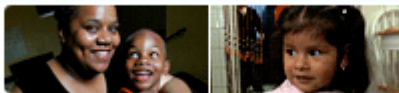


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After an American Dies, the Case Against His Killers Is Mired in Mexican Justice

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Raul Estrella/El Universal

Orlando Manuel Aguilar Cuello, second from left in top photo, and Avel Santiago Zárate, right, fired at protesters Oct. 27.

By JAMES C. McKINLEY Jr. and COLIN MOYNIHAN
Published: December 11, 2006

MEXICO CITY, Dec. 10 — A month ago, the death of Bradley Roland Will seemed cut and dried. Mr. Will, an independent New York City journalist was shot in the chest while videotaping a lopsided confrontation between gunmen who supported the beleaguered governor of Oaxaca and protesters demanding his ouster.

Pictures of some of the gunmen, with their names, had appeared on the front pages of all the major papers. The two fatal bullets had come from a 9-millimeter pistol like those issued to the police. The case seemed a prosecutor's dream.

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Oscar Estevez/Agence France-Presse — Getty Images

Minutes later, the body of Bradley Roland Will, an independent American journalist, was carried away, at left. The case has drawn widespread attention.

That is, until Dec. 1, when a judge freed two of the men photographed shooting at the protesters, citing a lack of evidence. The ruling provoked accusations from leftists of a cover-up. Indeed, the state's investigation into the killing of Mr. Will, as well as the deaths of a dozen protesters in the conflict, has drawn so much criticism that federal police raided the state police headquarters on Friday and seized weapons to determine if any had been used in shootings during demonstrations.

Besides underscoring how infrequently killings of journalists and antigovernment protesters are solved in Mexico, the case has drawn widespread attention because it reveals the sad clash of left-wing idealism, personified in Mr. Will, a bearded 36-year-old originally from Illinois, with the murky realities of Mexican politics.

Politics often warps investigations here, and Mr. Will's death in late October has quickly become a contentious issue in the very struggle he had come to document.

The protesters with whom Mr. Will was sympathetic said he was killed by government-backed paramilitary thugs who had already killed a dozen others since the conflict here began in May. They charge that his death is still more proof that the state government remains repressive, its prosecutors willing to cover up crimes by government officials.

They also assert that Mr. Will's death was part of an orchestrated attack on protesters intended to shed enough blood to provoke the federal police to intervene. Mr. Will and three others died in the violence that day. The killings prompted Vicente Fox, who was president at the time and had resisted getting involved in the conflict, to send in federal police officers and clear the streets.

State prosecutors, meanwhile, have built a case that suggests it was the protesters, not the police, who murdered Mr. Will to call attention to their cause.

The state attorney, who was appointed by the governor and owes him political allegiance, said the videotape Mr. Will recorded just before two bullets hit him on Oct. 27 suggested that someone at his side shot him, not the gunmen down the street. "The person who shot him was at a distance of no more than two and a half meters," said the prosecutor, Lizbeth Caña Cadez. "He was close."

The lack of progress in the case has angered Mr. Will's parents and friends. They complain

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that Ms. Caña is trying to steer blame away from police officers and public officials loyal to the governor. Mr. Will's family, as well as several human rights organizations, has urged the federal government to take over the investigation.

"It's very frightening what is going on down there," Mr. Will's mother, Kathy Will, said in an interview. "They are totally manipulating the case. They are trying to shift the blame off of their people, the paramilitaries."

Whoever is right, the authorities here have resolved only one of the 13 killings related to the protests in Oaxaca, and it involved off-duty soldiers rather than the local police or officials.

Nationwide, when it comes to journalists, the picture is bleaker. At least 38 have been killed in Mexico since April 2005, most of them assassinated after reporting on drug dealers. None of those cases have been solved, despite the appointment of a special federal prosecutor to pursue the killers.

"The justice system in Mexico is highly dysfunctional," said Daniel Wilkinson of [Human Rights Watch](#). "Criminal investigations into cases like this are rarely successful."

1 | 2 [NEXT PAGE »](#)

James C. McKinley Jr. reported from Mexico, and Colin Moynihan from New York City.

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After an American Dies, the Case Against His Killers Is Mired in Mexican Justice

Published: December 11, 2006

(Page 2 of 2)

It was into this world that Mr. Will arrived with a digital video camera in early October to document an inside story of what he saw as powerless people rebelling against a repressive government. He was working for the New York chapter of the Independent Media Center, a left-leaning media collective.

