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TRANS-BORDER INSTITUTE

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News Report

## MONTHLY SUMMARY

*Cartel-related killings at nearly double the total number at same time last year • Fallout from two car bombings sparks debate over “narco-terror” • Mexican Army kills a high-ranking Sinaloa cartel leader, Ignacio Coronel • President Calderón agrees to open legalization debate • Resistance in municipalities to creation of unified police force • Mexico’s Customs Agency criticized for corruption • Authorities detain 62 police in Baja California • Police corruption in traffic accident cover-up • Prison-based “hit-squad” highlights prison corruption • IFAI claims lack of transparency in reporting of drug war killings • Commission wants greater accountability from Public Registry • Video cameras planned for Federal District civil courts • Lawmakers ask for audit of Mexicana airlines • Federal Police demand accountability from their own chiefs • Oaxaca Congress exonerates Governor Ulises Ruiz from violence in 2006 • Journalists face continued dangers in kidnappings • Federal officials examine failings in Chihuahua judicial reforms • Supreme Court rules Mexican states must recognize DF same-sex marriages • CNDH find irregularities in investigation of March deaths of two students • HR group decries abuses in prosecutions of alleged abortion •*

## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### **Cartel violence continues to escalate, particularly in border region**

According to *Grupo Reforma’s* “ejecutómetro,” a running tally of cartel-related killings, or *ejecuciones*, there were 7,211 such killings as of August 13, nearly double the total at the same time last year. If this rate of killings continues, the total will exceed 11,700 for the year, more than five times the total for 2007, the first full year of President Calderón’s military campaign against the drug cartels.

Border violence remains particularly high, with six states accounting for nearly 56% of *ejecuciones*. Among the states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo León and Tamaulipas, *ejecuciones* have averaged 97 per week for 2010, as compared to 51 per week in all of 2009, a 91% rise. For the remainder of states, the weekly rate has increased from 74 to 127 during the same period, a 71% rise. The border violence continues to be of great concern to U.S. officials and lawmakers. The United States reopened its consulate in Ciudad Juárez four days after it was shut down following threats from drug gangs. A statement on the consulate's website said that the building was undergoing a security review following credible threats of attacks made against the consulate. The results of that review were not made public upon its reopening on August 4. The consulate was also shut down for a short period in March after an employee, her husband, and the husband of another employee were shot dead in coordinated attacks as they left a birthday party. Both chambers of the U.S. Congress approved a \$600 million (USD) supplementary spending bill to bolster security along the U.S.-Mexico border, which was sent to President Obama for signing. The money is meant to combat the flow of drugs and illegal immigrants across the border. No mention was made of southbound weapons flow. The measure is said to fund 1,000 new Border Patrol agents, 250 more Immigration and Customs Enforcement agents, and 250 more Customs and Border Protection officers. Nearly a third of the money will go to the Justice Department to help in its coordinated efforts with the FBI, DEA, and ATF to stem drug and human trafficking.

Nuevo León has had a particularly turbulent past few weeks. Presumed members of drug cartels continue employing roadblocks throughout the state, causing substantial disruptions and sparking criticism of what many consider to be the government's inability to maintain order. On August 14-15 alone, 56 "narco-blockades" were registered in Monterrey, affecting 31 roads. In response to the continued roadblocks, local deputy Josefina Villarreal of the National Action Party (Partido Acción Nacional, PAN) accused the state government of lacking the political will to coordinate with local and federal authorities to address the ongoing public security crisis. The following Monday, the mayor of Santiago, Edelmiro Cavazos Leal, was kidnapped by armed men in a vehicle with markings of the federal Attorney General's Office. His body was found outside of the town two days later handcuffed and gagged, and on Friday six city police officers were arrested for his kidnapping and murder. Between late June and late July, investigators found four "narco-graves" around Benito Juárez containing 70 bodies. In one grave discovered in Benito Juárez on July 24, police found 51 cadavers – 48 men and three women. About four weeks earlier, investigators discovered four graves near Benito Juárez containing 13 bodies. The remainder of the bodies were discovered by soldiers of the Seventh Military Zone in the Guadalupe municipality spread between several more graves.

Chihuahua is still on track to surpass its 2009 total of *ejecuciones* after a month of violence punctuated by attacks involving civilians and civilian institutions. In Ciudad Juárez, a group of gunmen entered a hospital emergency room August 11 and shot dead two men who had been rushed to the hospital with gunshot wounds. The same day, the owner of a funeral home in the Satélite neighborhood of the city was killed, alongside his two sons, a friend, and an agent of the state Attorney General's Office. The shootings appear to be linked to the body of a man who died violently and was being embalmed in the facility. There are also reports that the business had endured extortions and aggressions in the past. On August 1, prisoners in the Chihuahua state prison between Ciudad Juárez and Chihuahua City took advantage of family visitation time and, after taking around 10 guards hostage, killed two prisoners and wounded another seven. Families of prisoners, terrified, were rushed into a tunnel for their protection. While no family members were injured in the attack, the use of visitor time to stage prison violence was unprecedented. On July 22, Gente Nueva, enforcers of the Sinaloa Cartel in Chihuahua, issued a "narco-message" to Governor José Reyes Baeza threatening to kill innocent people if he did not remove Fernando Ornelas, commander of the Police Intelligence Center (Centro de Inteligencia Policial, Cipol), who the group says is providing protection to the Juárez Cartel. The message followed a "narco-banner" hung two days earlier by the Sinaloa Cartel, making similar threats. Two days prior to that, members of La Línea, a gang affiliated with the Juárez cartel and responsible for the car bomb that exploded in Ciudad Juárez killing two federal police officers and a medic, posted a message on a primary school directed at the FBI and the DEA threatening to explode another bomb within 15 days if actions were not taken to weed out federal officials providing protection to the Sinaloa cartel.

In the state of Nayarit, which has seen unprecedented levels of narco-violence in recent months, an assassination attempt was made on a federal judge on August 20. Carlos Alberto Elorza Amores,

overseeing the corruption case against Gregorio Sánchez, former Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) gubernatorial candidate in Quintana Roo, was attacked in the upscale Puerta del Sol neighborhood in the capitol Tepic. Elorza escaped with minor wounds, but one of his bodyguards was killed. The judge was also presiding over the case popularly known as the *Michoacanazo*, in which 32 Michoacán state government employees were arrested for ties to organized crime. The day before the attack, Israel Tentory García, a state functionary implicated in the *Michoacanazo*, was released from prison.

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**Fallout from two car bombings in northern Mexico sparks debate over existence of "narco-terror"**

A car bomb exploded in Ciudad Victoria, Tamaulipas the evening of August 5. The explosion occurred in the rear parking lot of a police station where the state Public Security Secretariat (Secretaría de Seguridad Pública Estatal, SSP) and the local police force operate. There were no reported injuries or deaths, and only two police vehicles were damaged in the explosion. The car was a white Tsuru and was parked alongside other police vehicles. An investigation is ongoing to determine the reason for the bombing and to find those accountable. It is reported that there were no prior threats indicating that the attack would occur. It was the second car bombing in the northern states within the last month. On July 16 in a carefully planned and coordinated attack involving C-4 explosives and a remote detonator, a car bomb exploded in Ciudad Juárez, killing three people.

