
JUSTICE IN MEXICO

WWW.JUSTICEINMEXICO.ORG

TRANS-BORDER INSTITUTE



April 2011
News Report

MONTHLY SUMMARY

Ejecuciones spike during current period; 2011 rate outpacing 2010 by 9% • Nearly 300 bodies discovered in 'narco-graves' in Tamaulipas and Durango • Attorney General Chávez steps down, replaced by director of agency's organized crime unit • Officials seek ways to assess and assist children impacted by Mexico's drug war • Calderón urges confidence exams for state officials; states struggle to staff police forces • Last of Michoacanazo suspects freed by judicial order • Mexican senate passes anti-corruption legislation • Upsurge in Monterrey casino developments points to potential for money laundering operations • Mexican news outlets agree to drug war reporting guidelines • Anti-trust agency imposes hefty fine on América Móvil • Transparency legislation awaits approval in Chamber of Deputies • New reports attempt to shed light on disappeared and displaced persons in Mexico • Juárez Police Chief Leyzaola accused of human rights abuses • Kidnapping and murder of son of prominent poet and journalist sparks outcry against violence in Mexico • Central American migrants march to protest abuses • Police reform efforts take step back in Tijuana • DF continues reform on human rights and public security issues • Commission created to assist implementation of the new penal justice system in Sonora

LAW AND ORDER

CARTEL-RELATED VIOLENCE

Ejecuciones spike during current period; 2011 rate outpacing 2010 by 9%

As of April 15 there had been 3,660 *ejecuciones*, or cartel-related killings, in Mexico during 2011, according to the newspaper *Reforma*. That number represents an average of 244 such killings per week, compared to 223 for 2010. The most recent three weeks have seen an average of 264 *ejecuciones* per week, with discoveries of bodies buried in mass graves in Tamaulipas and Durango likely to further stack

the annual totals as well as for the current reporting period. Data have not yet been made available for the week of April 16-22.

Largely due to the uncovering of 183 bodies in *narco-graves* around San Fernando, Tamaulipas that has dominated news coverage over the past month, Tamaulipas has seen the most dramatic increase since the last reporting period, spiking to 401 as of April 15 from 199 just three weeks earlier. The discovered bodies have been attributed to the Zetas criminal organization, which has carried out a bloody turf battle with its former ally, the Gulf Cartel. Durango has also seen a sharp rise in *ejecuciones* since our last reporting period – up 33% to 221 – after mass graves were found there containing 96 bodies. In Chihuahua, cartel-related killings have remained relatively flat since Julián Leyzaola assumed charge of the Ciudad Juárez municipal police last month after leaving Baja California amidst numerous abuse allegations. Cartel-related killings statewide averaged 44 per week since he assumed control March 10, as compared to 43 during the first 10 weeks of 2011. Nevertheless, cartel-related killings are down in Chihuahua this year as compared to 2010, which averaged just over 61 per week. Overall, the six border states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas account for just over 45% of the nationwide *ejecuciones* for 2011, roughly equal to 2010.

The northern border state of Nuevo León continues to suffer waves of cartel violence, including a 24-hour period from April 14 to April 15, in which 29 bodies were found throughout various municipalities, including Monterrey and Guadalupe. During the same period, gunmen ambushed Chihuahua Ministerial (state) Police Coordinator Mario Ramón Chavarría, who had led dozens of murder investigations in Ciudad Juárez. Chihuahua had seen 643 *ejecuciones* in 2011 as of April 15, for an average of 43 per week. 15 of those came during a period of as many hours during the night of March 30 and early morning March 31, including 9 killed in a bar by an estimated 20-armed men. Four more were killed nearby hours later, including an 11-year-old girl. The security situation in Guerrero, whose body count began to rise in 2009 as cartel turf battles emerged there and have since engulfed much of the state including the tourist town of Acapulco, continues to worsen in 2011. Guerrero has averaged 28 *ejecuciones* per week during the first 15 weeks of the year, as compared to 19 during 2010. As of April 15, the state had 421 *ejecuciones*, equal to Sinaloa, which had 2,028 such killings last year, compared to Guerrero's 984.

The U.S. State Department extended its travel warning for Mexico to include parts of Jalisco, Nayarit, San Luis Potosí, Sonora and Zacatecas. The warning stated that, "Concerns include roadblocks placed by individuals posing as police or Military personnel and recent gun battles between rival transnational criminal organizations including automatic weapons." The warning includes Highway 57d, an important north-south corridor between Mexico City and Monterrey, Nuevo León where suspected members of the Zetas criminal gang shot two U.S. customs officials in February, killing one. It also bans U.S. employees from traveling to Colotlan and Yahualica near the Zacatecas border in Jalisco due to escalating cartel violence in those cities. The areas named in the warning added to a previous warning advising against travel to the states of Tamaulipas and Michoacán as well as parts of Chihuahua, Coahuila, Durango, and Sinaloa. The warning also provides specific information and cautions about travel in northern Mexico, such as advising U.S. government officials to only travel during daylight hours and in armored vehicles in Sinaloa, and parts of the city of Nogales.