Friends said Mr. Will contended that the news media had ignored the conflict in Oaxaca, which began with a teachers' strike in May and snowballed into a larger movement, involving dozens of left-wing and Indian groups united in a desire to see governor Ulises Ruiz resign.

For Mr. Will, friends said, the conflict was a pure uprising, poor people taking direct actions to force out a despotic, corrupt government and install a true democracy. His reports made it plain that his sympathies lay with the protesters. Still, several journalists said he never participated in the protests himself.

"He wasn't one of these revolutionary tourists, making Molotov cocktails," said Diego Osorno, a reporter for the Mexican newspaper Milenio, who was nearby when Mr. Will was shot.

The motivations of the protesters themselves, many Mexican analysts say, were less clear-cut, and, in some cases, perhaps less noble. The myriad groups who made up the Oaxaca People's Popular Assembly had differing agendas.

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They included teachers seeking a large salary increase, out-of-favor politicians hoping to forge a new party and Marxists who wanted to incite a violent, leftist revolution. What's more, many of the groups involved were angry because Mr. Ruiz had cut off the flow of state patronage to their organizations.

In late November, after yet another clash in which protesters burned several public buildings, the federal police arrested more than 130 people and imposed a ban on marches. On Tuesday, the new administration of President Felipe Calderón arrested a top leader of the movement, Flavio Sosa Villavicencio, and threw him in a maximum security prison on criminal charges. An uneasy calm exists in Oaxaca, where the federal police have banned demonstrations.

The day Mr. Will died was a critical turning point in the five-month-old conflict. That week, the teachers' union, the largest group in the movement, had finally reached an agreement with federal negotiators to return to work.

On Friday, Oct. 27, the rest of the organizations in the protest decided to show they were still powerful by shutting down the city for a day. They erected dozens of barricades, and by afternoon the city was paralyzed.

Groups loyal to the governor struck back, attacking protesters at barricades in four Oaxaca suburbs. Local residents, fed up with months of unrest, took part in the attacks, but officials from Mr. Ruiz's party and police officers in civilian clothes led them, witnesses said. Some of the plainclothes officers fired at the protesters.

Mr. Will was among the reporters who responded when residents and local officials confronted protesters in Santa Lucía, a suburb west of Oaxaca, where at least 200 protesters, some of them armed, took part in street battles.

A witness, who asked not to be identified because he feared for his safety, said he saw five city officials, including two police captains, huddled nearby during the gunfight, firing large-caliber weapons at the protesters. Mr. Osorno, of Milenio, said he saw at least one gunman behind a truck, about 30 yards from where Mr. Will was in a half-crouch. Mr. Will was hit and fell to the ground, groaning "Help me" in Spanish, his last videotape reveals, though it does not show who fired the shot. Several protesters were in front of him, most of them young men in masks, with stones, bottle rockets and clubs.

Prosecutors say that just before Mr. Will fell, a voice can be heard on the tape yelling, "Didn't I tell you, man, not to take photos!"

Víctor Alonzo Altamirano, the chief of the homicide division in the state attorney's office,

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said the sound of a gun being cocked could be heard at the same time. Then comes the loud report of a pistol close by. "I cannot close my eyes to what we are seeing on the tape," he said.

One protester, who was less than a yard from Mr. Will when he was shot, maintained that no one around Mr. Will had a gun at that moment, though he acknowledged, as did two news photographers at the scene, that some protesters were telling photographers not to take photos for fear of being identified.

The protester, who requested anonymity, said Mr. Will was crouched down just behind him facing up the street, eye to the camera on his shoulder, when the bullet crashed into his chest.

"I felt a bullet whizzing over my shoulder," the protester said. "I turned and saw him twist and fall backward to his right. Then Brad raised up his shirt and said, 'They hit me.' He lost color rapidly."

Dr. Luis Mendoza Canseco, Oaxaca's medical examiner, who performed an autopsy, said Mr. Will had two wounds. Investigators said they were from the same 9-millimeter gun.

The two released suspects — Avel Santiago Zárate and Orlando Manuel Aguilar Cuello, both municipal officials — were found with .38-caliber pistols, prosecutors said.

Three other gunmen, who were also photographed firing at the protesters, have not been arrested or questioned, prosecutors say. Neither have investigators detained five men, including two police captains, who a witness reported had been shooting at the protesters.

Advocates for press freedom say investigations into the killings of journalists in Mexico have been generally shoddy. "Under the current climate in Oaxaca it's difficult for state officials to conduct an impartial investigation," said Carlos Lauria of the [Committee to Protect Journalists](#).

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