

# The Two Deaths of Digna Ochoa: A Window onto the Violences of Power in Neoliberal Mexico<sup>1</sup>

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On 19<sup>th</sup> October, 2001, Digna Ochoa y Plácido, a thirty-seven year old lawyer and human rights defender, was found dead in her office in Mexico City. The immediate cause of death was a gunshot wound to the head. This is one of the very few matters on which all parties involved in the case still agree. When the news of Ochoa's death initially broke, nobody, inside or outside Mexico, would have dreamed of questioning the presumption of homicide related to her work as a human rights defender. Yet in July 2003, the last in a series of three prosecutors to be appointed by the government of Mexico's Federal District, Margarita Guerra y Tejada, gave a press conference to deliver what she conceded was her investigation's far from "politically convenient" conclusion that Digna Ochoa had died by her own hand.

By the time that it was publicly announced, Margarita Guerra's conclusion of suicide provoked no surprise, although it did provoke considerable indignation, both from Ochoa's family and the human rights community at home and abroad. The announcement was the culmination of a long series of leaks of information to the press, which reflected the way that the investigation had shifted from an investigation of possible perpetrators of a crime to an investigation of the victim's personality and life. As a result of the Special Prosecutor's labours, a woman originally described as a brave and internationally recognized defender of human rights could now be

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<sup>1</sup> With apologies to Glenn Bowman, for shamelessly adapting to a different kind of situation the title of his paper "The Two Deaths of Basem Rishmawi: Identity Constructions and Reconstructions in a Muslim-Christian Palestinian Community", published in *Identities: Global Studies in Culture and Power* 8(1): 1-35, 2001.

portrayed as a delusional fantasist whose professional contributions to the defence of human rights were of negligible significance, and who was tormented by problems of a personal and sexual nature of the kind that might lead to suicide. Although it was not made explicit, the fact that Digna Ochoa was a former nun who now had a boyfriend provided implicit grist to the latter aspect of the rumour mill.

By offering evidence designed to undermine the personal and professional reputation of the victim, Margarita Guerra in effect killed her a second time. It is not unusual for those who plan and execute assassinations of human rights defenders, political dissidents or journalists to go unpunished in Mexico, but the indignation of Digna Ochoa's family and former colleagues reflected their concern that this second form of killing was even more serious than the first. It is not simply that her reputation as a defender of human rights could outlive her shattered physical body, lending a dignity and value to her life that would make her sacrifice more meaningful. What concerned the Prosecutor's critics even more was the way in which the security of all other human rights defenders was prejudiced by an official verdict of suicide for personal motives in the context of the *particular* evidence that had entered the public domain in this case.

Margarita Guerra herself had taken some pains to try to dispel the impression that she had set out to discredit the work of human rights NGOs:

Now I want to emphasize that, with the results of this investigation, no one has the right to disqualify the work of or the persons involved in the Non-Governmental Organizations, especially those who dedicate themselves to the diffusion and defence of human rights; it is a matter of a particular case, that should in no way affect the admirable development of the NGOs in Mexico; on the contrary, I want to express my recognition of all these institutions that work in a serious and committed way to achieve social justice in our country and seek the truth over conjunctural expediency (my translation).<sup>2</sup>

Yet in making her case for the suicide of a sad, delusional and paranoid young woman, Guerra had, in fact, been obliged to "disqualify" not only Digna Ochoa's own claims to have suffered kidnapping and death threats, but threats made against her co-workers in the Miguel Agustín Pro Juárez Human Rights Centre (PRODH), Pilar Noriega and Bárbara Zamora.<sup>3</sup> She

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<sup>2</sup> From the text of Margarita Guerra's public address published on the website of the General Prosecuting Office of the Government of the Federal District (PGJDF), <http://www.pgjdf.gob.mx/noticias/digna/#examen>, accessed May 2004)

<sup>3</sup> Barbara Zamora received emailed threats after Digna Ochoa's death, while she was acting as attorney for the Ochoa family. She opposed the appointment of Margarita Guerra as

was also obliged to discount the contents of the note found next to Ochoa's body, which promised a similar fate to other human rights defender "sons of bitches" if they persisted in their work. For this and other reasons that I explored in more depth in what follows, human rights organizations could not fail to be dismayed by the Special Prosecutor's treatment of the evidence. Nevertheless, by the time of writing of this paper, May 2004, it had still not been possible to persuade a judge to order the case to be reopened, despite the fact that the lawyer now acting for the Ochoa family, José Antonio Becerril, had been able to argue that forensic details recorded in Guerra's own report – including the presence of pre-mortem lesions to Ochoa's body that appeared to indicate a struggle prior to death – were incompatible with the suicide hypothesis.<sup>4</sup>

Since even those outsiders possessing the necessary technical competence cannot at present reach meaningful judgements on the basis of the evidence available in the public domain, and I would certainly not claim that type of competence myself, what this paper sets out to do is to highlight some of the issues that the official version of suicide places beyond further investigation and action. My aim is to highlight the multiple anomalies that have built up around both the case itself and the way it has been investigated, to demonstrate that it corresponds to an established pattern. A brief glance at the career of Special Prosecutor Guerra y Tejada, for example, indicates that she was no stranger to controversial conclusions in significant investigations at the time of her appointment. In the light of this review, I then ask what the conduct of the case tells us about power relations in Mexico.

Although Digna Ochoa would hardly have been the first Mexican human rights defender to die as a victim of assassination, what gave her case special significance was that it took place after the seventy-year monopoly on power of Mexico's old Institutional Revolutionary Party (PRI) had finally been broken by the victory of Vicente Fox Quesada of the National Action Party (PAN) in the presidential elections of 2000. The investigation was widely seen as a test of the new government's resolve to end impunity and reform the justice system. Furthermore, since the death occurred in Mexico City, investigation of the case fell under the jurisdiction of the government of the Federal District, which had been in the hands of the Centre-Left Party of the Democratic Revolution (PRD) since 1997. The new mayor at the time of Digna Ochoa's death was one of the PRD's most popular and charismatic

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prosecutor, arguing that she was already committed to the suicide hypothesis as a career public servant who was "part of the mafia of the PGJDF", *La Jornada* newspaper, July 12<sup>th</sup>, 2002.

