

This Mexico judge cleared a 21-year-old of raping a teen. Then he got suspended.

By **Amanda Erickson** March 30

Mexican Judge Anuar Gonzalez Hemadi has a strange definition of rape.

This week, he dismissed rape charges against Diego Cruz, 21, who allegedly forced 17-year-old Daphne Fernandez into a car, then sexually assaulted her with three friends. It wasn't because Hemadi didn't believe her story. Instead, the judge said Cruz should not be punished because "an incidental touching or fondling will not be considered sexual acts, if proof is not presented that it was done to satisfy a sexual desire." In other words: It doesn't matter what Cruz did, as long as he didn't enjoy himself.

Hemadi also suggested that the victim — who testified that she'd been pushed into a black Mercedes, had her cellphone snatched from her hands and struggled while her attackers laughed — was not "defenseless" because she'd changed places in the car.

Hemadi's decision in this highly charged case, which has sparked relentless media coverage and big protests across Mexico, seemed to confirm Mexicans' worst fears about their justice system: that in this hopelessly corrupt system, the rich can buy their way out of punishment. The girl's father called the judge's arguments "abominable," saying "if this is approved, then any adult can touch a minor and by simply arguing that it wasn't done lasciviously, that he didn't have any intention to copulate, he's going to get off."

A news report from Univision in Spanish shows Cruz in court as well as the girl's father vowing to pursue justice:

The Network for Children's Rights in Mexico called Hemadi's decision "absurd," writing in a statement that "this ruling represents a serious step backward in the access to justice for girls and adolescent women who are victims of sexual violence, and set a precedent for impunity."


Many took to social media to express their outrage:

In this sketch, a woman says that she wants "to live in a country whose institutions provide me security."

Twitter user Eréndira Derbez wrote that the judge had sent a clear message: "that the desire of a man is more important than the integrity of a woman, her body is not hers."

For once though, the outrage isn't the end of the story.

The Veracruz state prosecutors' office says it "roundly" disagreed with the ruling and would appeal because "it violates the rights of a sexual attack victim," according to the Associated Press. On Wednesday, judicial authorities announced that Hemadi had been suspended and that he would be investigated. According to the Federal Judiciary Council, Cruz will remain in jail while the appeal is decided.

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