While concerned about the recent use of car bombs in Ciudad Juárez and Ciudad Victoria by drug trafficking organizations, the Mexican government has maintained its position rejecting the label "narco-terrorism" to describe the use of such tactics. Interior Minister Francisco Blake characterized the use of car bombs as one of many tactics employed by the cartels, while President Calderón has argued that drug trafficking organizations are motivated by profit and cannot be classified as terrorist groups, which have political agendas. Blake did, however, state that criminal groups are using tactics to frighten (*atemorizar*) the public, and can undermine the government's anti-cartel operations. Some analysts argue that these methods qualify as terrorism, with or without the existence of a political ideology.

For its part, the Mexican Episcopal Conference (Conferencia del Episcopado Mexicano, CEM) maintained that narco-terrorism has existed for years in Mexico, made more evident by the recent car bombings. Arguing that the first step in addressing a problem is to recognize it for what it is, the CEM pointed also to the 2008 Independence Day grenade attacks in Morelia, Michoacán as well as several attacks on rehabilitation and youth centers. The 2008 attack was carried out by La Familia Michoacana, a group that some analysts have argued has characteristics resembling an insurgent group, including a Catholic-based pseudo-ideology, and continued attacks on state symbols, personnel, and infrastructure. Raúl Vera, bishop of Saltillo, Coahuila, pointed out in an opinion article that the United Nations Security Council has resolved to freeze the assets of recognized terrorist groups. Adalberto Santana, organized crime expert at the National Autonomous University of Mexico, has echoed the bishop's position, arguing that armed conflict has failed in weakening the cartels and advocates a strategy targeting the cartels' financial structures.

The car bombings have raised concern in Mexico and the United States that cartel violence, particularly along the border, is overwhelming Mexican security forces. In response Interior Minister Blake reaffirmed the government's commitment to create a unified police force that would maintain greater levels of coordination and cooperation than currently exist between state and municipal police forces. In its annual report on international terrorism, the U.S. State Department pointed to a significant rise in narcotics-related violence along the border and in marijuana cultivation regions, stating that cartels "increasingly used

military-style terrorist tactics to attack security forces.” The report also expressed concern that the violence is straining Mexico’s law enforcement capacities, which could potentially create vulnerabilities that foreign terrorists might seek to exploit.

Regardless of the existence, or lack thereof, of a political ideology or desire to overthrow the Mexican state, attacks on unarmed civilians by the drug cartel – particularly in Chihuahua, and unheard of before President Calderón stepped up the government’s offensive against organized crime – have continued to make news. The effects of intentional attacks against civilians, aside from the generalized fear they induce in the public, also undermine the government’s reassurances that the vast majority of the narco-violence is accounted for by cartel-on-cartel attacks. Officials have sustained, without providing any substantial evidence, that more than 90% of deaths resulting from cartel violence comprise members or affiliates of organized crime.

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### **Mexican Army kills a high-ranking Sinaloa cartel operative**

The Mexican Army (Secretaría de la Defensa Nacional, SEDENA) confirmed the death on July 30 of Ignacio “Nacho” Coronel Villareal, the third-highest ranking member of Joaquín “El Chapo” Guzmán’s Sinaloa cartel. Soldiers also captured Coronel’s right-hand man Hiram Francisco Quiñones Gastélum, the only one of Coronel’s alleged associates to survive the operation. “Nacho” Coronel’s death is being touted as the greatest achievement in the Mexican government’s campaign against drug trafficking organizations since special operatives of the Mexican Navy killed Arturo Beltrán Leyva in Cuernavaca, Morelos last December. It was also the biggest blow dealt to the Sinaloa cartel during the Calderón administration.

Ignacio Coronel – who reportedly had enjoyed protection from an intricate network of soldiers, federal police agents, Cuban intelligence agents in Quintana Roo and the brother of an ex-governor of Yucatan – was killed by Army forces as they carried out searches of at least six homes in the upscale Colinas de San Javier community in the Zapopan municipality of Jalisco. The operation was reportedly executed with intelligence entirely from Mexican agencies. Ignacio Coronel was in charge of the Sinaloa cartel’s operations in Jalisco, Colima and Nayarit, which included drug trafficking and money laundering. While he was considered to be one of El Chapo Guzmán’s closest associates, the DEA had reported that Ignacio Coronel had in his own right established one of the most substantial methamphetamine trafficking networks in Mexico (earning him the nickname “King of Ice”), and believed that given his resources and direct connections with Colombian drug capos he was in a position to start his own break-off cartel. Aside from arrest warrants in Mexico for involvement in organized crime and drug trafficking, he had also faced an extradition order for similar charges from the United States government since 2003. Coronel was known to uphold the image of a “businessman” who preferred business arrangements with rival cartels over violence, as evidenced by the relative calm in his region of influence until the death of Arturo Beltrán Leyva precipitated a struggle for territory between the remnants of his drug trafficking organization and the Sinaloa cartel.

Mexican officials also predicted that violence in the areas that Ignacio Coronel controlled would escalate as a result of his death, and could provoke the Beltrán Leyva cartel – until 2008 allied with the Sinaloa cartel – to fight for control of the Pacific, possibly in coordination with the Zetas. Coronel was considered by U.S. and Mexican authorities to be the individual with the most control over maritime trafficking of cocaine and synthetic drugs from Mexico to the United States. Nevertheless, Samuel González Ruiz, narcotics expert and former head of the antinarcotics division of Mexico’s Attorney General’s Office predicted that the Sinaloa cartel would likely rebound from the death of Coronel who, though an important figure in the cartel, only accounted for around 20% of the organization’s activity, and whose death does not compare to those of Arturo Beltrán Leyva and Amado Carrillo Fuentes in their effect on the Beltrán Leyva and Juárez cartels, respectively. For their part, though, officials in the National Security Cabinet argued that Coronel’s death will have a real impact on the Sinaloa cartel’s operations, given his scope in the methamphetamine trade, including the procurement of precursor chemicals banned in Mexico, his close

ties with leaders in Colombian drug cartels as well as La Familia Michoacana, and his prominence in controlling the Pacific waterways. In the end, the death of Coronel may carry more weight politically than logistically, as the Calderón administration has been facing increasing accusations from political opponents as well as some media outlets of not pursuing, and even protecting, the Sinaloa cartel.

While it is not yet clear what the fallout from Coronel's death will be, the DEA and PGR have both said that Nacho Coronel's nephew, Martín Coronel Villareal, could be his successor. Martín has reportedly worked directly under Nacho since 2005, and has intimate knowledge of his Pacific coast operations. Mario Carrasco Coronel, another of Nacho's nephews and once considered another of his possible successors, was killed one day after his uncle when he confronted soldiers attempting to detain him in Guadalajara, Jalisco.

The week after Coronel's death, 200 tons of precursor chemicals for the manufacture of illegal drugs were seized in the port of Manzanillo, Colima through a collaborative effort among the Tax Administration Service (Servicio de Administración Tributaria), the Mexican Navy (la Secretaría de Marina Armada de México), and the federal Attorney General's Office (Procuraduría General de la República, PGR). In the 18 containers seized there were nearly 970 metal drums containing chemical precursors such as phenylethyl acetate, phenylacetic acid, and phenylethyl alcohol. Most of the chemicals found are used to create synthetic drugs such crack cocaine or methamphetamine. All of the containers were originally shipped from Korea and China under fake permits that gave false information as to their contents. The area in which the containers were located became an area of interest for investigators following Coronel Villareal's death.

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## PUBLIC SECURITY STRATEGY

### President Calderón agrees to open legalization debate

Recent conferences regarding the current state and direction of public security policy have provided space for specialists and policymakers who oppose President Calderón's cartel strategy to make their viewpoints known. Following last month's state elections, which some see as a referendum against Calderón's policies, criticism has continued to mount and the president has expressed more willingness to allow dissenting views into the national discourse than he has in the past.

