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LAW AND ORDER

CARTEL-RELATED VIOLENCE

Ejecuciones surpass 10,000 for 2010, on track to top 12,000

According to *Grupo Reforma's* running tally of cartel-related killings, or *ejecuciones*, the total of such killings has now surpassed 10,000 for 2010, at 10,514 as of November 19. The weekly rate remains over the past eight weeks as compared to 2010 as a whole (around 230 a week), and at current rates the total will surpass 12,000 by the end of the year. According to *Reforma's* data, which is more conservative than other estimates of cartel-related killings, Mexico has amassed 24,534 *ejecuciones* since the beginning of 2007, shortly after President Calderón began his campaign against the drug cartels. With seven weeks still remaining, 2010 has seen a drastic increase, up nearly 60% from the 2009 tally of 6,587 *ejecuciones*, which was in turn a nearly 28% increase over 2008.

Partly responsible for the jump since last year and of great concern to security experts, are the northeastern states of Tamaulipas (692 *ejecuciones* this year) and Nuevo León (550), which early this year became the site of a brutal turf battle between the Gulf cartel, and their former armed wing, the Zetas criminal organization. Those two states combined account for nearly 12% of the national total, and have seen a more than eight-fold increase over 2009. Tensions have risen in the region since the Mexican Navy killed the alleged leader of the Gulf cartel earlier this month, leading some to fear that the Zetas would step up their efforts to wrest control from the weakened cartel.

The most troubled state in terms of overall and per-capita rate of *ejecuciones* continues to be Chihuahua, which currently sits at 2,912 for the year. The rate in Chihuahua has remained relatively steady over the past eight weeks as compared to 2010 as a whole, at just under 66 per week, yet the state continues to be the site of brazen attacks by organized crime against public officials and civilians alike. The director of state prisons in Chihuahua, Gerardo Ortiz Domínguez, was shot and killed November 13 as he drove with his 28-year-old son on a highway outside Chihuahua City. His son was wounded in the attack and later died in a Chihuahua City hospital. Media reports said that Ortiz Domínguez's Chevy Tahoe was pursued by two vehicles carrying armed men along the Fuerza Aérea highway. Ortiz lost control of his vehicle and following the crash gunmen approached the car and shot the prison director, who tried to get away from the Tahoe to spare his son. The bullet casings left behind were from an AK-47, generally associated with organized crime. Carlos Silveyra, general sub-secretary of the government of Chihuahua, announced on November 16 that military patrols would return to Ciudad Juárez, though he said that an exact date for their return was not known. He emphasized, though, that the current security operations in Chihuahua would remain under the control of the Federal Police. He also clarified that the Army had not left the state, but rather have been carrying out intelligence functions in the area.

Despite the overall rise in *ejecuciones* in the border region, which comprises the states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas, the region actually accounts for less of the *ejecuciones* than in 2009 as a percentage of the whole, suggesting a more even distribution throughout the country. Last year, the border region accounted for 68% of the total, largely due to Chihuahua's disproportionate share of the total. This year, by comparison, the border-states account for 46% of the total. This can in large part be explained by the sharp increase in violence around the Central Pacific region of Mexico comprising the State of Mexico, Guerrero, Morelos, Jalisco, and Nayarit, which has been home to ongoing turf battles between rival factions of the Beltrán Leyva cartel, as well as inter-cartel wrangling between those groups, the La Familia Michoacana criminal organization, and the Sinaloa cartel. Those five states account for 2,158 *ejecuciones*, as compared with 1,303 last year. The five states combined with Sinaloa, which, with 1,858 *ejecuciones* has seen a more than two-fold increase over 2009, account for 38% of the nationwide total, as compared with 32% last year.

In Guerrero, which already has seen a nearly 32% increase over last year, the Attorney General's Office confirmed that the 18 bodies found in a clandestine mass grave in the Tunzingo neighborhood of Acapulco belonged to the group of 20 Michoacán tourists kidnapped in the town on September 30. Family members traveled to the tourist town to help in the identification of the bodies after an anonymous caller reported the grave to the military, telling them that it contained the Michoacanos. When officials arrived at the scene, they found the bodies of two men who had been shot to death with a message identifying them as members of the Independent Cartel of Acapulco (Cártel Independiente de Acapulco). The Federal Attorney General's Office (Procuraduría General de la República, PGR) has assumed charge of the case, and authorities continue to search for the two Michoacán tourists not accounted for.

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Former governor of Colima assassinated outside his home

The Mexican Army and Navy took control of security in the Pacific state of Colima, between Michoacán and Jalisco, a day after former Governor Silverio Cavazos Ceballos was assassinated outside his home.

Cavazos, of the Institutional Revolutionary Party (Partido Institucional Revolucionario, PRI), was shot as he spoke with the state's secretary of Economic Promotion and in front of his bodyguards. He had served as governor from 2005 until November 2009. The mayor of the state's capital, Ignacio Peralta Sánchez, expressed his support for army patrols in his city, as it does not have a municipal police force. However, state prosecutor Arturo Díaz said that state police mistakenly shot and killed a doctor who they say tried to evade a checkpoint they had set up as part of initial investigations into the assassination.

According to witness reports, three people pulled up in a car with Michoacán plates, at which time one man got out and shot the ex-governor at close range. Colima's Attorney General Arturo Díaz Rivera told the press the day following the assassination that one of Cavazos' bodyguards had provided a detailed description of the shooter. He added that a motive was not yet known, and that the assassination could not yet be attributed to organized crime or to Cavazos' political affiliations. Regardless of the motives behind his assassination, Cavazos joins dozens of other current and former-elected officials who have also been murdered this year in Mexico.

