

**THE HOMICIDE OF  
DR. VICTOR MANUEL OROPEZA CONTRERAS**

**A CASE STUDY OF  
FAILED HUMAN RIGHTS REFORMS  
IN MEXICO**

**4 December 1991**

**A Report of**

**The Minnesota Lawyers  
International Human Rights Committee**

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## PREFACE

The death of physician and journalist Dr. Víctor Manuel Oropeza on 3 July 1991 caused consternation throughout Mexico and the international human rights community. Because of the documented history in Mexico of human rights abuses in general and occasional oppression of journalists in particular, and because of the openly critical nature of the victim's newspaper columns, this case merited strong scrutiny. The abuses and irregularities which characterized the subsequent homicide investigation required even greater scrutiny, and angered many who had hoped for reform in the Mexican criminal justice system.

The Minnesota Lawyers International Human Rights Committee ("Minnesota Lawyers Committee" or "Committee") initially learned of the case on 4 July 1991 through COSYDDHAC,<sup>1</sup> a reputable nongovernmental human rights organization based in the state of Chihuahua. COSYDDHAC asked the Minnesota Lawyers Committee to become involved in the case. The surviving family of Dr. Oropeza also welcomed the Committee's participation.

The Minnesota Lawyers Committee sent lawyer James E. Dorsey to Ciudad Juárez on 1-4 September 1991 to investigate the circumstances surrounding the death of Dr. Oropeza and the homicide investigation which followed. During his stay, Dorsey interviewed the judge, the detained defendants, the family of the victim, the new local commander of the Federal Judicial Police, journalists, human rights workers, and a private investigator. Dorsey requested, but was refused, interviews with the state prosecuting authorities and the local commander of the state judicial police José Refugio Rubalcava Muñoz.

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<sup>1</sup> COSYDDHAC is the acronym for *Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C.* (Human Rights Solidarity and Defense Commission).

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At the same time, on 4 September 1991, Committee representatives Daniel L. Gerdtts and Hubert H. Humphrey III were in Washington, D.C., for a meeting with Mexican Federal Attorney General Ignacio Morales Lechuga. Gerdtts and Humphrey questioned Morales Lechuga about the case at that time.

With the indispensable collaboration and sponsorship of the American Association for the Advancement of Science, the Committee also arranged for the attendance of two physicians, as independent observers, at the second autopsy of Dr. Oropeza on 12 September 1991. The two physicians were Dr. James L. Frost, a forensic pathologist who is the Deputy Chief Medical Examiner for the State of West Virginia and Professor of Pathology at West Virginia University School of Medicine (WVUSM), and Dr. Mariana E. Berho, an Argentine physician training in pathology at WVUSM who worked closely with Dr. Frost. Drs. Frost and Berho also had the opportunity to interview the family of Dr. Oropeza, consult with the investigators of the Mexican National Human Rights Commission, and talk with members of COSYDDHAC.

This report is based on information gathered during those visits and interviews and on additional information supplied by COSYDDHAC. The report was written by James E. Dorsey and Daniel L. Gerdtts with contributions or editorial assistance from Dr. James L. Frost, Donald Johnson, and Sonia A. Rosen.



## I. INTRODUCTION

### A. Human Rights Violations in the Mexican Criminal Justice System

The Minnesota Lawyers Committee began its project on human rights in Mexico in July 1988. After extensive legal research and field work, the Committee in July 1990 published its first report on Mexico entitled *Paper Protection: Human Rights Abuses and the Mexican Criminal Justice System*.

The report documented serious and chronic abuses of human rights by Mexican police forces. It found that arbitrary detention and torture by state and federal judicial police were standard methods of crime investigation, that confessions to criminal charges routinely were coerced through torture, and that the court system accepted these confessions despite domestic and international laws which strictly forbid such use. Of grave concern was the virtual impunity to appropriate sanctions enjoyed by agents responsible for the abuses.<sup>2</sup>

The report also provided a legal study of Mexican criminal procedure and the applicable international law, and an analysis of perceived flaws in Mexican criminal procedure which appeared to foster the abuses. Based on that analysis, the report proposed a series of recommendations to help reform the system.

Following the publication of the 1990 report, the government of President Salinas de Gortari adopted legislative reforms, many of which mirrored the Committee's recommendations. Thereafter, Committee representatives

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<sup>2</sup> Both Amnesty International and Americas Watch have produced reports on Mexico which independently document the same kinds of abuses. See, e.g., AMERICAS WATCH, UNCEASING ABUSES: HUMAN RIGHTS IN MEXICO ONE YEAR AFTER THE INTRODUCTION OF REFORMS (1991), and AMNESTY INTERNATIONAL, TORTURE WITH IMPUNITY (1991).

