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News Report

## MONTHLY SUMMARY

*Cartel-related killings slow slightly in August and September • Mass killing of migrants in Tamaulipas linked to Zeta operations • Mayors continue to be targets of assassinations • Major cartel arrests dealt to remnants of Beltrán Leyva cartel • Kidnapping incidents up, according to official statements • U.S. State Department demonstrates concern over Mexican security situation • Prison break of some 80 prisoners in Tamaulipas • Continued debate and action in unified police force initiative • 3,200 Federal Police agents let go • Crackdown on corruption ring in a branch of the Secretary of Public Education • Number of judges who have faced sanctions since 2007 released • Transparency evaluations in cities and federal agencies revealed • UNAM criticized by IFAI for public information requirements • Money laundering initiative forwarded to congress from President Calderón • Future of Mérida Initiative funds dependent on human rights issues • International press groups pressure Mexican government after reporter's death • Guanajuato modifies sentencing guidelines for infanticide • Chihuahua's Congress votes to restructure Attorney General's Office •*

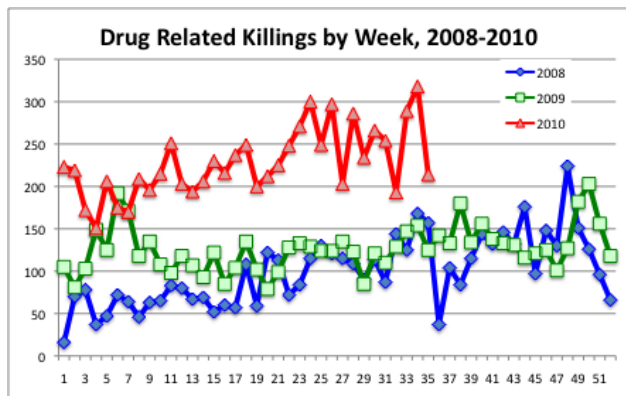
## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### **Cartel-related killings slow slightly in August - September**

According to *Reforma's* running nationwide tally of *ejecuciones*, or cartel-related killings, the 4-week period between August 21 and September 17 saw a series of spikes and declines in violence that represented an overall downward shift from the continuous increases that had prevailed from early June through mid-summer. There were a total of 927 *ejecuciones* in late August and early September, reaching a 2010 total of 8,427. This compares to 1,002, 1,020, and 1,068 cartel-related killings during the previous three 4-week periods, respectively. The slowing is mostly due to 4-week declines in Chihuahua, Sinaloa, and Durango of

20%, 27%, and 42%, respectively. Collectively, those three states comprise 53.5% of the nationwide total of *ejecuciones*. By comparison, they share just 7% of the population. The nationwide decreases came despite the 318 homicides recorded in the week of August 21-27, which was due to the Army's discovery of the bodies of 72 migrants, believed to be victims of the Zetas, in the state of Tamaulipas on August 24 (see below).



Days later, two bombs on cars with Texas plates exploded in Ciudad Victoria, Tamaulipas, on August 27. One detonated outside the local Televisa station, interrupting the transmission of three channels, and another outside the municipal police transit station. No injuries were reported, but they mark the third and fourth car bombs detonated in Mexico in the past three months – one in Ciudad Juárez, Chihuahua, and three in Ciudad Victoria. The Federal Attorney General's Office (PGR) is investigating the incidents. It was the third attack on Televisa stations in the state, following one in Nuevo Laredo and later in Matamoros.

Mexican soldiers raided a suspected cartel-training center in Ciudad Mier, Tamaulipas on September 2, and a firefight ensued in which 25 presumed drug traffickers were killed, and two soldiers were injured. Soldiers also freed three people who were being held in the compound against their will. Also found at the site were 25 assault rifles, over 4,000 rounds of ammunition, and 23 vehicles painted to resemble those of the Mexican Army. Sources in the seventh Military Zone (Séptima Zona Militar) said that the compound likely belonged to the Zetas. Ciudad Mier, near the border with Nuevo León, has been the site of several attacks against state police officers. The city currently does not have a municipal police, and depends on the state police for public security.

Elsewhere, in the state of Jalisco, where last month authorities made arrests of high profile organized crime figures (see below), state and local police were targeted for violence in mid-September. On September 13, Felipe Saavedra de la Cruz, a local police commander in Ocotlán, Jalisco, was killed. On the morning of September 21, Jesús González González, a commander for the Jalisco State Attorney General's Office (PGJE), was also killed with a .38 caliber pistol in the municipality of El Salto in Jalisco. In preceding weeks, González was mentioned in various "narcovideos" in which he is said to have ties to organized crime groups.

Efforts to understand the patterns of violence were aided in August, when the Mexican government released official numbers. It reported that 80% of the roughly 28,000 drug killings from 2006 through July 31 of this year have been concentrated in just 6% of the country's 2,456 municipalities. These revelations constitute the first official mapping of Mexico's drug war, and are consistent with recent January and August reports by the Justice in Mexico Project regarding the distribution of drug violence in Mexico. Revealing previously classified official statistics on the violence, Alejandro Poire, the technical secretary of the National Public Security Council, indicated that there are currently seven violent regional conflicts among Mexican drug cartels, with 22,701 officially documented killings concentrated in just 162 municipalities located in major drug-trafficking areas.

Authorities noted that the largest share of this violence is attributable to conflicts associated with the so-called Sinaloa cartel. Currently, 8,236 homicides —more than a third of killings in the 162 municipalities— are attributable to that organization's conflict with the so-called Juárez cartel. The two groups fight for control of the lucrative trafficking corridor centered in Ciudad Juárez, located across the border from the U.S. city of El Paso, Texas.

The Sinaloa cartel is also fighting their former partners from the Beltrán Leyva Organization (BLO) which split from the Sinaloa cartel in 2008, resulting in 5,864 deaths in Sinaloa, Sonora, Durango, Nayarit and parts of Jalisco and Guerrero. Additionally, the government also attributed 3,199 killings to the conflict

between the Sinaloa and the Gulf cartels, which is spread throughout the country in major producing and trafficking states like Durango, Coahuila and Sinaloa, as well as southern entry points for drugs like Guerrero, Tabasco, Quintana Roo and Chiapas. Meanwhile, the government identified 1,798 killings resulting from the Sinaloa cartel's fight against the Arellano Felix organization (AFO) in Baja California.

In addition, Poire noted that conflicts among the Gulf cartel, the Zeta organization, the La Familia Michoacana (LFM) organization, and the BLO have resulted in further violence elsewhere in Mexico. Clashes between the Gulf, Zeta, and LFM organizations have resulted in 1,744 killings since September 2006, when the LFM broke out on its own, resulting in clashes and gruesome violence in the Mexican states of Michoacán, Guerrero and Guanajuato. Much of the violence in Michoacán is reportedly concentrated in the port city of Lázaro Cardenas, where conflicts associated with the LFM organization have produced 1,538 thousand killings. Moreover, starting this year, the late-2009 splitting of an alliance between the Gulf cartel and the Zetas has resulted in 1,328 killings concentrated in the states of Tamaulipas and Nuevo León. Also, violence between the BLO and the LFM has produced 56 homicides in Guerrero and Morelos.

Authorities indicated that they were unable to determine the cause of a very small proportion —just 476, or 2%— of the 22,701 drug-related killings analyzed in their report. They also noted that nearly a third of the killings (8,344) were concentrated in the state of Chihuahua —and especially its largest city, Ciudad Juárez— due to conflicts between the Sinaloa and Juárez cartels. The next largest share —3,790 killings or 13% of the total— were concentrated in the state of Sinaloa. 890 killings, or 3%, were concentrated in Tamaulipas, where President Calderón sent more federal police and soldiers in late August after authorities discovered the bodies of 72 migrants at a remote ranch. Officials reported that 6.3% (1,810) and 2.6% (753) of the murders were concentrated in the states of Baja California and Nuevo León, respectively.

The government's revelations were presented at Mexico's Campo Marte Military Base, located adjacent to Los Pinos (the official residence of the Mexican president), during the conclusion of a series of public dialogues involving government officials, businessmen, academics, and civic leaders. These dialogues responded partly to recent criticisms of the government's failure to divulge statistical information on drug-related homicides, which the Justice in Mexico Project has helped to document since 2007. For a full list of the project's maps and data on Mexico's recent drug violence, please visit [www.sandiego.edu/tbi](http://www.sandiego.edu/tbi).