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"Hay retrato de asesino de Cavazos: PGJE." *El Universal* Nov. 22, 2010.

"Gunmen in Mexico kill former governor of Colima state." *BBC News* Nov. 22, 2010.

La Familia Michoacana proposes apparent pact with Mexican government, as sources report the group's decline

La Familia Michoacana reportedly proposed a pact with the federal government, by means of flyers and emails to local journalists, offering to disband and cease in its illegal activities if the local and federal governments, the Federal Police and other authorities "commit to [decisively] taking control of the state," and ensure the safety of its citizens. The notice said that if the government "accepts this public commitment and fulfills it," the cartel would dissolve, suggesting that the move would remove the pretext with which federal authorities violate the human rights of Michoacanos. Since its beginning, the group has tried to separate itself from other drug trafficking organizations, early on painting itself as a vigilante group trying to cleanse its state of drug gangs, and since claiming to hold its members to high standards of Christian devotion, family values, and abstinence from drugs.

The federal government was quick to respond: "The PGR [Attorney General's Office] cannot make a pact with crime, and even less so with organized crime," said Ricardo Nájera, spokesman for the PGR. This was the second time that the La Familia criminal organization has apparently attempted to enter into dialogue with the federal government. In July 2009, via a telephone conversation with the program "Voz y Solución de Michoacán," a man identifying himself as Servando Gómez Martínez, also known as "La Tuta," considered by the federal government to be one of the principal leaders of the organization, proposed a dialogue with President Calderón to reach a "national pact." In that occasion, the presumed La Familia leader also identified the federal police and the PGR as its only sources of grievances, insisting that the organization had complete respect for the Mexican armed forces. In that instance, then-Secretary of the Interior Fernando Gómez Mont also responded that the federal government does not enter dialogues or pacts with criminal organizations.

A presumed member of the La Familia organization who was arrested on November 16 told interrogators that the group's leader was exhausted, and that the offer made to the government to disband was authentic. Sergio Moreno Godínez, "Amarillo," allegedly La Familia's principal operative in the port city of Lázaro Cárdenas, said that the group was "in decline" in an interrogation video released by the Federal Police the following day. The Federal Police has released interrogation tapes in the past, and their reliability has been questioned due to suspicions of possible coercion. Regardless of a possible weakening, the group continues to make its presence known in Michoacán. The week before Moreno's arrest, in an apparent retaliation for two of its members, the gang blocked roads with burning trucks in the state capital of Morelia, and opened fire on a shopping mall, according to the state Attorney General's Office.

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Large-scale exodus from small Tamaulipas city results in first “refugee camp” of Mexico’s drug war

While high-profile violence in large cities and financial centers such as Ciudad Juárez, Nuevo León and Matamoros has received much attention from officials and the press, smaller communities perhaps suffer even more disruptions as a result of narco-violence, as their isolation and proximity to the border make them valuable assets for drug cartels. Ciudad Mier, a small town in Tamaulipas between Reynosa and Laredo on the border with Texas, has received much attention over the past two weeks. Much of the city’s population of roughly 6,500 fled to neighboring communities responding to recent fighting between the Gulf cartel and the Zetas criminal organization.

A shelter for evacuees was set up in nearby Miguel Alemán, becoming what *Proceso* magazine has called the first refugee camp of Mexico’s drug war. According to Ciudad Mier refugees, most schools, clinics, cafes and stores shut down as an estimated 300 families fled the city. City officials have accused the Mexican Army of ignoring the security situation in their town. The town mayor, in a communiqué, said that there had been 111 known kidnappings of local people, and residents have also recounted an incident in which a local man was dismembered and hung around the town square. Despite the situation of uncertainty, some citizens of Ciudad Mier are beginning to return home, according to local authorities.

Antonio Garza García, the secretary of public security for Tamaulipas, announced on November 17 that following the deployment of soldiers to the Tamaulipas border region that includes Ciudad Mier, residents have stopped fleeing the city, and some have begun to return. Secretary General of Government Hugo Andrés Araujo said that “the presence of federal forces in the border municipalities has only tempered, but does not solve, the situation of violence [there].” He added that “although violent acts have happened throughout the state, they do not compare with those of Ciudad Mier.” The violence also left the town without an operating government – the town’s mayor fled to the city of Miguel Alemán.

Instances of towns overrun by drug cartels – such as Ciudad Mier – have led some analysts to characterize the “frontera chica” border region of Tamaulipas as “out of control.” Martín Barrón, an investigator for the National Institute of Penal Sciences (Instituto Nacional de Ciencias Penales, Inacipe), told BBC Mundo that the area has turned into a “hot zone.” “It appears out of control due to cartel struggles, along with hit men and gangs that operate in the zone,” he said.

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LAW ENFORCEMENT STRATEGY

Mexican marines kill alleged Gulf cartel leader

In accordance with the Mexican government’s strategy of targeting cartel kingpins and attempting to mitigate the escalated, localized violence that generally follows, Mexican soldiers killed the individual believed to be at the helm of the powerful Gulf cartel, currently embroiled in a violent struggle with its former allies the Zetas for the lucrative northeastern drug trafficking corridor. The Mexican government claimed a major victory in the killing of Ezequiel Cárdenas Guillén, “Tony Tormenta,” the third cartel kingpin brought down in the past year. Authorities and security experts also warned of a likely surge in violence as the Zetas attempt to wrest territory from a weakened Gulf cartel. Cartel violence since the warnings has indeed been disruptive, resulting in roadblocks shutting down major thoroughfares in major cities, public inter-cartel taunting, and desertion of an entire town, creating an encampment of hundreds of displaced citizens.

