

ADDENDUM

The PGR has never considered any other theory except that Brad was shot at close range by an APPO demonstrator. Our family's experience has been one of urging the Oaxaca State Attorney General and later the PGR to consider all possible theories. We have been ignored at every step. The fact that the Canadians did not speak to our family or to our legal representative in Mexico only continues this trend of refusing to consider all possible theories.

Issues with the Canadian “Independent” Review

In general, the Canadian report is incomplete and biased and lacks the quality expected from forensic experts.

Impartial?

The Canadian investigators are intervening as individuals; they do not have the backing of any institution. This gives rise to doubt about their impartiality. Who funded their report? What are their credentials?

Reliance on Selective Information from PGR

The Canadian investigators do not speak or read Spanish which put them at a disadvantage. They had to rely solely on translations from the PGR. In various parts of the report, it appears that the objective is to support the findings of the PGR investigation and ignore other facts.

Prejudicial Political Language

The study contains usage of political language in statements that reach beyond their position as experts, such as when they refer to the APPO and Brad's participation in the conflict.

No Study of Other Expert Investigations

Why didn't the Canadian investigators contact the Physicians for Human Rights to review and discuss their independent, scientifically-based findings?

Why didn't the Canadian investigators contact National Commission on Human Rights (NCHR) in Mexico to review and discuss their findings? NCHR had access to a high quality copy of Brad's tape. As a result, their analysis of the tape and sound on the tape would be more accurate than an analysis of an internet version of the tape.

Position of Camera

Canadian investigators allege that they have seen several photographs with Brad filming with his left shoulder forward. We dispute this. We have seen many photos and film strips of Brad filming with his camera, both in Oaxaca and elsewhere. He videotaped with his camera straight ahead with both shoulders squared.

Conclusions Would Place Shooter Exactly Where Two Photojournalists Were

Canadian investigators believe the shooter was to Brad's right about 10 meters away, per their diagram. This is absurd. There were two photojournalists crouching in this location. These photojournalists would have to be deaf and blind not to have observed someone in their midst shooting at Brad.

To conclude, the Canadian investigators write: "We feel that the investigation was conducted in an unbiased manner with an open mind to all possible theories." This is absurd.

Bias in PGR Reports and Actions

PGR Bias Evident in Background Information Presented by Canadians

Background information is presented in a prejudicial manner and contains numerous errors of fact. We are shocked, disturbed and offended that the PGR has presented our son in such a derogatory and inaccurate manner.

- a.) Brad was an independent journalist working for Indymedia.
- b.) Brad did not work with guerilla groups in Central America. He was never in Central America.
- c.) Not only did Journalist Al Giordano not introduce Brad to people in Oaxaca, he advised Brad not to come to Oaxaca. Giordano himself never traveled to Oaxaca during the conflict.
- d.) Brad never lived in the Navarro home. He lived with three other non-Mexicans the whole time he was in Oaxaca.
- e.) Brad received his press credentials from Indymedia, as well as from the Oaxaca teachers union, Section 22. Every reporter covering the conflict on a day-to-day basis received the same section 22 press credentials.
- f.) Brad was not involved in any of the demonstrations. Brad did gain the confidence of many of the APPO and CIPO members because he was not one of the journalists or photojournalists that covered the events for a short time (a day or two) and then left. He was there as a photojournalist attempting to document the events as they unfolded.

PGR Bias Against APPO

The teachers protesting the governor did so in the context of an annual teachers' union strike. The name of the Oaxaca local of the national union is known in Mexico as Section 22. At the beginning of the conflict the APPO did not exist. The APPO was created as an umbrella organizational structure to coordinate civilian protests after the governor's failed pre-dawn raid on the teachers' protest camp on June 14, 2006. The APPO was created by the overwhelming local citizen rejection of the governor's use of violence and their support for the teachers' non-violent strike. The complete mischaracterization of the APPO betrays a bias against that organization. It is pretty clear to us that the arrest of an innocent APPO member for Brad's death flows from this bias.

PGR's Selective Use of Significant Witnesses & Witness Fabrications

- Canadian investigators cite Miriam Torres as a significant witness. All statements by Torres are a total fabrication. As mentioned before, Brad never lived in the Navarro house.
- A significant witness statement that is missing in the report is that of a demonstrator who was crouching directly in front of Brad. In a sworn statement he said that he heard and felt a bullet pass by his head and when he turned around he saw Brad falling down after being struck by that bullet.
- Other significant witness statements missing include sworn statements of journalists at the scene. They said that it was impossible that anyone could have shot twice at close range without their noticing it.

Motive, Opportunity & Means Not Pursued by PGR

At least five paramilitaries were photographed holding and shooting guns.

Municipal Police officers advanced down Juarez Avenue several times firing their guns at the demonstrators.

Raul Estrella photographed paramilitary Pedro Carmona shooting at him twice, prior to Brad being shot. Pedro Carmona was never interviewed by the PGR. Why not? Is it not a crime in Mexico to shoot at a photojournalist? Isn't that attempted murder?

Minutes prior to Brad being shot, photographer Oswald Ramirez was shot in the leg. No one has claimed that he was shot by a nearby APPO member. Why would these facts not support a hypothesis that a paramilitary probably shot Brad?

Two of the five paramilitaries photographed holding guns were never interviewed.

Physicians for Human Rights Report

The experts from the Physicians for Human Rights are adamant in their report that the damage to the bullet is consistent with a ricochet and did not occur at the autopsy. Red paint on the bullet was already visible on a photograph taken at the autopsy, rather than having been “painted by someone to designate it” later on as claimed by the PGR and now reiterated by the Canadian investigators. The Physicians for Human Rights will be issuing their own response to the Canadian investigation shortly.

National Commission for Human Rights Report

Sound Analysis / Distance of Shot

The Canadian investigators analysis of NCHR sound data came up with a distance of 17.28 meters, as opposed to the NCHR's estimate of 40 - 50 meters. As noted by the Canadians, there are a number of variables in a sound analysis and the interpretation of sound is subjective. In addition, the Canadian investigators acknowledge that they are not sound engineers or experts in the field.

Clearly, Brad was not shot from close range. It should be noted that the red truck was located 35.7 meters away directly in front of Brad. The best explanation that fits the facts was that Brad was shot from behind the red truck (no shooter in view of Brad's camera, the demonstrator's testimony, Brad holding the camera with his shoulders squared, shooting straight ahead).

This important sound analysis should have been reviewed with the NCHR experts and the NCHR estimate of 40 - 50 meters should not be discarded without further study.