<sup>4</sup> <http://www.cimacnoticias.com/noticias/04abr/04042202.html>, accessed May 2004.

figures, Andrés Manuel López Obrador. Bernardo Bátiz, the head of the Prosecutor's Office, had publicly expressed the view that Ochoa's death was a political crime at the outset of the investigation. That it was conducted under the auspices of the PRD, a party whose own militants had suffered heavily from State-directed violence during the previous decade as the PRI sought to defend its grasp on power, should, in principle, have enhanced its impartiality. For many of those who find themselves unable to accept the conclusions of Margarita Guerra, which were endorsed as the fruits of a scrupulously professional investigation by Bernardo Bátiz, and indeed, see her selection to take up the investigation as part of a strategy designed to impose a verdict of suicide, the role of the PRD administration in the affair raises further questions about whether it will ever be possible to achieve real democracy and the rule of law. The problem to which the anomalies surrounding the Digna Ochoa case ultimately directs us is that of the backstage forms of power that lie behind the façade of formal democracy in Mexico and the implications of way the case fostered public "understanding" of the existence of these backstage forms of power.

*The structural basis for injustice in the Mexican justice system*

Since Digna Ochoa worked as human rights defender, it will be helpful to begin by looking at some of the basic structural defects in the Mexican justice system, since these are relevant to understanding not only criticisms of the conduct of her own case but also why it was immediately assumed that her death was a consequence of her work. Although public officials such as Bernardo Bátiz speak frequently about the need to achieve higher standards of professionalism and credibility within the Mexican justice system, Amnesty International and other foreign human rights organizations have repeatedly criticized the scope which existing laws, procedures and institutional practices offer for political interference in investigations and outcomes as well as for violations of the human rights of accused persons.<sup>5</sup>

Criminal convictions in Mexico are frequently based on confessions obtained by violence during interrogation, and Mexican law only guarantees access to counsel when the accused makes a formal declaration to the prosecutor, by which time the victims may be too terrified to continue to protest their innocence. Public defenders are poorly trained and remunerated and it is not uncommon for defendants to be represented by

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<sup>5</sup> See, for example, Amnesty International (2001). The material in the next two paragraphs is drawn from the Executive Summary of Human Rights First and PRODH (2001).

unknown “persons of confidence” linked to the prosecution. When brought before a judge, defendants who allege mistreatment are required to meet unreasonable standards of proof in a system in which medical examination of detainees is perfunctory, and the presumption of innocence guaranteed by international law is undermined by the typical demands by Mexican courts that the accused not only prove that an original confession was false but that their own version of events was truthful. Despite reforms, most judges lack political independence and tenure, making them vulnerable to threats from prosecutors. Public hearings of evidence are rare and workloads prevent judges from being physically present during all the hearings and proceedings that take place in the cases that they try. Although most legal systems consider the role of the judge in ensuring that evidence presented is properly analysed to be a vital safeguard for protecting the rights of the accused, their physical presence in all hearings is not an “unequivocal” requirement of Mexican law.

It will be evident from the foregoing account that the protection afforded by Mexican law to wrongfully accused persons is inadequate and that the scales are loaded in favour of prosecutors. But recent criticisms of the Mexican justice system have also highlighted the problems posed by the participation of the Mexican army in criminal law enforcement.<sup>6</sup> Soldiers accused of human rights violations while exercising police functions for which they have not been trained are only subject to military courts that seem loathe to take disciplinary action.

These problems seem highly germane to the circumstances that might have led Digna Ochoa to fear for her life. From January 1998 to October 2000, Digna Ochoa had been a full-time staff attorney at the Jesuit-founded PRODH Centre, with which she had earlier collaborated on a part-time basis.<sup>7</sup> In May 1999, the army in Guerrero state arrested two local peasant leaders who had been campaigning against illegal logging, Rodolfo Montiel and Teodoro Cabrera. Montiel and Cabrera became known as the “ecologists” since they focused their campaign on sustainable development

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<sup>6</sup> As the old basis of PRI hegemony declined with neoliberal reform, national security was increasingly militarized, especially after the Chiapas rebellion of 1994, not only through the widespread deployment of the army itself on a variety of missions (generally justified by the “war against drugs” as well as gun control and campaigns against “subversion”) but by the militarization of civilian police forces (Gledhill, 1998; Stephen, 2000). The Federal Preventive Police in particular incorporated numerous soldiers into its ranks.

<sup>7</sup> According to the biography offered by Amnesty International, before that Ochoa had worked as a defender in Veracruz, where her father had been a union leader in the sugar industry who was arrested, tortured and “disappeared”.

See <http://www.amnestyusa.org/women/defenders/digna2.html>, accessed May 2004.

versus the illicit enrichment of local bosses linked to the regional strongman Rúben Figueroa Alcocer, whose family had dominated Guerrero since the Mexican revolution.<sup>8</sup> After being held incommunicado by the army, following a raid in which another peasant farmer was killed, they were found guilty of charges of drug-trafficking and possessing weapons reserved for the military and sentenced to seven and ten years respectively.<sup>9</sup> These sentences were ratified by an appeal hearing in July 2001, despite the presentation by the defence of evidence of lack of due process and the extraction of confessions by means of torture.<sup>10</sup> The military justice system failed to act on the allegations of torture, despite the fact that one of the accused had suffered loss of teeth and physical disfigurement to the face as a result of the beatings he received that remained visible to any impartial observer when the two men were finally pardoned by President Fox in the month following Digna Ochoa's death.

### *From persecution to international celebrity*

Although all PRODH staff were already used to threats and harassment,<sup>11</sup> Digna Ochoa claimed that she had become a specific target after she became involved in the Guerrero case. In August 1999, she reported to the authorities that she had been forced into a car by two men, assaulted and threatened with death. Throughout the following month, she said that she had received written and telephoned threats, reporting that one of the threatening letters contained a card taken from her when she was assaulted in August. In October, she informed the authorities that her house had been broken into, and that her assailants had knocked her unconscious and then interrogated her overnight before leaving her tied to her bed next to an open gas cylinder (while the PRODH offices were ransacked by other perpetrators).<sup>12</sup> In November 1999, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States secured a ruling of the Inter-American Court of Human Rights to *order* the Mexican

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<sup>8</sup> Although Figueroa was forced to resign the state governorship in 1996 following the airing on national TV of a video of the massacre of a group of peasants from the PRD opposition that demonstrated state police had executed unarmed and unresisting men, his power in local affairs was little diminished by this reverse.

<sup>9</sup> <http://www.amnestyusa.org/news/2001/mexico11082001.html>, accessed May 2004.

<sup>10</sup> McAlpine, 2002.

<sup>11</sup> The Attorney General repeatedly promised official protection of PRODH staff, but despite these assurances, the organization's office was surrounded and kept under surveillance by unidentified armed men who might well have been members of the federal security forces in May 1997 (McAlpine, 2002).