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### **Mass killing of migrants in Tamaulipas sheds light on Zeta operations**

The Mexican Navy (SEMAR) discovered 72 bodies at a ranch near the San Fernando municipality in Tamaulipas on August 24. The discovery came after soldiers responded to a survivor of the killing, saying that he had been attacked by armed men at the ranch. A gunfight ensued in which three gunmen and one soldier died. Soldiers also arrested a suspected gunman at the site – a minor – and seized 21 assault rifles, along with thousands of rounds of ammunition of various calibers, and bulletproof vests. It was the largest single discovery of human remains since the beginning of President Calderón's "war" against the drug cartels began in late 2006. The massacre has since been attributed to the Zetas, and investigators are reporting that suspects detained since the event are revealing information about the criminal group's recruitment activities.

A survivor of the massacre who informed soldiers of the events that had transpired at the ranch, an Ecuadorian known only as "Freddie," has reportedly received death threats from the Zetas since the story of the raid by the Mexican Navy hit the press. The man's full name was printed in some news sources, for which the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) quickly

reprimanded the Public Security Secretariat (Secretaría de Seguridad Pública, SSP). In a press release, the CNDH exhorted the SSP to guarantee the rights of the Ecuadorian man. The CNDH also sent personnel to San Fernando to monitor the process of identifying the bodies. Mexican Navy officers have detained seven presumed Zetas suspected of involvement in the massacre, two of whom are minors – 14 and 17 years old. Two more survivors have also been revealed, a Honduran and a Salvadoran. Moreover, the agent from the public prosecutor's office that was first assigned to the case disappeared on August 26 outside of San Fernando. Initial reports were that the agent had been found decapitated, presumably a victim of the Zetas, but authorities quickly corrected themselves saying that the investigator's whereabouts were unknown, as were the circumstances of his disappearance.

The massacre has shed light on the Zetas' criminal activities, which have diversified since they ended their role as the Gulf cartel's enforcement arm in 2008. Aside from kidnapping and extorting Central and South American through-migrants, official reports point to the Zetas also recruiting foreign citizens to work in their ranks. They have been known to recruit former "Kaibiles" – former Guatemalan special-ops – to support their operations in that country, but according to a Pentagon report they are also currently employing dozens of Kaibiles within Mexico. Moreover, Mexico's Attorney General's Office (Procuraduría General de la República, PGR) reports that the Zetas are also recruiting Central and South American through-migrants to work in their ranks. Recruitment begins in countries of origin, and continues in migrant centers in Mexico as well as bus stations, hotels, and train stations throughout Gulf-states. One of the suspects detained for the August massacre told authorities that the migrants, originating in Ecuador, Honduras, Brazil and El Salvador, were killed because they refused to work for the Zetas. The PGR also revealed that six Guatemalans held for weeks at the National Immigration Institute (Instituto Nacional de Migración, INM) in Iztapalapa were transferred to the federal prison in Villa Aldama, Veracruz, for presumably working with the Zetas. The six were part of a group of 13 undocumented migrants freed April 19 from the migrant detention center in Acayucan, Veracruz by an armed commando, presumably Zetas. They were also former soldiers in the Guatemalan Army.

The self-pronounced Zeta, Eduardo Rico Pérez, told the PGR that his organization both lures foreigners from their home countries with the promise of work to aid their passage to the United States, and kidnaps them along transit routes in the states of Veracruz and Tamaulipas; in both cases locking them in safe-houses in Tamaulipas and threatening them with death if they do not agree to work as foot soldiers. Central American authorities have revealed to their Mexican counterparts that the Zetas have a strong presence in the border region between Guatemala, El Salvador, and Honduras. In response, official sources cite that the Mexican government plans to issue an alert to Central and South American countries about this additional risk of emigrating to the United States via Mexican Gulf-states.

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**Mayors continue to be targeted for assassinations**

Marco Antonio Leal García, mayor from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) of the Tamaulipas town of Hidalgo, became the latest in a string of politicians targeted in troubled states across Mexico. A group of armed men ambushed Leal García on August 29 as he traveled in his vehicle with his 10-year-old daughter, who suffered minor injuries. On August 13, ex-Hidalgo mayor César Villanueva was also shot and killed.

Just over a week after Leal García's murder, the mayor of El Naranjo, San Luis Potosí was also assassinated. According to witnesses, Alexander López García was in his office in the municipal government headquarters when four men drove up in an SUV, got out, and two of them ascended to the second floor and shot the mayor as he met with his staff. López García, 35, belonged to the PRI. The Mexican Army, the state Attorney General's Office, the Federal Police, and the Public Security Secretariat are coordinating the investigation into the killing.

The assassinations of Leal García and López García followed the kidnapping and murder in mid-August of the mayor of Santiago, Nuevo León; the killing of Santo Domingo, Morelos Mayor Nicolás García Ambrosio; and the June assassination of Jesús Manuel Lara Rodríguez, mayor of Guadalupe, Chihuahua. Targeted assassinations of mayors in Mexico are a relatively new phenomenon. According to Harvard researcher Viridiana Rios, from 2000-2005 there were no known assassinations of mayors in Mexico, but since 2005 there have been at least 20, including the most recent of this month. There are roughly 2,400 mayors throughout the country.

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## CARTEL ARRESTS

### **Major arrests dealt to remnants of the fractured Beltrán Leyva cartel**

In a substantial victory for the Calderón administration and the Federal Police, agents arrested Edgar Valdez Villarreal, “La Barbie,” on August 30 in Mexico State. Initial unofficial reports revealed that the operative took place near the border with Morelos, and did not include the Mexican Army or Navy. Contradictory reports of the arrest have surfaced, however, and there remains some speculation about the possibility that the former Beltrán Leyva associate turned himself in. President Calderón rejected such reports in the press, which cited a leaked police report, clarifying that while La Barbie did not resist arrest, his capture was the result of a legitimate police investigation that began in June 2009, six months before a Navy special operations unit killed Arturo Beltrán Leyva in a Cuernavaca, Morelos apartment.

Valdez Villarreal, who was born in 1973 in Laredo, Texas, was believed to be embroiled in a fierce battle with the only Beltrán Leyva brother still alive – Hector – since Arturo’s death. The fight has played out through not only violence that has claimed hundreds of lives, but also a propaganda campaign in which each side has worked to intimidate and discredit the other with messages scrawled on “narco-banners” hung in high-profile locations, mostly in Morelos. Authorities report that Valdez Villarreal has been a fountain of information since his arrest, revealing information about rival cartel members – particularly the Zetas and the Sinaloa cartel.

La Barbie admitted to authorities that he was responsible for moving 1 to 2 tons of Colombian cocaine every month into the United States. He reportedly began his criminal career in Laredo at age 19 when he was arrested for trafficking marijuana. Shortly after escaping prosecution, he fled to Mexico, and according to the U.S. Drug Enforcement Administration (DEA), Valdez ran into trouble with the Gulf Cartel in Laredo, later joining the Sinaloa cartel. That group then put him in charge of securing the Nuevo Laredo plaza after the arrest of Osiel Cárdenas, leader of the Gulf Cartel. He joined the Beltrán Leyva cartel after their rupture with the Sinaloa cartel in 2008. While with the Sinaloa cartel, he was valued not only for his skills as an assassin (his team of hit men has been credited for eliminating Rodolfo Carrillo Fuentes and Vicente Carrillo, leaders of the Juárez cartel who died in 1997 and 2004, respectively), but also for his ability to corrupt and enlist the services of federal, state, and local officials. Aside from being one of the most wanted drug traffickers in Mexico, he is also a priority target for the U.S. government. The U.S. State Department had offered \$2 million (USD) for information leading to his capture. He faces federal drug charges in three states dating back to 1998 in Texas to June of this year in a court in Atlanta, Georgia. He is the only U.S. citizen on the list of Mexican cartel kingpins for which the U.S. State Department is offering a reward.