After a gunfight lasting several hours and involving 150 soldiers, three helicopters and 17 military vehicles, soldiers from the Mexican Navy killed Cárdenas Guillén, in Matamoros, Tamaulipas, across the border from Brownsville, Texas. Ezequiel had led the Gulf since his brother Osiel Cárdenas, was arrested in 2003. Osiel was extradited to the United States in 2007. Three suspected gunmen and two members of the Mexican Navy were also killed in the confrontation, along with a local journalist who reportedly died in the crossfire. Cárdenas, 48, was facing indictment in the United States on drug charges, and the U.S.

Drug Enforcement Agency had offered a reward of up to \$5 million (USD) for information leading to his arrest. During the extended confrontation, nearby residents were trapped in their homes, and communicated via social networking sites, as has become common in troubled areas of Mexico, particularly in the northeastern states of Tamaulipas and Nuevo León. Bridges crossing the border into Texas were also closed briefly.

President Obama called his Mexican counterpart on November 6 to express his condolences for the deaths of the Mexican soldiers, as well as to reaffirm his support for Calderón's offensive against the powerful drug cartels operating in his country. The same day in nearby Reynosa, presumed Gulf cartel gunmen used buses and trucks to block roads, in presumed retaliation for Cárdenas' death. Also in Reynosa among other cities throughout Tamaulipas, presumed members of the rival Zetas criminal organization, formerly the armed wing of the Gulf cartel, hung banners mocking the Gulf cartel leader's death. In response to the wave of cartel activity, the U.S. consulate in Matamoros shuttered its doors and suspended its visa services.

Mexican authorities called the death of Cárdenas an important step in the fight against drug cartels. Some security analysts such as director of the security-consulting firm Risk Evaluation in Mexico, Alberto Islas, however, say that the power structure of the organization will not suffer any major changes. Islas said in an interview with *BBC Mundo* that Eduardo Costilla, "El Coss," will step into the leadership role, and keep the existing hierarchy largely in line. Costilla was a police officer in Tamaulipas, where he met the Cárdenas Guillén brothers.

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La Barbie formally charged; still faces possible extradition to US

Mexican authorities have filed formal charges against Édgar "La Barbie" Valdez Villareal, nearly three months after his August 30 arrest in the State of Mexico. Valdez Villareal, who became embroiled in a power struggle with Hector Beltrán Leyva after Hector's brother Arturo Beltrán Leyva was killed by Mexican marines in December of last year, faces charges including drug trafficking, kidnapping and arms possession, according to Mexico's Attorney General's Office (Procuraduría General de la República, PGR). The factions fighting for control over the territory and resources of the now-fractured Beltrán Leyva cartel have been blamed for much of the violence that has spread across central Mexico, from Cuernavaca to the Pacific state of Guerrero. Valdez is also alleged to be a former associate of Joaquín "El Chapo" Guzmán.

The Texas-born Valdez also faces possible extradition to the United States, where a federal judge in Louisiana has indicted him on drug trafficking charges. Extraditing high-value prisoners to the United States has been a strategy of President Calderón, in part to keep them from continuing to run their operations from within corrupt Mexican prisons. Valdez was transferred to a federal prison in Toluca, near Mexico City, where he awaits the outcome of his case, after Mexican authorities went back on a promise to transfer him to a prison in the border city of Matamoros, according to his U.S.-based attorney, Kent Schaffer. Schaffer said that he is concerned for his client's safety in the Toluca prison.

Mexican officials say that the arrest of Valdéz Villarreal paid dividends in information he has provided about drug traffickers operating in Mexico. Valdéz Villarreal, along with Sergio Villarreal Barragán "El Grande", another former operative in the Beltrán Leyva drug trafficking organization, provided information that aided in the arrest in Mexico City of Poveda Ortega, "El Conejo," believed to be the principle supplier for the Sinaloa and Beltrán Leyva cartels between 1998 and 2009, and responsible for introducing more than 20 tons of Colombian cocaine a year into Mexico by boat and submarine during that time. Along with his drug charges in Mexico, Ortega faces drug and conspiracy charges in the United States. According to Federal Police Antinarcotics Division Chief Ramón Pequeño García, Ortega's activities in Mexico diminished substantially after the death of Arturo Beltrán Leyva December of last year, and his last shipment was 5 tons of cocaine for Édgar Valdez Villarreal, who never paid him. According to government

sources, statements made by Valdez Villarreal and Sergio Villarreal Barragán led authorities to several safe houses of the Beltrán Leyva cartel. While he would not say that these statements directly led to Ortega's arrest, Pequeño García acknowledged that they contributed.

While La Barbie awaits possible extradition to the United States, Sergio Villarreal Barragán is said to be facing a better situation as a protected witness of the PGR with a monthly salary and an agreement from authorities to drop some charges against him and even allow him to keep his proceeds from acting as a Beltrán Leyva cartel operative, in exchange for providing the PGR's organized crime unit with information about police protection rings for his former drug trafficking organization. *Proceso* reporter in Nuevo León Arturo Rodríguez García wrote that one of the officials Villarreal implicated was Senator and associate of President Calderón, José Guillermo Anaya, who he claims invited him to his daughter's baptism in 2006, where he also claims to have met then President-elect Felipe Calderón. Villarreal told investigators that Anaya provided him with an escort when he was mayor of Torreón, Coahuila between 2003 and 2005.