<sup>12</sup> <http://www.amnestyusa.org/women/defenders/digna2.html>, accessed May 2004.

government “to adopt, without delay, all measures necessary to protect the life and safety of Digna Ochoa,” as well as those of PRODH director Edgar Cortéz Morales and lawyers Mario Patrón Sánchez y Jorge Fernández Mendiburu. The Court also ordered the Mexican government to investigate the threats and attacks against the PRODH in order to identify and punish the perpetrators.<sup>13</sup>

The IACHR noted that it had acted because the Mexican authorities had yet to take an effective action to investigate the threats and ensure the safety of PRODH staff. Yet although the Court’s orders were legally binding in Mexico, and the government was obliged to report back on progress, the threats allegedly continued. At the end of October 2000, Digna Ochoa resigned from PRODH and left for Washington, D.C., where she worked for the Center for Justice and International Law, with financial support from the MacArthur Foundation, after receiving Amnesty International’s “Enduring Spirit Award” from the hand of actor Martin Sheen in a ceremony in Los Angeles. In accepting the award on behalf of the whole of PRODH, Ochoa offered the following observations:

I started my career in law with the dream of helping people, thinking that all it would take to achieve this goal would be to know the law. Later I learned that due to the rampant impunity and corruption in Mexico, it was not sufficient to be innocent, to be right and to have the law on your side, but it was necessary to fight against an entire government structure that defends very specific political and economic interests.<sup>14</sup>

Highlighting her current campaign for the *campesinos ecologistas* in Guerrero, now at the appeals stage, as an example of what this fight meant, she noted the paradox that people classified as “criminal delinquents” in Mexico were being recognized by the US foundations as leaders of genuine environmental movements and by Amnesty itself as prisoners of conscience. It seems unlikely that this high profile and rather polished speech was music in the ears of the Mexican government, which was soon exploiting Ochoa’s extended absence to apply to the IACHR for permission to drop special measures for her protection (having achieved no results with the required investigation). Yet Ochoa not only returned to Mexico, but went again to Guerrero, one week before her death.

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<sup>13</sup> [http://www.humanrightsfirst.org/media/2001\\_1996/digna1992.htm](http://www.humanrightsfirst.org/media/2001_1996/digna1992.htm), accessed May 2004.

<sup>14</sup> From the sound recording available on the Amnesty International website at [http://stream.realimpact.net/rihurl.ram?file=realimpact/amnesty/amnes\\_enduring.rm](http://stream.realimpact.net/rihurl.ram?file=realimpact/amnesty/amnes_enduring.rm).

*Margarita Guerra and the second death*

At this point, we should review some of the evidence assembled by Special Prosecutor Guerra. Guerra argues in her final report<sup>15</sup> that the documentation available on the cases in which Ochoa was involved with PRODH indicates that “despite the fact that she was named principal defender in some cases, her participation was limited and in some cases null, not amounting to a significant defence activity.” Although her PRODH colleagues protested that team-work was the normal way in which they handled cases, on this basis the Prosecutor felt entitled to conclude that: “no objective evidence exists to allow us to establish, beyond what is normal in these cases, that her judicial work would have affected the interests of any person or authority related to these matters, much less do there exist any elements of proof that might establish a link with her death.” Yet rightly or wrongly, Digna Ochoa had indeed achieved not simply a national but an international reputation as a leading defender of human rights, through her Amnesty Award and by recounting her life story to Robert Kennedy’s daughter Kerry Kennedy Cuomo for her book *Speak Truth to Power* (Kennedy Cuomo, 2000). At the time of her death, her uncompromising public utterances on the Guerrero case were both long-established and high profile, making the Prosecutor’s efforts to suggest that no one could have a rational reason for wishing to silence her somewhat implausible.<sup>16</sup> This is not, however, Margarita Guerra’s main tactic in this section of the report, since she also needs to lay the case for suicide.

This is done, first, by suggesting that Digna Ochoa’s exit to and stay in Washington was unhappy, with friends already beginning to doubt her claims of persecution, followed in short order by references to the non-renewal of her MacArthur Foundation grant “for not presenting the financial report justifying the cash expenses previously paid out for the development of her project”. Moving swiftly on to the absence of concrete proofs of the threats and assaults allegedly suffered by Digna Ochoa between 1995 and 2000, after briefly noting that her brother, an ex-soldier, saw her with the gun that killed her a few days before her death, the Special Prosecutor’s *coup de grace* was an investigation of Digna Ochoa’s past life in Veracruz, focused on the veracity of some of the statements that she made to

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<sup>15</sup> <http://www.pgjdf.gob.mx/noticias/digna/#examen>, accessed May 2004. All translations mine.

<sup>16</sup> It could also be said that if the note found next to her body is taken seriously as evidence, the killing of Digna Ochoa would have been an act directed against the whole of PRODH, reflecting the way in which all human rights defenders share a risk of “affecting interests” which would be “normal in these cases”.

Kerry Kennedy Cuomo and in her application for MacArthur funding. Margarita Guerra not only refuted Digna Ochoa's claim that she had once worked for the Veracruz Public Prosecutor's Office, but also uncovered a false claim of kidnapping and a documented suicide attempt while she was an undergraduate student (adding that Ochoa had nevertheless tried to turn her suicide attempt into a case against a fellow student for wounding and attempted murder).

Distasteful though this evidence is, it has been difficult for her former colleagues at PRODH to refute it directly. They, and the director of the official Human Rights Commission of the Federal District, Emilio Álvarez Icaza, have concentrated instead on its *irrelevance* to an assessment of the importance of her subsequent contribution to human rights work in Mexico in general, and in Guerrero in particular, as a motive for murder, and the manner in which Guerra sought to "legitimize a conclusion" of suicide by de-legitimizing Ochoa's person.<sup>17</sup> Given Digna Ochoa's family background, in particular the sufferings of her father, it would hardly seem surprising for her to have been a traumatized young person. Yet Guerra's case in fact failed to offer a convincing direct forensic proof of the suicide hypothesis, as distinct from an inferential case for suicidal inclinations.

### *Criticisms of the PGJDF investigations*

The IACHR sent in an international team of experts in January 2003 to address mounting concerns about the technical conduct of the criminal investigation. Their report was a damning indictment, which noted that the initial investigation of the crime scene had been so poor that a second investigation had been necessary after the scene had been left open to what appeared to have been substantial interference. As a former US law enforcement officer, Tom Griffin, had already pointed out in April 2002, when the suicide hypothesis was first emerging, a properly conducted forensic examination could have established whether Ochoa had killed herself, even if the idea was made a priori less plausible by the fact that the first bullet entered her leg, while a third bullet was fired but not found in her body.<sup>18</sup> All the principal forensic tests, including the autopsy,<sup>19</sup> had been deficient. Yet if the crime scene investigation in Mexico City had left much

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<sup>17</sup> [http://www.humanrightsfirst.org/defenders/hrd\\_mexico/hrd\\_ochoa/hrd\\_och\\_6.htm](http://www.humanrightsfirst.org/defenders/hrd_mexico/hrd_ochoa/hrd_och_6.htm), accessed May 2004.

