



LASALLECUNMUN

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2024

ICJ

(International Court of
Justice)

“Lydia Cacho v. Mario Marín
(2005): Defending Freedom of
Expression and Combating
Impunity for Crimes Against
Journalists and Human
Trafficking”

Background Guide





Dear delegates,

It is a genuine honor for me to have you as part of this remarkable and intricate committee for LASALLECUNMUN 2024. My name is Andrea Meraz Isrrade, serving as the President of the International Court of Justice this year. Our esteemed panel will be composed of Regina Betancourt as Vice President and Grettel Piedragil as Secretary. I have previously participated in a MUN and this would be my fifth engagement in a Model United Nations conference. My involvement commenced as a delegate, progressed to a moderator, and this year, I have the privilege of serving as President for the second time. Although this is my first time participating in this exceptional committee, I am thoroughly impressed by its intricacy. Despite my novice status in this committee, I am confident in our readiness to provide a memorable experience for all involved this year.

I am presently 17 years of age, enrolled as a senior specializing in the physical-mathematical field. My forthcoming academic pursuit will be in finance, as I harbor a profound fascination for numerical analysis, risk assessment, investment maximization, and related domains. During my leisure hours, I indulge in activities such as playing soccer, avidly following NFL matches, engaging in running sessions, and spectating soccer matches. As previously mentioned, this marks my fifth engagement in a Model United Nations conference. My involvement commenced as a delegate, progressed to a moderator, and this year, I have the privilege of serving as President for the second time. Participating in Model United Nations conferences presents a splendid opportunity to forge new friendships and partake in enjoyable experiences. Much of the conference duration is dedicated not solely to debates but also to fostering camaraderie with fellow participants, particularly in this committee where collaborative teamwork predominates. Engaging in political discourse imparts invaluable lessons in teamwork, public speaking, negotiation, and other skills that are applicable across different professional fields. Moreover, it fosters critical thinking and empathy by encouraging individuals to consider alternative perspectives, thereby promoting mindfulness and tolerance towards differing viewpoints.

From the outset, I have maintained a comprehensive understanding of the model's overarching objective: to address substantial real-world challenges while acquiring knowledge. Consequently, I am deeply enthused about the prospect of revisiting Lydia's case in court, anticipating that this endeavor will be both captivating and noteworthy for all involved, including the chair and delegates. Should any inquiries arise, please feel free to reach out to me for clarification. I eagerly anticipate our forthcoming engagement in court proceedings.

Sincerely,

Andrea Meraz Isrrade

International Court of Justice (ICJ)
icj@prepa.lasallecancun.edu.mx

COMMITTEE DESCRIPTION

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York (United States of America).

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

Topic: "Lydia Cacho v. Mario Marín (2005): Defending Freedom of Expression and Combating Impunity for Crimes Against Journalists and Human Trafficking"

INTRODUCTION

Lydia Cacho is a Mexican journalist who in 2003 discovered a child pornography network and human trafficking organization based in Cancun, and ever since then has fought for the justice of more than 200 children affected by these atrocities. She published her famous book "Los Demonios del Edén" in 2005, in which she mentions the masterminds behind these crimes, among them: Jean Succar Kuri, Kamel Nacif, and Mario Marín (ex Pueblan governor of Vicente Foxes presidency).

After publishing her book, Mario Marín ordered judge Rosa Celia Pérez Gonzalez to issue an arrest warrant against Lydia Cacho for defamation and slander towards Lebanese businessman Kamel Nacif. Lydia would later be illegally arrested, kidnapped, and tortured on orders of the former governor. Since then there have been legal proceedings between the politician and the journalist. This is what we're bringing back to court at this year's International Court of Justice.

Regarding journalism in Mexico, the situation has never been favorable for journalists. Mexico currently occupies third place among the top worst countries to be a journalist, and because of this, it is a reality, and even considered normal, for Mexican journalists to keep disappearing every day. Not only civil rights and lives are at threat, but also the supposed "freedom of expression" laws and presidents keep talking about year by year. Journalism is constantly being repressed by cases like Lydia's, not only in Mexico, but also in absolutist nations that call themselves fair democracies. Journalism is a form of

freedom of expression and this is why global organizations such as the United Nations or Amnesty International are so committed to defending.

HISTORICAL BACKGROUND

The court case between the journalist and the former governor revolves around multiple factors dating back to 2003, when Lydia first discovered a child pornography network and human trafficking organization based in Cancún, her hometown. It is well known that Mexico has never been a favorable place for journalists, especially for the ones who have tried to uncover hurtful and shameful truths about our government; it is common to hear about news reporters and journalists disappearing day by day, and some people would even call them “nosy” for researching about “topics in which they should have not gotten into”.

Lydia knew that if she chose to carry on with the case, she would eventually have to face the wrath of powerful men. Despite this, she knew the truth had to be spoken out loud. For the next two years, Lydia would write her famous book “Los Demonios del Edén” in which she mentions the masterminds and several people who were involved in these atrocities, among them she mentions the three men at the head of these crimes: Jean Succar Kuri (billionaire Lebanese businessman), Kamel Nacif (Mexican-Lebanese businessman most commonly known as “the king of denim”), and Mario Marín (former Pueblan governor from Vicente Fox’s presidency).