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visited Mexico on several occasions and established cordial relations with the government's recently established National Human Rights Commission and with the current Federal Attorney General.

### B. The "Minnesota Protocol": International Death Investigation Standards

Human rights advocates, particularly those in the medical and legal fields, recently acquired another important tool for holding governments accountable for abuses. That tool is the *Manual for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* ("Manual"), a technical handbook for medicolegal investigations of suspicious deaths.<sup>3</sup>

The *Manual* sets forth a set of twenty principles adopted by the United Nations for independent medicolegal investigations.<sup>4</sup> The handbook section ("Minnesota Protocol") provides additional guidance by offering technical advice on the meaningful implementation of the principles. Included in this section are: a model protocol for conducting a legal

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<sup>3</sup> U.N. CENTRE FOR SOCIAL DEVELOPMENT AND HUMANITARIAN AFFAIRS, *MANUAL ON THE EFFECTIVE PREVENTION AND INVESTIGATION OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXECUTIONS*, U.N. Doc. ST/CSDHA/12, U.N. Sales No. E.91.IV.1 (1991) [hereinafter *MANUAL*]. The *MANUAL* was prepared with assistance from the American Association for the Advancement of Science and the Minnesota Lawyers International Human Rights Committee.

<sup>4</sup> The *Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* were adopted by the United Nations Economic and Social Council on 24 May 1989. E.S.C. Res. 1989/65. U.N. Doc. E/1989/INF/7, at 129-34 (1989) [hereinafter *Principles*]. The U.N. General Assembly endorsed the *Principles* in December 1989. G.A. Res. 44/159 of Dec. 15, 1989; G.A. Res. 44/162 of Dec. 15, 1989. For the text of the *Principles*, see Appendices.



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inquiry as well as factors which may trigger a special investigation, and guidelines for establishing an independent commission of inquiry. The second and third sections contain a model protocol for conducting an adequate autopsy and a model protocol for disinterment and analysis of skeletal remains. Two important annexes to the *Manual* provide information on the postmortem detection of torture.

The *Manual* can be used in circumstances where there is reason to believe that a government or governmental entity may be involved or responsible for a death. Typical cases include: political assassinations, deaths resulting from torture or ill-treatment in prison or detention, deaths resulting from enforced "disappearances," deaths resulting from the excessive use of force by law-enforcement personnel, executions without due process, and acts of genocide.

Most countries have a system for investigating the cause of death in cases with unusual or suspicious circumstances. In some countries, however, these procedures have broken down or have been abused, particularly where the death may have been caused by the police, the army, or other government agents. In these cases, thorough and independent investigation are rare. Evidence that could be used to prosecute the offender is ignored or covered up, and those involved in the executions go unpunished. In addition, some investigative procedures may be inadequate because of a lack of resources and expertise or because of a lack of impartiality on the part of the investigating agency.

Human rights groups and others worldwide are using the *Manual* with increasing frequency to measure the adequacy of death investigations. The Oropeza murder presented exactly that type of situation which required an investigation strictly following the guidelines of the *Minnesota Protocol*. It is also a case where the information provided by the *Manual* can play a significant role in analyzing and judging the efficacy of the medicolegal investigation.

## II. THE OROPEZA MURDER

The Minnesota Lawyers Committee has followed the Oropeza case closely for two reasons. The first is that the victim of the homicide was a popular newspaper columnist who was a vocal critic of corruption in the Mexican government and of the abuses by the security forces. The second is that the initial investigation into the homicide by state and federal authorities was poorly conducted and rife with allegations of illegal detention, torture, and coerced confessions. As such, despite the high visibility of the case and despite the government's public commitment to reform, the case exemplified the typical failings and continued abuses of the Mexican police and prosecuting authorities.

Brief descriptions of the victim, the homicide, and the investigation warrant the reader's attention so as to gain a full understanding of the case and the criticism which follows.

### A. The Victim

Dr. Víctor Manuel Oropeza Contreras was born 31 January 1931 in Puebla, Mexico. He attended the National Polytechnical Institute of Mexico where he studied homeopathic medicine. He graduated in the mid-1950's and married in 1956. After graduation he returned to Puebla and entered private practice with his father. In 1960 Oropeza moved to Ciudad Juárez and established a prosperous practice in a small office.

