611-01                      aparecen datos jurídicos, biográficos, dactiloscópicos y de fotografía que identifican a la persona abajo señalada y a la letra c

(A): JORGE ANTONIO HERNANDEZ SILVA                      APODO(S) "EL SILVA"  
JUZGADO TERCERO DE PRIMERA INSTANCIA DE PACHO VIEJO, VERACRUZ.  
PENAL(ES): 358/2012/IX                      DELITO(S): HOMICIDIO CALIFICADO Y ROBO CALIFICADO

*[Handwritten signature]*

Silva’s mugshot taken on the night of his arrest, from the expediente

164 Statement from Rosario as cited in “Ejecuciones de Periodistas: Los Expedientes,” by Ricardo Ravelo in 2016, p.15.

165 Statement from Rosario as cited in “Ejecuciones de Periodistas: Los Expedientes,” by Ricardo Ravelo in 2016, p.16

166 The expediente is titled PGR/SIEDO/UEIDCS/133/2011.

167 Cited from PGR/SIEDO/UEIDCS/133/2011.

168 One such statement is in “Robo, móvil del crimen de Regina Martínez: homicida,” Notimex, October 31, 2012. It can be found here: <https://www.eleconomista.com.mx/politica/Robo-movil-del-crimen-de-Regina-Martínez-homicida-20121031-0102.html>.

169 The book “Ejecuciones de Periodistas: Los Expedientes,” by Ricardo Ravelo was published in 2016.



In his confession, he says that on the night of 27 April 2012, he was drinking beer with Charanda (sugar cane liquor) and smoking marijuana with Jarocho. Jarocho said “he had been to a night club where he met a woman with lots of money. He wanted to steal the money. What’s more, she was a journalist.”<sup>170</sup> He said that they then went to Parque Juárez and met other people who hung around there, including those with the nicknames El Chillón, El Marlon, and El Factor,<sup>171</sup> and also met some other sex workers and drank more alcohol together.

According to Silva’s confession, at about 10 pm Jarocho used a pay phone to call Regina to ask her if she wanted to have a drink. They hurried over to her house and threw stones at the door from the street. After four or five minutes, she opened the door in a dressing gown and returned later to open the gate, wearing jeans and a blouse. The confession states that she greeted Jarocho with a kiss on the cheek. She let the two men into the house, then took a bag with four large empty beer bottles (known in Mexico as *caguamas*) to the shop, leaving Jarocho and Silva in her home.

The confession goes on to say that Regina returned with beer and that she, Jarocho and Silva began drinking. Regina put on some salsa music and she and Jarocho danced while Silva sat and drank. Then Regina began to argue with Jarocho. Silva: “The woman scolded Jarocho because he hadn’t called and hadn’t visited, and Jarocho grabbed her by the hand and took her to the bedroom, where there was arguing and hitting for three or four minutes.”<sup>172</sup>

He then describes how Jarocho punched Regina with his fist and how she managed to retaliate and cut him with a knife. Jarocho said, “Now, you’ll see,” and dragged her into the bathroom, grabbing her hair and shoving her head into the toilet. He beat her with a knuckle duster until she told them where the money was. She said it was under the mattress. Silva took the money; by this time Regina was unconscious. Silva stated that Jarocho then proceeded to strangle her with the rag. They then grabbed the laptop, camera and phones and left the house.

### The trial of El Silva: Retracting, sentencing, overturning, and re-arrest

On Wednesday 31 October, Silva’s hearing began at the court of first instance (district court) of the district of Xalapa. During the first hearing, Silva retracted his confession telling the judge that he had been tortured into making a confession. He also stated that the investigators threatened to murder his mother: “Nothing that they have read out to me is true. I want to say that they threatened my mother,” Silva said.<sup>173</sup> However, Judge Rivera Hernández remanded Silva in custody until the Friday after. During the final hearing on 9 April, 2013, Judge Rivera Hernández convicted Silva of robbery and homicide, sentencing him to 38 years in prison. The verdict endorsed the Attorney General’s official version of the murder, even though this theory did not actually state that Silva was the one who physically killed Regina, but rather that, by going into the house to take part in the robbery and by watching Jarocho carry out the murder, he was an accessory to the crime.<sup>174</sup>

