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MONTHLY SUMMARY

Cartel-related killings up slightly in October after a four-week lull • César Duarte is inaugurated as Governor in Chihuahua • Attacks continue against mayors throughout Mexico • Tijuana attempts to reinvent its image amidst recent downturn in violence • Federal Police make several high-profile arrests • Department of Justice report details inefficiencies of Project Gunrunner • Kidnapping legislation passes in both chambers of Congress • Corruption in the Electricity Commission examined • Transparency studies reveal gaps at local, state, and federal levels • Senate urges transparency in upcoming discussions of Supreme Court Justice replacement • Businesses and government to be held accountable for better management of personal data • Local border governments demand greater accountability from federal roads agency • Federal government responds to HR Court's ruling for change of military justice system • All but one arrested in El Michoacanazo freed • Journalists and social activists continue to face insecurity and violence • Chihuahua Congress approves life sentence for certain kidnappers • Preparations for a unified police force underway in Aguascalientes •

LAW AND ORDER

CARTEL-RELATED VIOLENCE

Cartel-related killings up slightly in October after a four-week lull

According to *Grupo Reforma's* running tally of cartel-related murders, or *ejecuciones*, such killings are up slightly nationwide over the past four weeks as compared to the previous month. Between September 25 and October 22, there was an average of 224.5 *ejecuciones* per week, as compared to 213 over the previous four-week period. The nationwide total currently stands at 9,568, and with 10 weeks remaining in 2010, the number will easily surpass 10,000 for the year if the current rate is sustained. This compares with just over 5,200 *ejecuciones* at roughly the same point last year.

Northern border states account for slightly more of the nationwide total than at the end of last year, at 47%, as compared to 43% for 2009. This is largely due to sustained violence in Chihuahua, which has already surpassed its 2009 total by nearly 30%, with 2,670 cartel-related killings. The turf battle between the Zetas and the Gulf cartel in Tamaulipas and Nuevo León also contribute this number, with 644 and 509 *ejecuciones*, respectively, so far this year, as compared to 49 and 99 in all of 2009. Baja California seems to be an exception to the general upswing in violence among northern border states, with 249 *ejecuciones* in 2010, as compared to 216 at the same point last year, and 320 for all of 2009.

Among non-border states, Sinaloa has seen the highest levels of violence at this point in 2010, with 1,759 *ejecuciones*, already more than double its total of 767 last year. Durango, the third state forming the “golden triangle” region that also includes Sinaloa and Chihuahua, also appears likely to exceed its 2009 total with 680 *ejecuciones*. Guerrero, which, like Durango, saw an escalation in cartel-related violence last year over the previous, has accumulated 697 *ejecuciones*, already surpassing its total of 639 for 2009. North of Guerrero, also on the Pacific coast, Jalisco and Nayarit have seen substantial increases in violence largely as a result of infighting between remaining factions of the Beltrán Leyva cartel after its leader Arturo was killed in Cuernavaca last December. Jalisco has accumulated 396 *ejecuciones* on the year, up from 212 in 2009, while Nayarit has 155, up from 22 in 2009.

Alejandro Poiré, technical secretary of the National Security Council (Consejo de Seguridad Nacional, CSN), said that the number of *ejecuciones* stabilized between July and August of this year, and dropped slightly in September, consistent with analysis of *Reforma’s* data presented in last month’s Justice in Mexico News Report. Poiré said that while in June, July and August *ejecuciones* remained stable at an average of 49 per day, the number dropped to 36 for the month of September through the 24th. He announced that the data came as part of a commitment by the federal government to make its public security data more available and transparent to the public. During public statements on September 29, Poiré said that government officials and civil groups are working together to measure homicides committed by organized crime groups in the hopes of improving the government’s system for gathering such data. The civil groups involved will be the Seguridad Pública en México, represented by Arturo Arango and Cristina Lara, and México Unido contra la Delincuencia, represented by Eduardo Gallo. Poiré said that the group has committed to releasing a report on its findings in November.

In the meantime, recent drug violence has increasingly targeted public officials, minors, and recovering addicts. As discussed later in this report, the number of mayors and mayors-elect assassinated has grown dramatically this year, and non-governmental organizations recently reported that 1,200 minors have been killed since 2006. Underscoring this last point, as this report came to press, Mexico experienced a wave of apparently unrelated incidents involving attacks by gunmen in different parts of the country, including the massacre of 14 youths (ages 16-25) at a birthday party in Ciudad Juárez on Friday, Oct. 22; the massacre of 13 people (ages 19-56) at a drug rehabilitation center in Tijuana on Sunday, Oct. 24; the massacre of 15 people at a carwash in Tepic, Nayarit, including several recovering addicts who worked there, on Wednesday, Oct. 27; as well as the massacre of seven youths in the Morelos neighborhood of the Cuauhtémoc Delegation in Mexico City, also on Wednesday, Oct. 27.

SOURCES:

- “Revisarán en México sistema de recuento de muertes asociadas al narcotráfico.” *Agencia EFE* Sept. 29, 2010.
- Mejía, José Gerardo. “Se estabilizan asesinatos; hay mil al mes, dice Poiré.” *El Universal* Sept. 30, 2010.
- “Ejecutómetro 2010.” *Grupo Reforma*. Accessed Oct. 24, 2010.
- Archibold, Randal C. “Massacre in Tijuana Recalls Worst Era.” *The New York Times*. Oct. 25, 2010.
- “NGOs: Mexico Violence Claims 1,200 minors,” <http://mexicoinstitute.wordpress.com>. Accessed Oct. 27, 2010.
- “En el DF, la cuarta masacre de jóvenes.” *El Universal*. Oct. 28, 2010.

César Duarte in Juárez

Chihuahua Governor César Duarte Jáquez of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), was inaugurated on October 4. The former federal deputy from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) has pledged to restore order to the state – particularly Ciudad Juárez, presenting plans for new social programs and a unified police force in line with

the proposal that President Calderón has sent to the Senate. At his inauguration on October 4, Duarte was protected under heavy security provided by the Federal Police and the Mexican Army, in light of the September 14 death of his nephew Humberto Medina Velo, who was killed as he resisted his attempted kidnappers at his father's business.

Governor Duarte announced his cabinet two days prior to his October 4 inauguration. Duarte, who replaced José Reyes Baeza, also of the PRI, named attorney Carlos Manuel Salas to the helm of the General Prosecutor (Fiscalía General), the product of the recent merging of the state Attorney General's Office and the state Public Security Secretariat. Salas was the delegate for the federal Attorney General's Office in Ciudad Juárez, as well as the chief of anti-narcotics policy for Coello Trejo, assistant attorney general in Carlos Salinas' government. He was also part of former federal police Chief Elías Ramírez' team in Chihuahua during the 1980s, a period marred by allegations of human rights abuses. Duarte said that the birth of the General Prosecutor is the first step in a new cleansing process of the state's police forces.

Salas will also oversee the planned unified police force, which Duarte has said will go into effect within a year. Duarte is reportedly in the process of meeting with mayors from the state's 67 municipalities to discuss the integration process. For his part, newly elected Juárez Mayor Héctor Murguía Lardizábal said that the model will only work if police officers are given good salaries, scholarships for their children, and dignified living conditions. In charge of the new state corporation that will fuse the state's ministerial police (policía ministerial) and the Center of Police Intelligence (Centro de Inteligencia Policial) in forming the unified police force will be Division General Julián David Rivera Betrón, who was given command of the Ciudad Juárez municipal police force at the beginning of *Operación Conjunta Chihuahua*, which saw 7,000 soldiers patrolling Juárez streets beginning in March 2008.



Gov. Cesar Duarte

While Duarte lays out long-term public security and social development projects, Chihuahua continues to face immediate security issues. Violence in the state, particularly in Ciudad Juárez, continues to occur on a large scale. On October 22, at least 13 young people between 14 and 20 years of age were shot to death at a party in Juárez. Spokesman for the state Attorney General's Office Fidel Bañuelos said that the gunmen arrived at the scene at about 11:00 p.m. in three vehicles, and opened fire. In addition to the 13 killed, 15 were wounded, including a 9-year-old boy. Police found 70 bullet casings originating from assault rifles, usually attributed to organized crime. The previous Sunday, gunmen killed seven at a family party and two others at a neighboring home. There are no known suspects in either case, and no arrests have been made. Between March 2009 and the present there have been seven massacres statewide resulting in more than 100 deaths. Of those, 80% of the victims were 18 years of age or younger.