<sup>18</sup> <http://www.globalexchange.org/countries/mexico/news/newsMexico042002.html.pf>, accessed May 2004.

<sup>19</sup> Digna Ochoa's body was buried within two days of her death.

to be desired, the investigations originally carried out by the Prosecutor's department in Guerrero appeared almost risible.

According to Bárbara Zamora, despite producing 20,000 pages of documentation, all the agents from the Prosecutor's office who were originally sent to the region actually did was ask people if they were in Mexico City on the day of Digna Ochoa's death. If they said no, the agents said thank you and goodbye. The investigators failed even to visit the communities in the sierras that Digna Ochoa had visited in person, since an official of the Guerrero Prosecutor's department convinced them that it was too dangerous to do so in view of the likelihood of ambushes.<sup>20</sup>

Margarita Guerra's report on the case is, however, quite emphatic in rejecting all possible dimensions of the "Guerrero connection". She begins by trying to dissociate Digna Ochoa from the legal complaints against the Mexican military for torturing Rodolfo Montiel and Teodoro Cabrera. Since she cannot entirely eliminate a role for Digna Ochoa in their defence, she simply marginalizes her participation as part of a team effort, before citing testimonies from the released peasant activists that Digna Ochoa never talked to them about having problems with *caciques* or military personnel.<sup>21</sup> Guerra goes on to argue that as Ochoa's final visit to Guerrero took place when she no longer worked for PRODH, and a video tape made on this occasion recorded her saying that since she no longer counted with the economic and institutional support of that Centre, she could offer "nothing" apart from "knocking on doors" to seek economic aid for the communities, she could not have offended anyone by being seen as attempting to create "a stable relationship of work and support with the 'ecologists' of Guerrero."

As we pass from this argument to a passage in which the Special Prosecutor notes that military patrols going about their normal duties did not have any contact with Digna Ochoa during her final visit, it becomes increasingly difficult to see any great seriousness in her analysis of the situation. It appears to rest on the presumption that only a direct physical confrontation would convince anyone that Digna Ochoa was a threat, while wilfully ignoring the extreme forms of antagonism that have developed in this region between peasant communities and the military and between *caciques* and their enemies.

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<sup>20</sup> <http://www.rebellion.org/ddhh/najar100602.htm>, dated 10<sup>th</sup> June 2002, accessed May 2004.

<sup>21</sup> <http://www.pgjdf.gob.mx/noticias/digna/>, accessed May 2004.

Thinking through the “Guerrero Connection”

A number of efforts had, in fact, been made to attribute Digna Ochoa’s death to a Guerrero local boss active in drug trafficking. Rogaciano Alba Álvarez, a former municipal president of Petatlán, had been the founder of the Regional Council for the State of Guerrero (CRESIG), a creation of ex-Governor Rubén Figueroa which is widely interpreted as a means of facilitating the political control of highland communities and expediting the illegal logging of their forests.<sup>22</sup> The communities that Digna Ochoa visited on the 1<sup>st</sup> and 2<sup>nd</sup> October 2001 in the company of Harald Ihmig, the German representative of the NGO First Information Action Network,<sup>23</sup> lay within Alba Álvarez’s zone of influence and Digna Ochoa certainly gathered extensive information about the violence and intimidation that the communities suffered at his hands and those of lower ranking local bosses under his leadership. Enjoying the close support of the military, which also protected the trucks transporting his processed cocaine and locally grown opium poppies and marijuana, the *cacique* had even been accused of burning alive one of the past victims of his wrath. Twice interviewed by the Judicial Police of the Federal District after Ochoa’s death, Don Rogaciano satisfied them readily enough by stating that he had never had the pleasure of knowing the lady. Margarita Guerra’s consideration of these stories restricted itself to the issue of who might have pulled the trigger on behalf of the *cacique*. In considering one account given in a Guerrero newspaper, she noted that the alleged assassins now appeared to be dead and had been identified by an anonymous source, leaving no possibility whatsoever of linking them to the crime, whilst another version, favoured by Digna Ochoa’s brother Jesús, was discounted since the two alleged assassins were in prison in Acapulco for killing a local woman teacher.

A dispassionate observer might consider it somewhat curious that the Mexican justice system has not seen fit to investigate further some of the accusations of criminal activities and homicide on the part of political figures in Guerrero that were thrown up by the Digna Ochoa case, even if they were not in fact connected with her death, particularly since they are simply further instalments in a long history of complaints regularly made by individual citizens and popular organizations in the region. Margarita Guerra’s position would no doubt be that such matters fell outside her brief and jurisdiction, given that she herself was merely obliged to decide

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<sup>22</sup> <http://www.rebellion.org/ddhh/najar100602.htm>, accessed May 2004.

<sup>23</sup> Ihmig is one of the many people to have worked with Ochoa who has publicly declared his rejection of the suicide verdict and the denigration of her personal contribution to the defence of the Guerrero communities on which it rests.

whether any linkages could be established between Ochoa's death and problems in Guerrero. Nevertheless, the evolution of the investigation since 19<sup>th</sup> October 2001 had already incited suspicions that efforts had been made behind the scenes to foster alternatives to any explanation of her death that would involve either the political bosses of Guerrero or the army. It is worth reviewing the history of the investigation in a little more detail to illustrate the grounds for such a suspicion.

In the immediate aftermath of Ochoa's death, two of Mexico's most respected journalists, Carmen Aristegui and Javier Solórzano, dedicated an entire programme in their late-night *Circulo Rojo* TV series on the Televisa<sup>24</sup> network to the "Guerrero connection". Focusing on the case of the *campesinos ecologistas*, their reportage pulled few punches in suggesting that the military in Guerrero had collaborated fully with the Rubén Figueroa political machine in ensuring that protests against illegal logging were suppressed under the banner of "counter-insurgency operations".<sup>25</sup> The programme contextualized this episode historically in the long history of the regional dominance of the Figueroa family and the local *cacicazgos* through which its power was reproduced. Aristegui and Solórzano did not fail to note the precedent posed by the massacre of *perredista* peasant activists at Aguas Blancas in 1996 that had eventually forced Rubén Figueroa Alcocer's resignation as governor (after a lengthy period in which it appeared that both the police directly responsible for the crime and the governor as its alleged "intellectual author" might continue to enjoy complete impunity or the grounds that the victims were the aggressors). They also fully presented the case that Montiel and Cabrera had been victims of wrongful arrest and torture at the hands of the military.

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<sup>24</sup> Televisa is Mexico's most powerful media company, and generally acted as a mouthpiece for the state during the era of PRI rule, though it has now become more independent.