After the conviction, Diana Coq Toscanini, a distinguished lawyer who had worked in the state attorney general’s office, took over Silva’s defence on a pro bono basis. She was motivated to take on the case because she wanted to show that the investigators at the attorney general’s office had made a mess of the case.<sup>175</sup> She appealed the conviction at the Veracruz high court, where she presented that legitimate claims of torture were used to extract Silva’s confession. Responding to the appeal, on 8 August,<sup>176</sup> judges Edel Álvarez Peña and Andrés Cruz Ibarra voted to revoke the sentence on the grounds of the constitutional violation of due process, and acquitted Silva.<sup>177</sup>

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170 From expediente, confession of El Silva, 1455.

171 The others mentioned were not located and interrogated in the case.

172 From expediente, confession of El Silva, 1455.

173 Expediente, folio 1461, P. 33.

174 Various newspapers criticized the decision. In the article ‘homicidio de Regina Martínez ; mil días de impunidad,’ Proceso states that, at the proposal of Governor Duarte, the Judge received promotion to magistrate of the state judiciary.

175 Interview 11, 4-00/5-40. 29 October 2020.

176 Known as the *Tribunal Superior de Justicia del Estado*.

177 One argument that was made is that Silva did not have the opportunity to prepare his defense. Another argument was that there was no arrest warrant for his arrest. For an extensive description of the process, see Proceso. 2013. *To the governor of Veracruz: where are the murderers of Regina Martínez?* <https://www.proceso.com.mx/reportajes/2013/8/10/al-gobernador-de-veracruz-donde-están-los-asesinos-de-regina-Martínez-121974.html>.

After his release, lawyer Coq Toscanini helped Silva to relocate to Tlaxcala, where he felt he would be safer.<sup>178</sup>

After the acquittal, however, the case took a new turn. In June 2014, Regina's brother, Ángel Alfonso Martínez Pérez, filed an injunction against the release of Silva.<sup>179</sup> That same month, a federal tribunal under José Sebastián Martínez García passed a ruling that overruled the acquittal of Silva by the High Court of Veracruz.<sup>180</sup> Journalists of *Proceso* and the Organised Crime and Corruption Reporting Project (OCCRP), report that state prosecutors persuaded Regina's brother to file the injunction.<sup>181</sup> According to the OCCRP investigation, a prosecutor of Veracruz, explained to them that the Veracruz prosecutors also drafted the injunction, helped Regina's brother, Angel Alfonso Martinez Pérez, to file it, and just got him to sign it.<sup>182</sup> In October 2014, Silva was rearrested and brought back to Pacho Viejo prison where he has been since.

### Taking stock: an unreliable investigation by Veracruz law enforcement

As the previous sections highlight, questions exist concerning the outcome of the official investigation and the legitimacy of the conviction. The official version of the murder claims that Silva and Jarocho perpetrated the murder in the way described in previous paragraphs. El Jarocho was alleged to have committed the actual strangling, while Silva's role was less clear and limited to accompanying El Jarocho to the house to participate in the robbery and to standing by while the murder took place. Their reported motive was robbery. Our investigation raises questions around the conclusions of the official investigation that led to the conviction of Jorge Antonio Hernandez Silva. We particularly note the following weaknesses:

- **Weak evidentiary support.** To an important degree, the official theory for the murder rests on the supposed confession made by Jorge Antonio Hernandez Silva. The accuracy of his confession is questionable since he retracted his supposed confession in court and stated that he had been tortured into making it.
- **Mishandling of the crime scene investigation.** Mistakes were made at the crime scene in the evidence-gathering process. Firstly, an excessive amount of fingerprint powder was used by investigators, which destroyed the fingerprints and made it impossible to collect DNA on items around Regina. As a consequence, important opportunities to identify the murderers were missed. Secondly, the investigators omitted important details in their crime scene investigation report. For example, they noted the presence of a pile of magazines, beer bottles and food in the house, but they did not specify details. Such details would have been crucial in supporting or refuting the official murder theory, which holds that the perpetrators were partying in the house before murdering Regina.
- **Violation of due process and duress:** While Silva's sentence was revoked by the High Court of Veracruz because of the constitutional violation of due process, he was jailed again by federal judge Sebastián Martínez García, after Regina's brother filed an injunction against Silva's release. Journalists of *Proceso* and the OCCRP report that state prosecutors convinced Regina's brother to file the injunction, helped him draft it, all he had to do was place his signature.<sup>183</sup> Especially in light of allegations of torture, this casts doubt on the exact manner in which the injunction was filed and raises the question of whether it may have been filed under duress.
- **Motive left uninvestigated.** The official murder theory states that the murder occurred as part of a robbery. However, while a cell phone and a flat screen TV were taken from Regina Martínez Pérez' home, significantly

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178 Interview 8. 28 October 2020; Interview 12. 29 October 2020.

179 Some details of the verdict were published on Veracruz' website, and can be found at: <http://www.e-veracruz.mx/nota/2014-06-19/periodismo/justicia-federal-otorga-amparo-hermano-de-regina-Martínez>.

180 E-consulta Veracruz. 2014. *Justicia Federal otorga amparo a hermano de Regina Martínez*. <http://www.e-veracruz.mx/nota/2014-06-19/periodismo/justicia-federal-otorga-amparo-hermano-de-regina-Martínez>.

181 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

182 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

183 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

valuable items, including Regina's jewellery, were not taken. This casts doubt on the official motive for the murder. At the same time, our review of the case files shows that no thorough attempt was made to seriously investigate any possible link between the murder and Regina's work as a journalist. Regina's work bothered public officials, and this could have been a motive for her murder. However, this was not explored, and Regina's former colleagues explained that state investigators did not interview any of her closest colleagues during the investigation.

- **Possible links to *Los Zetas*.** During the investigation, on 9 May, around the time that state investigators reportedly found a crucial eye-witness, Zeta operative Jesús Hernández Rodríguez was interrogated by agents from Mexico's federal anti-drug trafficking unit about a completely different case. This Zeta operative revealed details about the murder of Regina, yet this lead into possible involvement of the Zetas was not further explored by state investigators.

# 5. New findings that further undermine the official investigation

Keeping in mind the potential shortcomings in the official investigation, our own field investigation on the case focused on interviews with persons who had important information related to the murder itself, or related to the official investigation. The key observations from these interviews are presented in the following sections, and cast further doubt on the accuracy of the official murder theory.

## Silva's contradiction of the official story

Our investigation team succeeded in arranging a phone interview with Jorge Antonio Hernández Silva, “El Silva”, in October 2020. Since Silva was imprisoned at Pacho Viejo prison, and it was not possible to speak to him face-to-face inside the prison, the investigators spoke to him by phone from outside the prison. The investigators explained the purpose of the interview and asked if he still claimed his innocence.

Occasionally during the interview, Silva made a confused impression and struggled to recall dates and was unclear on some details. This could be partially understood to be a result of traumatic experiences in his life: he is largely illiterate, suffers from HIV, and has spent much of his life incarcerated or homeless. However, despite these challenges, he was able to relate a coherent narrative regarding his experiences with the state police since his arrest:

- Silva stated that he was not arrested at the end of October 2012 when he appeared at the press conference, but that he was detained about a month earlier.<sup>184</sup> He said that he spent the time between his arrest and the press conference at a safe house, which was near a school.<sup>185</sup>

“I was handcuffed. They blindfolded me using Kleenex for women (sanitary towels),” he described.<sup>186</sup> He said the police threatened to kill his mother, and said he had the choice of either making a false confession or being killed: “They told me, guilty, or in the ground” (*Culpabilidad o piso*). He continued by stating that, prior to his arrest, he had never been in Regina Martínez Pérez’ house. But during his stay at the safe house, the police took him to Regina’s house. They got him drunk and showed him things in and around the house that he should mention in the confession.

