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DEPT FOR CA/OCS/ACS/WHA AND WHA/MEX

E.O. 12958: N/A
 TAGS: CASC, PHUM, ASEC, MX
 SUBJECT: JUAREZ MURDERS: EL CERILLO FOUND GUILTY DESPITE ISTANBUL
 PROTOCOL RESULTS

REF: A. CDJ 13495
 B. CDJ 13689

Sorry Jane - one correction in this cable. Please use this
 version!

1. On October 13, Victor Garcia Uribe, alias El Cerillo, was found guilty of the 2001 murder of eight women whose bodies were found in a Cd. Juarez cottonfield. The Chihuahua state court which heard his case sentenced him to 50 years in prison. El Cerillo's lawyer has promised to appeal the case to the state Supreme Court; there was virtually no physical evidence against the defendant in the case, which was based primarily on his confession, which he claims was obtained under torture by the Chihuahua State Police. The PGR's Office of Human Rights had recently completed Istanbul Protocol examinations of El Cerillo and had determined that he had in fact been tortured, but the judge did not consider this finding when reaching his decision (ref A). Because the Protocol process took place outside the trial, the judge did not accept the PGR's finding as evidence in the case, and therefore was able to state that there was no medical evidence in the case to support El Cerillo's allegations of torture.

2. According to press reports, the judge in El Cerillo's case was named to the bench only six months ago, and took over the

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case when it was transferred to Ciudad Juarez from Chihuahua earlier this year. Both the press and the office of Commissioner Guadalupe Morfin have expressed doubts that the judge gave any serious consideration to the facts of the case; at the very least, it seems unlikely that he would have been able to review the more than 8 books of written testimony that make up the case in the several days that he took to reach the decision. There is much speculation that the decision was reached under pressure by the newly appointed chief of the state's Supreme Court, who announced last week that El Cerillo's case would be finished by the end of this week.

3. Morfin's office told post that they plan to continue working with El Cerillo's lawyer as he files an appeal. In addition, local press reported on October 15 that Patricia Gonzalez, newly appointed state Attorney General, has requested that the district attorney appeal the 50 year sentence given to El Cerillo. Such an appeal gives her office the opportunity to review the case and determine if the correct sentence was applied; 50 years is the maximum prison term for homicide.

4. Meanwhile, the Istanbul Protocol process remains stalled for Amcit Cynthia Kiecker, her LPR husband Ulises Perzabal, and David Meza (ref b). In an October 14 meeting with Morfin's office and Miguel Zapien, the lawyer representing Kiecker, Perzabal, and Meza, post learned that the defense is prepared to submit an official request to the state court that the Protocol exam procedures be applied in Meza's case. However, Zapien stated that the judge in Kiecker and Perzabal's case is planning to issue a decision by the middle of November, and the Protocol would delay that timetable. Based on recent indications from the judge, Zapien believes that Kiecker and Perzabal will be found innocent of the murder charges against them; he wants to make sure that a decision in November remains possible, particularly since the judge, appointed to the court by the previous governor's administration, believes that his appointment will not be confirmed by the new administration and that he will leave the court in mid-December. Post will continue to advise of developments in these case.

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