The federal Attorney General’s Office (Procuraduría General de la República, PGR) has detained Valdéz Villarreal under *arraigo*, the detention system that allows federal authorities to detain organized crime suspects for up to 40 days pending charges. The PGR has reported that Valdéz Villarreal has revealed “information of great utility” about leaders of the Mexican cartels and a series of meetings with Colombian drug traffickers in Panama. He also reportedly confirmed that there was a truce realized in 2007 between the Sinaloa and Gulf cartels – a pact that broke down when El Chapo Guzmán began vying for control over the lucrative Juárez trafficking corridor. The PGR’s organized crime unit is also said to be

investigating a possible “institutional” protection ring comprising state police authorities in Guerrero, Morelos, Mexico State, and the Federal District that helped him to escape arrest in previous operations. It has been rumored in the press that Valdéz Villarreal has been offered a guarantee to not be extradited to the United States in exchange for information that would help in such investigations. La Barbie has been less cooperative with the Federal District Attorney General’s Office (Procuraduría General de Justicia del Distrito Federal, PGJDF) in its investigation into the death in January of this year of Paraguayan soccer player Salvador Cabañas in a Mexico City bar. Valdéz is believed to have connections with the suspected shooter – José Jorge Balderas Garza, “el JJ” – but has refused to testify in the case against him in the Federal District. The PGJDF has requested a recording from the Federal Police in which La Barbie reportedly responded to several questions about the case.

Two weeks following the arrest of La Barbie, the Navy (SEMAR) – also as a result of an extended investigation – arrested Sergio Villarreal Barragán, “El Grande,” another leading member of the fractured Beltrán Leyva cartel. Two of Villarreal Barragán’s alleged associates were arrested alongside him in the city of Puebla. The arrests without resistance of Valdéz Villarreal and Villarreal Barragán stand in stark contrast to the deaths of Arturo Beltrán Leyva last December and the Sinaloa cartel’s Nacho Coronel last month at the hands of the Navy and Army, respectively. Navy spokesman José Luis Vergara told the press that this reflects improvements in the federal government’s ability to more cleanly detain high-value suspects.

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## KIDNAPPINGS

### **Kidnappings up despite government efforts, according to official statements**

In the concluding session of the Dialogue for Security, the executive secretary of the National Public Security System (Sistema Nacional de Seguridad Pública) announced that despite targeted law enforcement efforts, incidents of kidnappings nationwide had increased threefold in the past four years. Participating members included: President Calderón; members of the Mexican intelligence, military, and law enforcement communities; lawmakers; and domestic and international experts.

Secretary Juan Miguel Alcántara Soria informed attendants that kidnappings for the January-July 2010 period were up 14.7% from the same period last year. The number was up 78.8% over that period in 2008. The states with the highest incidence of kidnappings were Baja California, Chihuahua, Coahuila, Durango, Michoacán and Morelos, all of which have a kidnapping rate of over 1.15 per 100,000 inhabitants. Alcántara also reported on crimes of extortion and violent robbery, both of which are up in recent years. He said that there has been a 6.7% rise in extortions since last year, 122% since 2006, and nearly 420% since 2000. Violent robberies are up 11.2% since 2000.

Official statistics are based on an increase of reported kidnappings, a problematic metric, given the “cifra negra,” – the unknown amount of kidnappings that are not reported to the authorities, often due to a fear that the police were complicit in, or even perpetrators of the kidnappings. Citing a study by the Citizen’s Council for Public Security and Penal Justice, Mexico’s National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) estimates that the rate of unreported kidnappings was 75%. That estimate is conservative compared to findings by the Citizen Institute of Studies of Insecurity (Instituto Ciudadano de Estudios sobre la Inseguridad, ICESI) based on its 2007 national victimization survey, which found that in 2007 the rate of reported kidnappings was 1 in 17.

In related news, as part of its anti-kidnapping strategy the federal Attorney General’s Office has offered up to \$15 million (MEX) for information leading to the capture of four leaders of the kidnapping gang known as

“la Flor.” The reward, which will not be available to public servants, was offered for information leading to the arrests of Luis Manuel Castillo Rentería, Raúl Jaime Santamaría Méndez, Óscar Morales Alvarado and José Martín Jiménez Martínez.

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## U.S.-MEXICO SECURITY COOPERATION

### **U.S. State Department sounds alarm bells over Mexican security situation**

The U.S. State Department and Secretary of State Hillary Clinton have on two occasions sent strong messages over the past month expressing concern over the ability of the Mexican state to control rising cartel violence. The statements – one announcing the removal of U.S. consulate families from Tamaulipas, and the other a comparison by Secretary of State Clinton between Mexico of today and Colombia of the 1980s and 1990s – have created tension between the U.S. and Mexican governments at a critical point in determining the future of bi-national counter-narcotics efforts.

In late August, the U.S. State Department ordered that children of employees at the consulate in Monterrey, Nuevo León must be removed from the city in response to a recent rise in kidnappings and general violence attributed to drug cartels. The announcement also came a week after a fire broke out in front of a private bilingual school, an event that appears to have factored into the State Department’s decision. Furthermore, the agency urged U.S. citizens to avoid unnecessary trips to Michoacán, Tamaulipas, and to troubled parts of Chihuahua, Sinaloa, Durango, and Coahuila. Nuevo León Governor Rodrigo Medina de la Cruz of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) said that he took the State Department’s advisory seriously, and expressed confidence that the situation prompting the decision would be remedied “very soon.” In all, 25 families of U.S. consulate employees left Monterrey on September 10. In response, the construction equipment manufacturer Caterpillar followed suit, ordering its 40 employees in Monterrey, Saltillo, Monclova, Nuevo Laredo and Reynosa – all in the states of Nuevo León, Coahuila, and Tamaulipas – to return to the United States. The exodus has led some local deputies to ask the State Department to reconsider its decision, fearing the damage it could do to local economies.

Meanwhile, Mexican and U.S. officials alike quickly responded to Secretary of State Clinton’s statements during a September 8 talk with reporters and members of the Council on Foreign Relations that Mexico today resembles Colombia during the late 1980s and early 1990s, referring to several recent car bomb attacks. She said that it would take “a combination of improved institutional capacity and better law enforcement and, where appropriate, military support... to be able to prevent this from spreading and to try and beat it back,” she added, “Mexico has capacity, and they’re using that capacity, and they’ve been very willing to take advice.”

Clinton’s labeling of Mexico’s drug cartels as “insurgents” as well as her references to Plan Colombia – a fundamental element of which was the establishment of U.S. military bases on Colombian soil – quickly drew criticism from officials in the U.S., and raised hackles in Mexico, where concerns over sovereignty have surrounded the Mérida Initiative since its inception under President Bush. President Obama has said he wants to renew and bolster the program – a three-year, \$1.6 billion package to support Mexico’s fight against organized crime and to aid in institution building, now nearing its end. Clinton’s comparison of Mexico to Colombia prompted U.S. President Barack Obama to dispute Mrs. Clinton’s statements. “Mexico is a great democracy, vibrant, with a growing economy, and as a result, what is happening there can’t be compared with what happened in Colombia 20 years ago,” he said in an interview with the Los Angeles-based Spanish-language newspaper *La Opinión*. Obama was joined by the mayor of Brownsville, Texas, Pat Ahumada, as well as drug “czar” Gil Kerlikowske, both of who rejected Clinton’s comparison, which her staff later attempted to soften.

As many have argued in discussing such comparisons, Colombia of the 1980s and 1990s was fighting a rebel organization aiming to overthrow the government, a goal that economically motivated Mexican cartel

operatives do not appear to share, more interested in corrupting public officials than replacing them. The Calderón administration has also pointed this out when debating the use by some of the term “narco-terrorism” – also rekindled by recent car bombings in Chihuahua and Tamaulipas – and was quick to denounce Mrs. Clinton’s statements. Concerns over Mexican sovereignty aside, as John Ackerman, professor at the Institute for Legal Research at the National Autonomous University of Mexico pointed out, \$4 billion of military aid and the construction of U.S. military bases under Plan Colombia did reduce violence, but did not stop the production and trafficking of cocaine, which now is mostly funneled through Mexican drug cartels. There also followed a surge in human rights abuses by an emboldened military, and a fueling of paramilitary groups. Furthermore, according to *Foreign Policy Magazine’s* “Failed States Index 2010,” Mexico ranks 96th out of a total of 177 countries studied, well below Colombia, which ranks 46th, the highest of all Latin American countries. The index is based on an amalgamation of 12 factors: demographic pressures, refugees and displaced populations, group grievances, human flight, uneven development, economic decline, delegitimization of the state, public services, human rights, security apparatus, factionalized elites, and external interventions.