In perhaps his greatest concession to his opponents to date, President Calderón has agreed to open a debate on the legalization of drugs in Mexico. His decision followed an appearance at a national security conference at which several academics and non-governmental organizations asked him to consider the measure as a "Plan B" for addressing cartel-related violence in the country. Eduardo Gallo of Mexico United Against Crime (México Unido Contra la Delincuencia) and María Elena Morera of Common Cause (Causa Común) proposed the measure as an alternative to what they characterized as the failures of the current public security strategy. For her part, political scientist Ana Laura Magaloni posed the question of what it will mean for Mexico if California legalizes marijuana in the upcoming November elections, a distinct possibility according to recent public opinion polls.

Calderón acknowledged that legalization could have positive effects in reducing the flow of money for organized crime, though he repeated past criticisms of the proposal, arguing that it would increase drug consumption, particularly among youth, and would promote a culture of acceptance of harmful substances. Many have praised the president's willingness to open a dialogue on a topic that has traditionally been taboo. Proponents of legalization stress the need to undermine the cartels' financial structures. Drug

profits wildly vary, however, with some opponents of legalization estimating them at as low as \$3 billion (USD) per year, while others estimate proceeds as high as \$40 billion (USD).

Former Mexican President Vicente Fox announced that he supports the legalization of drugs in Mexico in an article he wrote and published on his official blog. In response to his critics, Fox recognized the dangers of legalizing drugs by stating “drugs can cause terrible damage to a person.” He believes that it is ultimately a choice to be made by a person to consume drugs; however, it is important for “more and better information” to be made available to the public regarding drug addiction. Fox’s blog article, titled “Drug addiction, organized crime and safety: time for reflection and proposals,” cites his reasons for legalizing drugs. He states that “we should consider legalizing the production, distribution and sale of drugs... radical prohibition strategies have never worked.” His main idea is to “look at it as a strategy to strike at and break the economic structure that allows gangs to generate huge profits in their trade, which feeds corruption and increases areas of power.” Fox also urged the removal of the military from public security functions, warning that its relatively positive public image has been deteriorating in recent times. In response to Fox’s comments, President Calderón criticized the ex-president and fellow partisan for not addressing the issue of drug trafficking in earnest during his term, saying that if the war against the cartels had begun five years earlier, the country would be in a much better situation today.

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**Resistance in the municipalities to the creation of a unified police force**

While Public Security Secretary Genaro García Luna continues to stand by his proposal to create unified police commands in the 32 Mexican states under which all municipal police forces would be consolidated, public security experts from Mexico, Spain, France, the United States, and Chile cautioned against the measure at a recent conference in Puerto Vallarta. Most of the experts agreed that a top-down model of police reform would be misguided, and that any command and control model would break down if the fundamental issue of low-quality officers is not addressed first. Several pointed to the need to offer a living wage in order to attract more qualified candidates and to undermine corruption in the ranks.

Samuel González, who headed the organized crime unit for Mexico’s Attorney General’s Office (Procuraduría General de la República, PGR), said that disbanding local police departments would be a mistake, since they account for over 90% of arrests made. He pointed to the case of Chihuahua, where the conviction rate for homicides has dropped from 40% in 2009 to 4% currently, a drop he attributed to inefficiencies in the PGR, not the local police.

Local governments, understandably, have resisted a move to a unified police model, which would require a constitutional amendment stripping municipalities of jurisdictional authority. Azucena Olivares Villagómez, president of the Association of Municipalities of Mexico (Asociación de Municipios de México) and mayor of Naucalpan in Mexico State, said that 90% of mayors nationwide oppose the creation of a unified police, and urged authorities instead to devote more resources to shore up local police departments. Jalisco Governor Emilio González Márquez, vice president of the National Conference of Governors (Conferencia Nacional de Gobernadores, Conago), echoed Olivares’ concerns arguing that a centralist approach would ignore the specific needs of individual states and municipalities.

The majority of governors, however, have expressed support for a unified police force. Some states – particularly Durango, Veracruz and Nuevo León – have been scrambling to pilot unification models. Sustained stories in the press about corruption among municipal police officers continue to provide fodder for advocates of a unified police model, which they say would cut down on infiltration by organized crime, and standardize the vetting process for police recruits. Particularly damaging to the public image of local police was the revelation last week that at least 10 agents of the Santiago, Nuevo León Public Security Secretariat had been arrested in connection with the kidnapping and murder of Edelmiro Cavazos Leal, the mayor of that municipality.

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### **New photos released of PAN leader kidnapped in May as case remains uninvestigated**

New photographs of Diego Fernández de Cevallos appeared on Twitter, apparent proof that the kidnapped National Action Party (Partido Acción Nacional, PAN) leader is still alive. In the three photographs posted by Radio Fórmula reporter José Cárdenas, Fernández de Cevallos is seen naked from the waist up, blindfolded, and holding a recent issue of the magazine *Proceso* with his image on the cover. Also publicized was a letter reportedly from Fernández de Cevallos asking his family to speed up the payment for his release, assuring that he would pay the full amount demanded by his captors. There were also reports that the kidnappers had denied lowering their demand from \$50 million (USD) to \$30 million (USD).

Diego Fernández de Cevallos was kidnapped from his home in Querétaro on the night of May 14. The kidnapping was apparently carried out by trained individuals, as evidenced by the removal of a tracking chip from Fernández de Cevallos' body. He was the highest-profile public figure to be kidnapped in recent memory, and the incident clearly shook the Calderón administration. Shortly following the kidnapping, Fernández de Cevallos' family requested that the authorities not pursue any investigations, fearing they might interfere with negotiations. Members of opposition parties (Fernández de Cevallos is a prominent member of President Calderón's PAN), however, have begun to object to the government's inaction. Federal Deputy of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) Agustín Guerrero expressed his concern that the non-investigation sets a dangerous precedent. Likewise, a senator from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) argued that it is a "responsibility of the Mexican State and in particular the [Attorney General's Office to attend to] all of the crimes of which it is aware; this is one of them and it must be attended to."

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## **TRANSPARENCY & ACCOUNTABILITY**

### **CORRUPTION**

#### **Mexico's Customs Agency criticized for not upholding International Convention Against Corruption**

A representative of the law department faculty at the Autonomous University of Baja California criticized the Mexican Customs Agency for failing to live up to international standards against corruption outlined by the Organization of American States. Fabian Soto Galvez, vice president of the university group, said that the International Convention against Corruption is the primary judicial framework in the region to promote and facilitate cooperation in combating corruption through judicial assistance, technical cooperation, extradition and confiscation of properties obtained through corrupt acts.

Separately, a representative of the Confederation of Associations of Customs Agents in Mexico acknowledged the vulnerability of Customs Agents to corruption. Rodolfo Castaneda Guerrero, president of the Confederation, said that many of the logistical routes are infiltrated by organized crime. Juan Jose Bravo Boises, general administrator of Mexico's Customs Agency, said that they plan on investing about \$1.2 billion (USD) in technology and other modernization strategies in an attempt to prevent illicit activities.

The Convention is supposed to provide a structured framework to prevent bribes, abuse of power, and other acts related to corruption such as illicit gain and money laundering. However, in practice these types of conventions have not provided the hoped-for results, said Soto Galvez. He spoke in particular of smaller-scale corruption activities in which ordinary people find themselves weighing the benefits of paying a bribe versus reporting a bribe. He said that in many cases people face obstacles when they attempt to report a bribery situation. For example, in some cases people wait two hours or longer to go through the process, and so instead of waiting they give up or pay money to be able to continue with their travels. "This

discourages the citizens and it is because of this that these types of actions generate corruption,” Soto Galvez said.