<sup>25</sup> Guerrero had been a theatre of counter-insurgency operations in the 1960s, when it boasted a guerrilla movement led by the charismatic Lucio Cabañas, a former leftist student leader inspired by the Cuban revolution, and had seen considerable new repression in the 1990s when a new guerrilla movement, the EPR, appeared, although few if any convincing links were established between many of the grassroots peasant organizations and communities that suffered most severely from this campaign of repression and the EPR and its break-away, the EPRI. Indeed, the real nature and significance of these armed movements remains shrouded in mystery, suggesting the possibility that some of their manifestations might have been "engineered" by interests within or behind the state apparatus itself, although others do seem to have reflected efforts by communities to defend themselves against the aggressions of *caciques*. See, for example, the account of a clandestine interview with guerrillas in Guerrero conducted by the US journalist Bill Weinberg (Weinberg, 2000) and Gledhill, 1998.

Indeed, although they were careful in drawing conclusions beyond raising possibilities, their reportage tended to support those who felt that Digna Ochoa might have been professionally assassinated by members of the military, either acting in their own corporate interests or at the behest of Figueroa, rather than by the hired guns of a local *cacique* with an interest in the affair, for whom an operation in Mexico City might have proved something of a challenge. These ideas were also widely canvassed in the independent press, especially by the left-wing national daily *La Jornada*.

### *Politicizing and depoliticizing the first death*

The complaints of surveillance and intimidation made by Digna Ochoa, and indeed, of PRODH more generally, prior to the threats against Ochoa herself, were also suggestive of some kind of involvement of “the state” in efforts to impede the work of human rights defenders, in the form of agents of the security services. Nevertheless, a group as powerful and politically connected as that headed by Rubén Figueroa could plausibly mobilize agents to carry out such tasks in the capital on its own account, even possibly hiring members of the public security services and military for “private” commissions on its behalf. On a first reading of the evidence at the crime scene, in particular the note, Bernardo Bátiz had concluded that there was indeed a crime to investigate, although his personal speculation was that it had probably been perpetrated by “the ultra-right”, a category that seemed intended to move the matter away from the official state and its agents. The first investigative team appointed by Bátiz under the authority of *subprocurador* Alvaro Arceo Corcuera,<sup>26</sup> produced the following conclusions on 4<sup>th</sup> February 2002:

Each and every one of the indications studied and analyzed proves to us in a conclusive and categorical manner that the murder of Licenciada Ochoa was planned in advance, carried out by a group of persons who knew, understood and utilized the logistical measures necessary to perpetrate the act.<sup>27</sup>

The conclusions of this initial investigative team was that Digna Ochoa might have entered the office with her assailant, carrying her gun with her, and been overpowered as she attempted to defend herself. In the opinion of the investigators the “third shot” was the first, fired to test the gun, after which the assassin fired the shot that hit her in the leg and finally finished

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<sup>26</sup> The first investigating officer was Alejandro Trimmer, succeeded by Nicolás Chávez, both from the investigative branch of the city’s Delegación Cuauhtémoc.

<sup>27</sup> *La Jornada*, 18<sup>th</sup> October 2002, article by Blanche Petrich, “Digna Ochoa fue *cazada* por agentes de un grupo represivo” (“Digna Ochoa was hunted by agents of a repressive group”).

her off with the head shot after throwing her back defenceless into her chair.<sup>28</sup> Given the absence of an adequate forensic investigation at the original crime scene, it is now difficult to draw any firmer conclusions, beyond noting that suicides do not normally try to cause themselves unnecessary pain by aiming at their leg before their head or fire shots away from themselves altogether. Furthermore, after delivering these initial conclusions, the first investigative team was promptly removed from the case, to be replaced by a new prosecutor, Renato Sales Heredia. During the six months in which he was in charge of the case before being replaced in turn by Margarita Guerra Sales, Sales set aside some of the evidence collected by the original investigators, including sworn statements from witnesses that they had seen men on look out at the doors of the building on the day of Digna Ochoa's death as well as anomalous evidence from the crime scene itself, in order to promote the suicide theory.

As Sales's predecessor Alvaro Arceo pointed out, it seems odd that evidence collected by the second investigation by staff of the same organization as was responsible for the first should be superior in quality to that originally collected, let alone "dissimilar to the point of contradiction".<sup>29</sup> Even more anomalous was the fact that before he embraced the suicide hypothesis, Sales had also actively investigated the possibility that Digna Ochoa's fiancé<sup>30</sup> and other friends of the deceased might have been the perpetrator. That the investigation was initially broadened into a search for alternative suspects for a murder that would have had purely personal motives<sup>31</sup> (had these avenues proved sustainable) does not suggest that evidence pointing to suicide rather than murder was what drew the investigation away from the initial assumption that Digna Ochoa had been killed for her human rights work. On the contrary, they reinforce suspicions that pressures were exerted from some quarter to "depoliticize" Digna Ochoa's first death, her "second death" finally proving the most effective means available for pursuing this goal. What is certain is that the first death had created a very

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<sup>28</sup> The multiple shots certainly require some explanation, and other hypotheses might include simply that shots were fired in the course of the struggle before the assassin fully overpowered the victim, or even that the gun initially jammed or misfired, possibly in the hand of Digna Ochoa herself, giving her assailant the chance to get it off her.

<sup>29</sup> Ibid.

<sup>30</sup> Ochoa had a life insurance policy that it was suggested in well diffused leaks to the press might have supplied a personal motive for a crime.

<sup>31</sup> As I showed in some of my own ethnographic work during this period, official "explanations" for what were generally assumed to be politically motivated assassinations of opposition figures in the 1990s frequently rested on claims that the assassins had been motivated by personal grudges.

embarrassing political situation for the incoming federal government, which was subject to pressures from diverse quarters.

On the one hand, as Mexico's first truly "democratic" government in seventy years, it was expected to undertake widespread political and judicial reforms and, in particular, to tackle the legacy of the seamier side of PRI rule in the shape of corruption and impunity. Vicente Fox's government could hardly be seen to be protecting *priista* caciques that had become legends in the annals of violence and repression as well as criminality and corruption, let alone be seen to tolerate human rights abuses by elements of the military in league with such forces. On the other hand, Fox's PAN did not command a majority in Congress, and needed some cooperation from the PRI in order to implement its legislative programme. Furthermore, even the PRD was scarcely untainted by the legacies of the past, since a majority of its present militants were former *priistas*. Indeed, certain hidden bonds of compromise and solidarity cross-cut party loyalties within the entire political class, given that personal advancement under the old regime had been based on pervasive clique structures while rivals in the formal political field often enjoyed bonds of personal friendship forged during their higher education and common business interests as members of a social elite. Finally, the assassination of politicians and judges is far from unusual in Mexico and the threat of assassination might be said to set the ultimate bounds on what it is considered politically expedient to do when powerful interests within the supposedly "non-political" apparatus of the state, in particular the military, are involved.