Chihuahua's prisons also continue to face pressure from swelling high-risk populations, which spread outside of prison walls on October 13, when six guards of the Aquiles Serdán state prison were ambushed and executed in the northern zone of the state capital. Among the dead was the security coordinator of the prison, who the remaining men were reportedly escorting to work. Initial investigations suggest that the attack was a reprisal by a gang vying for control of the prison. In response to the killings, 80 prison guards refused to report to work, demanding improved work conditions and security. More than half of the state's prison population is federal prisoners, according to a recent report by the now-defunct state Public Security Secretariat. The Ciudad Juárez municipal jail currently holds 675 prisoners charged with federal crimes, making up 57% of its population. It is also currently at 148% of its capacity. In the state prison in Chihuahua City, 66% of its 2,273 prisoners are charged with federal crimes. According to the aforementioned report as well as the state Attorney General's Office, a substantial percentage of crimes committed in the state originate from within jails and prisons, including an estimated 30% of extortions.

SOURCES:

Breach, M. and R. Villalpando. "César Duarte quiere militarizar la seguridad pública en Chihuahua." *La Jornada* Oct. 3, 2010.
Breach Velducea, Miroslava. "Recuperar orden, paz y desarrollo, retos en Chihuahua: César Duarte." *La Jornada* Oct. 5, 2010.
Silva, Mario Héctor. "Nace Fiscalía General del Estado en Chihuahua." *El Universal* Oct. 6, 2010.
"Chihuahua inicia la formación de una policía estatal de mando único." *CNN México* Oct. 6, 2010.
"...Pero Policía Única tardará un año, advierte el gobernador." *El Diario* Oct. 13, 2010.
"Ejecutan a seis custodios del penal estatal Aquiles Serdán, de Chihuahua." *La Jornada* Oct. 14, 2010.
"Ordenan 30% de crímenes desde reclusorios." *El Heraldo de Chihuahua* Oct. 17, 2010.
Castillo García, Gustavo. "En 20 meses se han cometido siete masacres en el estado de Chihuahua." *La Jornada* Oct. 24, 2010.

ASSASSINATIONS

Attacks continue against mayors throughout Mexico

Mayors and mayors-elect continue to be targets of assassination throughout the country. With three killed during the current reporting period, the total number of mayors and mayors-elect assassinated in 2010 has reached into the double-digits at 12. The majority of the killings are believed to have been carried out by organized crime. The mayors are largely from small towns, which cartels have come to rely upon for stashing weapons, drugs, and kidnapping victims.

On September 24, Ricardo Solís, mayor-elect of Gran Morelos, Chihuahua, was shot, the second mayor to be targeted in northern Mexico in less than 48 hours. Solís, though critically injured, managed to survive the assassination attempt. The attack on Solís on the Chihuahua-Cuauhtemoc highway came just two days after Prisciliano Rodríguez, mayor of Doctor González, Nuevo León, was shot and killed near his home. In western Michoacán, Gustavo Sánchez Cervantes, who was named president of the Tancítaro City Council (presidente del Concejo Municipal de Tancítaro) last December after the local government resigned under pressure from organized crime, was murdered along with his secretary, Councilman Rafael Equihua. Their bodies were found on September 27 near the town of Angahua in a ditch off of the Uruapan-Los Reyes highway. Ten meters away authorities found the white Lobo pick-up truck they were traveling in. According to state police investigators, Cervantes and Equihua had been stoned to death. Authorities also said that there are no indications that the crime is related to drug trafficking, despite Tacíntaro being one of the operating grounds for the La Familia Michoacana drug cartel. Furthermore, in January, Sánchez dismissed 60 municipal police officers for irregularities.

On the evening of October 8, the mayor-elect of Mártires de Tacubaya, Oaxaca, was assassinated as he returned home to his farm. Antonio Jiménez Baños, 47, of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) was set to take charge January 1, 2011 and at the time of his killing was a university professor. Local authorities have said that witnesses reported an altercation between Jiménez and the suspected gunman prior to the killing, leading them to believe that the attack was personal, and not politically motivated. On October 18, authorities arrested Claudio Montaban Castellanos for the murder and interned him in the San Pedro Pochutla prison when he was not able to prove his innocence within the 72-hour period granted by the constitution.

In the state of Tamaulipas, where the mayor of Hidalgo was assassinated in August of this year, state authorities acknowledged on October 18 that the mayor-elect of Cruillas, José Felipe García García had disappeared five days earlier. Officials in the governor's office and the state Attorney General's Office said that they were aware of the disappearance – said to have occurred as the mayor-elect traveled with a nephew and another passenger to Cruillas – but that the family had not yet formally reported the disappearance, which would subsequently initiate an investigation.

The general secretary of the government of Tamaulipas, Hugo Andrés Araujo de la Torre, recognized that for security reasons, several Tamaulipas mayors have moved to the United States amidst the recent upsurge in violence in that state. However, he noted that those who have moved to the U.S. return during the day to work in their respective municipal offices; that "they are fulfilling their tasks in their municipality...and they decide where to sleep." The secretary also denied that there was a state of "ungovernability" in Tamaulipas. He said that they were "... looking for those mayors [to be able to] count on conditions of security so that they can continue realizing their function correctly and we are insisting that the task is fulfilled."

According to a compilation of data on the *Terra* website, 18 municipal mayors have been assassinated in the course of the current administration: 3 in Chihuahua, Michoacán and Durango, respectively; 2 in Guerrero, Nuevo León and Oaxaca; and 1 in the Estado de México, San Luis Potosí and Tamaulipas. The political party that has suffered the most executions is the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI). Twelve of the 18 mayors assassinated were PRI members; three were members of the National Action Party (Partido Acción Nacional, PAN), one was a member of the Democratic Revolution Party (Partido de la Revolución Democrática, PRD). Eleven of the eighteen mayors were assassinated between February 17th and September 27th of this year. Of these, five have been killed within the past month and a half.

Mayors assassinated between February 17th and September 27th of this year:

- Gustavo Sánchez of Tancítaro, Michoacán (09/25)
- Prisciliano Rodríguez of Doctor González, Nuevo León (09/23)
- Alexander López of El Naranjo, San Luis Potosí (09/08)
- Marco Antonio Leal of Hidalgo, Tamaulipas (08/29)
- Edelmiro Cavazos of Santiago, Nuevo León (Between 08/15 and 08/18)
- Nicolás García Ambrosio, of Santo Domingo de Morelos, Oaxaca (06/30)
- Óscar Venancio Rivera, of San José del Progreso, Oaxaca (06/20)
- Jesús Manuel Lara Rodríguez, of Guadalupe, Chihuahua (06/19)
- José Santiago Agustín, of Zapotitlán Tablas, Guerrero (04/28)
- Manuel Estrada, of El Mezquital, Hidalgo (02/22)
- Ramón Mendivil Sotelo, of Guadalupe y Calvo, Chihuahua (02/17)

SOURCES:

- Rodríguez, Olga R. "Small-town mayors targeted by Mexican drug gangs." *Associated Press* Sept. 24, 2010.
- Zuckermann, Leo. "Matazón de alcaldes." *Excelsior* Sept. 29, 2010.
- "Se mudan alcaldes de Tamaulipas a EU por inseguridad." *Notimex* Sept. 27, 2010.
- Alvarez, Lupita. "Alcaldes fronterizos huyen a Estados Unidos." *EnLíneaDirecta* Sept. 27, 2010.
- "Barbaridad", el asesinato de alcaldes en México: EUA." *Notimex* Sept. 24, 2010.
- "Otro alcalde víctima de atentado en México." *Prensa Latina* Sept. 25, 2010.
- "Asesinan a pedradas a un alcalde en México, el undécimo este año." *ABC International*. Sept. 18, 2010.
- "Torturan y matan a otro edil, ahora en Michoacán." *Reforma* Sept. 28, 2010.
- Castillo, Elly. "Matan a pedradas a alcalde y a concejal de Tancítaro." *El Universal* Sept. 28, 2010.
- Rodríguez, Oscar. "Asesinan a otro alcalde; ya van 12." *Milenio* Oct. 10, 2010.
- "Reportan desaparición del alcalde electo de Cruillas, Tamaulipas." *La Jornada* Oct. 18, 2010.
- "Detienen a sospechoso de ordenar la muerte de edil electo en Oaxaca." *NSS Oaxaca* Oct. 21, 2010.

PUBLIC SECURITY STRATEGY

Tijuana attempting to reinvent itself amidst recent downturn in violence

A group of citizens led by businessman José Galicot has undertaken a project called Tijuana Innovadora (Innovative Tijuana), meant to improve the image of the city, once a hotspot in the battle between drug trafficking organizations and the Mexican state. The event has drawn scores of international businesspeople and attention. The aim of the campaign has been to spark tourism and investment in the region – which has seen measurable declines amidst escalated cartel-related violence over the past four years and has been exacerbated by the more-recent economic downturn. However, the citizen-sponsored event has also served as a venue for local and national politicians to claim policy successes.