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**Authorities detain 62 police in Baja California**

A total of 62 current and former state and local police officers suspected of links to organized crime and drug trafficking were detained in Tijuana during an elaborate July sting operation that involved staging a series of classes in order to capture the suspects. Shortly after the arrests, a federal judge determined that enough evidence exists against the suspects to proceed with the judicial process. The investigation was coordinated by Mexico’s special federal unit that investigates organized crime activities, the Subprocuraduria de Investigacion Especializada en Delincuencia Organizada (SIEDO). Two additional suspects linked to the SIEDO investigation have been arrested since the July 29 operation.

Few official details were released about the arrests, however *The San Diego Union-Tribune* reported that the arrests were ordered by a federal judge in the state of Tamaulipas after an investigation by the SIEDO. Mexican media reported that the arrest warrants were based on information provided by drug trafficking suspects who have been captured in the region from as far back as two years ago. The arrests came just days after a federal indictment in San Diego of 43 people involved in drug trafficking activities, including some Baja California law enforcement officials. However, Baja California’s state attorney general, Rommel Moreno Manjarrez, said that there was no connection between the two sweeps.

According to the Tijuana-based weekly newspaper *Zeta*, the elaborately staged detention involved luring the suspects to attend a series of judicial courses; to prevent suspicions among the suspects, the class list included the suspects as well as officials who did not have reason for arrest. On the third day of the course, the soldiers appeared at the classrooms and had everyone turn in their firearms as they read the suspects’ names off a list and detained them. A total of 52 current officers were detained, including 36 Tijuana city police and 16 state agents. An additional 10 people were former municipal officers. All were lined up for a presentation before journalists on July 29 at Mexico’s military airbase before being flown to a prison in the state of Veracruz.

Meanwhile, retired general Sergio Aponte Polito has accused a former high-ranking official in the Baja California government of contributing to an atmosphere of impunity and corruption in the state, according to a letter that was published in the Tijuana-based weekly, *Zeta*. In other parts of Mexico, arrests of other law enforcement officials continued to be carried out. 10 police officers were dismissed in Metepec for their alleged connection to corruption, illicit activities and abuse of authority. Meanwhile, in Jalisco, a federal agent based out of Ocotlan, Jalisco was removed from his post following a citizens’ complaint. The citizen alleges the agent asked for \$25,000 dollars in exchange for the return of a tractor truck that had been involved in a 2009 traffic accident.

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**Police corruption, cover-up alleged in traffic fatality involving Mexican singer**

The family of a 79-year-old woman who was killed after being hit by an automobile is calling for a thorough investigation by authorities while raising concerns that a famous Mexican singer has received special treatment in the case. The case has resulted in a national group of attorneys to call for the resignation of the Quintana Roo State Attorney General Francisco Alor Quezada. The *Confederacion de Colegios y Asociaciones de Abogados de Mexico* has claimed that the attorney general has lost credibility due to the investigation’s irregularities. Representatives of Mexico’s National Commission for Human Rights have

also become involved in the case. The family has appealed to the Federal Attorney General's office to investigate the "grave anomalies" in the case.

Quintana Roo authorities, after calling for an exhaustive investigation, have declared Mexican singer Ana Barbara's bodyguard, Jose Jaime Gomez Munguia, to be the main suspect in the July 17 hit-and-run case. However, the family and representatives of the Mexican Lawyers Association said that the investigation failed to take into consideration the testimony of a police supervisor, a bus driver and 15 taxi drivers. They allege that doing so would cast doubt on the state attorney general's version that Ana Barbara was not the driver.

Two police officers apparently provided contradictory versions of what happened, with one of them saying that the singer was the driver and accusing the other of having received a bribe to protect the singer, according to some versions of the case published in news reports. The family of the victim, who were with her when the accident occurred, have alleged that the investigation's irregularities make it more likely that Mexican singer Ana Barbara, formally known as Altagracia Ugalde Mota was the driver at the time of the accident. Ana Barbara has said she did not drive the car and only saw a woman lying on the ground after hearing a noise. *Milenio* reported that the family claims that an alcohol test was never conducted on the singer.

The victim was Florentina Vazquez Mier y Concha, 79, and she was visiting Cancún with other family members while on vacation. The family claims that they are not interested in money, but in justice and the fair application of the law. The incident took place in a tourist area in which the driver was travelling at more than 100 kilometers per hour in a zone with a speed limit of 40 kilometers per hour, family members said. The family is asking for authorities to review copies of the video recordings from the zone's cameras and to punish any public officials who were complicit in the attempt to allegedly cover-up the case.

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### **Prison-based 'hit squad' puts spotlight on prison corruption**

Prison guards are suspected of being involved in an unusual arrangement in which inmates in the Durango prison were allowed to leave the prison to commit killings in the nearby state of Coahuila. The guards also allegedly allowed the inmates to use government-issued weapons and vehicles. The scheme came to light in the aftermath of the July 18 killings of 17 people by prison inmates in the state of Durango, according to Mexican authorities. The armed inmates crossed state lines and attacked a crowd gathered to celebrate a birthday party at a Torreón inn, leaving 17 people dead and 18 others wounded, according to news reports. Prison guards in Gómez Palacio allowed the inmates to use official vehicles, according to the *Los Angeles Times*, in what the *Associated Press* described as "a prison-based hit squad."

The inmates from the Durango prison also include suspects from shootings at several Torreón bars in the state of Coahuila this year. The *Associated Press* reported, citing Mexican media sources, that 16 people were killed in those two attacks on February 1 and May 15. In all the cases, the inmates apparently returned to their prison cells after the attacks. Mexican Federal Attorney General Spokesman Ricardo Najera told U.S. and Mexican media that the killings were motivated by disputes between rival drug groups. The prison continued to be a site of controversy following the announcement. Weeks later, four prisoners were killed by another group of prisoners in the same prison. The attack apparently took place after some of the prisoners subdued guards and took their keys.

Sergio Garcia Ramirez, a high-ranking professor with the National Autonomous University of Mexico, said that the 429 prisons in Mexico suffer from overpopulation of at least 30 percent. A total of 132,278 people are serving out their prison terms while 94,698 await the outcome of their judicial process, he said. In light of the Durango prison revelations, Congressman Ardelio Vargas Fosado of the Institutional Revolutionary Party, called for a complete review of the country's prison system.

On the political front, Hortencia Aragon, Secretary General of the Party of the Democratic Revolution, called for additional funding to ensure the security of penal institutions and prevent corruption. The spokesman for the National Action Party, Max Cortazar, also called for the governor of Durango to take responsibility for the prison corruption. The governor is a member of the Institutional Revolutionary Party. The prison director being held for questioning, Margarita Rojas Rodriguez, had apparently received an honor from the Durango governor as Woman of the Year in 2010.

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## TRANSPARENCY

### **Federal District mayor promises transparency for Metro Line public works projects**

In an attempt to provide greater transparency, the Federal District transportation agency will provide information online documenting the current plans and ongoing development of the Metro Line 12. The Federal District's Mayor Marcelo Ebrard said that the information will include updates on the project, the Line's exact trajectory and which zones it will affect, any complaints and demands, environmental impact reports, and other documents pertaining to the project. The web page will also include information on the businesses directly and indirectly involved in the construction and development. The information, according to Ebrard, will be provided in ordinary, non-bureaucratic language that is accessible to the average person.