These are all factors that might conceivably have had a bearing on the conduct of the Ochoa case, but in order to consider them further, it is necessary to complete the narrative of the course of the investigation.

In response to the initial airing of the "Guerrero connection" in the press and on public television, Vicente Fox issued a pardon to the two *campesinos ecologistas*, as I noted earlier. The pardon did not constitute exoneration from the original charges and their efforts to obtain redress for alleged torture in custody failed to prosper. Since Mexican peasants in regions such as Guerrero routinely experience violence from the judicial police and military,<sup>32</sup> public opinion has low expectations of state agents in this regard.

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<sup>32</sup> Indigenous peasants are especially vulnerable, particularly now that longstanding racist attitudes have been compounded by reactions to the indigenous rebellion in Chiapas and the extension of pre-emptive "counter-insurgency" operations beyond the original "zone of conflict". In many regions of the Pacific Coast, such as the Nahua area of the Michoacán coastal sierras in which I have worked recently, indigenous communities whose rights are

Although the role of human rights organizations in supporting rural struggles to improve the situation has made challenges to impunity more effective, the political cost of letting sleeping dogs lie in this case was not excessive, since Fox guaranteed that Digna Ochoa's death would be thoroughly investigated and the culprits brought to justice, implying that his government accepted that she had been the victim of the "interests" that she had challenged in campaigning against injustice. The emergence of the suicide hypothesis was, however, infinitely more controversial. Once Sales began to float it publicly, and both Arceo and the IACHR questioned his position, Bátiz had no alternative but to appoint a third Prosecutor in an effort to resolve the doubts.

### *Histories of investigations and histories of investigators*

Guerra was ostensibly appointed on the advice of journalist Miguel Angel Granado Chapa, attorney Magdalena Gómez and veteran left-wing politician and human rights activist Rosario Ibarra de Piedra, whose own son was "disappeared" by the state judicial police of Nuevo León state in 1975.<sup>33</sup> Ibarra de Piedra subsequently denied that she had in fact given Guerra her endorsement, and it would have been somewhat surprising if she had done so, since Guerra was already a figure of controversy for her past role in other cases, in particular the investigation of the death of magistrate Abraham Polo Uscanga in 1995.

Polo Uscanga had refused to issue arrest warrants and resigned in protest against pressures placed upon him by the Federal District's chief Justice, Saturnino Agüero Aguirre, when the then PRI-controlled government of the Federal District shut down the public transport company that controlled Mexico's Route 100 bus service and laid off all its workers, alleging corruption within the union that controlled the company and ordering the arrest of its leaders on that pretext. The fact that the union was aligned with the radical Independent Proletarian Movement (MPI) and was accused of helping the Chiapas Zapatista rebels to buy arms seems to have been the real root of the attack against it.<sup>34</sup> When Polo Uscanga was subsequently

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abused by the military still receive little if any support from Human Rights organizations, and the Catholic nuns who work in them are also exposed to danger. But the problems provoked by boss rule and the growth of politically protected criminal economies in states such as Michoacán and Guerrero are not restricted to communities that conserve an indigenous identity.

<sup>33</sup> <http://www.globalexchange.org/countries/mexico/250.html.pf>, accessed May 2004.

<sup>34</sup> The head of the bus company allegedly committed suicide by shooting himself twice in the chest with a security guard's gun.

found shot in his home, the grounds for suspicion that a true “crime of the state” had taken place were exceptionally strong.

An “unknown assailant” had already shot dead the assistant prosecutor involved in the case outside his home two days before Polo Uscanga’s murder, the magistrate himself had clashed previously with the PRI authorities on other “political” cases, and had even accused his boss Saturnino Aguero Aguirre of “inexplicable enrichment” in office. He had earlier complained of being kidnapped and beaten by unknown individuals who accused him of links to leftist groups – in his view ironically since he had in fact been a lifelong member of the PRI.<sup>35</sup> Yet despite this abundant evidence that the case was profoundly “political” and could involve high ranking public figures, Margarita Guerra’s investigation, finalized in 2000, more than two years after the PRD had won control of the Federal District in the first ever direct election of a city government, pinned the magistrate’s homicide on Alejandro López Villanueva, a leader of the Francisco Villa Popular Front, another left-wing group, thereby, as the exasperated López pointed out, neatly exonerating Aguero Aguirre and the *priísta* regent of Mexico City, Oscar Espinosa Villarreal.<sup>36</sup>

After López Villanueva was released “for lack of evidence”, the case finally evaporated into the air, without resolution but thoroughly depoliticized. It is not therefore surprising that Digna Ochoa’s colleague and friend Bárbara Zamora mentioned the Polo Uscanga case when she objected strongly to Guerra’s appointment as a member of the “mafia of the prosecutor’s office” in the Federal District who lacked “a record of professionalism”.<sup>37</sup>

In 1995, the Polo Uscanga case could be seen as an extension of a pattern of assassination that had begun in 1993 with the killing of Cardinal Juan Jesús Posadas Ocampo in the car park of Guadalajara airport, followed in 1994 by the assassination in Tijuana of Luis Donald Colosio, the PRI’s candidate for the Presidency and finally, the killing of José Francisco Ruiz Massieu, General Secretary of the PRI and a former governor of Guerrero, on a street in Mexico City.

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<sup>35</sup> <http://www.greenleft.org.au/back/1995/211/211p21.htm>, accessed May 2004. See also Gledhill, 1998.

<sup>36</sup> Polo Uscanga’s former driver, Cuauhtémoc del Río, was also accused of complicity in the case. For further details see <http://www.jornada.unam.mx/2000/ene00/000105/cap1.html>, accessed May 2004, and <http://veneno.com/2003/v-77/cons-77.html>, accessed May 2004.

<sup>37</sup> <http://www.globalexchange.org/countries/mexico/250.html.pf>, accessed May 2004.

