

OFFICE OF THE ASSISTANT ATTORNEY GENERAL FOR
HUMAN RIGHTS, ATTENTION TO VICTIMS AND COMMUNITY SERVICES
SPECIAL PROSECUTOR'S OFFICE FOR CRIMES AGAINST JOURNALISTS
Official letter: SDHAVSC / FEADP / 1058 /08



"2008, Year of Education and Sports"

October 28, 2008

MR. JOEL SIMON
Executive Director of the
Committee to Protect Journalists (CPJ)

In response to your letter dated October 24, 2008, in which you express concern about recent issues regarding the investigation of the murder of the journalist Bradley Roland Will, I hereby inform you the following:

1.- On October 27, 2006 in Santa Lucia del Camino, Oaxaca, a confrontation among municipal policemen and APPO supporters or members took place. Here, Bradley Roland Will lost his life. From such event there is enough graphic testimony; since journalists, photographers and cameramen of different media took images of said events.

These journalists and photographers were summoned to state before the Federal Public Prosecutor heading the investigation, and particularly the photographer Raúl Estrella, who identified several of his pictures, one of which shows an individual wearing a red sweater, aiming and firing his weapon. He is the individual that Bradley Will's family wrongfully considers the person that fired taking his life. In fact, the journalist photographer Raúl Estrella testified before the Public Prosecutor that the shots were aimed at Estrella himself, approximately half an hour before Bradley Roland Will received the first firearm shot.

2.- The investigation carried out by PGR from November 2007 to October 2008, analyzed all the evidentiary elements, testimonies and expert opinions that had been gathered, and it also received a number of new evidence. Throughout the 348 days of the investigation, the following proceedings were carried out: 72 Ministerial Statements; 27 AFI Reports; 10 Police Reports; 21 Site Inspections; 61 Ministerial Attestations; 305 Official Letters regarding the Investigation; 37 Records; 1 Systematization; 13 Volumes of documents; 6,500 pages; a total of 2,920 Federal Prosecutor-hours and 592 proceedings.

The Federal Special Prosecutor's Office for Crimes against Journalists (FEADP) analyzed all the possible investigation lines. No evidence was discarded or ignored. Based on those investigations, expert opinions and testimonies gathered by the Special Prosecutor's Office, the alleged murderer of the journalist Bradley Roland Will was identified and located.

3.- FEADP proved before the Fourth Judge on Criminal Matters of the Center of Oaxaca that Juan Manuel Martinez Moreno is allegedly responsible for Bradley's death, based on the witnesses' statements, expert opinions, photographic evidence, videos, audio and other evidentiary elements. The abovementioned Judge considered that these elements were sufficient to issue an arrest pending trial warrant for Martinez Moreno and to bring criminal action against others for the offence of concealment. Of the latter, two persons have been detained, who are currently released on bail and subject to trial, as allowed by Law.

4.- The evidentiary elements that the Federal Public Prosecutor presented to the judge, included, in the first place, the expert opinion of CNDH, which must be stressed, only considered the investigations carried out by this Prosecutor's Office until June this year, not considering those from June to October of this current year. Second, the expert report of the foreign experts proposed by Brad Will's family only referred to the explanation of the first shot, and not to the second one; besides, their explanation is very different from the one of the CNDH because the shot is based, in its opinion, in the hypothesis that the bullet ricocheted and then impacted the victim's epigastric area. Nonetheless, the judge surely analyzed all the expert opinions and evidence in order to issue the formal arrest pending trial warrant.

5. In the case of the two persons allegedly responsible, Octavio Perez Perez and Hugo Jarid Colmenares, they were accused for the offence of concealing, which is not considered a serious offence; therefore both were released on bail. For that reason, they are under the judge's disposal until the trial is concluded.

6. It must be said that the forensic expert opinion produced by the doctor that carried out the autopsy as part of the investigation, describes the bullet's trajectory inside Bradley Roland Will's body; the entrance wounds, the organs lesions, concluding that both wounds were lethal. The expert opinion was sustained on exhaustive scientific tests in forensic techniques.

7. It is evident that in a case such as the current one, the Judge deemed the existence of forensic evidence, clear and overwhelming evidence, as well as a proven motive of the crime. The video and audio of Bradley's own camera reveal that, seconds before the first shot was made, a "don't continue taking pictures" threat was made.

DR. OCTAVIO ALBERTO ORELLANA WIARCO
FISCAL ESPECIAL
1.- Lic. Juan de Dios Castro Lozano - Subprocurador de Derechos Humanos, Atención a Víctimas y Intervención Comunitaria - Presente
2.- Lic. Juan Miguel Alcántara Soria - Subprocurador Jurídico y de Asuntos Internacionales - para recordatorio
3.- Lic. Víctor Emilio Cordero Cabezas - Subprocurador de Control Regional, Procedimientos Penales y Amparo - para recordatorio
4.- Lic. Toxias Caviliza Meza - Sra. Técnica del C. Procurador - Turno ST/152/12032 - para recordatorio
Turnos: 2344, 2347/105