The web page is available at: <http://www.transparencialinea12.df.gob.mx/> and the project has already received 1,500 requests for public information in regards to the Metro Line 12. The government also plans to use Twitter and Flickr to provide updates on the construction.

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### **Transparency lacking in the numbers of drug war killings, claims IFAI**

A representative of the Instituto Federal de Acceso a la Información Pública (Federal Institute for the Access to Public Information, IFAI) criticized the Mexican federal government for failing to provide accurate numbers of the people killed due to drug-trafficking violence. Maria Marvan, IFAI commissioner, said that part of the confusion stems from a lack of coordination between the Mexican Federal Attorney General's office and the Secretary of Public Security. The result is that the Attorney General's office reports 24,000 killings and the Center of Investigation of National Security says the number is more than 28,000, she said. Marvan said this means the country's public security institutions are not providing reliable statistics. She spoke at conference titled "The right and access to information in Mexico: risks and opportunities," that was sponsored by the Center of Analysis and Investigation and the National Autonomous University of Mexico.

Also at the conference, attorney Luis Miguel Cano noted that a "tradition of opaqueness" exists in the country in which requests for information can take years to yield actual data. This delay in providing information prevents important information from being used for the common good, he said. Other participants in the seminar observed that Mexico lacks a tradition of access to information and accountability, which is a reason why reforms are needed to reform and promote transparency mechanisms.

In another IFAI case, the Federal Police recently declined to provide records on the numbers of civilians killed in confrontations between drug traffickers and federal police, claiming that providing such information

would be harmful to their attempts to combat drug trafficking. The agency did release figures that 50 people died in 2009 during a total of 50 armed confrontations and that 13 of the victims were federal police.

In 2009, a total of 117,597 requests for public information at the federal level were submitted, which represents an increase of 11 percent. Most of these were not related to public security information. The Mexican Institute of Social Security received the highest number of petitions with 22,315, primarily regarding medical documents. The Secretary of Public Education received 5,398 petitions and the Secretary of Health had 3,393 petitions.

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## ACCOUNTABILITY

### **Commission wants greater accountability from Public Registry**

A legislative commission that has been receiving complaints against Mexico City's Public Registry wants to know whether any alleged delays and irregularities are due to corruption or unnecessary government bureaucracy. The *Comision de Notariado de la Asamblea Legislativo* called for the registry to report on the expected time frame for most document requests, and how much time the paperwork is actually taking. The Commission also wants an update on the registry's modernization plans. Jose Guadalupe Medina, director of the Public Registry of Property and Commerce in the Federal District, responded that there is actually less risk of corruption now due to various actions taken to address the concerns. These advances include the use of the electronic signature and the incorporation of electronic documents.

Medina acknowledged that there is a delay of 13,000 requests for pending certification and that this is expected to be addressed by August 15 since the Registry has sped up the processing of these documents to up to 1,000 per day. Medina said the accusations of corruption made by the President of the commission – Rocio Barrera - required more details so that complaints could be made before the appropriate judicial authorities. Last year, 26 such complaints filed against the Registry resulted in formal judicial proceedings against 12 public servants, he said.

Medina said that security measures taken by the agency to avoid corruption include a credential system for public workers, the installation of video cameras, and the creation of a thorough database. In the Federal District, the Registry is responsible for documenting 2,015,000 homes. In 2008, the agency dealt with more than 800,000 paperwork requests.

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### **Video cameras planned for Federal District civil courts**

Mexico's Federal District civil courts are preparing to open up their installations to an extra set of eyes by placing video cameras throughout the buildings. The placement of video cameras is intended to not only provide stronger security measures but to also prevent possible situations involving corruption. Edgar Elias Azar, who oversees the Superior Justice Tribunal in the Federal District, said that the cameras are part of a larger program aimed at modernizing the courts with improved technology.

The program includes creating digital documents and a more complete online database that will allow for the exchange of information between different judicial offices and government agencies. The project is being funded through a credit of \$19.8 million (USD) obtained through the World Bank. The video cameras will be placed in more than 300 courts that deal with mostly civil cases throughout the city. They will also improve security, Azar said, by registering the comings and goings of government workers and visitors from the entrance of the facility to within hallways, waiting rooms and courtrooms.

**SOURCES:**

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### **Lawmakers ask for audit of Mexicana airlines**

Members of the Mexican Congress are formally requesting an audit into the Mexican airline, Mexicana, which has been canceling and eliminating flights recently to address a budget shortfall. A special congressional commission is also being formed to determine whether any wrongdoing has taken place on the part of the company that merits further investigation.

The petition is coming from representatives of the Institutional Revolutionary Party (PRI) and the Democratic Revolutionary Party (PRD) in conjunction with members of the national workers unions that represent aviation workers. Lawmakers are asking in particular for details regarding the terms and actual situation of a loan that came from Bancomex for \$79 million (USD). In the meantime, union members are scrambling to find investors to buy and save the airline. Thousands of employees are at risk of losing their jobs, and the audit is meant to see if that can be prevented. The petition will request that Mexicana make transparent how their resources are managed to see if the economic difficulties facing the airline are serious enough to warrant the layoffs. There have been doubts expressed by some workers as to whether the company is actually in danger of bankruptcy.

Legislator Esthela Damian of the PRD was reported as saying in *El Sol de Mexico* that the situation could be delicate "if this is indeed an orchestrated bankruptcy." Members of the aviation union had already accepted modifications to their work contracts in response to the company's fiscal problems.

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### **Federal Police demand accountability from their own chiefs amid criticism against García Luna**

Several hundred Federal Police in Ciudad Juárez took to the streets to protest what they claimed to be poor working conditions and the involvement of their immediate superiors with drug traffickers. The August 7 incident reinforced the viewpoint of the agency's critics who say that the federal police force has become ineffective in the fight against drug traffickers. As a result of the protest, 248 officers were removed from their posts and flown to Mexico City for an investigation into insubordination. Meanwhile, the bosses they accused of corruption and other crimes - four federal police officials - were held for questioning, reported *El Universal*.

The officers' rebellion in Ciudad Juárez stemmed from the detention of one of their colleagues who was arrested shortly after he filed a formal complaint against four supervisors accusing them of abuse of authority, mistreatment and making death threats. A day after making the complaint, the agent was detained and charged with possession of a firearm and drugs outside of the hotel where the 1,200 federal police officers are based out of. His colleagues claim the drug and firearm were apparently planted on him and that he was actually taken from his own hotel room.

The federal officers then proceeded to rally around their detained colleague, accusing their own superiors of a litany of crimes. They alleged that one of their own immediate chiefs is suspected of having ties to

drug traffickers in Sinaloa. They alleged that another supervisor forces them to pay bribes so that they can visit with their family members, and that they were ordered by their superiors to extort community members. They said that several days ago they were given the instructions to “not intervene” due to the movement of three trucks that were supposedly loaded with drugs. In addition, they claimed that they are being forced to work up to 15 hours each day when they should only be working eight hours.

In a *Proceso* article, shortly after the Ciudad Juárez incident, the attention turned to Genaro García Luna, who oversees the national Secretary of Public Security. The Federal Police operates as part of the agency, and the article alleged that the force is “infiltrated by drug traffickers, with deficient training programs, improvised operations and growing corruption.” The *Proceso* article, citing federal investigation documents, reported that García Luna himself has been alleged to have ties to drug traffickers in Sinaloa. The veracity and source of the information is unclear, but it appears to come from intercepted telephone calls and emails between members of criminal groups. The article noted that García Luna has not been examined under any formal investigation.