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Preparations for unified police model move forward as legislation is held up in Congress

The proposal to create 32 state-level unified police commands, which has become a cornerstone in the Calderón administration's long-term strategy to combat Mexico's powerful drug cartels, is facing strong opposition in the Mexican Congress, even among lawmakers from the President's own National Action Party (Partido de Acción Nacional, PAN). PAN Senator Alejandro González told Reuters that there was "no consensus among lawmakers" and a great deal of opposition to the proposal for a unified police command. Political analyst Denise Dresser attributed the resistance to political wrangling, saying that "the Mexican Congress has used its newly acquired power not to push through modernizing reforms but to control and thwart the executive at every turn." A Calderón initiative to fight money laundering has also faced hurdles in the Congress, and though faring better than the unified police proposal, is likely to undergo substantial changes before it passes the Senate, according to José Trejo, the PAN senator who heads the finance committee.

The plan set forth by the Calderón administration to create unified police commands in Mexico's 32 states is being treated by many as a foregone conclusion, despite the setbacks in the Mexican Congress. The federal government has already initiated agreements with state governments to select 422 individuals to assume command of municipal police functions. In an interview with *Notimex*, The executive secretary of the National Public Security System (Sistema Nacional de Seguridad Pública), Juan Miguel Alcántara Soria insisted that there would not be a complete elimination of officers currently comprising the nation's municipal police force, but rather a renovation and reassigning of functions to make them more efficient. He added that from the moment that the president's proposal is signed into law municipalities opting to maintain their local forces will have 14 months to advance in the Police Development System (Sistema de Desarrollo Policial, Sidepol) to guarantee their quality and efficiency. Alcántara estimated that about 180 of the more than 2,400 municipalities have the level of development and characteristics necessary to maintain local police departments, though he stressed that they would still be required to operate under state-level coordination models, mandated by the governor. He said that the main vulnerability that municipal police forces face is that with each three-year mayoral term the police leadership also changes, which compromises their efficiency. As for funding, Alcántara said that his counterparts in the states have approved \$2.4 billion (MEX) for the creation of unified police commands. He added that other funding sources are available, such as the Ramo 33 municipal funds which can allocate up to 20% to public security projects, as well as the Support Funds for Public Security (Fondos de Apoyo para la Seguridad Pública, FASP), and the Subsemun fund, which subsidized 206 municipal governments' public security operations in 2010. Soria also said that in order to implement the new justice system as mandated by federal constitutional reforms in 2008, it will be necessary to have a unified police model. Alcántara said that within the current police forces there does not exist the capacity for scientific investigation, arguing that public security officers must have at least a bachelor's degree, and preferably a specialized degree in order to perform such functions.

Individual states also continue to move forward on unified police commands, particularly in the north. Chihuahua Governor César Duarte Jáquez announced November 16 that his state would soon implement the model, with 400 officers he said have been trained to address the state's most urgent public security needs. It would be the first step in the deployment of 1,000 agents within the next year. Duarte said that Chihuahua is on track to be the first state to implement a unified police command. In Nuevo León, Juan Francisco Bedoya, director of the Unified Command Commission, has been meeting with mayors across the state, and said that he has gained the support of 18 municipal governments for the proposal, and he has planned meetings with 31 more to discuss the requirements for police training, outfitting, and standardization. Meanwhile, the state congress has approved a measure giving Governor Rodrigo Medina, one of the more vocal proponents of the proposal, the power to assume command of the state's police forces in emergency situations, without the need for approval from the municipalities.

President Calderón's proposed unified police model, though, has been met with skepticism from many Mexican security experts and officials. A common concern is the current level of corruption within the police ranks, and organized crime's purchasing power in that regard. Dr. Mireille Roccatti Velázquez, professor in the Technological Institute of Monterrey and former president of the National Human Rights Commission, warned of the danger of creating "an Army of police of more than 400,000 members, which is a terrifying amount of power, if we do not know how to control or discipline it, or if it is infiltrated by corruption." Roccatti said that rather than create large police forces vulnerable to corruption at the top, Mexico should institute bottom-up reforms, beginning with creating more airtight municipal forces, with empowered citizen oversight mechanisms. Addressing the case of Sinaloa, security expert Edgardo Buscaglia echoed Roccatti's concerns over current levels of corruption, and the lack of a plan within Calderón's proposal to create an oversight body independent of the executive branch and with international monitoring.

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TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Mexico's low position in Corruption Index raises attention to issue

Despite efforts by Mexico to combat corruption, the perception of corruption has been increasing according to a global scorecard conducted by Transparency International. According to the 2010 Index of Corruption Perception, Mexico scored 3.1 on a scale of 1 to 10 where lower numbers represent a greater perception of corruption. The tally places Mexico in 98th place out of 178 nations.

This year, Mexico received the lowest score yet in the ten years of Index tracking, according to Esthela Damián Peralta, the president of the Commission of the Oversight of the Superior Auditor of the Federation at the Chamber of Deputies. The poor ranking prompted the coordinator of the Democratic Revolutionary Party (PRD), Alejandro Encinas, to propose creating an Anti-Corruption Czar to improve coordinated efforts in combating corruption on a national scale. Meanwhile, María Marvan Laborde, of the Federal Institute for Access to Public Information, called the most recent results "a serious setback" for the country.

Mexico scored 3.3 last year on the Index of Corruption Perception, and has been steadily slipping lower. In 2007, for example, the country placed 72th out of the nations indexed. In the most recent Index, Latin

American countries that scored higher than Mexico were Guatemala, El Salvador, Cuba and Costa Rica. Chile scored the highest in Latin America with 7.2 points, which put it in 21st place out of all the countries indexed.