The wrangling over how to classify and quantify Mexico’s public security situation will likely carry into discussions of the direction of U.S. involvement in Mexico’s fight with the drug cartels, particularly as the Mérida Initiative draws to an end. As Californians await a vote in November as to the outright legalization of marijuana in the state, the Obama and Calderón administrations continue to walk the prohibition line. The *Associated Press* reported that nine former DEA administrators told U.S. Attorney General Eric Holder that he should sue if the California initiative passes. In an op-ed piece in the *Los Angeles Times*, Gil Kerlikowske said that “with near certainty” marijuana use would increase as a result of the passage of Proposition 19, as would social costs of increased drug use. Kerlikowske also blamed the “eroding attitudes” toward the harmful effects of illegal drug use and state-level medical marijuana legislation for a recent Substance Abuse and Mental Health Services Administration finding that drug use in the United States increased by 9% last year to the highest level in nearly a decade. Advocates of relaxed drug regulations argued that the increase was evidence that the government’s so-called “war on drugs” has failed. At the same time, though, the Calderón administration has consistently lashed out against any U.S. criticism of its anti-narcotics strategies, citing U.S.-side demand, as well as the southbound flow of weapons into Mexico.

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#### **TBI-Mexico Center release report on arms trafficking**

According to a new study by the University of San Diego’s Trans-Border Institute and the Mexico Institute at the Woodrow Wilson International Center for Scholars there has been an increase in cross-border trafficking of military-style rifles and ammunition from the United States to Mexico.

The study “US Firearms Trafficking to Mexico: New Data and Insights Illuminate Key Trends and Challenges” was authored by Colby Goodman and Michel Marizco, and found that “US firearms account for the vast majority of firearms seized in Mexico”. Indeed, 62,800 (roughly 80%) out of 80,000 firearms seized from late 2006 to early 2010 came from the United States.

Chief among the weapons purchased from U.S. sources were Romania-made AK-47 semi-automatic rifles and AR-15 clones imported into the United States despite the current U.S. embargo on such firearms. According to the report, drug traffickers are also increasingly obtaining “U.S. origin .50 BMG caliber rifles and 5.7 mm pistols and rifles and AK-47 drum magazines with 50, 75 and 100 rounds of ammunition.”

The report found a large price gap in AK-47s purchased in the United States and sold in Mexico (\$1,200 to \$1,600) compared to those AK-47s purchased in the United States and sold in southern Mexico (\$2,000 to \$4,000). Goodman and Marizco argue that this price difference is “another indicator of the demand for US firearms in Mexico and the lack of quality assault rifles from Central America.”

**SOURCES:**

Editorial, “Mexico’s gun traffic,” *The Washington Post*, Sep. 13, 2010.

## PRISON SECURITY

### **Massive prison break in Tamaulipas – State’s 4th of 2010**

In the early morning of Friday, September 10, at least 85 prisoners escaped from the state prison in Reynosa, Tamaulipas, making it the largest prison break in Mexico in recent memory. Reports in the press varied in their escapee count – some claimed 85, while others claimed 89. Two guards disappeared along with them, according to Antonio Garza García, head of the state’s Public Security Secretariat, instated just three days prior to the prison break. Military sources revealed that the escape, in which the prisoners used two ladders to scale the walls of the prison where a convoy of trucks was waiting to take them away, was likely orchestrated by the Gulf cartel as part of its effort to recruit hit men in its fight with the Zetas in the northeastern region. No struggle was reported, and there were no apparent measures taken to stop the notable escape. The Federal Police detained the prison warden and 43 prison workers the same morning. The federal Attorney General’s Office has initiated an investigation into the prison break. Garza García expressed confidence that the prisoners had help from prison guards given the circumstances surrounding their escape.

Of the 85 prisoners who escaped, 66 were imprisoned on federal charges, according to the prison director. Tamaulipas Governor Eugenio Hernández said that the state facilities are not equipped to oversee federal prisoners. He said that the escape was in part due to the intimidation of prison guards by violent federal offenders, as well as insufficient infrastructure. In May, the state Interior Minister (Secretario de Gobierno) requested that the federal government reinforce security at the state’s prisons, but he did not receive a response. This was the fourth prison break in Tamaulipas this year and the third in Reynosa alone. In April, 12 prisoners escaped from the same prison, and the same number escaped in July. In March, 41 prisoners escaped from the state prison in Matamoros.

**SOURCES:**

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“Se fugan 89 internos del penal de Reynosa; 2 guardias no aparecen.” *La Jornada* Sep. 11, 2010.

## POLICE REFORMS

### **Debate over unified police force continues as process moves forward**

Senators from the Institutional Revolutionary Party (PRI) formally rejected the government’s proposal to dissolve the nation’s municipal police forces and create either 32 state police commands or, as some have proposed, a unified national police command. According to a party document provided to *La Reforma*, the PRI’s position is to allow each state to determine which, if any, municipalities are to come under state control. The proposal would require a less drastic change to article 115 of the federal constitution than that set forth by the federal government. The proposal by the PRI also calls for an amendment to article 21 of the constitution clarifying the powers and resource allocations for federal, state, and local police forces. PRI Senator Jesús Murillo Karam, who presented the proposal to the Governance Committee (Comisión de Gobernación), said that currently no federal guidelines exist as to the distribution of powers among police forces. The proposal will be presented at the next ordinary session of Congress.

While political factions continue to debate the constitutionality and possible outcomes of a unified police model, the Calderón administration has allocated \$2.4 billion (MEX) for its implementation in its 2011 budget proposal. In all, \$139 billion (MEX) was proposed for combating organized crime. Budget Secretary (Secretario de Hacienda) Ernesto Cordero defended the allocation, despite the fact that Congress has yet to vote on the constitutional amendments necessary for implementing a unified police model. He said that

despite the final model agreed upon by the majority of the legislature, the allocation would be needed for providing effective policing in the nation's municipalities.

Meanwhile, preparations for unified police forces continue to move forward in the states. In Durango, the state Congress unanimously approved reforms to the Public Security Law (Ley de Seguridad Pública) and the Organic Law of the State Attorney General's Office (Ley Orgánica de la Procuraduría General de Justicia Estado) which will allow for the formation of a unified police force. Under the new model, the police command will be under the supervision of a state general commissioner as well as a chief commissioner of investigation, who will oversee the autonomous investigative General Prosecutor (Fiscalía General). Durango was one of the first states to express the desire to pilot the unified police model. Chihuahua has passed similar reforms, as outlined in this month's Around the States section. For his part, Nuevo León Governor Rodrigo Medina de la Cruz, a champion of the unified police model, has characterized the reforms as "obligatory," and has urged the state's Congress to approve them, amidst resistance from several mayors throughout the state. Meanwhile, the government has set aside \$653 million (MEX) of the 2011 budget for police reforms, including the establishment of a unified police force.

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## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Federal Police Agents Dismissed**

A restructuring of the Federal Police agency in late August resulted in the immediate dismissal of 3,200 agents due to failure to conform to internal norms, such as passing exams that test the officers' honesty and reliability. The 3,200 agents represented about 10% of the force's 34,000 elements, and at least 1,200 additional officers could also be facing expulsion from the force in upcoming weeks on similar grounds.

Among this second group are the officers involved in an August 7 protest in Ciudad Juárez against their own superiors who had arrested one of their colleagues on what the officers claimed were trumped-up charges meant to silence him. The incident touched off a public excoriation of the officers' superiors, including Salomon Alarcon who they accused of ties to drug traffickers and other corruption-related allegations. Salomon Alarcon, who was also detained, is among the officers facing legal proceedings.

Marco Tulio Lopez, who oversees the internal affairs unit of the federal police force, told Mexican media that this is the largest such purge done in recent years and that the officers will be banned from working for any police force on the local, state and federal level. Their names will also be included in a national database that will be used to determine whether any of them end up becoming involved in criminal activities in the future. A total of 1.2 million police officers from city, state and federal forces have been forced from their posts in the past four years, according to the federal Secretary of Public Security. Genaro García, who oversees the agency, said that the majority of these officers worked for city police forces.