Tijuana Mayor José Reyes seized the opportunity to tout advancements made in police reform in the city, giving much of the credit to the Tijuana police chief and former Army colonel Julián Leyzaola Pérez and his aggressive campaign to remove corrupt elements from the much-maligned municipal police. Leyzaola has received substantial praise from the Mexican and U.S. governments, but his aggressive tactics have drawn harsh criticism from human rights groups, as well as from former police officers who claim that they were forced to admit to involvement with organized crime groups under the duress of torture and threats against their families. In a recent article in *The New Yorker*, William Finnegan portrays Leyzaola as a cowboy figure who has made Tijuana a city where police officers will think twice about extorting a motorist or a tourist for fear of retribution, but possibly at the expense of some police officers falsely accused or

providing forced confessions. For his part, Leyzaola says that his force is 95% clean, and that none are working directly for the drug cartels, as happened in the past.

While Leyzaola and his heavy-handed tactics receive credit from some for the improved public security situation in Tijuana, many believe that violence in Tijuana and elsewhere has ebbed and flowed as a result of conflicts between drug trafficking organizations, more or less unaffected by law enforcement efforts. The recent relative drop in cartel executions has not likely coincided with a drop in the flow of drugs through the region, but rather, the remnants of the Arellano-Felix organization and the Sinaloa cartel are believed to be sharing the lucrative Tijuana-San Diego corridor relatively amicably. Nevertheless, Tijuana officials were quick to seize on the recent record 105-ton marijuana seizure carried out by city police as a sign that the force is capable of combating cartel presence in the city, and worthy of the public's trust. General Alfonso Duarte Mújica, in charge of military operations in the region, echoed the praise.

President Calderón's presence at the ceremony commemorating the start of *Tijuana Innovadora* – as well as the extended applause when he mentioned General Alfonso Duarte Mújica, the general in charge of military operations in Baja California – was a reminder that Tijuana was one of the first sites for troop deployments that started when he took office in late 2006. Yet Chihuahua and Ciudad Juárez in particular, have only worsened since major military deployments in early 2008. Tamaulipas, also a site of early troop deployments, is flaring up again after more than two years of relative calm. Baja California has seen a substantial decrease in cartel-related killings over the past two years, an accomplishment that many in Tijuana attribute to the military, which has made the majority of arrests and drug seizures during their presence there. In 2008, when Teodoro "El Teo" García Simental, in cooperation with the Sinaloa cartel, was engaged with the remains of the Arellano-Félix cartel in a vicious battle over the lucrative Tijuana trafficking corridor, there were 604 cartel-related killings in Baja California, a number that was nearly cut in half the following year, according to *Grupo Reforma's* running tally of cartel-related killings. As of October 22, there were 249 *ejecuciones* statewide, with 10 weeks remaining in the year.

There has been a recent wave of violence in Tijuana reported in the press, however, and city officials have been quick in their response to minimize its significance to the city's overall public security situation. Assistant Attorney General for Organized Crime Fermín Gómez Gómez said that the violence is a result of turf battles between street dealers remaining from Teodoro García Simental's organization and dealers connected to that of Fernando Sánchez Arellano, "The Engineer." While expressing concern over recent violence – particularly a spate of killings that occurred over the weekend of October 9-10, Gómez said that the groups carrying out the killings are not consolidated or funded well enough to engage in "acts of high impact."

A delegation of 12 government officials, businessmen and CEOs of maquiladoras from Ciudad Juárez will travel to Tijuana to meet with Mayor José Reyes and Chief of Police Leyzaola Pérez, in an effort to follow the model of Tijuana's strategies in their own embattled city in order to lower crime rates there as well. A year ago, U.S. Ambassador to Mexico Carlos Pascual suggested that Tijuana was a model that Juárez should emulate. Juárez businessmen have also said that they wish to hold an event similar to *Tijuana Innovadora*, highlighting a positive business climate in the city, and have even suggested calling it *Juárez Innovadora*.

SOURCES:

- Cruz, Nestor. "Confiable 95% de policías: Leyzaola." *El Sol de Tijuana* Oct. 5, 2010.
"Caso Cerrado Innovadora." *El Siglo de Durango* Oct. 11, 2010.
Martínez, Julieta. "Narcomenudeo repunta violencia en Tijuana." *El Universal* Oct. 13, 2010.
Finnegan, William. "In the Name of the Law." *The New Yorker* Oct. 18, 2010.
Isackson, Amy. "Record 105 Ton Marijuana Seizure in Tijuana." *KPBS* Oct. 18, 2010.
Gómez Licón, Adriana. "Juárez delegation to learn how Tijuana fights crime." *El Paso Times* Oct. 23, 2010.

Federal police make several high-profile arrests, as public security secretary faces harsh criticism from Congress

On September 25, federal agents in Zapopan, Jalisco detained Margarito Soto Reyes, "El Tigre," believed to be the principal distributor of drugs there, as well as the successor to Ignacio Coronel Villarreal, the Sinaloa cartel operative killed by the Mexican Army on July 29. According to Mexican intelligence reports,

Soto Reyes took over the trade route known as the “South Pacific” (*Pacífico Sur*), as well as “Nacho” Coronel’s network of suppliers of precursor chemicals and purchasers of synthetic drugs. Eight others were also detained, including Juan Pedro Mora Mora, alleged to be in charge of purchasing and distributing precursor chemicals for Soto Reyes, as well as Martín Terrazas Leyva, believed to be in charge of logistics and security for El Tigre. Soto Reyes is currently under *arraigo*, the 40-day detention period pending charges, reserved for organized crime suspects.

On October 21, the Federal Police presented Fernando Contreras Meraz, along with 13 other presumed members of the *La Línea* criminal group, the armed faction of the Juárez cartel. Contreras Meraz is believed to have been the mastermind behind the July 15 car bombing in Ciudad Juárez. He is the seventh person arrested in connection with the attack, and officials say that he coordinated and supervised the bombing, and also detonated the explosives with a cell phone. In a press conference, Luis Cárdenas Palomino, coordinator of regional security for the Federal Police, said that with these and previous arrests *La Línea* had been “practically dismantled” and that it was the first occasion in which authorities have succeeded in “disintegrated[ing] a cartel from the bottom up.”

Such detentions, however, do not translate to success in the eyes of many, including federal legislators. In an appearance before the Chamber of Deputies on September 27, lawmakers from all parties criticized Public Security Secretary Genaro García Luna for a public security strategy they characterized as awkward, blind, and erratic. For almost four hours, García Luna endured a barrage of criticism, including of the Federal Police’s practice of parading suspected cartel members in front of the media, deeming it an attempt to distract the public’s attention away from less favorable indicators, such as the rising death toll, and low rate of prosecution of cartel-related crimes. Often times the suspects’ exact alleged roles in their respective cartels are unclear, as with the overall significance of individual operations, as was the case with 30 suspected Gulf cartel members arrested in late September in two days of raids by the Mexican Navy in Tamaulipas, in which more than 50 guns, two shoulder-fired rocket launchers, and 21 grenades were also seized. Legislators also drilled the public security secretary over his home, valued at \$20 million (MEX), as well as other personal accusations, such as alleged ties to organized crime, and a personal role in the 2009 departure of Attorney General Eduardo Medina Mora. He faced criticism for failing to protect public officials, with reference to the recent wave of mayoral assassinations.

SOURCES:

Méndez, Alfredo and Enrique Méndez. “Enfrenta García Luna cascada de acusaciones de diputados.” *La Jornada* Sept. 28, 2010.
Castillo, Eduardo E. “30 Gulf cartel suspects captured in north Mexico.” *Associated Press* Sept. 29, 2010.
“Arraigan a ‘El Tigre’, presunto sucesor de ‘Nacho’ Coronel.” *El Informador* Sept. 23, 2010.
de la Luz González, María. “Cae *El Dorado*, activó coche bomba en Juárez.” *El Universal* Oct. 21, 2010.

WEAPONS TRAFFICKING

Department of Justice Inspector General draft report details inefficiencies of Project Gunrunner

According to a draft report obtained by NBC, Project Gunrunner, the Justice Department program intended to reduce the southbound flow of firearms into Mexico, has been limited by bureaucratic wrangling and a resulting failure to share information between relevant agencies. The draft report by the Justice Department’s Office of Inspector General came on the heels of an announcement by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Deputy Director Kenneth Melson that a short-term influx of agents into Arizona as part of the program had netted seizures of 1,300 illegal firearms and 71,000 rounds of ammunition he said were bound for Mexican drug cartels.