While writing her book, she was sought after by many men and she received multiple threats from them all around the globe, including politicians, American businessmen, other Lebanese millionaires, hoteliers, etc. She even received a million dollar offer six months before publishing her book from one of the hoteliers mentioned in her book for her not to publish it alleging that “she would be able to help more children if she was alive and rich rather than shot dead”. In her own country, she was constantly being chased after PRI members and other governors such as the Chiapas governor Pablo Salazar Mendiguchía. Despite these adversities, she chose to publish her book in June of 2005.

Six months later, December 15th of 2005, by orders of the former governor, judge Rosa Celia Pérez Gonzales issued an arrest warrant against the journalist for defamation and slander towards Kamel Nacif. Armed police forces would later show up to her offices, mock her escort, and take her by force. She would later be brutally tortured on a 20 hour road trip from Cancun to Puebla, where she would be put in jail for about a year. Her bail is eventually paid and she is released.

February 14th of 2006, the Journal “La Jornada” published a recorded call between Marin and Nacif in which it is heard both men to be celebrating for having “defeated the witch”, which is enough evidence for Lydia to file a case against the governor. In March of that same year, Mario was charged for abuse of power, influence peddling, and criminal organization. In April, the Supreme Court of Justice finally accedes to proceed with the investigation, but unfortunately, only a year later (2007) the former ministries acquitted Mario and the case was forgotten.

On July 31st of 2018, for the first time in history, the United Nations Human Rights Committee issued a resolution against the Mexican state for harassment and violence caused against the journalist, even so, a district judge from Cancun denied the arrest warrant against Marin and Nacif. It wasn't until 2019 that a magistrate revoked the decision and ordered the arrest of Mario. The state also apologized to Lydia, but she states that this is merely a political movement, this doesn't mean anything to her.

CURRENT SITUATION

In 2019, an arrest warrant was issued against Mario Marin and other individuals involved in crimes related to this situation. Mario would later remain in custody during the ongoing legal process against him for ordering the torture of journalist Lydia Cacho.

The foregoing was reported by the International Organization for Human Rights in Defense of Freedom of Expression and the Right to Information, Article 19. The former governor sought to continue the legal proceedings under house arrest, where he is accused as the mastermind.

Hugo Adolfo Karam, former Secretary of Public Security of Puebla and another implicated party in the case, also sought to undergo the legal process outside of jail. However, he failed to prove his eligibility for house arrest, and the Judge upheld his pre-trial detention. His defense recently filed for an injunction, but this was against the formal imprisonment order.

Article 19 has accompanied Lydia Cacho for more than 18 years in this judicial fight that has remained in limbo thanks to complicity and corruption on the part of the Mexican authorities and government. The powers that be and the state are deeply intertwined, and this case and the thousands that occur every day in Mexico and in countries that oppress the press are irrefutable proof that measures to support journalists and freedom of expression must be implemented.

Mario Marín was finally arrested on February 3, 2021, in Acapulco, Guerrero. The next day, judge Gerardo Vázquez Morales from the state of Quintana Roo denied Marín 's request for house arrest based on COVID-19 measurements. On February 10, a judge issued a formal imprisonment order against him,

and subsequently, he was admitted to the prison in Cancún, Quintana Roo. In January of 2023, the former governor of Puebla was transferred to the maximum-security prison in Almoloya de Juárez, "El Altiplano," in the State of Mexico.

At this same facility, Javier López Zavala, a political figure close to Marín, is also incarcerated for the femicide of lawyer Cecilia Monzón Pérez. Adolfo Karam, Mario Marín, Kamel Nacif and Jean Succar Kuri were straightly involved in the torture of Lydia Cacho. Adolfo Karam, the former director of the Judicial Police in Puebla, was arrested 18 years after being involved in the arrest and torture of journalist Lydia Cacho in December 2005.

With Mario Marín, there are four detainees of the 17 identified by the journalist as her torturers and among those who remain at large are the businessman Kamel Nacif, who is mentioned in the journalist's book, and Adolfo Karam Beltrán, the former director of the then Judicial Police of Puebla, Adolfo Karam.

To this day, Lydia lives in exile in Spain, constantly having to change places and locations. Even if she isn't in Mexico, her life is still at risk since she uncovered an international trafficking organization. She is searched by Lebanese millionaires, American businessmen, and Mexican politicians, (powerful men all around the globe) as it is mentioned before. The children who were victims of these crimes still come to Lydia and trust her with their stories. As a journalist, you can't betray the victims nor the truth.

COUNTRYBOX

Partie of Lydia Cacho

Partie of Mario Marín

Judge Smith

Judge Johnson

Judge Willimas

Judge Brown

Judge Walker

Judge Davis

Judge Miller

Judge Thompson

Judge Clark

Judge Moore

Judge Anderson

GUIDEQUESTIONS

1. Who are some of the key figures implicated in the crimes against Lydia Cacho, and what roles did they play?
2. How has Lydia Cacho's life been affected since the events of 2005, and what challenges does she continue to face?
3. In what ways does the case of Lydia Cacho versus Mario Marín shed light on broader issues of freedom of expression, journalism, and human rights in Mexico and globally?
4. How has the case between Lydia Cacho and Mario Marín progressed through the legal system since its initiation in 2005?
5. What measures have been taken by Mexican authorities to address the allegations against Mario Marín and others involved in the case?

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