In an opinion piece published in *La Jornada*, Commission President Damián wrote that there is a general belief that corrupt acts go unpunished in Mexico. She also noted that the findings raise questions over the work being done by the Secretary of Public Function and other agencies in Mexico that are charged with ensuring the public funds are not misused. "We don't see many public servants who are accused of misusing money ending up in jail," she wrote.

The Secretary of Public Function considered the latest findings a "call to action to strengthen the fight against corruption," but also an opportunity to remember that in order to improve Mexico's rankings the country needs the help of the three government branches and the society at large. The Center of Economic Studies of the Private Sector (CEESP) voiced concerns over the recent ratings in Mexico. Even though there is no precise way to measure the impact of corruption on the country's economic activities, the CEESP noted that a perception of corruption could inhibit competitiveness and economic growth.

Damián noted that Mexico has been among the first Latin American countries to ratify international anti-corruption agreements and in creating a process to guarantee citizens have access to public information. Despite these advances, abuses of power or favoritism continue to undermine anti-corruption and transparency measures. About 75% of all the countries indexed this year, including Mexico, obtained a score that was less than five. The highest scoring country was Denmark and the country that scored the lowest was Somalia. South American countries Venezuela and Paraguay scored 2 and 2.2, respectively.

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Mexican authorities say allegations of corruption against former-Chihuahua State Prosecutor Patricia González Appear Unfounded

The brother of former Chihuahua state Attorney General Patricia González Rodríguez was found dead after being kidnapped and apparently forced to make allegations that his sister had ties to drug traffickers. Mexican authorities, who arrested 12 suspects in the case, believe he was forced to make the statements on a video that was circulated through YouTube, and that the smear campaign was an attempt to retaliate for anti-corruption efforts taken by Patricia González while she was in office.

The investigators' conclusion was based on information gleaned from the detentions of eight suspects who were arrested in connection with the kidnap and killing of Mario González. Four other suspects were detained in mid-November. Some of the suspects were current or former state and municipal agents who were apparently retaliating against efforts by Patricia González' office to eradicate corrupt officers from the law enforcement agencies they worked for, according to functionaries with the Secretary of Public Security.

Shortly after Mario González disappeared on October 21, a video was publicized in which he appeared to make a coerced confession while surrounded by several masked gunmen standing in view of the camera. In the videotape, González alleged that he served as a go-between for the Juárez Cartel and his sister during the time when Patricia González served as the state's chief prosecutor from 2007 through September 2010. The video was quickly removed from YouTube, but it has since been reposted to other sites.

Patricia González protested her innocence to the Mexican press, suggesting that the kidnapping of her brother and the accusations against her came from the criminal groups she targeted during her time as Attorney General. Following the arrests, Mexican authorities said that the suspects worked for the Sinaloa cartel, which is battling with the Juárez cartel over control of drug trafficking routes in the state of Chihuahua. According to that line of investigation, the Sinaloa cartel would have an interest in embarrassing the Juárez cartel or implicating officials connected to the rival group.

SOURCES:

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Millions of dollars in fines against public functionaries remain unpaid

A total of \$3.5 billion (USD) of fines have been levied against 640 public functionaries for a variety of corruption-related charges. However, there does not appear to be a way to collect much of the money because of shoddy paperwork filed in the cases. *La Jornada* reported that the list of public functionaries includes a former director of Pemex, and other high-ranking officials within government agencies.

The fines, some of which go as far back as the 1980s, are levied against both current and former public servants. About a half of the total amount apparently corresponds to special credits rather than official fines. These special fines - which total about \$1.8 billion (USD), cannot actually be collected because the paperwork process, which was conducted by the Secretary of the Public Function, was flawed. The information on the fees comes from information provided under a public information request by *La Jornada* in which the Federal Institute for Access to Public Information (IFAI) determined that the System of Tributary Administration (SAT) would need to provide more detailed information on the fees.

The findings provide a glimpse of the scope of corrupt activities and improper practices documented in government institutions. According to the released information, the ex-director of Pemex, Rogelio Montemayor, was fined \$326 million (USD) according to three separate cases, and another former high-ranking Pemex official, Raúl Muñoz Leos, also faces fines of more than \$407 million (USD). In the Federal Electricity Commission, former Under Director of Construction Eric Roberto Butcher Martínez, appears a dozen times in relation to aberrations in the construction of a thermo-electrical facility.

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ACCOUNTABILITY

Greater accountability demanded from Mexico's Social Security Institute

Mexico's social security system came under scrutiny after the Mexican Institute of Social Security (IMSS) disclosed it has just enough money to pay for pensions and other services until 2012. Legislators are demanding greater accountability and transparency in evaluating some programs, such as Seguro Popular, even as the Institute confronts allegations of corruption in regards to the disbursement of pharmaceutical contracts.

The current financial situation presents a threat to the Institute's existence and functions since the amount of money spent for medical services and pensions for retired employees has reached a critical point, according to representatives of the Mexican Institute of Social Security (IMSS). Manlio Fabio Beltrones, the president of the Senate, is calling for an initiative that would reform the agency to solve its fiscal problems. The IMSS is an autonomous governmental institution that oversees both public health pensions and social security in Mexico.

In response to the focus on IMSS finances, the National Union of Social Security Workers said that the financial problems are not due to the costs of pensions or retirement costs of its members. Valdemar Gutierrez, general secretary of the union, said that changes in the way the pension system is distributed have actually decreased their costs.

The issue has been complicated by allegations of corruption that arose as a result of a phone conversation that was leaked to the media. The conversation seemed to indicate that an IMSS functionary was providing pharmaceutical companies information over the contract bidding process in exchange for a commission. However, some doubt has been cast over whether or not the "functionary"

indeed worked for the agency. The bidding corruption allegations have also extended to the Federal Commission for Protection Against Health Risks (Cofepris).