**SOURCES:**

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#### **Crackdown on corruption ring in a branch of the Secretary of Public Education**

The Secretary of Public Function initiated criminal proceedings against 194 education employees for involvement in two separate corruption rings suspected of using false documents as part of a scheme to misappropriate funds. The suspected employees of the Secretary of Public Education could be banned from holding a government post for ten years and face up to 14 years in prison. The investigation focused on the General Direction of Indigenous Education, a branch of the Secretary of Education, which employs 280 people. Of that total, 180 employees were found to be using fake receipts and bills to obtain large

quantities of eyeglasses and orthopedic products that they apparently did not need and at a total cost to the state of 1.3 million pesos (\$101,251 USD). An additional 14 employees were found to be using similar tactics in regards to electronics products with a total cost to the state of 2.7 million pesos (\$210,293 USD).

The Secretary of Public Function detected the anomalies during an audit, which led to the investigation and findings that the unnecessary expenses added up to more than 4 million pesos (\$311,517 USD). The Federal Attorney General's office is now overseeing the judicial process against the employees. Additionally, the Secretary of Public Function has ordered the Secretary of Public Education to increase its internal control mechanisms. The SPF also announced that they will be stepping up their revisions of documents within the education agency to detect additional abuses. Salvador Vega Casillas, director of the SPF, said that over the course of the year they have collected 480 official complaints against government employees suspected of corruption. Among the agencies with the highest number of complaints in 2010 are the Secretary of Public Education, the Federal Attorney General's office, and the Secretary of Public Function itself.

Meanwhile, a corruption investigation by the SPF led to the detention of an employee with the Mexican Institute of Social Security (IMSS). The investigation, done in conjunction with IMSS, resulted in the suspect's capture after he received 5,000 pesos in cash (\$389 USD) from a business owner. The money had apparently been demanded in exchange for allowing a cafeteria concession agreement to continue in three IMSS offices. The actual amount the official had attempted to extort was allegedly 15,000 pesos (\$1,168 USD).

Vega Casillas said that part of the corruption is fueled by an excess of bureaucracy. The SPF has been actively involved in eliminating government administrative norms that are seen as excessive and contributing to backlogs of paperwork and outcomes, he said. In August, Mexico's President Felipe Calderón announced the elimination of thousands of governmental administrative norms that will be substituted by a slimmed-down version of nine manuals to be distributed to the country's 249 federal agencies to streamline government procedures. For example, prior to these changes all the purchases made by federal agencies had each been handled differently. Under the new system, all the agencies will use the same paperwork and follow the same process in order to speed up and encourage greater transparency.

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### **Number of judges who have faced sanctions released**

A total of 42 judges and magistrates have been sanctioned since 2007 for a range of irregularities including corruption, according to the head of the Mexican judiciary, Guillermo Ortiz Mayagoitia. Ortiz, president of the Commission of the Federal Justice, said that the professionalism of judges is essential to maintaining the legal process during the government's fight against organized crime. Mexican President Felipe Calderón noted that criminal groups continue to intimidate judicial representatives in an attempt to sway rulings in their favor. Calderón was quoted in the *Latin American Herald Tribune* as saying one of the greatest challenges for Mexican judges is, "to avoid...becoming prisoner to threats, to intimidation or to co-optation" by criminals. However, some judges succumb to corruption and engage in improper behavior on other levels.

The Commission of Justice recently published on its Internet page a list of 957 cases in which federal judges and magistrates received sanctions between 1995 and 2010. The sanctions ranged from warnings to more serious repercussions. A total of 16 judges and magistrates were forced to step down from their offices, while 55 were suspended. A report in *El Universal* noted that the published cases may only represent the tip of the iceberg since more complicated cases involving collusion with criminals can be difficult to prove.

An example of some of the cases released publicly include:

- In 2007, a judge was forced from his post after demonstrating a “despotic” attitude toward court personnel by humiliating them, using obscene language and revealing racist attitudes.
- In 2007, a magistrate received a warning for maintaining an inappropriate friendship with an attorney and providing the attorney with two Nextel radios.
- In 2009, a judge was suspended for a year after he provided “provisional liberty” to a person who had been accused of being found with drugs in violation of stricter procedures for drug-related crimes.
- In 2007, a judge required his personnel to give him money for his birthday party and to buy him gifts.

Another common problem has been nepotism in which judges and magistrates try to avoid the appearance of nepotism by hiring family members of other judges and magistrates in exchange for the employment of their own family members in other courts. The Commission of the Federal Justice recently adopted a measure that would avoid this practice.

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## TRANSPARENCY

### Transparency evaluations in cities and federal agencies

Mexico’s municipalities obtained an average score of 51.03 in regards to transparency of their budgets, according to a study by the consulting group Aregional.com. Meanwhile, a separate study into the transparency of federal agencies identified 17 government branches that are doing a poor job of accountability with their budgets. In regards to the municipality study, Adriana Enriquez, a representative of Aregional.com, was quoted in *Milenio* as saying that the poor overall scores demonstrate a lack of dedication and responsibility on the part of public officials to manage public funds in a transparent manner. A total of 100 cities in Mexico were analyzed through a review of their web sites –Torreón, Coahuila scored the lowest with a total of 4.5 out of 100.

Of the 100, 34 scored between 40 and 59.9 and 30 scored less than 39.99. Cities that scored poorly, with 20 points or less, included: Aunque, Lerma, Nezahualcoyotl, Texcoco, Chalco and Tecamac in the state of Mexico; Tlaxcala, and Boca del Rio in Veracruz; Tula de Allende in Hidalgo; Chilpancingo in Guerrero; and Piedras Negras, in Coahuila. The city that scored the highest was Bahia de Banderas in Nayarit with 97.2 points. Other high-scoring cities were Queretaro with 91 points and Puerto Vallarta, Jalisco, with 90 points. Eleven cities scored between 70 and 79.99, and just nine scored higher than 80.

The scores were based on a range of metrics including an analysis of fiscal statistics, budgets, accountability, operating costs and other regulatory markers. A passing score was considered to be 60. In Mexico City, the average for the 16 delegations was 64.17 points.

The Center of Economic Studies of the Private Sector also did a separate evaluation into the transparency and accountability of 19 federal agency budgets. The Center identified 17 agencies that receive large budget resources but that do not appear to justify or reveal their results. Some of these - such as the Secretary of Environment, Secretary of Social Development and Secretary of Agriculture Reform – lacked information in regards to their goals and metrics. The Federal Attorney General’s office and the Secretary of Health both received a score of 45. The agencies with the poorest scores included the Secretary of the

Economy with a score of 12.9, and the Secretary of Public Security, which barely registered a score with .86.

The Center found that only the Secretary of the National Defense, with a score of 70, and the Secretary of the Navy, with a score of 67, did a good job of demonstrating effective use of their budgets tied to results. The evaluation is part of an attempt to make agencies more accountable by encouraging departments to more clearly state their objectives and achieve results in a way that justifies their current budgets and any budget increase requests. The scoring system was initially based on a review of each agency's website to determine budgetary goals and outcomes, but it also included results from formal public records requests in cases where information was lacking or limited.

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### **UNAM criticized by IFAI for public information requirements**

Mexico's largest public university, the Universidad Nacional Autonoma de México, has created hurdles to public information requests that place them in violation of public transparency and accountability laws, according to a commissioner from the Federal Institute for Access of Information.

The IFAI does not have any actual authority over certain autonomous government-related institutions such as the Banco de Mexico (Bank of Mexico), the Comision Nacional de los Derechos Humanos (National Commission of Human Rights), the Instituto Federal Electoral (Federal Electoral Institute), the Instituto Nacional de Estadística Geografía (National Institute of Geographic Statistics), the UNAM (National Autonomous University of Mexico) and certain other legislative and judicial entities. These groups are only required to submit an annual report to the IFAI. However, IFAI Commissioner Maria Elena Perez Jaen said that the university - Mexico's largest public university - is violating public information laws in requiring certain information from people submitting public records requests. For example, the UNAM asks for the petitioner's identification, nationality, address and telephone. The university also does not provide an option for people to express how they would like to view the information provided.