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### **Oaxaca Congress exonerates Governor Ulises Ruiz for any role in violence of 2006**

The Oaxacan Congress voted to exonerate Governor Ulises Ruiz Ortiz of any political responsibility in relation to clashes between activists and police forces in 2006. Some human rights observers have documented at least two dozen killings during that time that were a result of the prolonged confrontations that started out as a teachers’ movement for more pay. In an August vote, the Oaxacan Congress was split along party lines with 25 votes in favor of exonerating Ruiz coming from members of the Institutional Revolutionary Party, the party that Ruiz represents, and 16 votes in opposition from other political party members. The vote was interpreted by some as an attempt by Ruiz to minimize the risk of legal persecution. Last year, the Mexican Supreme Court found Ruiz to be guilty of “grave violations” against individual rights when he failed to do his part in maintaining public order during the 2006 clashes, resulting in what they described as an atmosphere that contributed to the killings.

Ruiz’ backers said that he had actually maintained open dialogue at all times, including holding roundtables to address the concerns, which stemmed from a teachers’ strike for more pay. When police were sent to forcibly remove the teachers from Oaxaca City’s main square in June, 2006, teachers fought back against gas bombs and rubber bullets. The movement then shifted toward calling for Ruiz’ resignation. As the movement continued, other unions and social groups joined the teachers to form a coalition. The activists shut down highways, took over radio stations and seized government offices during the prolonged conflict in 2006.

**SOURCES:**

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## **ACCESS TO JUSTICE**

### **PRESS FREEDOM**

#### **Continued violence against journalists part of propaganda effort by criminal groups**

Three men were arrested for kidnapping three of four journalists who disappeared on July 26 in Durango. The four journalists – two reporters and two photographers – went missing in Gómez Palacio, Durango as reports of a prison scandal there involving prisoners being used as assassins unfolded in the press. The National Human Rights Commission (Centro Nacional de los Derechos Humanos, CNDH) characterized

the disappearance as *levantones*, or kidnappings without the intent of securing a ransom, although all four were later released through police operations. The kidnappings followed assassinations of journalists earlier in the month in Michoacán and Guerrero. The CNDH has subsequently denounced that the lack of investigations into attacks on journalists has made them vulnerable in carrying out their work.

One of the arrested men said that he and his accomplices kidnapped the journalists in order to ensure the publication of propaganda alleging the corruption of public officials colluding with rival criminal groups. In a press conference the weekend following the journalists' release, Public Security Secretary Genaro García Luna told reporters that the Sinaloa cartel was responsible for the kidnappings. Negotiations by federal authorities secured the release of two of the journalists, Óscar Solís and Héctor Gordo. The other two journalists, Jaime Canales and Alejandro Hernández, were rescued by the Federal Police July 31 after the kidnappers failed to release them as promised. They were being held in a safe house in the Miguel de la Madrid neighborhood in Gómez Palacio, Durango.

According to García Luna, Joaquín "El Chapo" Guzmán, the leader of the Sinaloa cartel, ordered the kidnapping of the four journalists as a means of forcing media outlets to circulate information and messages related to his criminal organization, "as part of a criminal propaganda strategy." BBC Mundo reported that the kidnappers wanted to propagate three videos posted on an internet page covering drug-trafficking themes. In the videos police authorities from the cities of Torreón, Coahuila, Gómez Palacio and Lerdo, Durango, are linked to the cartel organization Los Zetas.

The kidnappings came as criticism against the government continues to mount from free speech advocates who say that it is ignoring the dangers faced by journalists in Mexico. Following talks with government officials and visits to the cities of Chihuahua, Ciudad Juárez, Culiacán and Acapulco, Frank la Rue, the United Nations' rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression characterized the systematic attacks against journalists and news outlets as "critical." He said that the U.N. and the Organization of American States have proposed a new risk category for reporters who operate in conflict zones – such as Ciudad Juárez, Chihuahua and Reynosa, Tamaulipas. A similar category exists that is meant to provide certain protections to journalists working in war zones. La Rue and Catalina Botero, his counterpart of the Organization of American States and who accompanied him during his visit, agreed after meeting with Mexican reporters that they are forced to work in "intense and permanent conflict zones" where levels of conflict in some cases reach levels analogous to war zones.

The visit by la Rue and Botero at the invitation of the Mexican government came days after hundreds of journalists in several cities protested the violence their profession suffers in Mexico, and the impunity with which 64 journalists have been killed since 2000 and 11 have gone missing. Generalized fear of reprisal as well as direct threats from drug cartels have led to a culture of self-censorship in the press, particularly in troubled areas like Ciudad Juárez, Chihuahua and Reynosa, Tamaulipas. As a result, frustrated residents have turned to alternative forums such as social networking sites Facebook and Twitter to exchange information. A popular "narco-blog" has also emerged, started six months ago by an anonymous computer student, which has grown to hundreds of postings a day from citizens, drug gangs, and law enforcement alike. The site, Blog del Narco ([www.blogdelnarco.com](http://www.blogdelnarco.com)), includes stories, images of crime scenes accessible only to military and police, and propaganda appearing to come directly from drug traffickers. It receives around 3 million hits a week.

Just days after the visit by la Rue and Botero in the early morning of August 15, the television network Televisa's Monterrey and Matamoros stations suffered grenade attacks, destroying an employee's truck and causing damage to the outside of both buildings. It followed a similar attack on the same station in January 2009.

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## JUSTICE SECTOR REFORMS

### **Federal officials look warily at failings in Chihuahua judicial reforms**

During the fifth day of the Dialogue for Security (Diálogo por la Seguridad), President Calderón, Supreme Court President Guillermo Ortiz Mayagoitia, and Attorney General Arturo Chávez Chávez discussed deficiencies in the Mexican justice system. Calderón pointed out the paradox of Chihuahua, the most violent state in the country and at the same time boasting the most advances in justice sector reforms. He specifically criticized the small number of sentences being served in comparison to suspects in detention. Ortiz Mayagoitia answered that nationwide the most central problem has been the failure to coordinate reform efforts, mentioning specifically the need for properly trained investigative police. Attorney General Chávez said that the reforms have had failings in the states that have begun to apply them, and expressed concern over a negative public perception of the reform process. To date, eight states: Baja California, Chihuahua, Durango, Morelos, Nuevo León, Oaxaca, the State of Mexico, and Zacatecas, have actively begun the reform process, with varying degrees of depth and scope.

Last month, *El Universal* reported that since 2008 98 members of the Chihuahua state Attorney General's Office (Procuraduría General de Justicia, PGJ), all of whom had received training in implementing the reforms, have been killed. They have included investigative police, agents of the public prosecutor, and 21 attorneys. The effect has undermined the central goal of the reforms – to end impunity in the state. Chihuahua was one of the first states to undergo the judicial reform process, even preempting the 2008 congressional reforms that set the stage for a nationwide transition from an inquisitorial to an accusatorial system within eight years. The reforms, which also expanded police investigative powers, are central to President Calderón's long-term goal of transferring public security functions from the military to civilian institutions.

Chihuahua's successes and failings have been seen as a bellwether for the rest of the states, and Patricia Martínez Ramírez, state attorney general, said that the extreme level of violence in the state has overwhelmed the nascent justice reform efforts. In an interview with *El Universal* she described a situation in which only the homicides with clear lines of investigation are investigated, while the remaining majority of case files are filed away indefinitely. Chihuahua Governor Fernando Reyes Baeza echoed that the accusatory justice system, on which the state has spent \$600 million (MX, roughly \$47 million USD) has been a "victim" of organized crime.