- Regarding the alleged co-perpetrator José Adrián Hernández Domínguez (El Jarocho), Silva said that on the day of Jarocho’s disappearance, 6 May 2012, the two had been drinking together. Silva stated that Jarocho told him that people had asked him to kill Regina but that he had refused to do it. Silva said the people who asked Jarocho were part of an organised crime group.<sup>187</sup>

According to Silva, Jarocho said that he had been asked to kill Regina in relation to a political matter. Silva mentioned the bulk buying of magazines to repress a story. While Silva did not specifically refer to the Dos Regresos Peligrosos story, this was a story that had led to a bulk buy up.

Silva said that Jarocho maintained that he had not taken the job to kill Regina, and Silva believed that Jarocho was indeed innocent. While Silva was talking with Jarocho, Jarocho received a call from a work contact, after which he left. Silva did not see him again.

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184 Silva did not mention a specific date.

185 Interview 8. 28 October 2020.

186 Interview 8. 28 October 2020.

187 During our investigation, we spoke to a man who spent some time with Jarocho and Silva in Parque Juárez confirmed that the organized crime group of concern had a big presence there (Interview 7. 27 October 2020). This man also stated that he believed Silva was innocent (Interview 7. 27 October 2020).

## The witness statement by Balderas Espindola

A key piece of evidence in the official version of the murder was the eye-witness statement by Diego Hernandez Villa.<sup>188</sup> In his testimony he stated that he saw Jarocho and Silva near Regina Martínez Pérez' house on the night of the murder. According to the case files, he provided this testimony to state investigators nine days after the murder. He also said he had heard that Regina had bought beer at Rosa Maria Balderas Espindola's (aka Doña Rosa) shop. This fits into the sequence of events set out in the expediente to convict Silva, namely that Regina had gone out to buy beer for Silva and Jarocho before she was murdered. During our investigation, we visited the home of Diego Hernandez, as listed in the expediente, but its current residents said he had passed away. We then visited Doña Rosa's shop on Regina's street.



The shop of Doña Rosa. Credits: Alejandro Suversa.

Doña Rosa had already spoken to police investigators, and denied selling beer to Regina on the night of the murder.<sup>189</sup> During her interview with our investigation team, she was adamant on this point, and emphasized again that Regina did not come into her shop on the night of the murder. She also said that she did not usually sell beer to Regina because Regina always drank *Corona*, a brand that Doña Rosa did not sell. Furthermore, she commented that Diego Hernandez was a drunk who “talked a lot” and made things up, and was therefore not likely to be a reliable witness.<sup>190</sup> Doña Rosa reiterated that she had made it abundantly clear to the police investigators that Regina did not buy beer in her shop on the night of the murder.<sup>191</sup>

## The official version being out of character for Regina

The official theory of the murder is largely built on Silva's confession, which he states was extracted during torture. Aside from the questionable legitimacy of how this testimony was obtained, its content was also considered to be extremely out of character for Regina. Colleagues of Regina, interviewed for this report, described Regina as a reserved person who allowed very few people into her home.<sup>192</sup> They also said she would never go dancing in nightclubs and would never drink more than a couple of beers. And they said it would be completely out of character for her to have a relationship with a sex worker from the park. As a colleague said: “For her to get drunk would mean dropping her guard, and she wouldn't do that. No way she let these people in her house. I am sure that is impossible.”<sup>193</sup>



Regina's home at the time of her murder. Credits: Alejandro Suversa

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188 Expediente, page 00353.

189 Her statement is in the expediente, at the beginning of page 00587.

190 Interview 15. 30 October 2020.

191 Interview 15. 30 October 2020.

192 Interview 6. 30 September 2020; Interview 4. 30 September 2020; Interview 17, 1 February, 2021.

193 Interview 6, 24:00. 30 September 2020.



## Threats towards journalists after the murder

After the murder, there were a series of threats and acts of harassment towards journalists who were investigating Regina's murder, which could be indicative of an organised effort to suppress the truth. Jorge Carrasco was the highest profile journalist who investigated the murder at *Proceso*. He also gained the official status of *coadyuvante* (advocate) in the case: in Mexico this defines a connected citizen who helps authorities to investigate a case. His stories in *Proceso* heavily criticized the official charges against Silva and cast doubt on the accuracy and legitimacy of the state prosecutor's approach to the case. Following Silva's sentence hearing in April 2013, Carrasco published a particularly critical story, which exposed weaknesses in the case and the judge's decision, saying that "the attorney general's office is giving priority to the image of Governor Javier Duarte."<sup>194</sup>