In an opinion piece that appeared in *El Sol de Mexico*, the newspaper editorial board noted that the restrictions placed by the UNAM on public records requests could be a reason for why they have relatively low numbers of petitions for information. In 2003, they had 551 requests for public information and in 2009 they received 789. The opinion piece also recommended that the UNAM allow for public information requests to be made through the Internet, which is a common practice among many other groups that are not directly overseen by the IFAI.

**SOURCES:**

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"Violatorios, requisitos de UNAM para dar informacion: IFAI." *Notimex via La Cronica de Hoy*. August 30, 2010.

## **ACCOUNTABILITY**

### **Aguascalientes governor forced out of the PAN**

The National Executive Committee (Comité Ejecutivo Nacional, CEN) of the National Action Party (Partido Acción Nacional, PAN) ruled in favor of expelling the Governor of Aguascalientes from their political party as a result of allegations that he "supported" an opposing party's governor candidate during this year's elections. In response, Aguascalientes Governor Luis Armando Reynoso Femat petitioned the Electoral Court of the Judicial Power of the Federation (Tribunal Electoral del Poder Judicial de la Federación, TEPJF) to rule on the validity of his expulsion. The Council has the power to define and clarify the allegations against him. Reynoso was charged with supporting the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) governor candidate, Carlos Lozano de la Torre, in the July 4

elections in an attempt to prevent the PAN candidate from winning.

The PAN national committee's expulsion process started August 17 and it concluded 15 days later after members held a two-hour session. The decision is in accordance with the PAN Regulation on the Application of Sanctions (Reglamento sobre Aplicación de Sanciones del PAN), " [to] participate with another political party," " [to] realize actions aimed at the benefit of another party," and "[to] provide economic support or of any other nature to any other political party." However, Reynoso has argued that there is no evidence as basis for his expulsion and that the accusations stem from allegations made in local media. He said he has always acted in accordance to PAN principles. Prior to becoming governor, Reynoso had been the PAN's first mayor in Aguascalientes in 1995, and he later became a federal congressman in 1997.

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"Expulsa PAN a Reynoso Femat; irá al TEPJF." *El Siglo de Torreón*. 31 Agosto, 2010.  
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### **Money laundering initiative forwarded to Congress from President Calderón**

Mexico's President Felipe Calderón signed an initiative in late August that would make it harder for criminal groups to launder money while at the same time making it easier for the government to trace and recover money used in criminal activities. The initiative is now in the hands of Congress where it is expected to be discussed in upcoming months. The initiative details a list of 13 groups that will be required to report any cash transactions of more than \$100,000 pesos (about \$7,800 USD) in cash. These include betting parlors, car armoring services, jewelry stores, art galleries, and car sales agencies. Cash transactions would no longer be legal for real estate, and the initiative would limit cash payments for boats and airplanes. Those who violate the initiative would face between five and 15 years in prison and fines of between 57,460 pesos and 287,300 pesos (\$4,489 and \$22,450 USD).

The proposal would hold accomplices, including distant relatives, accountable for money laundering activities. As a result of these tougher measures, the initiative could force more people to place their money in banking institutions rather than resort to using cash, which has been a common way of doing even legitimate business for many years. Approximately 75% of economic transactions in Mexico are done in cash, compared to 20% in the United States, according to the U.S. Ambassador in Mexico Carlos Pascual. The initiative follows restrictions announced in June that limit the amount of cash deposits and withdrawals that can be made in U.S. dollars. Under that new rule, Mexicans with bank accounts can deposit up to \$4,000 in cash per month. Mexicans without accounts have a limit of exchanging up to \$300 a day or \$1,500 a month, according to *The Washington Post*.

The ability of criminal groups to launder money in Mexico is typically seen as a threat to government institutions and public security. The U.S. Federal Bureau of Investigation estimates that Mexico's drug groups bring illicit funds from the United States of between \$18 billion and \$39 billion in U.S. dollars. However, the Superior Auditor of México, Juan Manuel Portal, stated that the injection of illicit funds into the government system is not possible. He said the reason why this is unlikely is that the government obtains its funding through taxes and not from illicit funds.

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### **Mexican President found to violate electoral laws through communications**

Mexican President Felipe Calderón violated the Constitution and electoral laws by speaking on television and using electronic media to highlight government efforts during the weeks leading up to the July elections, according to the Electoral Court of the Judicial Power of the Federation (Tribunal Electoral del Poder Judicial de la Federación, TEPJF).

In one of the cases, Calderón transmitted a televised message regarding public security on June 15. The court determined that the content and timing of the speech made it qualify as electoral propaganda. The court also determined that two other messages disseminated by President Calderón via electronic media sources on June 30 and July 1– containing employment figures and other government data - also constituted a violation of article 41 part C of the Constitution, according to a draft submitted by the President of the Electoral Court (Tribunal Electoral), Justice María del Carmen Alanís.

The justices evaluated the case for two hours, considering whether any sanctions were necessary. They agreed that there is no specific penalty for the President, despite being subject to the responsibilities inherent in the position like any other public official. In a phone interview with *La Red de Radio Red*, President Calderón said, “I never alluded to a political party, I never alluded to the elections, independent of there not being federal elections, there are some, in various states. I never asked for the vote, much less made electoral references.” Calderón also said that even though he disagreed with the court’s interpretation, he respected their ruling.

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## ACCESS TO JUSTICE

### INTERNATIONAL MIGRATION

#### **Massacre of 72 Central American migrants rekindles criticisms of migration authority**

Representatives of the Casas del Migrante, a migrant advocacy organization, criticized Mexican authorities for ignoring four years of complaints of kidnappings and murders of Central and South American migrants at the hands of the Zetas criminal organization. The statement came a day after the revelation that soldiers had discovered the bodies of 72 migrants at a remote ranch in the northeastern state of Tamaulipas.

“We assert that the massacre committed against 58 migrant men and 14 migrant women is not an isolated event,” said Father Pedro Pantoja, a Casas del Migrante representative. The priest, who is also the director of the Belén Posada del Migrante de Saltillo, another migrant advocacy group, denounced the lack of will on the part of Mexico’s National Migration Institute (Instituto Nacional de Migración, INM) to accept the reality of systematic violations of the human rights of migrants passing through Mexico. Pantoja called for a “deep revision” of the INM’s policies to make the agency responsible for defending human rights. Last year, the National Human Rights Commission (CNDH) reported that more than 1,600 migrants, the majority of whom are from Central America, are kidnapped every month, a phenomenon that has been exacerbated by cartels diversifying their criminal activities – particularly the Zetas. The estimate was based on complaints made to the CNDH, along with interviews conducted in migrant centers across the country.

For its part, the INM reported that last year it rescued 812 migrants from 16 safe houses controlled by organized crime elements in Tamaulipas. INM Commissioner Cecilia Romero Castillo admitted that some INM agents have been found working with organized crime, adding that 30 are currently in prison, while 350 have been fired or are currently under investigation. She also said that this year alone Mexico has returned 43,500 undocumented migrants to their countries “to avoid these people from falling in the hands of [organized] crime.” It is estimated that 300,000 Central Americans cross into Mexico illegally en route to the United States.

Nevertheless, on August 15 the Interior Ministry (Secretaría de Gobernación, Segob) confirmed that INM Commissioner Romero Castillo had resigned from her position that she held since December 2006. During Romero’s tenure – in which she worked under three interior ministers – her office had come under fire for promoting harsh treatment at migrant detention centers, and immigration agents have been accused of abusing migrants along transit routes.

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## HUMAN RIGHTS

### **Future increases to Mérida Initiative appear likely, as are withholdings due to human rights concerns**

Nearing the end of the Mérida Initiative, the three-year-old, \$1.6-billion (USD) U.S. aid package to assist Mexico and some Central American and Caribbean countries in fighting drug trafficking, the Obama administration has said that it is considering substantially increasing funds for the program. While administration officials speaking to the *Los Angeles Times* on the condition of anonymity said that there are no current estimates as to the amounts of future funding requests, the security issues in Mexico are considered to be a "top administration priority." The Mexican press reported that the U.S. and Mexican governments agreed on the necessity of expanding the Mérida Initiative to address drug addiction in both countries. The Mérida Initiative has focused mainly on bolstering security and intelligence infrastructure in Mexico, although in recent months Obama administration officials directed the emphasis toward strengthening civilian law enforcement and fighting poverty. The announcement came after a meeting between Mexican Interior Minister Francisco Blake Mora; Gil Kerlikowske, Director of the Office of National Drug Control Policy for the Obama administration; and U.S. Ambassador to Mexico Carlos Pascual.