Mario Trevizo, one of the leaders of justice reform efforts in the state, said that many of the functionaries initially trained by foreign experts have been killed or have fled for fear of reprisals from organized crime, and as a result the justice system reforms are now being implemented by younger, less qualified people. Errors made at the investigative stage can cause the collapse of the entire system, he said, and qualified investigative police are often targeted or threatened because of their effectiveness. In the past two years alone, 13 functionaries close to the state attorney general have been assassinated, all of whom had been carrying out investigations in which suspected members of organized crime were implicated. Óscar Acosta, president of the Bar Association of Ciudad Juárez, said that "litigators are working in conditions of war; the system was not planned for this crisis."

Defenders of Chihuahua's justice reforms say that in the beginning it was implemented according to plan, starting in 2007. It was to be consolidated statewide in 2008, the year in which violence in the state, and particularly in Ciudad Juárez, escalated due to a turf battle between the Juárez and Sinaloa cartels. Over ten thousand soldiers and federal police assumed control of security functions, and the command currently remains in the hands of the Federal Police. Since then, critics have pointed to the justice reforms, which contain as a central tenet constitutional protections for defendants, as contributing to the culture of impunity in the state, creating a "revolving door" for repeat offenders. The most prominent of these critics has been former Interior Minister Fernando Gómez Mont. Suspects can be exonerated based on investigative missteps, and the state does not have the resources to track their actions upon release. Rodolfo Acosta Muñoz, president of the Supreme Court of Chihuahua, rejects that claim, arguing that any justice system would break down in the face of Chihuahua's current security situation.

Aside from rampant violence, Attorney General Patricia Martínez blames the reforms' failings on a judicial branch that is conservative, resists change, and in many cases is stuck in the traditional inquisitorial model. The judge in charge of ensuring due process (Juez de Garantías) for Ciudad Juárez, Anabel Chumacero, lamented that, with the numerous reforms made to the judicial code in light of the worsening public security situation in the state, the new justice system "looks more and more like the inquisitorial system." Since 2007, there have been 113 modifications to Chihuahua's judicial code; in January of 2010 alone there were 37.

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## HUMAN RIGHTS

### **Supreme Court rules Mexican states must recognize DF same-sex marriages**

On August 11, the Mexican Supreme Court ruled that all Mexican states must recognize the validity of same-sex marriages performed in the Federal District, where they began in March of this year. The following week, the Court voted to uphold the legality of same-sex adoptions in the Federal District, which the local Congress has also voted to allow.

The case was brought before the Supreme Court by the federal Attorney General's Office (Procuraduría General de la República, PGR), which argued that the legislative changes made to the Federal District Civil Code (Código Civil) allowing same-sex partners to marry and adopt were unconstitutional. The justices concluded by a 9-2 margin, however, that Article 121 of the federal Constitution establishes that each state has the right to legislate as to the legality of civil acts, and that other states are obligated to recognize the validity of that legislation. By the same logic, Justice Sergio Valls argued that the federal government must also recognize their validity. The justices recognized that certain rights associated with marriage – such as pensions and adoptions – will generate conflict outside the Federal District, and for now are leaving such matters to be dealt with by individual states' court systems.

The Catholic Church in Mexico has reacted predictably to the Court's actions, speaking out against extending marriage and adoption rights to same-sex couples. The archdioceses of Jalisco, Guadalajara, and Puebla all denounced the move immediately, characterizing it as an affront to the family and society. Cardinal Juan Sandoval Íñiguez, the Mexican Catholic hierarchy's number two, even alleged that Supreme Court justices had accepted bribes in exchange for a favorable ruling. The Court issued a censure against the Cardinal for his comments. Several federal lawmakers and governors have also voiced their opposition to the Court's decision. For its part, the Federal District-based women's group Instituto de las Mujeres del Distrito Federal (Inmujeres-DF) applauded the Supreme Court for adhering to the United Nations' International Pact for Civil and Political Rights, an anti-discrimination covenant to which Mexico is a signatory.

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## MILITARY ABUSES

### **CNDH finds irregularities in investigation into March deaths of two university students in Nuevo León**

In a recommendation issued by the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) regarding the shooting deaths of two graduate students of the Monterrey Technical Institute (Instituto Tecnológico y de Estudios Superiores de Monterrey, ITESM) in March, the organization said that state and federal officials presented obstacles to the investigation, making it impossible to determine who was responsible for the students' deaths. The report was submitted to the

Mexican Army (Secretaría de Defensa Nacional, Sedena), the federal Attorney General's Office (Procuraduría General de la República, PGR), and the government of Nuevo León.

The PGR has maintained that the students died in the crossfire between soldiers and drug traffickers engaged in a street battle outside the university in Monterrey. In May, the agency said that a bullet extracted from one of the students matched the caliber of weapons used by organized crime. Sedena faced strong criticism early on from the CNDH and other human rights organizations as well as administrators of ITESM for initially claiming that the victims had fired on soldiers, and then later recanting those claims.

CNDH President Raúl Plascencia emphasized that military elements employed an "arbitrary use of force" in engaging in a firefight using high-powered weaponry in close vicinity to the university, an act that he says was ultimately to blame for the students' deaths, regardless of who fired the shots that killed the two young men. In the recommendation, the CNDH pointed to officials' lack of cooperation in the organization's investigation, as well as to alterations made to the scene – the position of the bodies was changed, weapons found in the truck pursued by soldiers were placed next to them, and the security camera that recorded the events was destroyed. The report argues that these irregularities have denied the victims and their families of the right to due process.

In its recommendation, the CNDH demanded that Sedena pay compensation to the families of the two victims, and in doing so accept "institutional responsibility that their public servants incurred." It also requests that Sedena provide the families with needed physical and psychological treatment for the necessary amount of time. Moreover, the recommendation asks that Sedena train its personnel in not tampering with incident scenes. It also calls on the Nuevo León government to instruct its Attorney General's Office and Office of the Public Prosecutor to effectively and objectively respond to such cases in the future. Governor Rodrigo Medina de la Cruz said that the state Attorney General's Office would respond to the recommendation.

For its part, the Technological Institute of Monterrey has demanded that federal and state authorities report on their own investigations into the March 19 killings. The Institute pointed out that five months after the incident, no federal or state agency has yet presented an official report. ITESM was quick to defend the students after early official reports stated that they were members of the criminal gang that shot at the soldiers from the university campus.

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## AROUND THE STATES

### GUANAJUATO



#### HR group decries abuses in prosecutions of alleged abortions, infanticides in Guanajuato

On July 20, the women's rights group Centro Las Libres presented a report, the product of two years of investigation, documenting the Guanajuato justice system's treatment of women accused of illegal abortions. While elective abortion is illegal throughout Mexico, the report paints the state of Guanajuato as particularly aggressive in prosecuting such alleged crimes.

The report found that between 2000 and 2010 there have been 160 women charged with abortion. More troubling for women's rights activists, though, are the six women currently serving between 25 and 29 years in prison on homicide convictions, all of whom maintain that they suffered spontaneous abortions. In Guanajuato, elective abortion is punishable by up to three years in prison; however, in those six cases prosecutors alleged that the mothers killed their babies after giving birth, meriting charges of infanticide (*homicidio en razón de parentesco*). All of the women serving sentences for infanticide are from the poorer

northeastern region of the state, and lack basic education, according to Verónica Cruz Sánchez, director of Centro Las Libres. Four of them were imprisoned at 18 or 19 years old.