On 14 April, the day this story was published, Carrasco received information from a source that the story had sparked fury under senior Veracruz officials. "In the Veracruz government, they are very upset with you, because you don't understand that the issue of Regina has been resolved," the source told him.<sup>195 196</sup> Worse still, the source said that Veracruz police officers and members of the Zetas could have gone to Mexico City, where Carrasco is based, to look for him.<sup>197</sup>

According to Carrasco, the source later revealed to him that the officials had obtained Carrasco's home address and driving license. Furthermore, two suspicious men passed by a house where he often stayed, and rang the doorbell.<sup>198</sup> In response to these threats, Carrasco took time off from work and was then given federal police protection for three years. Tragically, the threats resulted in *Proceso* winding down its investigation into Regina's murder and also scared off other journalists who were looking into the crime.

Another journalist who wrote extensively about Regina Martínez Pérez' murder was Veracruz-based Norma Trujillo, who wrote for various media including the *Jornada Veracruz*. In the years following Regina Martínez Pérez' death, Norma Trujillo received a series of threatening text messages from a sender called, "Anti Horoscopes". The messages said things like "Today you will die," and "Norma, today they will kill you." The messages also made personal insults about her.<sup>199</sup> It is difficult to link these very intimidating threats specifically to Norma's work on the Regina case. Norma did believe the threats were related to her coverage of Regina's murder.<sup>200</sup>

Finally, the then representative of the Committee to Protect Journalists, Mike O'Connor, travelled to Veracruz to investigate Regina Martínez Pérez' murder in 2012. O'Connor passed away in December 2013, so we were unable to interview him for this report. However, two journalists in Veracruz stated that while he was investigating the case in Xalapa in 2012, someone entered his hotel room while he was sleeping, took his notepad and left a box of chocolates.<sup>201</sup> According to the journalists, in response to that, he left Xalapa immediately.

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194 The story was entitled "La de "El Silva", una sentencia encubridora," published on April 14, 2013, in edition 1902 of *Proceso*.

195 Interview 16, 13-00. 1 February 2021.

196 The threats against Carrasco were widely publicized, including by the CPJ in its report entitled, "Journalist threatened after reporting on Veracruz murder," published on April 17, 2013. This report can be found here: <https://cpj.org/2013/04/journalist-threatened-after-reporting-on-murder-in/>.

197 Interview 16, 13-50. 1 February 2021.

198 Interview 16, 16-30. 1 February 2021.

199 Interview 4. 30 September 2020.

200 Interview 4. 30 September 2020.

201 Interview 4. 30 September 2020; Interview 6. 30 September 2020.

# Conclusions and Recommendations

The murder of Regina Martínez in 2012 shocked the journalistic community in Mexico and beyond. Regina was known for her courageous and critical reporting on crime and corruption at a time when Veracruz was plagued by violence against journalists. Nine years after the murder, pressing questions around her murder remain unanswered, specifically regarding the accuracy and legitimacy of the official investigation and the conviction of Jorge Antonio Hernández Silva.

According to the official investigation, Regina was murdered by Jorge Antonio Hernández Silva and José Adrián Hernández Domínguez (Jarocho) during a robbery. This official version of the murder relies on several pieces of evidence, the key piece being Jorge Antonio Hernández Silva's alleged confession. According to Silva's confession, as described in the official case file, Silva and El Jarocho were drinking with Regina in her house when an argument broke out. Jarocho strangled Regina with a towel, after which they ransacked and robbed the house. Two other pieces of evidence in the case file were brought forward to support the confession. First, a statement from an eye-witness who claimed he saw Silva and Jarocho in Regina's street on the evening of the murder, and also that he had heard that a shop-keeper (nicknamed Doña Rosa) had sold beer to Regina on the evening of the murder. Second, the case file includes a statement by El Jarocho's partner, saying that Jarocho confessed to the murder to her. After that, he decided to flee.