The report particularly criticizes the ATF for failing to share pertinent information with other agencies, namely the Department of Homeland Security’s Immigration and Customs Enforcement (ICE). It said that the two agencies “do not work well” together, and “rarely conduct joint investigations,” resulting in information that could potentially lead to arrests and prosecutions of suspected gun smugglers not being fully realized. The Inspector General’s report also indicates communication breakdowns within the ATF. ATF officials at the Mexico City office told the Inspector General’s investigators that the office receives little support from the Southwest border field division offices in handling the backlog of requests from Mexican officials for information about guns seized in the country and suspected U.S.-side “straw buyers.” An ATF

official in Mexico City was also quoted in the report as saying that the Southwest border field divisions do not communicate with each other either.

The report faults the ATF for misdirecting its efforts, focusing primarily on low-level straw buyers, which comprise about 70% of Gunrunner defendants. When asked about the apparent hesitancy to pursue more complicated investigations into higher-level weapons traffickers, one division chief said that he preferred his agents to pursue cases that could be resolved within a month, rather than involving surveillance, wiretap, and other methods typical of more complicated conspiracy cases.

After the report was leaked, an ATF spokesman in Washington said he was not able to respond to the criticisms as it was only a “working draft.” A senior ATF official, though, speaking on the condition of anonymity, blamed a lack of funding from Congress and lax gun laws for the program’s shortcomings. The agency faces a possible further setback in its abilities to regulate gun sales in the form of legislation currently being considered by Congress, known as the “Reform and Modernization Act” – backed by the National Rifle Association – that could weaken the bureau’s power to sanction errant weapons dealers selling firearms to straw buyers contracted by Mexican drug cartels. The agency has also suffered from administrative deficiencies. Deputy Director Melson has served as the de facto chief of the ATF since last year, due to the Obama Administration’s failure to appoint a director to the bureau, which some believe is due to fear that any candidate for the job would draw heavy criticism from the powerful gun lobby. Some agency officials have complained that the lack of a president-nominated director has rendered the agency incapable of making major decisions and of influencing weapons policy within the administration.

Apparently in response to the Inspector General’s report, the ATF has issued a revised strategy built around targeting cartel networks within the United States, as well as “corrupt” firearms dealers working for specific Mexican cartels. The new strategy de-prioritizes low-level straw buyers, calling on agents to employ more sophisticated investigative methods that the ATF was criticized in the Inspector General’s report for eschewing, as well as enhancing cooperation with other federal agencies such as the Drug Enforcement Administration.

Roughly two weeks after the Inspector General’s draft report was leaked to the press, the U.S. and Mexican governments announced an agreement under which Mexican officials will gain access to E-TRACE, a new system to trace illegal weapons seized in Mexico. The agreement also commits \$2.9 million (USD) to combat money laundering, made public by Lanny Breuer, assistant attorney general for the Criminal Division of the U.S. Department of Justice and Arturo Chávez Chávez, Mexico’s attorney general. According to U.S. Mexican Ambassador Carlos Pascual, the funds represent a portion of a \$19.6 million (USD) seizure resulting from a money laundering raid carried out by U.S. and Mexican authorities against currency exchange operations. ATF Deputy Director Melson said that the agreement signifies unification between the ATF and Mexico’s Attorney General’s Office (Procuraduría de la República, PGR) in the fight to curb Mexican drug cartels.

SOURCES:

- Isikoff, Michael. “U.S. bid to stem flow of weapons to Mexico cartels misfires.” *NBC News* Sept. 21, 2010.
- Isikoff, Michael. “ATF targets gun dealers to stem sales to Mexican cartels.” *MSNBC* Sept. 24, 2010.
- Otero, Silvia. “PGR rastreará armas con ayuda del E-Trace.” *El Universal* Oct. 6, 2010.

KIDNAPPING

Kidnapping legislation passes in both chambers of Congress at long last

Both chambers of the Mexican Congress have approved new kidnapping legislation that establishes national sentencing guidelines, provisions for reparations for families of victims, as well as a fund for providing assistance to victims, among other measures. The legislation passed the Chamber of Deputies on October 8 by a wide margin, and now goes on to President Calderón to be signed into law. President Calderón sent his proposal to the Senate in February of this year, and the Senate approved the version of the bill that passed the Chamber of Deputies.

The law establishes a maximum penalty of 70 years for kidnappers who kill or mutilate their victims, which some lawmakers said was meant to be a de facto life sentence. For cases of “autosequestro,” instances in

which individuals simulate their own kidnappings, those found guilty will be assigned to between 100 and 350 days of community service, and between two and eight years in prison. Under the new law, federal and state prosecutors will have the power to monitor private communication in obtaining evidence against suspected kidnappers. For convicted kidnappers who for health reasons cannot complete their sentences in prison, tracking devices will be used for monitoring. The law also removes the possibility of shortened or commuted sentences for convicted kidnappers. Additionally, the law stipulates that public security institutions and attorney generals' offices of the federation, states, and municipalities must coordinate in order to meet the various requirements of the law. Finally, the law stipulates that a nearly \$100 million (MEX) fund be established in 2011 to provide assistance to victims and their families. Reparation to victims and families will in part come from proceeds from asset forfeitures (extinción de dominio).

In related news, sources close to the ex-senator "El Jefe" Diego Fernández de Cevallos told the online news source *El Universal* that he would be released by his kidnappers in the first week of November. He was kidnapped on May 14 of this year. A sum of more than \$20 million was paid to the kidnappers for his release. They also mentioned that he was depressed and sick, but in stable condition. Part of the ransom was gathered by the immediate family, a few close friends, and by the selling of family properties. Since he was first kidnapped his captors have employed social networks to make their petitions public on three different occasions: May 19, July 26, and on September 13. Despite the high-profile nature of "El Jefe" Diego's kidnapping, authorities have refrained from investigating the case at the behest of his family, which chose instead to negotiate with the kidnappers.

SOURCES:

Figuroa, Martha Elba. "Darean hasta 70 años de cárcel a secuestradores." *El Diario* Oct. 8, 2010.
Merlos, Andrea and Juan Arvizu. "Prisión 'de por vida' a secuestradores." *El Universal* Oct. 8, 2010.
Reséndiz, Francisco. "Se pagó rescate; liberarán a Diego." *El Universal* Oct. 14, 2010.
"Pagaron rescate del "Jefe Diego"; esperan lo liberen en noviembre." *Puente Libre* Oct. 14 2010.

TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Allegations of corruption against former-Chihuahua State Prosecutor Patricia González

Former Chihuahua state Attorney General Patricia Gonzalez Rodriguez has been accused of having ties to drug traffickers in a videotaped confession her brother, which has prompted federal prosecutors to launch a corruption investigation against Ms. Gonzalez.

The accusation came from her brother, Mario Gonzalez Rodriguez, who had been kidnapped and appeared to make a coerced confession while interrogated by an individual off-camera while surrounded by several masked gunmen standing in view of the camera. Mr. González alleges in halting responses to a long series of questions that he served as a go-between for the Juarez Cartel (known also as "La Línea" because of their control over the border city Ciudad Juárez) and his sister, when Ms. González served as the state's chief prosecutor from 2007 through September of this year. The video was removed from YouTube shortly after its appearance, but has been reposted to other sites.

As this report went to press, Ms. Gonzalez protested her innocence to the Mexican press, suggesting that the kidnapping of her brother and the accusations against her constitute retaliation from the criminal groups she targeted during her time as state prosecutor.

SOURCES:

María de la Luz González, "Ex procuradora niega acusación señalada en video." *El Universal*. Oct. 26, 2010.

Corruption in the Electricity Commission

The Secretary of Public Function (SPF) announced that it has opened an investigation into allegations that four high-ranking former administrators with the federal electricity commission received contracts from foreign and other groups in return for large sums of money. The investigation is being carried out by the

SPF in coordination with the Federal Attorney General's office. The decision to open the case comes on the heels of a case north of the border in which ABB Ltd, a Swiss corporation with U.S. offices, pled guilty to bribery charges. As part of the agreement, the company admitted that a Texas business unit paid bribes of about \$1.9 million to officials at the Federal Commission of Electricity, the state-owned utility company, according to a U.S. Department of Justice press release. In return, according to court documents cited by the U.S. government, ABB through its U.S. subsidiary received contracts that were worth more than \$81 million. Bribe payments were made through several intermediaries, including a Mexican company. A principal of that company, Fernando Maya Basurto, pled guilty in 2009 for his role in the case, which involved making the payments to CTE officials and helping to launder the bribe money.