The Posadas case remains unresolved and a subject of controversy, and while the killing of Colosio did finally lead to the identification and gaoling of an assassin, it too has never been resolved to the satisfaction of the Colosio family.<sup>38</sup> It also resembled the Ochoa case in that no less than five prosecutors handled the investigation over six years. Responsibility for Ruiz Massieu's murder was finally laid at the door of the brother of former President Carlos Salinas de Gortari, Raúl, under the last PRI president, Ernesto Zedillo. But that case is also controversial for a variety of reasons, not least the death by suicide in the United States of Ruiz Massieu's brother, Mario. Mario Ruiz Massieu was deputy federal Attorney General at the time of his brother's murder, and led the investigation personally before resigning on the grounds that his work was being made impossible by high-ranking PRI officials. He subsequently fled the country and was arrested on money-laundering charges. US Justice Department officials conducted an investigation in which witnesses connected Mario Ruiz to deals with drug-traffickers that also involved the ex-President and his brother, while Mario Ruiz himself left a note that declared that President Zedillo was responsible for his brother's death and his own suicide.<sup>39</sup>

These violent events appear to reflect heightened conflict within the political class, linked to the transition to neoliberalism. Although old corporatist techniques of rule continued to be used, along with selective cooptation and repression, to smooth the implementation of the economic reforms which earned President Salinas and his associates such a high reputation in Washington, the transformation of the Mexican economy brought diminishing possibilities for accumulating wealth simply by plundering the public sector and favoured the consolidation of "shadow state" networks behind the formal façade of the Mexican political regime, networks that Salinas and his associates were determined to dominate (Gledhill, 1999). After the economic bubble created by Salinas's economic model burst at the end of 1994 during his successor's first months in office, renewed popular resistance was answered by the kinds of tactics evident in the events surrounding Polo Uscanga's death, and national security became increasingly militarized. Yet throughout this period of crisis, the shadow economy continued to prosper, comprehensively penetrating state

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<sup>38</sup> The idea that the assassin acted alone has been challenged and the "intellectual authorship" of the crime never resolved. The Colosio family and most ordinary Mexicans who have ever expressed a view to me about the matter continue to believe that it could only have been managed by actors exercising control over the security forces at the very highest level, most probably on the orders of President Salinas himself.

<sup>39</sup> <http://www.pbs.org/wgbh/pages/frontline/shows/mexico/family/marioruizmassieu.html>, <http://www.pbs.org/wgbh/pages/frontline/shows/mexico/news/proceso.html>, both accessed May 2004.

institutions, including the military itself, whilst Mexico's new business leaders not only welcomed actions against popular movements but derived considerable benefits from the government's willingness to compensate them for losses incurred as a result of the economic downturn at the expense of ordinary taxpayers. Under these circumstances it is difficult to contest Digna Ochoa's belief that the root of the country's problems was "an entire government structure that defends very specific political and economic interests".

If the 1994 electoral victory of the PRI was a vote motivated by fear of chaos, further economic crisis laid the basis for a decisive electoral rejection of the PRI in the 2000 presidential elections. Even though some elements of the former ruling party still appeared willing to attempt fraud, Zedillo accepted the need to accept alternation in power (possibly encouraged by his successor's guaranteeing his administration immunity from investigation). Vicente Fox was the candidate of a right-wing party that supported neoliberal economic policies, presenting no threat to business, and an internally divided PRD had no persuasive alternative to offer an electorate that was determined above all else to get the old ruling party out of power. The nature of the transition was not, therefore, one likely to disturb the deeper arrangements of power that had emerged under the old regime, since Fox and his team were pragmatists who had benefited from the "system" as previously established. Corruption at all levels of government has allegedly increased since 2000. Scandal has also engulfed the PRD, though in ways that seem to reflect the way ex-President Salinas has recovered backstage power through continuing negotiations with the Fox administration. The first evidence that this process of negotiation was underway was in 2002. The then foreign minister, Jorge Castañeda, a left-leaning academic associated with the PRD before he threw his weight behind the 2000 Fox campaign, supposedly bumped into Salinas "by accident" in a Brussels restaurant, after sensibly having booked a table for two just in case any casual acquaintances dropped by.

No charges of corruption have been made against Mexico City's popular mayor, Manuel López Obrador, who has emerged as a serious contender for the Presidency in 2006. But efforts are now being made by Fox and his allies to debar him from standing for public office again by an unprecedented legal manoeuvre that would make him personally responsible for an act of technical maladministration with regard to a relatively trivial act of land expropriation by the city government.

All this suggests that there are deep and disturbing symptoms of continuity at the heart of Mexican power relations.

*Conclusion: imagined power and the power of impunity*

We have seen that the Mexican justice system has an extended history of failure to “clarify” the facts behind more sanguinary expressions of intra-elite conflict and the violence deployed against challenges from outside the political class on the part of social movements and NGOs. The diffusion of rumour, half-truths and misinformation is a well established means of ensuring that the deeper “truths” about power relations revealed by acts of violence will remain a subject for speculation that even the best of the country’s fine tradition of independent investigative journalism can never succeed in translating into hard evidence that could serve as the basis for successful legal action. What I wish to emphasize in conclusion to this discussion of the Digna Ochoa case is the need to consider the deeper effects of these apparent failures to resolve matters of public controversy.

As Akil Gupta has argued, the state is a translocal institutional complex that ordinary citizens everywhere experience in a partial and localized way. The larger whole must therefore be constructed in the imagination, and “the discourse of corruption” is often central to such construction (Gupta, 1995: 394). An imaginery of “the state” as a centre of power with corruption at its heart can, as Gupta suggests “potentially empower citizens by marking those activities that infringe on their rights” (Ibid.: 376). Mexican history continues to be marked by an intense struggle on the part of the country’s citizens for their rights to be made substantive, within a political culture in which all actors make a constant appeal to the need to respect “the rule of law”. Yet while the law does not always fail to satisfy specific popular demands, and one could argue that neoliberal rule has opened up new spaces for negotiation, around such issues as indigenous rights, for example, in Mexico the law generally continues to function as a weapon of privilege<sup>40</sup>

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<sup>40</sup> Some truly shocking examples of these tendencies have emerged under the Fox government. The PAN leader in the Senate, Diego Fernando de Cevallos, is a prominent lawyer who bankrupted the Agrarian Reform Ministry with a successful claim for compensation for expropriation on behalf of a private family, within a system in which peasant claimants spend decades fruitlessly seeking to have courts recognize their rights. The anomalous speed and scale of Cevallos’s win was widely attributed to “traffic of influences”. Carlos Cabal Peniche was one of the most spectacularly successful “new rich” of the Salinas de Gortari era until he fled the country accused of defrauding his own banks and involvement in money-laundering and drug trafficking. Finally extradited from Australia in 2001, the charges against him collapsed one by one due to “technical errors” by the authorities responsible for prosecuting the case. Cabal now hopes to get the highest courts in the land to confirm his right to secure millions of dollars in compensation from the Institute for the Protection of Bank Savings, the controversial agency responsible for compensating wealthy private investors for losses involved in the restructuring of Mexico’s

in a deeply partial and socially discriminatory way, while the citizen is obliged to resort to the “levers” of corruption and patronage in order to conduct even quite mundane bureaucratic transactions across localized interfaces with the State.