In light of the scandal, the IMSS suspended Cesar Mora Eguiarte, who is the coordinator of a branch of the IMSS involved with products and services. Hector Acosta of the IMSS said the case could lead to sanctions or other punishments against pharmaceutical companies if any are found to have attempted to influence the pharmaceutical bidding process. The IMSS also filed a complaint in the Federal Attorney General's office to pursue the case of the possible involvement of one of their employees in the scandal. In addition, the Secretary of Public Function initiated a case to investigate irregularities in the bidding process. Additionally, the IMSS called off all scheduled medicine contract bids until further notice. Mexican President Felipe Calderón vowed to investigate the scandal, which also involves the pharmaceutical company Novartis.

Earlier this year, six pharmaceutical laboratories were fined a total of \$150 million pesos (about \$12 million USD) after determining that the companies colluded to fix the prices at above-market rates for medical supplies sold to IMSS. The companies were found to have coordinated their actions during the IMSS public bidding process in a way that benefitted each of them with substantial profits. Some analysts estimate the medical products were 30% overpriced. The laboratories – which have been fined \$21.5 million pesos (\$1.7 million USD) each - have all denied that they worked in conspiracy against the government.

An effort was being made to have Daniel Karam, the director of IMSS, address the most recent allegations before the Senate. Legislators are seeking additional information regarding the pension system, as well as the way that the agency has dealt with the awarding of contracts and purchases for medicine.

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Study finds several government institutions to lack accountability

The Federal Electoral Institute (IFE), Supreme Court and the National Human Rights Commission are major autonomous government entities that are using public funds excessively but with little accountability or transparency, according to a study by the *Centro de Investigaciones en Docencia y Desarrollo Económico* (CIDE).

The study – "El uso y abuso de los recursos públicos en México" – notes that these are institutions that enjoy a level of budgetary independence that may be contributing to excesses and arbitrary expenditures. The study notes that one of the factors that has allowed for excessive expenditures in these agencies is the reliance on petroleum funds. Study authors included Ana Laura Magaloni, a legal specialist, Carlos Elizondo, an investigator with the political science department of the CIDE, and Juan Pardinas, director of public finances for the Mexican Institute for Competitiveness. The investigators are calling on legislators to address some of the excesses.

Among their findings: The National Commission of Human Rights, which requested 24% more funding for the upcoming year, has excessive expenditures in issues that are not directly related to the promotion and defense of human rights; The Federal Electoral Institute requested an increase in its budget of 22%, however Mexico's electoral costs are the highest in the continent, costing \$17.2 (USD) per voter. In comparison, Brazil spends 29¢ (USD) per voter and Argentina spends 41¢ (USD) per voter. The IFE countered by referring to a study that found that 7 or 10 Mexicans say the institution is doing a good job.

Meanwhile, a separate review of federally funded programs operating in various states has pinpointed a number of irregularities, prompting Mexican President Felipe Calderón to call for strengthening the

transparency and accountability of these operations. Calderón also called for sanctions to be applied to those states that do not comply with their obligations in distributing the funds correctly. Among the irregularities detailed were projects that were completed in a different manner than they were originally proposed. Some of these irregularities were detected in the states of Aguascalientes, Hidalgo, Nuevo León, Querétaro, Quintana Roo and Zacatecas. Sanctions being considered include holding back funds, freezing programs and reassigning funds to other groups or agencies that need them as well.

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ACCESS TO JUSTICE

PRESS FREEDOM

Attacks on press freedom persist as critics continue to point to government inaction

The security situation in Mexico remains a concern to journalism advocacy groups as journalists continue to receive threats from presumed organized crime groups and attacks on press installations persist. Domestic and international human rights groups criticize the Mexican government’s failure to investigate and prosecute crimes against the press, and to establish harsher penalties for those who are convicted of such crimes, as is beginning to be done in some Mexican states.

Two graphic reporters from *El Diario de Chihuahua* have fled the country after receiving death threats, according to that newspaper. The threats reportedly came after the paper ran a photo of the victim of a fatal automobile crash involving a car with Sinaloa plates. The reporters claim that the threats came from the victim’s family, and were relayed through police officers gathering evidence from the accident scene. Shortly after on November 10, gunmen attacked the offices of the *El Sur* newspaper in Acapulco, Guerrero. They then entered the building, and threatened 12 newspaper employees. Nobody was injured in the attack, but it prompted an immediate condemnation from the Mexican office of the United Nations’ High Commissioner for Human Rights.

Members of the Inter-American Press Society (Sociedad Interamericana de Prensa, SIP) estimate that 95% of crimes against Mexican journalists have been committed with impunity. According to the SIP, 106 journalists have been killed in Mexico since 1987, 11 in 2010 alone. “There is no other country in the hemisphere where the SIP has invested more energy, missions and requests than in Mexico,” SIP President Alejandro Aguirre told President Calderón at the SIP general assembly meeting in Mérida, Yucatán. Gerardo Rodríguez, from *El Diario de Ciudad Juárez*, told Calderón that his organization is willing to collaborate in fighting crime, but countered that assassinations of journalists in Mexico continue to go unsolved. That paper ran a rare front-page editorial in late September seeking an open dialogue with the drug cartels, drawing immediate condemnation from the federal government. Calderón responded to Rodríguez that arrests have been made in connection with the recent murder of two *El Diario de Ciudad Juárez* reporters. At the general assembly meeting, Juan Francisco Ealy Ortiz, president of the SIP Commission Against Impunity and Executive President of *El Universal*, urged all Mexican states to impose a life sentence for assassinations of journalists, as Chihuahua has done.