Mexican authorities also filed charges against the businesses ABB and Lindsey Manufacturing Company for their part in the scheme. The Federal Commission of Electricity has issued statements pledging their cooperation in the investigation by Mexican authorities, asking for the ABB to identify any Mexican officials involved in the bribery. Meanwhile, Mexican media sources have reported that ABB and its affiliates have more than 600 contracts with federal groups and agencies, 374 of which were with the Federal Commission of Electricity, which raises questions as to how wide the bribery arrangements may have spread.

The names of several former high-ranking officials with the Federal Commission of Electricity have emerged during the investigation north of the border. One of them, Arturo Hernandez Alvarez, was director of operations of the Commission until 2007. Another official, Nestor Moreno Diaz, was serving as director of operation of the Commission when he stepped down from his position in September. However, ABB has reportedly refused to formally share the names of the Mexican officials even though they allegedly alerted Mexican authorities in 2005, according to news reports. The Mexican commission is being criticized for not acting sooner despite being provided with this information, according to *SDPnoticias*. Other names linked to the case are Gustavo Salvador Torres, Jorge Hernandez and Carlos Oviera Barker, some of whom have either resigned or been forced from their posts. Martin Esparza, the director of the union, alleged that a key figure in the scandals was the former director of operations for the Federal Commission of Electricity. Nestor Moreno Diaz resigned September 14 after the publication of reports in U.S. media that identified him as having reportedly received bribes from ABB, from which he used to buy a boat that cost \$1.8 million, in exchange for permits to generate electricity.

A special commission was formed in the Chamber of Deputies in October to follow up on the allegations of corruption in the CFE. The commission will conduct three audits to determine the actual contractual procedure used by the CFE, look more closely at the role of Nestor Moreno in the ABB case, and review other contracts for possible problems. A representative of the Workers' Party, Ricardo Monreal, presented a proposal that would create a special Senate Commission to investigate the alleged corruption. Monreal noted that from 1997 to 2003, the CFE doled out \$81 million in contracts to the ABB enterprise, and that this total is only one example of the kinds of contracts that the Commission was involved in, suggesting that other cases of similar scope may not have been identified yet. He also noted that in 1998, Moreno Diaz was forced to step down from a government position for 10 years after being accused of being the owner of businesses that were placed under the names of other people and then received government contracts. He nonetheless reappeared in the electricity commission. The CFE has been in the process of privatizing certain aspects of the generation of electricity, and this has resulted in less employment opportunities for union members.

SOURCES

- "ABB se niega a senalar autoridades mexicanas que sabian de sobornos en CFE." *SDPNoticias.com*. Oct. 11, 2010.
"ABB Ltd and two subsidiaries resolve foreign corrupt practices act investigation and will pay \$19 million in criminal penalties." Press release from U.S. Department of Justice. Sept. 29, 2010.
"Instalan comision para investigar corrupcion en CFE." *Notimex* in *SDPNoticias.com*. Oct. 12, 2010.
Rodriguez, Israel. "Dos ex directivos de CFE, investigados en EU por recibir sobornos para contratos." *La Jornada*. Oct. 1, 2010.

TRANSPARENCY

Transparency studies - research finds gaps at local, state and federal levels

A national survey by Mexico's equivalent of the U.S. Census found that just 15.6 percent of the country's

cities have adequate transparency mechanisms in place. The survey evaluated data from 32,569 municipalities, of which 5,087 were determined to have sufficient transparency. The states that had the most transparent cities included Coahuila, Chihuahua and Aguascalientes. On this higher end of the scale, 32.2 percent of municipalities in Chihuahua had transparency frameworks, followed by 27.7 percent of the cities in Aguascalientes, and 24.1 percent of the cities in Coahuila. The states with cities that were found to have the least transparency were Guerrero, Baja California Sur, Quintana Roo, Colima, Baja California, and Jalisco. The lower-scoring states ranged from Guerrero, in which just 5.6 percent of its municipal administrations were found to have transparency frameworks to Jalisco and Baja California, which had sufficient transparency networks in just 10.3 percent of their cities, according to the survey. The metrics used for the study included the creation of norms or standards that regulate access to public information, the designation of government workers to attend to public records requests, a citywide system to receive, track and archive requests for information, as well as public information training for government workers.

Marco Cancino, director of the Area of Budget Transparency in the Center of Investigation for the Development of Mexico, said that the reason why many municipalities lack these transparency mechanisms is that there is little incentive to have them. Most of the cities that are providing information transparently are doing so voluntarily he said, and there is no across-the-board legislation that requires them all to do so. Meanwhile, the Center of Social Studies and Public Opinion found in another recent transparency study that just seven of the 32 state congresses comply with basic standards of transparency and accountability. According to that study, only the legislatures in Campeche, Chiapas, Chihuahua, the Federal District, Durango, the State of México and Michoacán provide sufficient information through their Internet sites.

However, even the federal branch continues to fall short of its transparency standards. An initiative before the Chamber of Deputies would require greater transparency over how public funds are used in regards to the administration costs in the legislative branch. The initiative would require identifying specific duties for employees, their functions, salaries and other details. The idea would be to make this information public through the Internet to prevent the practice of creating positions that are not essential to the operations, according to congressional deputy Guillermo Cueva Sada (of the *Partido Verde Ecologista de México*, PVEM), who proposed the initiative. The initiative would reform article 46 of the Internal Rules of the Deputies to be in line with the Federal Law of Transparency and Access to Public Information.

In general, the administration of Felipe Calderón has not won many points from researchers and activists advocating greater transparency. During a recent conference, researchers at the National Autonomous University of Mexico (UNAM) criticized the Calderón administration for what they classified as a step backward in terms of transparency and access to public information in both the executive and legislative branches.

The academics made the remarks during a forum on public information and transparency issues at the UNAM in late September. One of the researchers present, Miguel Carbonell, said that Calderón's administration has made the questionable argument in certain cases that public information rights should be limited for security reasons. For example, Carbonell said that recently the Secretary of Agriculture, Francisco Mayorga, cited public security reasons for not releasing the amount of federal subsidies received by agricultural recipients. Mayorga had said that the information could expose the individuals to the possibility of being kidnapped. Public information advocates at the UNAM forum noted that federal government agencies have become more inclined to challenge the findings of the Federal Institute for Access to Information and Data Protection (IFAI). In some cases, this means the IFAI's decisions are being reviewed and verified by a separate tribunal. The academics also noted other disturbing trends that they say threaten public information availability, such as reforms approved by the Congress that restrict information made public regarding certain public security investigative procedures.

SOURCES

- Damian, Fernando. "Solo siete de 32 congresos locales rinden cuentas, dicen diputados." *Milenio*. Oct. 4, 2010.
Olivares, Emir. "Califican el actual sexenio como el 'peor' en material de transparencia." *La Jornada*. Sept. 29, 2010.
"Transparente", 16% de municipios." *El Universal* via *El Siglo de Durango*. Sept. 29, 2010.

Mexican military being forced to respond to public information requests

In recent months, the Federal Institute for Access to Information and Data Protection (IFAI) has ordered the National Defense Secretary to open up its records in response to a number of public information requests. In one of the requests, the National Secretary of Defense was asked to provide information on how many grenades have been used annually to combat organized crime. The Secretary initially claimed that they did not have the information in their files regarding the use of grenades since 2006; however, the IFAI said that the Secretary had not done a sufficient job of searching for the information through its corresponding departments. In response to a separate public information request, the Secretary of the National Defense released figures on the number of soldiers who have been detained and sentenced for ties to organized crime and drug-related activities. The reported number is 14, which includes generals and coronels, among other military ranks. The first of the 14 was detained in 2001 in Tamaulipas and was sentenced to 15 years in prison.

More than 550,000 requests for information have been filed with the Federal Institute for Access to Information, which may demonstrate that a culture of public information is developing among Mexicans, despite some adverse attempts by the government - and military - to challenge these requests, according to IFAI Commissioner President Jacqueline Peschard Mariscal.

SOURCES

Gonzalez, Martha. "Ordena IFAI a SEDENA informar sobre granadas usadas al año." *El Sol de Mexico*. Sept. 25, 2010.
Horacio, Jimenez. "Sedena debe informar sobre granadas
"El IFAI ha recibido 550 mil solicitudes de informacion." *El Informador*. Sept. 27, 2010.