Shortly after he moved to Ciudad Juárez, Oropeza helped organize the Popular Socialist Party in that city. He ran for mayor of Ciudad Juárez in 1964 on their platform. After frequent internal squabbles, however, he had to leave the party. He later helped form the Mexican Workers Party, but again he left the party for various reasons involving personality clashes.

In the early 1980's Oropeza decided to write. He

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dismissed liberal politics as a waste of time because of all the intra-party squabbling. He began writing as a columnist for both the *Diario de Juárez* and the *Diario de Chihuahua*. His column, *A Mi Manera*, translates to English as "My Way", after the Frank Sinatra song of the same name. The column rapidly became popular and was closely followed in Ciudad Juárez and the Mexican community in El Paso. He wrote on all manner of subjects: from the environment, to the outbreak of cholera, to corruption in government. He took particular aim at heavy-handed police tactics. He would write two articles a day in his office between seeing patients.

When Ciudad Juárez became a major narcotics trafficking point in the mid-1980's, the police began to adopt very vicious methods of law enforcement. Oropeza's columns followed suit. After federal security forces began killing indigenous peasants in the Sierra Tarahumara, in the name of fighting drug trafficking, Oropeza strongly denounced the efforts as murder.

As the 1986 elections approached, Oropeza went on a hunger strike with Luis H. Alvarez, leader of the National Action Party (PAN), and Francisco Villarreal, a wealthy businessman. The purpose of the hunger strike was to promote democracy by demanding a clean election. Their efforts were highly publicized even though they received little attention from the local state-controlled television and radio.

Notwithstanding their efforts, the PRI party swept all the state offices. The hunger strikers alleged the election was a farce and decided to continue their hunger strike until they died. They were persuaded to resume eating by a friend and teacher named Heberto Castillo who convinced them not to give the government their lives in one payment but rather to continue to fight the government and give their lives in installments.

After the death of Oropeza's first wife in February 1987, his columns became even more acerbic and provocative. Through his column, Oropeza offended many people, including the Ex-Commander of the Federal Judicial Police in Chihuahua Elías

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Ramírez and state governor Baeza Meléndez.

In the weeks before his death, Oropeza had been travelling throughout Mexico interviewing political candidates for articles in anticipation of the July elections. In the days following his death, the *Diario de Juárez* printed his old columns and then began printing a blank column outlined in black and entitled "A Mi Manera" with Oropeza's by-line above the empty space. The editorial page continues to carry his name at the top with the slogan "*Un Crimen Impune, una Justicia en Entredicho*" [An Unpunished Crime, a Questionable Justice].

Everyone spoke with during the visits by the Minnesota Lawyers Committee -- cab drivers and waiters included -- knew of Oropeza and applauded his efforts. Oropeza had become a symbol of human rights in Ciudad Juárez and Chihuahua. He seems no less so after his death.

### B. The Homicide

When Oropeza had not come home by midnight on the evening of 3 July, his younger son, Alejandro, and his second wife, Patricia, went to his office to look for him. They discovered his body, stabbed to death, in a chair behind his desk and immediately called the police. The time was approximately 12:30 a.m. The state police arrived soon thereafter and began their investigation.

At the time of the Committee's visit to Ciudad Juárez, the murder scene remained intact, sequestered by Oropeza's sons. There were still blood stains on the wall next to the chair that are suggestive of arterial bleeding. On the wall opposite where he was lying there are splatters which are consistent with a knife attack. Absence of other signs of struggle -- none of the pictures and diplomas on the wall and none of the papers on the desk were disturbed -- suggests that Oropeza did not have the opportunity to put up much of a fight and that he likely was held at gunpoint during some or all of the assault.

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The state police report characterizes the death as a probable homicide. The report describes 14 stab wounds and indicates a plastic bag was found in Oropeza's right hand, with several unidentified hairs, when the body was discovered. Human rights observers expressed alarm about the plastic bag because Mexican police agents commonly have used such bags as tools of torture, forcing the bags over their victim's head to achieve near asphyxiation.

The state police wrote this first report at 1:30 a.m. and conclude the time of death to have been 4 hours earlier, or approximately 9:30 pm. Taking into account the undisturbed order of things in the office, the report discards robbery as a probable motive.

### C. The Investigation

The first police investigation, by the state judicial police, commenced at approximately 1:00 a.m., on 4 July 1991, when state agents arrived at the scene, took photographs, and dusted for fingerprints. They apparently found no useful prints. Forensic doctors conducted an autopsy later that morning at 8:30 a.m.