There are multiple anomalies in the official investigation. The day after Silva's appearance at the press conference, he stated his confession was extracted under torture.<sup>202</sup> Also, according to Laura Barbolla, Special Prosecutor of FEADLE, the crime scene was mishandled and an excessive amount of fingerprint powder was used by investigators, which destroyed the fingerprints and made it impossible to collect DNA on items around Regina.<sup>203 204</sup> Also, after Silva was acquitted by a High Court in Veracruz, state prosecutors reportedly convinced Regina's brother, Angel Alfonso Martínez Pérez, to file an injunction on the decision, after which Silva was jailed again.<sup>205</sup> Finally, Regina's work as a journalist was never thoroughly explored as a motive for the murder.

Our investigation raised additional questions concerning the legitimacy of the official investigation. During an interview with the incarcerated Silva, he stated that he had not only been tortured into confessing, but that he had also been detained a month prior to his confession and had been told what to say in his confession. He also stated that his friend Jarocho told him that he had been asked to murder Regina Martínez by an organised crime group in relation to a political matter. Furthermore, in an interview with shopkeeper Doña Rosa, she adamantly denied that Regina bought beer in her shop on the evening of the murder and knew that Regina only drank Corona, a brand of beer that she did not sell. She made this statement to the police days after the murder, but these details do not appear in the expediente. She also insisted that the eye-witness who saw Silva and Jarocho on the evening of the murder was a local 'drunk' and an unreliable witness. This further weakens the evidentiary support for the official investigation, and raises questions about the reliability of the evidence collection on which the official case was based.

Interviewing a number of Regina's close colleagues, our investigation also finds that the official story of the murder is extremely out of character for Regina. The official story claims that Regina knew her murderer Jarocho, a sex worker who worked in Parque Juárez, and got drunk with him and Silva before she was murdered. This is in sharp contrast to Regina's image as a reserved person who rarely drank too much because that would mean lowering her guard. Also, the interviews with colleagues reveal that those who were seeking to further investigate

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202 Expediente, folio 1461, P. 33.

203 The point on the finger prints was described by Laura Barbolla to Forbidden Stories in 2020. See: <https://forbiddenstories.org/the-buried-truth-of-assassinated-journalist-regina-martinez/>.

204 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

205 Organized Crime and Corruption Reporting Project. 2020. *Unanswered questions haunt case of Mexican journalist's murder*. <https://www.occrp.org/en/investigations/unanswered-questions-haunt-case-of-mexican-journalists-murder>.

the murder, and were critical of the official investigation, were threatened. These threats indicate that efforts were made to suppress the truth.<sup>206</sup>

Based on our investigation, we find that the murder investigation of Regina Martínez Pérez was compromised at the state level, and that there are strong indications of obstruction of justice by investigators under the authority of the Attorney General's office of the state of Veracruz. In order to achieve justice, we make the following recommendations:

**To the Special Prosecutor for Attention for Crimes Against Freedom of Expression (FEADLE):**

- **In order to uncover the truth about Regina Martínez Pérez' murder and to achieve justice, FEADLE must assert its jurisdiction in the case of Regina Martínez Pérez by attracting and reviving the investigation.** FEADLE can attract the case on grounds that the murder of Regina Martínez Pérez constitutes a grave crime, which has significant impact on the right to information, the right to freedom of expression or press freedom and which took place in a state where the conditions for the exercise of these rights are adverse.
- **In its investigation, FEADLE must effectively and thoroughly investigate Regina Martínez Pérez' work as a motive for the murder.** This investigation should include the relationship between Regina Martínez Pérez' murder, and her journalistic work, published and ongoing, in the lead up to the murder. Specifically, the investigation should include the relationship between her murder and the story *Dos Regresos Peligrosos*. FEADLE should further exhaust all lines of inquiry, in accordance with its own internal protocols, and explore any possible relationship between the murder and organised crime groups and public officials.
- **In its investigation, FEADLE must thoroughly review all errors found in the state-level investigation.** In so doing, FEADLE must explore any possible collusion between the perpetrators of the murder and state investigators.
- **During its investigation, FEADLE must effectively guarantee the protection of witnesses with existing witness protection mechanisms.** The possible obstruction of justice by state investigators and allegations of torture highlight the urgency of witness protection.