In related news, the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has opened an investigation into the death on November 5 of journalist Carlos Alberto Guajardo Romero, believed to have been killed in the crossfire between Mexican marines and presumed gunmen associated with Ezequiel Cárdenas Guillén, the Gulf cartel leader who was killed in the firefight. While there is no clear evidence that Guajardo Romero was targeted intentionally, the commission denounced “the violence against the journalism profession,” and demanded that authorities investigate the case. According to CNDH investigator Fernando Batista Jiménez, of the 66 journalist assassinations that the Commission has documented in the past ten years, only ten have resulted in convictions, a conviction

rate of 15.62%. Moreover, Batista said that no investigative advancements have been made in the 12 documented disappearances, or the 18 attacks against media installations.

The Paris-based group Reporters Without Borders released its ninth annual World Press Freedom Index last month, in which Mexico ranked 136th out of a total of 178 countries studied. The only Latin American countries to rank lower were Honduras, Colombia, and Cuba, which ranked 143rd, 145th, and 166th, respectively. The report lumps Mexico in with Afghanistan, Pakistan, and Somalia, countries it says are “either openly at war or in a civil war or some other kind of internal conflict [where] we see a situation of permanent chaos and a culture of violence and impunity taking root in which the press has become a favourite target.”

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HUMAN RIGHTS

Two youths shot to death after reportedly evading a military checkpoint

The Mexican Army announced that two civilians were killed when Navy personnel opened fire on their vehicle after the two youths reportedly attempted to avoid a combined military and police checkpoint in the Jalpa de Méndez municipality of Tabasco in the early morning of November 14. The passengers were 21 and 23 years old. The Army said that personnel at the checkpoint found a 380mm pistol along with two loaded cartridges in the vehicle.

Spokespeople from the Army and Tabasco’s Attorney General’s Office have said that their respective personnel from the checkpoint have been made available to all interested investigative agencies. The National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) sent personnel to meet with families of the deceased, provide them with psychological and legal counsel, as well as to gather testimonies. The Federal Attorney General’s Office has since done the same.

The Mexican Navy (Secretaría de Marina Armada de México, Semar) said that the vehicle failed to stop at the checkpoint, and that shots were fired from inside, which prompted checkpoint personnel to return fire. The Mexican Army made similar claims following incidents in Sinaloa in 2007 and at the Monterrey Technological Institute earlier this year in which civilians were killed; in both cases investigations revealed that the victims were unarmed.

The incident has drawn outcry from Mexican human rights groups, who have characterized the killing of the two young men as just one of many examples of the abuse of military force. Humberto Guerrero, from the Mexican Commission for the Defense and Promotion of Human Rights, accused the Army of unwarranted use of arms, giving false accounts of the youths firing on them, and “planting” a weapon in their car. Luis Arriaga, director of the Human Rights Center Miguel Agustín Pro Juárez, said that what happened in Jalpa de Méndez shows that the government’s strategy against organized crime is not working, as drug trafficking has not slowed, while violence against civilians continues to increase.

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Federal Police shoot a university student at a protest in Ciudad Juárez

A district court judge has indicted two agents of the Federal Police in connection with the shooting in late October of José Darío Álvarez Orrantia, 19, a student of the Autonomous University of Ciudad Juárez, during a mobilization against militarization and violence that took place on the university campus. According to press reports, the students were participating in the 11th Walk against Death, when marchers and police engaged in an altercation. Álvarez Orrantia was shot in the back during the conflict, and remains in the hospital.

The march was meant to inaugurate a three-day event on militarization and violence sponsored by Juárez's Plural Citizens Front, which included presentations by Congressman José Narro and former federal legislator Victor Quintana, as well as relatives of victims of murders and disappearances. The event followed a week after the massacre of 14 youths at a house party on October 22 in the Horizontes del Sur neighborhood, and on the heels of two other high-profile attacks at a Leather company in Juárez and a shopping center in Chihuahua City, in which a total of eight people were killed and fifteen others were wounded.

Details of the incident remain unclear. Reports from unnamed students say that officers fired on the students from police vehicles. The Federal Attorney General's Office (Procuraduría General de la República, PGR), however, issued a statement that the students, some of whom were hooded, blocked the officers' passage and verbally and physically attacked them. The PGR's statement then claims that the officers got out of their vehicles to investigate, after which the shots were fired. While two officers have been indicted, only the officer who was seen firing on the protestors has been charged with aggravated assault, for which he could face a year or more in prison. Moreover, the names of the two officers indicted in the case differ from the names first released by the PGR shortly following the incident.

In response to the shooting, the recently formed Juárez Student Assembly led a march to demand that the responsible police agents be punished, and that the Federal Police leave Juárez. The agency recently took over control of the Calderón administration's campaign against organized crime in the state, although there have been reports that the military will return to Juárez to resume patrols and checkpoints in the city.

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MIGRANT RIGHTS

Steps being taken to protect migrants in Mexico

In an apparent continued fallout from the discovery in late September of the bodies of 72 Central and South American migrants at a presumed Zeta safe house in the northern state of Tamaulipas, the federal government continues to announce steps being taken to protect the tens of thousands of through-migrants who face the risk of extortion and coercion from organized crime and corrupt police and immigration authorities.