On Friday, 5 July, the Federal Attorney General's office ("PGR") announced it would participate in the investigation of the crime. The PGR's investigative team arrived in Ciudad Juárez on 6 July headed by special prosecutor Raphael Aguilar García. Their investigation began immediately with a wholesale detention of a large number of people loitering in the neighborhood around the doctor's office. The persons detained typically were shoe-shine boys, street vendors, car washers, and others associated with the nearby Juárez market.

Police detained Alejandro García the same day, without a warrant, and held him for four hours. They detained him again on the following two days for many more hours of questioning. When finally released, through the intervention of COSYDDHAC, he expressed concern about his cousin, Trinidad Holguín García, whom he said the police were beating in the holding

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cells of the State Judicial Police.

Holguín García (known as "Güero Polkas") also alleges the beatings by police. He was the central suspect for the first five days of the PGR investigation headed by Aguilar. During that time the investigators characterized the murder as a "crime of passion." Other motives reportedly were not even considered. Police accused Holguín García of killing Oropeza in the aftermath of a homosexual lovers quarrel. Witnesses such as José Alfredo Muñoz Chico alleged that Holguín García had sexual relations with Oropeza and that he had heard Holguín García state he was going to "crush" [quebrar] Oropeza if he did not give him money. Muñoz Chico also claimed that Holguín García occasionally wore the kind of sunglasses found at the scene of the crime.<sup>5</sup>

Holguín García alleges not only that police tortured him to make him confess to the murder of Oropeza, but also that federal agents had several times in the past wanted him to confess to sexual relations with Oropeza. Ultimately, however, the homosexual liaison theory fell apart when Holguín García failed to verify the authenticity of the sexual affair and refused otherwise to corroborate the far-fetched police hypothesis. Another important witness to this version of events, who appeared with a black eye to make his statement, asked members of COSYDDHAC who were present not to leave because "they're going to beat me again."<sup>6</sup>

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<sup>5</sup> As reported by COSYDDHAC, Muñoz Chico later alleged he was beaten and bribed by police into making these statements. Muñoz Chico also alleges police wanted him to make statements against other defendants who are now in custody.

<sup>6</sup> Representatives of COSYDDHAC, at the request of the PGR, were present as observers at some of the interrogations and public statements of suspects in this case. The observers expressed a fear, however, that their presence would be used by the PGR to support the confessions of the defendants even though the observers concluded that undue pressure and irregularities had rendered the confessions inadmissible and

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After the failure of the "crime of passion," police pursued other leads. According to sources at the PGR, the case against the defendants who are now in custody began with eyewitness descriptions of several young men seen leaving Oropeza's office on the evening of the murder. The alleged witnesses are a worker at a restaurant near the doctor's office, a custodian, the last patients at the office, and a couple who were walking past the office that evening.

These witnesses did not identify the defendants from photo or live line-ups, but provided police with descriptions of four young men seen near the doctor's office on the night in question. The last patients Dr. Oropeza saw on the day of the murder reported that when they left at about 8:00 p.m. there were four men in the waiting room. They say the descriptions of the current suspects do not fit their memories of the men. Based on those descriptions, however, the police eventually implicated the three defendants, two of whom are now in custody. All three are young men in their early twenties. All of them are relatively poor. The police have never explained the mysterious fourth person.

Police claim to have found Sergio Aguirre Torres on the basis of the witness descriptions. How they located him is still unclear. According to Aguirre Torres, the police detained him -- without a warrant -- on 10 July while he walked along a street in Ciudad Juárez. The police kept him locked up all that day and into the next afternoon. During that time, police gave him no information concerning any charges against him.

When the police began their questioning they asked if he had been downtown on 3 July. Aguirre Torres said no. The police told him someone had seen him there. Aguirre Torres maintains he was in El Paso with his mother that day. When he continued to affirm he knew nothing about any crime, Aguirre Torres asserts the police began to use torture. Initially,

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untrustworthy. The observations of the PGR, included as an appendix to this report, show that fear to be founded in fact.

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they put a plastic bag over his head and hit him. Later they applied electrical shocks to his legs.

Whenever the police transferred him, as they occasionally did during his interrogation, he was put in the trunk of a car. They took him by the river on at least one occasion and told him "if you don't say you're guilty, we'll drown you." After three or four more torture sessions using the plastic bag, Aguirre Torres agreed to confess. At 11:00 p.m., on 11 July, they took him to a building by the river and told him "now you will tell everything that happened to the press."