Cruz Sánchez accused the courts of convicting women based on “personal, moral, Catholic beliefs,” and not justice, as well as criminalizing the female sex. She pointed out that all of the cases of women currently in prison lack firm evidence that they intentionally aborted their pregnancies. She also said that in most cases the women had been abandoned by the fathers, who in many cases testified against them, and that many of the women had been raped. In all of the cases, the women convicted of homicide were initially given sentences of 35 years – the maximum allowed under state law – which were reduced to between 25 and 29 years upon appeal.

Aside from denouncing abuses of power by the justice sector in aggressively prosecuting allegations of abortion, Cruz Sánchez claimed that there exists systematic harassment of women suspected of undergoing elective abortions. Centro Las Libres alleges that agents of the Office of the Public Prosecutor visit homes of women known to be pregnant to verify that they give birth, and also accuses some agents of sexual abuse. The report signals doctors and other health care workers as the principal bell ringers for these occurrences and situations.

Amidst the hostile legal environment for women charged with elective abortion and infanticide, one woman, Alma Yareli of San Miguel de Allende, was released from prison after serving three years of a 27-year sentence. Attorneys of the Public Interest Clinic (Clínica de Interés Público) litigated her appeal, in which the state Supreme Court judge revoked the sentence based on a lack of evidence against her. Yareli has maintained that during her third trimester she lost consciousness, during which she spontaneously aborted and, fearing the repercussions, abandoned the fetus in a street wrapped in a sweatshirt. The doctor who examined the body, who worked for the state Attorney General’s Office, determined that the baby died of hypothermia. Verónica Cruz Sánchez expressed her hope that the reversal of Yareli’s conviction will open the door for further appeals, hopefully before the federal Supreme Court.

**SOURCES:**

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## OAXACA

### Oaxaca state legislature votes to clear Governor Ulises Ruiz of charges of HR abuses during 2006-2007 uprisings



In a clear party-line vote, the Oaxaca state Congress voted to exonerate outgoing Governor Ulises Ruiz from accusations of human rights violations stemming from the 2006-2007 uprisings in the state, which resulted in the deaths of 26 people. All of the members of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), to which Ruiz belongs, were included in the 26 votes to exonerate, while 16 opposition party members voted against the measure. The petition for administrative hearings against Ulises Ruiz was filed July 28 by deputy

Cristóbal Carmona Morales of the New Alliance Party (Partido Nueva Alianza, PANAL). The measure, though, was labeled as a “farce” by members of the opposition coalition that gained a majority in the local Congress and won the governorship in last month’s elections, who said that in bringing the charges before the current, PRI-dominated legislature, it was clearly meant to exonerate Ruiz.

Governor-elect Gabino Cué Monteagudo ran on a strongly anti-Ulises Ruiz platform, and following his election promised that the outgoing governor would face justice under his watch. He ran a campaign largely based on the popular backlash against Governor Ulises Ruiz, making reference to findings by the National Human Rights Commission and the Supreme Court that the Ruiz administration was at least in part responsible for the violence incurred in and around Oaxaca City in 2006 and 2007. Continuing with his populist rhetoric, governor-elect Cué said that, while he will respect the legislature’s decision, the people

reached their own “historic verdict” in last month’s election, which “put an end to a government that had offended the people.”

Cúe Monteagudo also made a promise that his administration will review not only the events of 2006 and 2007, but those leading up to and following them to respond to Oaxacans’ demands for justice. Additionally, he pledged that his government will not engage in acts of “repression and violation of human rights.” For his part, César Mateos Benítez of the Popular Assembly of the Peoples of Oaxaca (Asamblea Popular de los Pueblos de Oaxaca, APPO) expressed his dissatisfaction with the state legislature’s narrow treatment of the case in only responding to deputy Carmona Morales’ request for administrative hearings against Ruiz, and said he would take his group’s demands to the federal judiciary.

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## BAJA CALIFORNIA

### Baja California begins oral trials in Mexicali judicial district



Baja California has announced that the first step in its regional implementation of the new accusatory justice system is now underway in the judicial district of Mexicali, the state capitol. While the state was initially quick to approve the reforms in its local Congress and announce its implementation plans, the Mexicali district is nearly a year and four months late, due to funding, training, and infrastructure deficiencies. Implementation is slated to continue to the Ensenada district in May of 2012, and finally Tijuana, Tecate, and Playas de Rosarito in May of 2013.

Similar to justice reform pioneer state Nuevo León, oral trials in the Mexicali district of Baja California will at first be applied to less serious (“fuero común”) crimes, and will exclude defendants charged with organized crime affiliations. Those cases will be tried under traditional inquisitorial, written proceedings. The decision to proceed as such was reportedly made under advisement of states already conducting oral trials. Since there are no clear federal guidelines for determining which cases are related to organized crime, it will be the responsibility of the state Attorney General’s Office to make that determination. Some crimes, such as acts of kidnapping and auto theft not related to organized crime, have been included in those to be handled by oral trials, a fact that has led some Baja California attorneys to predict that the new system will lead to increased impunity. Attorney General Arturo Chávez Chávez announced in the recent Dialogue for Security that his office is working on a federal penal code for distinguishing between the two classifications of crimes that will be turned over to the states for approval.

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## SAN LUIS POTOSÍ

### San Luis Potosí works toward applying mediation in certain cases



The city council of San Luis Potosí’s capitol has launched a pilot mediation program meant to give an alternative to the courts for conflict mediation. The program has had a promising beginning, resolving 80% of the 50 cases attended thus far. City Councilwoman Sara Catalina Ramos Reyna and State Deputy Yvett Salazar Torres, who visited the Valle de San José Community Center where the mediations are taking place, said that this type of alternative justice will lessen the burden on public prosecutors and judges, and thus make the entire justice system more efficient.

Nonetheless, a statewide mediation law still awaits deliberation and approval in the state Congress. Back in June, San Luis Potosí State Deputy Alfonso Castillo Machuca, president of the Justice Committee,

announced that the Mediation Law (Ley de Mediación) was in the final phases of the analysis stage, and was on track for passage. As part of the analysis, members of the committee visited mediation centers that were currently operating in Guanajuato. Castillo Machuca said that instituting mediation - which gives interested parties an alternative to the courts for resolving certain disputes, such as those involving property and family issues, will be an important step in moving toward full justice sector reforms, as they will reduce the time and cost of resolving conflicts. The law will also be an important precursor for the eventual implementation of oral trials, he said.

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**About the Project:** *The Justice in Mexico Project studies rule of law developments in Mexico, and is coordinated through the Trans-Border Institute (TBI) at Joan B. Kroc School of Peace Studies at the University of San Diego. The Justice in Mexico Project conducts and disseminates research on three broad categories related to the rule of law: law and order, transparency and accountability, and access to justice. The project receives generous financial support from the William and Flora Hewlett Foundation and the Tinker Foundation. To make a financial contribution to our organization, please visit: <http://www.sandiego.edu/tbi/support>.*

**About the Report:** *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog at <http://wordpress.justiceinmexico.org>, and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Research Associates Cory Molzahn and Anna Cearley, with editing and research assistance from Elisse Larouche, Theresa Firestine, Nicole Ramos, and Jesus Cisneros. All maps and tables generated by TBI; all photos obtained from Wikicommons. Any opinions expressed in attributions for this summary are those manifested in the media reports and op-ed pieces compiled herein, and not those of the University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to [transborder@sandiego.edu](mailto:transborder@sandiego.edu).*

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