During the recent United Nations World Migration Forum held in Puerto Vallarta this month, El Salvador's vice-minister for Salvadorans in the Exterior, Juan José García, requested that the Calderón administration thoroughly investigate the massacre of the 72 migrants, of whom 14 were Salvadorans, suggesting his doubts that the eight arrests made in the case to date account for all responsible parties. During the inauguration of the forum, Mexico's Interior Minister Francisco Blake told delegates from 142 participating countries that "the first steps have been taken" in the implementation of an international strategy to combat the kidnapping of migrants. He acknowledged Mexico's responsibility in addressing the issue, as a source, transit point, and destination for migration, as well as for having a porous border.

The National Institute of Migration (Instituto Nacional de Migración, INM) announced that it would open offices devoted to the protection of minors in its immigration stations throughout Mexico. The announcement was underscored by the discovery in Tuxtla Gutiérrez, Chiapas of 108 Central Americans

being exploited for labor in a banana plantation. Among those rescued from the plantation by the federal Attorney General's Office (Procuraduría General de la República, PGR) were three newborns and a pregnant 12-year-old. In all, there were 21 minors, including the three newborns. The PGR said that eight individuals were arrested at the site, and were expected to face charges of human trafficking for exploitation of labor. It is estimated that every year between October and December around 80,000 Guatemalan agricultural workers enter Mexico to work the coffee, banana and sugar crops, mostly illegally. This migration of seasonal workers is not accompanied by any bi-national agreement establishing working conditions, wages, or housing standards for Central American workers, according to a report released by the Chiapas government last year.

In anticipation of the usual influx of migrants returning to Mexico from the United States in December, the INM has also announced measures to mitigate the dangers they will face once on Mexican soil. In the coming days the Federal Police will distribute a map of "red lights," signifying points on Mexican highways where migrants returning home could be targeted by organized crime. In an interview with *El Universal*, the coordinator of the Paisano Program Itzel Nayelli Ortiz, said that currently the state of Tamaulipas, the stretch of highway from Tamaulipas to Nuevo León, and the border zone between Sonora and Sinaloa are the most dangerous areas. The INM has recommended that migrants returning home travel only during the day, and in large groups to the extent possible.

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AROUND THE STATES

BAJA CALIFORNIA



Politics keeping Baja California human trafficking bill from becoming law, says victim advocate

The director of the Bi-national Commission against Human Trafficking (Comisión Binacional contra la Trata de Personas) Jorge Bedoya López accused the state legislature, led by the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) of playing politics with human trafficking legislation passed under the last legislature by not sending it on to the National Action Party (Partido Acción Nacional, PAN) Governor Guadalupe Osuna Millán for signing. The Law to

Combat, Prevent, and Sanction Human Trafficking in Baja California was passed unanimously September 29, one day before the end of the 19th Legislature.

Bedoya considers Baja California – and especially Tijuana – to be a “paradise” for human trafficking, given the culture of impunity around the crime. Without an active law to address the problem, he says that prosecutors and judges are ignoring it, pointing out that there are currently no open human trafficking cases in the state. Rosi Orozco, president of the Special Commission against Human Trafficking in Mexico's Congress, has said that Tijuana is considered by pedophiles as the “Bangkok of Latin America,” due to the impunity with which trafficking networks operate in the city.

Were it to go into effect, the law would establish sentences of between six to ten years for individuals convicted of coercing people into forced labor or prostitution by means of physical violence, threats, or deception. While the crime of human trafficking is currently classified as organized crime and on paper handled as such, Gabriela Navarro Peraza, regional coordinator for the National Human Rights Commission said that the delicateness of handling human trafficking victims requires particular legal guidelines, in order to protect victims' human rights and dignity.

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ZACATECAS

Zacatecas authorities commit to reviving justice sector reforms



A year after the justice reform process stalled in the state of Zacatecas, representatives from the three branches of state government agreed to work together to resume implementation. The statements came at the inauguration of a training program to prepare justice sector personnel in the new criminal justice system mandated by the federal legislature in the Spring of 2008, and which must be underway in all of the states by 2016. The reforms establish an accusatorial model, built around oral trials, scientific investigations, and the presumption of innocence. Officials hope that the resulting speedier trials will clear backlogs in the courts and combat impunity.

Along with states such as Chihuahua, Nuevo León and Oaxaca, Zacatecas was one of the frontrunners among Mexican states in initiating justice sector reforms, but in June of last year the state congress voted to suspend implementation statewide, confining the reforms to the first judicial district. The move by the legislature came as a response to opposition from judges, attorneys, and academics at the school of law at the Autonomous University of Zacatecas. Supreme Court President Leonor Varela Parga pointed out at that time that the state legislature had only budgeted \$239 million (MEX) for the reforms in 2009, as compared to more than \$422 million (MEX) in both 2007 and 2008, during the preparatory phase. In a written statement to the state legislature last year, Varela Parga also said that the state had not followed through on other commitments to the reforms, including infrastructure projects.

One obstacle to a successful statewide implementation pointed out at the inauguration of the training program was the lack of cooperation between branches of government, for which Felipe Borrego Estrada, technical secretary of the Coordination Council for the Implementation of the Penal Justice System said that the appointment of a general coordinator will be central for the reforms' future success. Training of personnel will also be an obstacle, and those already trained will be asked to help in the process of training others. For his part, Arturo Nahle García, state attorney general, emphasized the need for further legislative reforms, as there are currently two separate penal codes in effect, which has confused the reform process.

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

About the Report: *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law in 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 and edited by TBI Research Associates Cory Molzahn and Anna Cearley, with assistance from Octavio Rodriguez, Elisse Larouche, Morayma Jimenez, and Stephanie Borrowdale. All maps and tables generated by TBI; unless otherwise noted, 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 Trans-Border Institute, the University of San Diego or its sponsors. Finally, please report any questions, corrections, or concerns to transborder@sandiego.edu.*

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