Given the evidence presented in this discussion for the contemporary Mexican State’s possession of a distinctly tangible “hard” edge reflected, in particular, in the role of the military, not to mention the existence of elite groups with fairly transparent material interests, it might not seem desirable to exaggerate an emphasis on the State as a “construction”. Yet it does seem necessary to examine some of the more “decentred” dimensions of contemporary systems of rule. As corporatist techniques have given way to neoliberal “government at a distance”, federal budgets have been decentralized and the state apparatus has accepted an increasing diversity of “civil society” organizations as valid interlocutors, theoretically extending the field of rights politics substantially and “empowering” independent organizations that purport to speak for poorer members of society.

It might be argued that the genuinely empowering effects of neoliberal rule systems are limited even in the best-case scenarios such as Brazil, where they are being extended by left-leaning governments aiming to manage capitalism as efficiently as their rivals on the right whilst striving for greater social equality.<sup>41</sup> But Mexico is, in general, not a best-case scenario, since the neoliberal transformation of the state has reinforced the integration of the political class with powerful business groups which have benefited from a range of politically-engineered forms of economic assistance, some of which shade into corruption, in addition to a variety of state-organized measures to defuse popular challenges to the neoliberal economic model. The latter have ranged from outright repression of the kind mentioned earlier to the manipulation of social development and anti-poverty programmes to fragment and demobilize opposition movements in conditions of continuing economic austerity for all but the wealthiest groups in Mexican society. Social development programmes as such have, in fact, now become thoroughly neoliberalized, since beneficiaries need to contribute their own resources to projects and are often offered loans rather than grants, but anti-poverty programmes by and large focus on income supplements (including

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banking system, for assets allegedly lost through intervention in the banks that he acquired (by means that many would regard as simply fraudulent).

<sup>41</sup> The PRD in Mexico has adopted a similar position to the Brazilian Workers Party in this respect, with similarly contradictory results, as illustrated by the PRD state administration of Michoacán, run by the grandson of Mexico’s greatest populist reformer, President Lázaro Cárdenas.

assistance with educational costs) that often reproduce clientelistic forms of power and may even create quasi-feudal kinds of political relationships in rural areas as the needy seek out local figures with “connections” to the political networks through which these resources flow.

The everyday structural violence of neoliberalism in Paul Farmer’s sense (Farmer, 2003) thus constitutes a baseline for Mexican political life that both generates “resistances” and makes them difficult to transform into widespread and enduring mass movements. But these effects are exacerbated by the apparent impossibility of creating national political movements that do not appear simply to replicate traditional vices.<sup>42</sup> It is not that Mexicans cannot imagine other ways of exercising governance, simply that most people do not regard them as capable of attainment. In this sense, the “failures” of the Mexican justice system to tackle the impunity of violent and self-serving power are highly “productive”, for they serve to confirm the practical impossibility of achieving another country.

What the Ochoa case ultimately reveals is that even the political forces that claim to represent the more socially equitable alternative and true “respect for democracy”<sup>43</sup> are unwilling to run the risk of destabilizing a “democratic” system in which they have secured an electoral position of significance. There are too many backstage compromises with the embedded networks of power that support corruption and the traffic of influences, which are challenged rhetorically in political competition but reproduced by the practical exigencies of the administration and government of one of the greatest urban disasters in the world. There is too

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<sup>42</sup> The Zapatista Army of National Liberation in Chiapas rejected alliance with the PRD precisely on the grounds that the new party replicated all the vices of its predecessors. The political consequences of this stand were arguably unfortunate in the particular local conjuncture of the years immediately following the rebellion, but the more telling problem in the long-term was the failure of the EZLN’s alternative strategy of building a rainbow coalition of social movements across class and ethnic divisions that could reform Mexico from the ground up without bidding directly for state power. Although the movement continues to influence indigenous rights politics throughout the country and it continues to serve as an inspiration to global activists, the unfortunate reality is that the EZLN has been left to practice its “autonomy” within a marginalized region in which it can be relatively safely contained, the threat it once seemed to pose to Mexico’s broader pattern of capitalist development diminished to the point of relative insignificance.

<sup>43</sup> Even before the latest corruption scandals in the Federal District, which also reflect some rather cynical moves by political opponents whose own records would not bear close scrutiny — though arguably this does not really matter, if the vital political message is that “there can be no good guys” — the PRD’s image had been seriously tarnished by disputed internal elections and the subsequent of the national leader declared the victor of that ballot, Rosario Robles. Robles represented the left wing of the party. Her earlier role in the DF has also been brought into question by more recent disclosures.

much personal danger in confronting the “interests” that control of the national security apparatus, menace honest policemen and judges, and harass NGOs and popular organizations. As we have seen, low-level menace is a fact of life for those who continue to strive to build a different kind of civic and legal culture, and this is generally sufficient to contain the threat that organizations not encapsulated by formal political parties pose to the powers behind the State. If Digna Ochoa did commit suicide, many might feel that the pressures of her work and life would have been sufficient explanation for such a tragedy.

But her second death was both a denial and an *affirmation* on the part of those who constructed it. It denied a connection between her fate and the corruption at the heart of power without denying that there *is* corruption and impunity at the heart of power or that human rights defenders *are* in danger. In reaffirming the incapacity of Mexican justice to deal with the larger problems which Ochoa herself identified as the nub of the national dilemma, the indeterminacy of the official verdict achieved much more than the “hard” faces of power – kidnappings, threats and ultimately guns – could achieve by themselves. It reinforced the capillary power of the disillusion that continues to permeate Mexican public life. By fostering imaginaries of the vices, violence and impunity of the “truly powerful”, indeed by helping to *construct* the terror of that unnameable power, such episodes can also serve the interests of more civilized members of the elite who continue to promise “reforms” while enjoying the advantages that the new economic arrangements offer ... and inviting ex-President Salinas to dinner.

Until that situation changes, the cartoon by Rocha from Mexico’s tirelessly campaigning *La Jornada* newspaper which I reproduce to end this paper offers a bitterly ironic but, I think, valid conclusion on the life and two deaths of Digna Ochoa. But we should not forget that the struggle for another Mexico is continuing. In 1993, General José Francisco Gallardo was imprisoned after publicly criticizing human rights violations by the military and calling for the appointment of an independent ombudsman to investigate such cases. President Fox ordered his release in February 2002, again without exoneration or investigation of the dubious charges which led to his imprisonment. Two years later, Amnesty International expressed fears for his safety after he voiced public criticisms of the appointment of a general to the Federal Prosecutor’s office anti-terrorist unit and then reported threatening telephone calls and surveillance by unknown persons and vehicles.<sup>44</sup>

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<sup>44</sup> <http://news.amnesty.org/library/print/ENGAMR410102004>, accessed May 2004.

General Gallardo wishes it to be known that he greatly enjoys gardening and is not tired of life.



Source: *La Jornada*, cartoonist Rocha.

Bernardo Bátiz says: "It occurred to us that she could have suicidal tendencies because ... what kind of person thinks of becoming a human rights defender in Mexico!"

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