**To the Attorney General of Mexico (FGR):**

- **The Attorney General must investigate the possibility of a forced disappearance of the second official suspect without delay.** The primary official suspect of the murder, José Adrián Hernández Domínguez (El Jarocho), is officially still at large as fugitive. It is likely he possesses key information about the murder. Given that the official state-level investigation was compromised, there are grounds for questioning his official status as fugitive. The General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National Missing Persons System, empowers the Attorney General to prosecute suspected cases of forced disappearance *ex officio* and allows the coordination of an investigation without the involvement of third persons (article 13).<sup>207</sup>

**To the Mexican government:**

- **The Mexican government must commit to providing FEADLE with the necessary financial and human resources to effectively carry out its mandate.** A Safer World for the Truth welcomes the expansion of FEADLE's mandate in the last decade as a commitment to ending impunity. But in order to effectively carry out investigations, FEADLE should be provided with sufficient resources.

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<sup>206</sup> A Safer World for the Truth has reached out to the Veracruz State Attorney General's Office and to the Special Prosecutor for Attention for Crimes Against Freedom of Expression (FEADLE) for a response to the main findings of the investigation. Neither institution provided a response.

<sup>207</sup> Article 13. *The General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National Missing Persons System*. 2017. [https://dof.gob.mx/avisos/2606/SG\\_171117/SG\\_171117.html](https://dof.gob.mx/avisos/2606/SG_171117/SG_171117.html).

**To the international community:**

- **The international community should monitor progress on the investigation of Regina Martínez Pérez' murder and include the case in Mexico's human rights monitoring cycles.** Resources and expertise to help resolve the murder should be made available, if requested by the Mexican authorities.

# Appendix: timeline with key events

8 April 2012	▶	The article <i>Dos Regresos Peligrosos</i> is published in <i>Proceso</i>
26 April 2012	▶	Regina is last seen alive by her neighbours
27 April 2012	▶	According to eye-witness Diego Hernandez Villa, Regina bought beer at the shop <i>La Tienda el Puente</i> in her street  According to owner of the owner of the shop <i>La Tienda el Puente</i> , Regina did not buy beer at her shop on the night of the murder. She also states that Diego Hernandez Villa is a very unreliable witness.
28 April 2012	▶	Regina Martinez is found murdered in her apartment
28 April 2012	▶	Jarocho disappears. According to the official case file, he told his partner that he was leaving  On this day Silva met with Jarocho, who told him that people had asked him to kill Regina but that he had declined not to do it. Silva states that the people who asked Jarocho were part of an organized crime group and gave the order in relation to a political affair.
7 May 2012	▶	State investigators find key eye-witness Diego Hernandez Villa
9 May 2012	▶	The alleged Zeta operative Jesús Hernández Rodríguez is arrested. He makes statements about the murder of Regina Martinez, but the lead is not further explored
26 October 2012	▶	State investigators interrogate the partner of Jarocho: María del Rosario Morales Zárate
30 October 2012	▶	Silva is presented to the press, after allegedly confessing the murder
31 October 2012	▶	Silva retracts his confession and states that he has been tortured into a confession
9 April 2013	▶	A judge convicts Silva for robbery and homicide, sentencing him for 38 years in prison
8 August 2013	▶	Two judges revoke Silva's sentence based on the constitutional violation of due process  According to the OCCRP, state prosecutors convinced Regina's brother to file an injunction
June 2014	▶	The brother of Regina Martinez files an injunction against Silva's acquittal, after which a federal tribunal overrules Silva's acquittal. Silva was rearrested and returned to the Pacho Viejo prison where he has been since



# A Safer World For The Truth