The news that the U.S. may step up funding for the Mérida Initiative came at the same time that the State Department informed Congress that it would withhold \$26 million (USD), citing concerns that Mexico has not done enough to improve its human rights record, particularly in protecting citizens from police and military abuse. While human rights groups have pressured the State Department since the initiative's inception to withhold funding, this is the first time that it has done so. Under the Mérida Initiative, 15% of the funds are contingent upon Mexico increasing accountability for police and soldiers committing abuses against civilians, requiring soldiers to be tried in civilian courts, and disallowing evidence and testimony obtained through mistreatment. U.S. officials have also expressed concern over providing millions of dollars worth of material to a government that continues to struggle with corruption.

In its report delivered to Congress on September 3, the State Department recommended releasing \$36 million from earlier budgets, but advocated for withholding 15% of the \$175 million allocated in the current budget. It also called on the Mexican Congress to pass legislation granting more power to the National Human Rights Commission and requiring that members of the military accused of human rights violations be subjected to civilian trials. In response, the Mexican government said that the statements and actions of the State Department were an affront to Mexico's sovereignty, and that they overlook the shared responsibility the two nations have to combat transnational organized crime.

Just three days following the State Department report to Congress, however, a 52 year-old man and his 15 year-old son were killed when soldiers fired on a family traveling in a single vehicle at a checkpoint in Monterrey, Nuevo León. It was the second erroneous fatal military attack on civilian vehicles in recent months – last April soldiers attacked an SUV in the outskirts of Matamoros with grenades and assault rifles, killing two boys, 9 and 5. Two other minors and three adults were also wounded in the attack. A woman wounded in the assault said that she and the other passengers were not aware that they were approaching an Army checkpoint until a military vehicle was pursuing them with soldiers firing. The Army has initiated an investigation into the incident. Meanwhile, it has recognized that soldiers mistakenly opened fire on civilians, though it maintains that the driver of the SUV ignored the checkpoint. Survivors and other witnesses to the event, however, deny that there was a checkpoint at all. Alejandro Poiré, a Calderón administration spokesman, said in a press conference that the Attorney General's Office is investigating the incident, as is the National Human Rights Commission. The occurrence of another fatal confrontation at a military checkpoint has led to calls for their removal from Mexican streets, although the government and military have stood behind the checkpoints, calling them a necessary measure in combating organized crime.

#### **SOURCES:**

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### **Parents of slain Finnish human rights activist demand justice from the Mexican government**

At a press conference accompanied by a representative of Amnesty International, the parents of Jyri Antero Jaakola, a Finnish human rights activist killed in April when gunmen attacked his caravan, demanded that the Mexican government step up its effort to solve their son's murder. Also killed in the attack was Alberta Cariño, a Mexican social activist. The caravan was delivering supplies to San Juan Copala, Oaxaca, a community largely cut off by armed conflict in the region, when it was attacked by paramilitary groups "with ties to state authorities," according to Amnesty International.

The parents, Eeva-Leena and Raimo Jaakkola, met with officials in the Attorney General's Office (Procuraduría General de la República, PGR), and with the governor-elect of Oaxaca, Gabino Cué. They have made it clear that their visit extends beyond the death of their son, and that they hope that a successful investigation will be "a step in changing the culture of impunity and guaranteeing security for indigenous communities and defenders of human rights." After nearly five months, no arrests have been made, and federal and state authorities have not indicated any advancements in investigating the incident.

The case also sheds light on the town of San Juan Copala, a town with little to no state presence, and where in 2007 the leftist group, Multi, had declared the town an autonomous municipality, precipitating violence in the area. San Juan Copala lies in the remote Triqui Baja region of Oaxaca's Sierra Mixteca, and is the site of long-standing territorial and political struggles that have claimed hundreds of lives. Survivors of the April attack on the humanitarian caravan blame Ubisort, the political faction opposing Multi in the region, and which some believe is allied with the federal government in doing so. Ubisort has rejected the accusations.

#### **SOURCES:**

Castillo, Eduardo. "Parents demand justice for Finn killed in Mexico." *Associated Press* Aug. 24, 2010.  
Gómez Mena, Carolina. "Padres del activista finlandés Jyri Jaakkola piden justicia." *La Jornada* Aug. 25, 2010.

### **International press groups pressure Mexican government regarding violence against journalists**

International press advocacy organizations have increased pressure on the Calderón administration to protect journalists and revise its public security strategy after the death of a journalist in Chihuahua in September and the wounding of a second. Luis Carlos Santiago Orozco, photographer for the newspaper, *El Diario*, was shot and killed in his car on September 16 in a mall parking lot in Ciudad Juárez. Orozco's colleague, Carlos Sánchez Colunga, was badly injured in the attack. Both were relatively new to *El Diario*, and according to the newspaper's director, had not received any threats prior to the attack.

While it was not clear whether the two were carrying out their work at the time of the attack, the organizations, Reporters Without Borders and the Inter-American Press Society (Sociedad Interamericana de Prensa, SIP), were quick to reprimand the Calderón administration for carrying out a public security strategy that continues to result in unsolved killings of journalists. According to Reporters Without Borders, 68 media professionals have been killed in Mexico since 2000. This year alone, nine journalists have been killed nationwide, while eight have disappeared – including six kidnapped in Tamaulipas in February and March.

Following the attack, Reporters Without Borders called on the Calderón administration to revise its strategy against impunity, which it said, "continues to be ineffective, as evidenced one more time by this tragedy." The organization echoed the recommendation made last month by the U.N. Special Rapporteur for Freedom of Expression Frank La Rue to provide journalists in Mexico with protections similar to those enjoyed by reporters working in conflict zones. SIP also recalled the November 13, 2008 assassination of *El Diario* crime reporter, José Armando Rodríguez, killed as he was driving his daughter to school. His murder remains unsolved. For its part, SIP called for a multilateral, international strategy for protecting

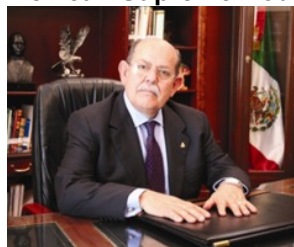
journalists, who in Mexico are facing violence resulting from a global process of organized crime proliferation. SIP's comments come in anticipation of a meeting scheduled for September 22 between President Calderón and members of SIP and the Committee to Protect Journalists.

Also pertaining to violence against journalists, in September a Televisa cameraman named Alejandro Hernández Pacheco, one of the four journalists kidnapped in Durango in July 2010, stated that he was seeking political asylum in the United States. Pacheco was accompanied by his attorney as he made the following statements from El Paso, Texas, "I am afraid of the cartels and the government, who took care of for only 20 days... they offered to relocate me, but the bad folks have contacts everywhere." Pacheco also said that he fears for his life after the Mexican government "exposed them [journalists]" too much following his release. He claims that they presented them to national and international media without prior notice and that it was not a part of the deal that both groups had agreed upon.

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"SIP tratará con Calderón violencia contra prensa." *EFE* Sep. 17, 2010.  
El Universal. "Camarógrafo de Televisa pide asilo en EU." *El Universal*. September 15, 2010.

### **Mexican Supreme Court Justice and judicial reform advocate dies of heart attack**



Mexican Supreme Court of Justice José de Jesús Gudiño Pelayo passed away this weekend after suffering a heart attack while on vacation in the city of London, England. He was 67-years-old at the time of his death. According to the online news source *W Radio* he had a history of health issues. In 2008 he had undergone open-heart surgery. Justice Pelayo supported the use of emergency contraception, legal recognition of transsexuals, and the rights of same-sex couples. He also recognized reporter Lydia Cacho as a victim of individual and fundamental rights violations and supported the decriminalization of abortion in the Federal District (Distrito Federal). In recent years, Justice Gudiño had emerged as a strong advocate for judicial reform, representing the high court on the federal level Coordinating Council for the Implementation of the Criminal Justice System (CCISJP), and also assumed the presidency of the First Chamber of the Court.