Senate urges transparency in upcoming discussions of Supreme Court Justice replacement

The Senate approved a formal agreement to ask Mexican President Felipe Calderón to make the process of choosing candidates to replace former Supreme Court Justice Jose de Jesus Gudino Pelayo transparent. Gudino died September 19 in London after suffering a heart attack. The proposal, which came from a representative of the opposition Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), asks Calderón to broaden the candidate consideration process to include suggestions from attorney associations, human rights groups and other representatives of civic associations. Elected officials say the replacement process should be based on professional merits and not political ties. In response, National Action Party (Partido Acción Nacional, PAN) legislator Alejandro Zapata Perogordo said that the process has traditionally included transparency and numerous consultations with outside groups.

Representatives of political party groups not affiliated with the PAN are concerned that the PAN will choose a candidate that represents conservative interests. According to *La Jornada*, following the death of Gudino more than 100 judges and magistrates sent their requests for consideration to the president's office. Other candidates whose names have come up in the media include those with little or no judicial experience, such as Cesar Jauregui Robles, a former PAN senator and Miguel Alessio Robles, judicial advisor for Calderón. By mid-October, however, the number of initial candidates had been reduced to eight who were nominated by the Supreme Court of Justice. Meanwhile, another proposal from a representative of the Green Party (Partido Verde Ecologista de Mexico, PVEM) would empower the Chamber of Deputies to put forth candidates with the input of civil associations and academic groups.

SOURCES

Ballinas, Victor. "No politizar sucesion en la SCJN, pide el Senado." *La Jornada*. Oct. 6, 2010.
Mendez, Alfredo. "Ocho nombres generan disputa por la plaza de Gudino Pelayo en la SCJN." *La Jornada*. Oct. 13, 2010.
Monroy, Jorge. "Exige Senado transparencia a Calderon." *El Economista*. Oct. 5, 2010.
"Demandan deisginacion de ministro sin tintes politicos." *SDPnoticias.com via Notimex*. Oct. 5, 2010.

ACCOUNTABILITY

Mexican lawmaker eludes prosecution despite investigation into ties with drug traffickers

A federal lawmaker accused of having ties to a drug-trafficking group managed to elude arrest and be sworn into office in late September. As a result, Julio Cesar Godoy was able to obtain immunity from prosecution on the 2009 drug-trafficking charges he had been facing, at least for now. However, a taped

conversation allegedly between the congressman and a drug lord was released shortly after his swearing-in and aired by a radio station, indicating that the case is far from resolved.

Shortly after the tape's airing, Godoy announced he was returning to Michoacán to be with his ailing mother. Meanwhile, as investigators continue their case some lawmakers were considering the possibility of withdrawing his immunity. Godoy is a member of the Democratic Revolution Party (Partido de la Revolución Democrática, PRD). After winning an election last year into the Chamber of Deputies, he was accused of having ties to the La Familia Michocana drug group and then disappeared after a Congressional ruling prevented him from being sworn in until his judicial situation was cleared up. In September 2010, a judge made a ruling that allowed Godoy to claim his congressional seat.

Mexican federal officials suspect Julio Godoy received \$2 million in bank deposits from the drug group, according to some news reports. In response to the accusations, Julio Godoy countered that the federal government was attempting to smear his name and the name of his party in order to win elections in the state of Michoacán. Godoy is the half brother of the Michoacán Governor Leonal Godoy, also with the PRD. Mexican investigators attempted to detain Godoy before he could take his oath of office. Prior to his swearing-in, the Federal Police (Policía Federal, FP) and the Attorney General's Office (Procuraduría General de la República, PGR) implemented a security operation at the San Lázaro Legislative Palace in an attempt to intercept Godoy. Dozens of Federal Police officers unsuccessfully set up four checkpoints near access points to the building as a means to register "suspicious" vehicles in which Godoy might be trying to enter the building prior to him being sworn into office. The autonomy and sovereignty of the Legislative Power prohibited the entry of the Federal Police, according to *El Universal*.

SOURCES

Arvizu, Juan. "Se excusa Godoy de acudir a comparacer" *El Universal* Oct. 16, 2010.
Ellingwood, Ken. "Mexican lawmaker-elect is sworn in after evading police." *The Los Angeles Times* Sept. 23, 2010.
Luhnow, David. "Questions over tape face Mexico politician." *Wall Street Journal* Oct. 16, 2010.

Businesses and government to be held accountable for better management of personal data, including that of children

Mexico's Public Information Institute is calling for companies that administer online social networks to take measures to protect the private information of children and adolescents. The announcement reflects the growing role of the Federal Institute of Access to Information and Protection of Personal Information (IFAI) in guaranteeing protection of citizens' private information. This year, the Institute took on increased responsibilities with overseeing the protection of private individual data. Institute representatives are demanding that the government provide them with sufficient funds to oversee outreach efforts like social network monitoring that are meant to conform to a federal law designed to protect the private information of Mexico's residents from abuse by private enterprises.

Even though the IFAI hopes to use informational campaigns to make companies aware of protecting children's information, they also have the authority to impose fines and sanctions in this case and others under the Federal Law of Protection of Personal Data, which goes into formal effect in 2011. The law's approval this year makes it a violation to transfer or misuse personal information, and fines could be applied of up to \$13 million pesos or \$1 million (USD). Under the law, businesses will need to receive consent from individuals to share their information, and individuals can actually obtain information on what kind of personal data businesses have collected on them. The law created a total of eleven responsibilities for the IFAI to oversee regarding the regulation of privacy protection standards. However, the IFAI has said government funding is falling short. IFAI representatives have said the Institute requires \$230 million pesos, or about \$19 million (USD) to comply with these updated responsibilities. The money would be used to train people to conduct inspections, and to actually review and certify businesses that maintain databases of private information.

The Mexican Association of Internet (Amipci) said ensuring the protection of private data is particularly important with the widespread adoption of e-commerce. Julio Vega, general director of the Amipci, said that the amount of e-commerce in Mexico now represents 16 percent of the total amount of commercial interchange in Mexico, according to the group. Vega cited figures that 72 percent of Mexicans are concerned about their ability to prevent the misuse of private information.

To conform to the privacy law, private businesses will also need to invest money to ensure tighter privacy measures, according to Alfredo Kupfer Dominguez, an associate with Baker & McKenzie-Mexico. These measures are expected to include better administrative training and even departments that would oversee the rights of clients and the protection of their personal data. The Interior Commerce and Digital Economy branch of the Secretary of Economy has noted that in 2011 companies and businesses will be required to explain in clear terms the use of private information and contact information for clients to obtain more details.

SOURCES

- Mejia, Jose. "IFAI pide cambiar políticas sobre redes sociales." *El Universal*. Oct. 3, 2010.
Velasco, Elizabeth. "Cabildea el Ifai mas recursos." *La Jornada*. Sept. 15, 2010.
Velasco, Elizabeth. "Riesgoso e indiscriminado trafico de datos personales, dice Peschard." *La Jornada*. Sept. 30, 2010.
Velasco, Elizabeth. "La privacidad de sus documunetos inquieta a 72% de los mexicanos." *La Jornada*. Sept. 30, 2010.

Local border governments demand greater accountability from federal roads agency

The Mexican federal agency that oversees international bridges is coming under fire by some representatives of local border municipalities who say that the agency needs to be held more accountable for the amount of money being collected and distributed to the cities for infrastructure projects. The mayor of Reynosa, Oscar Leubbert Gutierrez, has called for an audit or investigation to determine whether administrative irregularities have been committed by members of the regional office of the federal road and bridges agency, known by its acronym CAPUFE. CAPUFE, which is a branch of the Secretary of Communications and Transportation, collects tolls on national and international road projects, such as cross-border bridges.

According to the arrangement with the federal agency, a quarter of every peso collected by the federal agency is supposed to be used toward construction and infrastructure projects that benefit the local municipalities. Last year, for example, CAPUFE handed out more than \$241 million pesos (\$20 million USD) to 37 municipalities in the first nine months of 2009, according to the Secretary of Communications and Transportation. Federal law requires that the money be distributed to the states and municipalities where CAPUFE operates national and international roads. However, some border elected officials believe that the cities are being underserved and are now asking for a more open assessment of how the CAPUFE is managing and determining how much money to provide local cities. There is also discussion of how the cities deserve more funds than they are currently receiving. The Nuevo Laredo mayor, Ramon Garza Barrios, is calling for a petition to obtain more municipal funds from the CAPUFE. Garza believes municipalities should receive at least 50 percent of the toll funds. He is suggesting that a portion of the extra funds be used to provide services to Mexicans who are deported from the United States and often end up staying in border cities, where there is a lack of social services to meet their needs.