Following the arrest of Aguirre Torres, police started looking for Marco Arturo Salas Sánchez, whom they claim Aguirre Torres implicated. Salas Sánchez is charged with having held Oropeza while still-at-large suspect Samuel de la Rosa Reyes stabbed him. Salas Sánchez's parents report the police came to their house at around 11:00 a.m. on 12 July and took the father with them to search for the son. The police returned to the house at 3:00 p.m. where they found and picked up Salas Sánchez.

The police told Salas Sánchez they were looking for the perpetrator of a rape and that the victim was in the car. They put Salas Sánchez in the car with two other state policeman before transferring him to an unmarked white Suburban typical of those now driven by federal police in Ciudad Juárez. He was told the police already had De la Rosa Reyes and Aguirre Torres and that he knew why they were seeking him. They put a gun to his leg, threatened him, and put a pistol in his mouth. They still did not inform him of any charges against him. Shortly after making the arrest, they took his tennis shoes.

Salas Sánchez says the police stretched him over a tire inside the vehicle and hit him repeatedly. Police sat on him and tied his arms behind him as he was lying across the tire. They told him they would stop if he would just say he was guilty. They then took his shirt and pants off, wrapped his arms behind him, blindfolded him, and took him to a hotel room. There, he reports, they continued to torture him with



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kicks in the stomach, soda water forced up his nose, and a plastic bag over his head. Finally, they told him about Oropeza's murder and asked him how he had committed the crime. Salas Sánchez said he did not know. The police then asked about Aguirre Torres and told him they would continue to hit him until he got the story right.

Salas Sánchez eventually agreed that he and Aguirre Torres had done the killing. Police told him not to be a fool, however, and explained a different version of events they wanted him to adopt. They said Aguirre Torres had stayed in the car and that De la Rosa Reyes had done the stabbing while Salas Sánchez held the victim at gunpoint.

According to COSYDDHAC, the police initially charged Aguirre Torres and Salas Sánchez with murder in the course of a robbery. That motive, however, had already been discarded by the first police to arrive at the scene. Because nothing of any value had been taken from the victim's body or his office, and because there was plenty of value to take,<sup>7</sup> that theory quickly died.

Salas Sánchez reports he then made up the story that he and De la Rosa Reyes had broken windows in Oropeza's car several years ago, that Oropeza had turned them into the police, that one of them had done some time in jail for it, and that they had decided to kill him in revenge. After more questioning and torture, Salas Sánchez reports losing feeling in his arms before being taken at last to the federal judicial police office.

There he met special prosecutor Aguilar, who said Salas Sánchez could have foregone the torture if he had just confessed at the beginning. When Salas Sánchez replied he had confessed only because he was tortured, Aguilar ordered police to torture him again. About this time, the police came with

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<sup>7</sup> Oropeza's gold watch was not removed from his body and 2,250,000 pesos (approximately US\$750.00) in cash was left in his desk drawer.

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clothes from his home and told him to choose what he had worn on 3 July. They told him to choose anything. The clothes he chose were put on display at the press conference that occurred on the evening of Friday, 12 July 1991.

Immediately before the press conference, Salas Sánchez again expressed reluctance to confessing. The police immediately took him by car to an area beneath a bridge and ordered him to confess. The police hit him some more and told him they were going to kill him using the "escape law" (shoot him in the back and claim he tried to escape). They told Salas Sánchez they would help him with his confession at the press conference.

There were two press conferences on 12 July -- one in the early evening at about 8:00 for Aguirre Torres' confession and the other in the late evening after Salas Sánchez had been convinced of his complicity. The PGR flew in reporters from Mexico City to be present for these media events. Aguilar stood next to the suspects in front of the television cameras. He spoke at length of the various reasons justifying the arrests and made a point that he was not fabricating the charges. The suspects appeared without legal counsel.

Salas Sánchez's parents showed Committee representatives the police sketches of Salas Sánchez and De la Rosa Reyes which allegedly were drawn from the verbal descriptions of witnesses. They are remarkably accurate and subtle for police sketches based on eyewitness descriptions. It is difficult to believe they were not done from photographs. The police had, in fact, picked up Salas Sánchez on at least one prior occasion, and he had been arrested with De la Rosa Reyes in El Paso for car theft. The Mexican police procured the mug shots from that arrest from the authorities in El Paso, and those photographs were shown at the press conference with Salas Sánchez.

Police claim Aguirre Torres implicated the other two suspects, but Aguirre Torres says he did not provide the police with descriptions of Salas Sánchez and De la Rosa Reyes. Salas Sánchez's name, moreover, mysteriously appears