**SOURCES:**

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## **AROUND THE STATES**

### **GUANAJUATO**

#### **Guanajuato modifies sentencing guidelines for infanticide, amidst international pressure**



The Guanajuato Chamber of Deputies voted to modify article 156 of the state penal code to reduce the maximum sentence for certain cases of infanticide to three years in prison. The decision follows a number of stories in the local and national press last month detailing the situation of six women currently serving up to 25 years in prison after claiming to have suffered spontaneous abortions. They were charged with infanticide (homicidio en razón de parentesco), and were sentenced to the maximum of 30 years in prison before having their sentences reduced. Governor Juan Manuel Oliva's recommendation to Congress to modify the penal code appears to have come in response to statements made by the United Nations and the state Human Rights Commission.

According to the new law, women suffering from psychosis who kill their children within 24 hours of giving birth will be sentenced to a maximum of three years in prison. All other cases of infanticide will remain punishable by 25 to 30 years in prison. As a result, seven women, all having served between five and eight years of their sentences, were released from two Guanajuato prisons on September 8. In celebrating their release, Hortensia Aragón, secretary general of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), said, "their freedom constitutes an important step in the defense of human

rights in Mexico, even though the persecution and criminalization of women who seek to freely make decisions about their bodies, including abortion, persists in the legislation of Guanajuato and in the majority of local laws of our country.” She pointed out that in Guanajuato alone there are 166 women currently facing investigation on suspicion of having elective abortions and 30 currently serving prison sentences.

Critics of local anti-abortion laws across the nation criticize them not only for criminalizing women, but also poverty. As *El Universal* pointed out in an article from last month, women who face investigation on abortion-related charges tend to be poor, with little education or knowledge of contraception or their own reproductive cycles.

**SOURCES:**

Pérez-Stadelmann, Cristina. “Guanajuato: El alto costo de ser una mujer pobre.” *El Universal* Aug. 8, 2010.  
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Reséndiz, Francisco. “PRD festeja liberación de mujeres en Guanajuato.” *El Universal* Sep. 8, 2010.

### **Guanajuato Congress approves new justice sector reforms to be completed in 2015**

In August, Guanajuato’s Congress approved sweeping justice sector reforms, making Guanajuato the eighth Mexican state to do so, behind Chihuahua, Nuevo León, Oaxaca, Zacatecas, Durango, Baja California, and Mexico State. Aside from the movement to an accusatorial justice system based around a professionalized police force, oral trials, and adherence to human rights standards, Guanajuato’s new justice system will also include a provision requiring that indigenous defendants be subjected to trials that adhere to their rites and customs in the cases of misdemeanor (fuero común) offenses. The final version of the law also authorizes investigators to use wiretaps on suspects with the prior approval of a judge, as well as electronic monitoring devices for some defendants awaiting trial. Pretrial detention is often cited as a leading cause of prison overpopulation.

Guanajuato’s reforms will be applied regionally, beginning in 2011 and reaching completion in 2015 – a year prior to the deadline set by Mexico’s Congress upon passing its constitutional reforms in March 2008. The process will begin September 1 of next year in the northeast region of the state with its seat in San Miguel de Allende and will continue January 1, 2013 in the Irapuato region. In January 2014 the reforms are planned to go into effect in the Celaya region, and finally in the León region in January 2015.

**SOURCES:**

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Valadez, Yara. “Aprueban Ley que legitima juicios orales.” *El Sol de León* Aug. 27, 2010.

## **CHIHUAHUA**

### **Chihuahua’s Congress votes to restructure Attorney General’s Office**



Chihuahua’s Congress approved a packet of reforms to create a new State Attorney General’s office (Fiscalía General del Estado), combining the current state Attorney General’s Office (Procuraduría General de Justicia del Estado, PGJE), the Public Security Secretariat (Secretaría de Seguridad Pública estatal, SSPE), and the Ministerial and Preventative police forces (policías Ministerial y Preventiva – Cipol). The unification of the Cipol and PGJE required modification of ten laws, as well as altering the state penal code to reflect the new agency name.

Among the modifications made, there were changes to the text of article 121 of the State Constitution that establishes that the office of the State Attorney General would have to be approved by two-thirds of the Chihuahua Congress from a short list of candidates proposed by the governor. The residency prerequisite was also modified so that the charge of the Attorney General no longer has to be appointed to a resident of Chihuahua. However, in order to be appointed, one must be a Mexican citizen, be at least thirty years old, be a lawyer, and have a minimum of five years experience in the practice of the profession.

The coordinator of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) in the state Congress, Fernando Rodríguez Moreno, explained that the homologation of the Cipol and Ministerial

Police is what will be known as the “Policía Única” (unified police), noting that although the municipal police will not be integrated at this time, when the federal model for police unification is available the Congress will then determine how to do so.

**SOURCES:**

El Diario de Chihuahua. “Fusionan Procuraduría estatal y Cipol en una Fiscalía General.” 09 Septiembre, 2010.  
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## FEDERAL DISTRICT

### DF Supreme Court president warns of under-funded justice reforms



Édgar Elías Azar, president of the Federal District Supreme Court (Tribunal Superior del Distrito Federal, TSJDF), warned that the primary obstacle to justice reform in Mexico’s capital is not personnel training, but rather a lack of adequate infrastructure resulting from drastic under-funding. He pointed out that Chile, with roughly the same population as the Federal District, required the equivalent of around \$8 billion (MEX). In explaining his position of increasing funds, Azar stated, “I don’t know where the resources are going to come from, but what I do know is that the TSJDF is different from [the rest of the state Supreme Courts], and the fact that it is in the capital of the nation with a population of between 13 and 20 million inhabitants means that the federal government is obligated to help us.”

Despite Azar’s concerns, the TSJDF predicts that oral trials will be in effect in the Federal District within three years - three years before the date mandated by the Mexican Congress in its 2008 justice reform package. The first step toward reforms in the Federal District will be the application of oral trials for adolescents, which is expected by the middle of 2011.

**SOURCES:**

Bolaños, Claudia. “En 3 años, los juicios orales.” *El Universal* Jul. 4, 2010.  
Martínez, Fernando. “Falta dinero para reforma penal en DF.” *El Universal* Sep. 7, 2010.

## BAJA CALIFORNIA

### Trans-Border Institute: Mexicali lawyers begin oral advocacy training program

In the effort to build training capacity for the operation of Mexico’s new judicial system, a group of 30 Mexican lawyers and law professors from Baja California participated in a new, bi-national training program initiated by the School of Law and the Trans-Border Institute of the University of San Diego (USD) and the Universidad Autónoma de Baja California (UABC).

The northern border state adjacent to the U.S. state of California, Baja California approved judicial system reforms in October 2007, and the new system became active for criminal cases on August 11, 2010 in the

**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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judicial district of Mexicali. The reforms are scheduled to become active in the judicial district of Ensenada later this year, and in the states other three judicial districts (Rosarito, Tecate, and Tijuana) in 2011.

The USD-UABC training program provides training to help practitioners, law professors, and law students prepare to operate this new system, and promote cross-border legal exchanges in the San Diego-Baja California region. The two-day seminar initiated on Friday is the first series of trainings specifically directed to law professors and lawyers who will serve as trainers in law classrooms and in future trainings.

This program one of five such initiatives presently supported by the U.S. Agency for International Development (USAID) and Higher Education for Development (HED), including other partnerships between: Southwestern Law School and the Tecnológico de Monterrey (ITESM); Universidad de Nuevo León and Universidad Nacional Autónoma de México; Emory University and Universidad Panamericana; and Chicago Kent College Law School at the Illinois Institute of Technology (IIT) and the Tecnológico de Monterrey (ITESM).

The USD-UABC bi-national legal education program includes other exchanges and forums, including two scholarships for UABC law students to obtain a masters degree from the USD School of Law, a major international conference, and recent presentations by Mexican Supreme Court Justice José Ramon Cossío, Human Rights Lawyer Miguel Sarre, and Chihuahua Judge Hector Talamantes. Future trainings and exchanges are contemplated through Spring 2012.