In response to accusations that the CAPUFE is not exercising transparency with its income and disbursement of funds, the regional administrator of the Zone 8 Northeast region of Federal Roads and Bridges, Jorge Espino Ascanio, shared information regarding the actual number of bridges that are under his responsibility in the border region that spans the municipalities of Acuna, Coahuila to Matamoros, Tamaulipas. Espino said that his agency oversees just 11 of these international crossings as the rest are administered by private groups and other entities. Espino said that the system includes automatic accounting controls and the agency is regularly audited to prevent improper use of funds. Additionally, he stated that the margin of error of these individual bridge administrators is just 1.54 pesos.

One of the issues being considered is that a count of the vehicle crossings in the United States along one of these international points came up with 474,711 more cars than those in the Mexican side, raising questions about possible discrepancies over money collected from the international tolls. Espino said the U.S. and Mexican counting systems use different criteria, making comparisons difficult. Tolls charged on opposite sides of the bridges also differ between the two countries, according to the Assistant Administrator of Operations, Alberto Gonzalez Karam.

In August, the Secretary of the Public Function sanctioned and prohibited from working nine public servants of the CAPUFE agency in Oaxaca for allegedly diverting public funds to their personal bank accounts.

SOURCES

Monge, Gaston. "Pide alcalde de Nuevo Laredo integrar comision intersecretarial frontera Mex-USA." *EnLineaDirecta*. Sept.24, 2010.

Rodriguez, Juan Carlos. "En manos de la Federacion las irregularidades de Capufe: OLF." *MetroNoticias*. Sept. 27, 2010.

Rodriguez, Juan Carlos. "Delegado de CAPUFE, desmiente acusaciones de malversaciones." *MetroNoticias*. Sept.29, 2010.

"Sanciona SFP a nueve servidores publicos de CAPUFE." *El Financiero*. Aug. 26, 2010.

ACCESS TO JUSTICE

MILITARY JUSTICE SYSTEM

Federal government responds to International HR Court's recent ruling calling for change to military justice system

In mid-October, President Calderón presented to the Senate his proposal for modifying article 57 of the Military Justice Code to exclude from the military justice system cases of alleged rape, torture, and disappearance committed by members of the military against civilians. A document obtained by *El Universal* states that the "Mexican State will be harmonizing its internal legislation as envisaged in the Inter-American Convention on Human Rights, as well as in the Inter-American Convention on Forced Disappearance of Persons."

Interior Minister Francisco Blake Mora assured Mexican legislators in late September that the federal government would abide by the sentence handed down by the Inter-American Human Rights Court (Corte Interamericana de Derechos Humanos, CIDH) last December, which ruled that members of Mexico's armed forces who commit human rights violations be tried in civilian courts. Such a modification would require federal legislative reform. The CIDH case centered around the forced disappearance of Rosendo Radilla in 1974 by the Army in Atoyac de Álvarez, Guerrero, which the court characterized as just one in a number of systematic disappearances by the Mexican Army during the 1970s, which, through a lack of earnest investigations, denied victims and their families their due access to justice.

During his appearance before Congress, Blake evaded several questions about rumors that the federal government wishes to reform article 29 of the constitution to suspend certain civilian rights in states, municipalities, or regions where organized crime has undermined authorities. When pushed by René Arce of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), Blake said that the National Security Law already establishes parameters for "levels of violence and the necessary response of the State." He also took advantage of the opportunity to urge the passage of that law, passed by the Senate in April, and which has been stalled in the Chamber of Deputies since.

Mexico's use of the military justice system to investigate and try soldiers accused of committing human rights violations against Mexican citizens has been widely criticized by human rights groups since large-scale troop deployments to troubled regions began in late 2006. Last month, the U.S. State Department withheld \$26 million dollars of the Mérida Initiative conditional upon Mexico improving its human rights protections, the first time the U.S. had done so since the three-year, \$1.4 billion initiative began in 2008.

While Calderón's proposal for trying cases involving some alleged military abuses will likely be welcomed by many as a step in the right direction, some analysts question the narrow focus of the measure. Writing in *La Jornada*, Octavio Rodríguez Araujo criticized the proposal for stopping short of investigating alleged crimes against civilians through civilian channels, including robberies, homicides, and roadside searches and detentions that have no constitutional grounds, and are carried out without the authorization of a civilian judge. Indeed, the most high-profile instances of alleged abuse of military power in recent months were two incidents in which soldiers opened fire on civilian vehicles in September and April of this year, resulting in the deaths of four people, including three minors. In both instances, witnesses denied that an established military checkpoint was in place, and both were turned over to military authority for investigation.

SOURCES:

Becerril, Andrea. "Será modificado el Código de Justicia Militar: Blake." *La Jornada* Sept. 23, 2010.
Ramos, Jorge. "FCH presenta iniciativa de fuero militar." *El Universal* Oct. 18, 2010.

EL MICHOACANAZO

All but one arrested in *El Michoacanazo* have been freed due to lack of evidence

Sixteen months after the so-called *Michoacanazo*, a national operation headed by the federal Attorney General's Office (Procuraduría General de la República, PGR), in conjunction with the Federal Police and the Army, in which 38 mayors, state officials, police chiefs and public security secretaries were arrested on suspicion of having ties to the La Familia Michoacana cartel, 37 of the suspects have been released. Among those are 11 Michoacán mayors who have since returned to their jobs.

The officials were arrested in operations beginning on May 26, 2009, when federal agents detained 27 state and municipal authorities in a massive, highly-publicized roundup. The remaining 11 were arrested shortly after. The first three mayors were released on July 29, 2009, during their *arraigo* process – the 40-day detention period created for establishing organized crime charges – along with eight other individuals, including a judge, state and ministerial police officers, a public security director, and a director of public works. A year later, 20 suspects had been released and on September 24 of this year one of the highest-profile figures targeted in *El Michoacanazo*, former Michoacán Attorney General Miguel García Hurtado, was released. Four days later, four Michoacán ministerial police officers were released, along with a Lázaro Cárdenas municipal police officer, comprising the last of the 37 declared innocent due to a lack of evidence against them. The only official remaining in detention is Armando Medina Torres, former mayor of the Música municipality.

The federal Attorney General's Office filed a complaint with the Federal Judiciary Council (Consejo de la Judicatura Federal) against the judge who ordered the release of 34 of the 37 freed men. Hours later, Governor Leonel Godoy spoke to an audience mostly of family members of the released officials, defending their release and stressing article 30 of the constitution, which establishes that all citizens are innocent until proven guilty, and article 31, which upholds habeas corpus. Godoy referred to 125 inconsistencies in the collective case files, which he said casts a pall on the largest operation in Mexican history targeting officials suspected of having ties to organized crime. He also demanded an apology from the Calderón administration.

For his part, President Calderón in an interview with Morelia's Max FM defended the operation as well as the complaint filed against the judge ruling in favor of the suspects. He stressed the need for an entire cleansing of local and state police in Michoacán, as he claimed is happening at the federal level. He insisted that there was incriminating evidence against all of the detained officials, found in searches authorized by the judiciary. He also suggested that the judge was overly selective in which witness testimonies and telephone recordings he considered.

The episode has been an embarrassment for the PGR, which after the raid received immediate criticism from Governor Godoy, who complained that the arrests violated state sovereignty, as his office was not advised of the operation beforehand. Godoy's half-brother, Julio César Godoy Toscano, was also implicated, but has since been exonerated and sworn in as a federal deputy. Since the most recent release of five detained in the *Michoacanazo*, senators from the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) as well as President Calderón's National Action Party (Partido Acción Nacional, PAN) have come forward to recommend that the practices of *arraigo* – the 40-day detention period pending charges established for organized crime suspects – and protected witnesses be eliminated or curtailed, in order to discourage such an event from happening again.

SOURCES:

"De 38 detenidos por *Michoacanazo*, 37 libres." *El Universal* Sept. 28, 2010.
Pérez Silva, Ciro and Ernesto Martínez Elorriaga. "Justifica Calderón las 35 detenciones." *La Jornada* Oct. 1, 2010.
Mosso, Rubén and Francisco García Davish. "El michoacanazo, ridículo de la PGR." *Milenio* Sept. 29, 2010.
Becerril, Andrea, Roberto Garduño and Enrique Méndez. "Impulsarán leyes para evitar que se repitan acciones como el *michoacanazo*." *La Jornada* Oct. 7, 2010.

SAFETY OF JOURNALISTS AND SOCIAL ACTIVISTS

Calderón outlines plan to protect journalists

President Calderón announced a plan on September 22 to protect journalists in Mexico, where at least 22 have been killed over the past four years and at least seven more have gone missing, according to the New York-based Committee to Protect Journalists. The plan includes a system with which reporters would be able to immediately contact authorities when threatened, a council to determine the causes behind violence against reporters, legal reforms, and a definition of “best practices” in journalism, according to a statement from the president’s office.

The announcement came roughly a week after a reporter from *El Diario* was gunned down in a mall parking lot in Ciudad Juárez. The announcement was the result of a meeting between Calderón and representatives from the Committee to Protect Journalists and the Inter-American Press Association. It also nearly coincided with a front-page editorial spread by that paper seeking an open line of communication with the drug cartels, asking them what they wanted from the publication in exchange for their reporters’ safety. This prompted harsh rebukes from the Calderón administration, rejecting the efficacy of negotiating with the drug cartels. The program is planned for implementation sometime in October.

Inter-American Press Association Vice President Gonzalo Marroquin said that the plan resembles one instituted in Colombia as that country suffered high levels of drug violence in the 1980s and early 1990s. He said that the program had successes in Colombia, and included measures such as removing threatened reporters from troubled areas, as well as leaving out bylines from stories reporting on drug business in Colombia. Marroquin said that his agency stressed the need to make all attacks against the press federal crimes, set higher penalties, and ensure that there is no statute of limitations for such crimes. He also stated that Calderón committed to reviving a measure stalled in Congress to make attacks on journalists federal crimes.

SOURCES:

Castillo, E. Eduardo. “Mexico prepares plan to protect journalists.” *Associated Press* Sept. 22, 2010.
“FCH promete protección a periodistas.” *El Universal* Sept. 26, 2010.

Agrarian rights leader assassinated in Oaxaca

Noted Oaxacan indigenous leader Catarino Torres Pereda was gunned down in his office in Tuxtepec, Oaxaca on October 22, presumably in connection with his role as a social activist. Torres Pereda was the leader of the Committee of Citizen Defense (Comité de Defensa Ciudadana, CODECI), and previously a leading figure in the Popular Assembly of the Peoples of Oaxaca (Asamblea Popular de los Pueblos de Oaxaca, APPO). CODECI was formed informally in the beginning of 1996 in response to agrarian issues and a perceived lack of governmental attention to the largely indigenous population in the north-central highlands region of Oaxaca comprising the Tuxtepec, Jacatepec, and Valle Nacional communities. The organization has since grown, and has a presence in the states of Veracruz, Hidalgo, Tlaxcala, Chiapas, and Tabasco.

Torres is reported to have made many enemies in the region as a result of his activism, including state authorities in Oaxaca and Veracruz. Along with his brother Gaudencio Torres Pareda, he had received multiple threats in connection with his social activism. The most recent action by CODECI in the region occurred roughly a week prior to Torres’ assassination on October 18 in San Lucas Ojitlán. In that instance, roughly 60 local CODECI members blocked the entrance of the municipal headquarters, demanding that promises made by the former (and now deceased) mayor be fulfilled. The activists forcibly detained the mayor and took him to the Loma de Piedra community, where they locked him in the local jail until he gave them verbal and written assurances that their demands would be met. Upon his release, the mayor ordered the arrest of the local CODECI director, who is currently in jail in the Mazín Grande community. Prior to his assassination, Torres Pereda faced constant pressure from the authorities in connection with his vocal and active social role. He was arrested several times, most recently in 2006 by

order of Governor Ulises Ruiz Ortiz, when he was accused of crimes attributed to APPO, arrested and interned in a maximum security prison for six months.

Members of CODECI demonstrated in the Oaxaca city center to demand justice for Torres' killing. Some blamed the Ulises Ruiz government for the murder, and demanded that the state Attorney General's Office thoroughly investigate the case. Torres was not the first member of CODECI to be murdered during the tenure of Governor Ulises Ruiz. On September 25, 2009, Felipe Pantoja Miguel was killed with a baseball bat, also presumably as a result of his membership in CODECI and advocacy for indigenous land rights. His murder remains unsolved.

SOURCES:

Muñoz Ramírez, Gloria. "Los de Abajo." *La Jornada* Oct. 23, 2010.
"Dirigente de CODECI tenía enemigos en el gobierno y entre caciques regionales." *ADN Surest*. Oct. 23, 2010.
"Responsabilizan a Ulises Ruiz de asesinato de líder oaxaqueño." *Milenio* Oct. 22, 2010.

AROUND THE STATES

CHIHUAHUA

Chihuahua Congress approves life sentence for certain kidnappers, extortionists and murderers



In a unanimous vote, Chihuahua's Congress voted to approve a life sentence for some kidnappers and extortionists, as well as those who murder journalists, police officers, and members of the Mexican military forces. Governor César Duarte Jáquez announced the new legislation on October 21, and exhorted citizens to have faith in their institutions, and to report such crimes. The provision for crimes against journalists was added to Duarte's original proposal, which he said he had presented just days earlier.

The penal code reforms sentences of between 40 and 70 years for kidnapping, 30 to 40 years for express kidnapping, and life sentences for kidnappers who in committing their crimes employ violence, torture, or rape, or when their victim dies as a result of neglect. A life sentence will also apply when the victim is under 18 years of age, over 70, or is disabled, and to those found to have committed three or more homicides. Duarte has taken an aggressive stance toward crime since before taking over the governorship on October 4, and said at the announcement of the new sentencing guidelines that "last week we sent an initiative to the Congress to strengthen sentences in Chihuahua because we're living difficult times and during extraordinary times, extraordinary decisions are required."

Chihuahua's reforms come on the heels of federal reforms that established sentences of up to 70 years for convicted kidnappers. Similar to Chihuahua's harsher guidelines, those reforms reserve the harshest penalties for kidnappers who mutilate or kill their victims. Those reforms will go into effect within the next ninety days.

SOURCES:

"Aprueba el congreso del Estado unanimidad a la cadena perpetua." *El Financiero*. Oct. 21, 2010.
"Aprueba Congreso de Chihuahua cadena perpetua para secuestradores." *Milenio* Oct. 21, 2010.

Preparations for a unified police force under way in Aguascalientes



Although President Felipe Calderón's "Mando Unico" initiative, which would replace municipal police forces with centralized, state-level commands, has not yet been approved, Aguascalientes has gone forward in implementing the project, becoming the first state in México to do so. According to the Aguascalientes website, Governor Luis Armando Reynoso Femat and the eleven municipal mayors signed a Coordination Agreement that establishes a unified public security command.

Governor Reynosa noted that the first act of the unified police force will be to purge all of the police entities so that only reliable elements are serving the public. Such measures will be funded at least in part with the \$140 million (MEX) pledged by the federal government after the agreement was signed. Reynosa also

hopes to standardize police salaries, which he said currently range from \$4,000 (MEX) a month, typical of a municipal police officer, to \$16,000 for a state officer. However, according to the online news source *El Universal*, the new government body will be headed by the State Secretary of Public Security (Secretario Estatal de Seguridad Pública), Eugenio Rolando Hidalgo Eddy, who as the general in charge of the Ninth Military Zone was accused of abuses against civilians as well as his own soldiers, particularly during military campaigns he led in Sinaloa in 2007 against the cartel led by Joaquín “El Chapo” Guzmán. A total of 1,500 municipal police elements and 500 transit officers will join the state-level police force. Meanwhile, reforms are being made to the state constitution for the structure of the unified command.

President Calderón has sent a proposal for a unified police model to Congress, which has met with some resistance in early debate. Interior Minister José Francisco Blake continues to defend the creation of state-level unified police commands, which is currently facing increasing opposition, most recently from senators in the president’s own party. Ramón Galindo, president of the Municipal Development Committee in the Senate, said that the president’s proposal will not pass through the legislature without changes that ensure that the municipalities will not be treated “in a coarse or centralist manner,” and that any such integration happens in a manner acceptable to mayors, and not as a unilateral, federal mandate.

SOURCES:

- Becerril, Andrea. “Será modificado el Código de Justicia Militar.” *La Jornada* Sept. 23, 2010.
Álvarez, Ángel . “Capital de Aguascalientes se une a Mando Único Policial.” *La Crónica de Hoy* Oct. 12, 2010.
“Aguascalientes firma mando único policial.” *El Economista* Oct. 11, 2010.
Orenday, Jacobo. “Firma Aguascalientes convenio de mando único policial.” *Milenio* Oct. 11, 2010.
Rivera, Luigi. “Aguascalientes oficializa mando único de policía.” *El Universal* Oct. 12, 2010.
Michel, Elena and Ricardo Gómez. “Senadores del PAN, contra Mando Único.” *El Universal* Oct. 21, 2010.

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>.*

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