SOURCES

- Maerker, Denise. "Suman 15 ejecuciones en menos de 15 horas Chihuahua." *Radio Fórmula* April 1, 2011.
"Nuevo León: en 24 horas, 29 ejecutados." *Milenio* April 16, 2011.
Lawder, David. "U.S. warns on travel to five more Mexican states." *Reuters* April 22, 2011.
"Ejecutómetro 2011." *Reforma* Accessed April 26, 2011.

Nearly 300 bodies recovered from "narco-graves" in Tamaulipas and Durango

To date, a total of 183 bodies have been found in mass graves in the San Fernando area of the state of Tamaulipas. San Fernando is about 100 miles south of Brownsville, Texas. 72 bodies were Initially found on April 6, but 16 more bodies were found over the following weekend, bringing the total to 88. Authorities continued to uncover bodies over the following weeks, eventually increasing the total body count to 183, spread among 40 graves surrounding San Fernando, which is a farming town with a population of around

60,000. The Attorney General's Office said that the Los Zetas criminal organization is responsible for the mass graves – the second such discovery in the past year. The graves were found as authorities investigated reports of kidnappings of bus passengers passing through San Fernando in late March. A prosecution source has revealed that messages were found on site allegedly written by members of Los Zetas and the Beltran Leyva cartel. Investigators say that few bullet casings have been recovered from the scene, and that most of the victims appear to have died from blunt force trauma to the head. A sledgehammer found there is believed to have been used in the killings.

Investigators suspect that at least some of the remains found in the mass clandestine graves are those of 122 people dragged from passenger buses at illegal roadblocks in San Fernando, but authorities from the Federal District Supreme Court said that none of the 120 bodies embalmed and sent to Mexico City for identification to date have thus far been claimed. Investigators say that identifying the victims has been made especially difficult by the absence of any identification or personal belongings on the bodies. Of the three bodies positively identified thus far, one was determined to be that of a 29-year-old Social Development Ministry (Sedesol) employee kidnapped in late March. According to some reports, an American was included in the 122 kidnapped bus passengers, though no remains of Americans have yet been identified. The U.S. Consulate in Mexico has stated that from late March to early April there were three reports from Americans or their families regarding inner-city buses being boarded by criminals. As a result, several bus companies operating in Tamaulipas have cancelled their routes until the authorities can guarantee safety to them and their passengers.

This is not the first time that authorities have uncovered mass amounts of bodies allegedly linked to drug related crime. In August 2010, officials in San Fernando found the remains of 72 people, later identified as mostly Central American migrants, who were brutally killed by organized crime groups, stated *BBC News*. The Guatemalan government reported on April 12 that one of the first bodies to be extracted from the graves was identified as Feliciano Tagual Ovalle, a 44 year-old Guatemalan male. Mexican authorities believe that most of the bodies in the graves are Mexicans, but two have not yet been identified. The State Attorney General's Office said recently that of the over 180 bodies uncovered in Tamaulipas only 122 can be attributed to bus passengers kidnapped in San Fernando.

Bodies have also been discovered in clandestine graves in other northern Mexican states, including Durango, where 96 bodies were uncovered this month (a representative of the Federal Police in Durango believes that the number there could eventually exceed that of San Fernando, Tamaulipas); Sinaloa, with thirteen; Sonora, with four; and two more in the state of Morelos. The overall body count for April is 297 to date, and followed more than 20 bodies discovered in clandestine graves in March, including 17 found in San Miguel Totolapan, Guerrero. The April total does not include tooth and bone fragments discovered in Tijuana at the property of José Santiago Meza, "El Pozolero," a Sinaloa cartel associate believed to have dissolved over 300 bodies in acid during that city's wave of violence in 2008 and 2009. On April 19, *Reforma* reported that over the past five years 156 clandestine graves have been discovered throughout 22 states, containing 645 bodies. More than 60% of the bodies have been discovered in the states of Chihuahua, Guerrero, and Tamaulipas, and the majority of the bodies have not been identified. *El sicario*, a book and documentary by investigative journalist Charles Bowden and New Mexico State University librarian Molly Malloy, cites one confessed cartel gunman as saying that he "[could] not say with precision how many people were executed... It is impossible to know. I was once [involved] in the execution of a hundred people. All were buried in a specific place; there could have been thousands of executions." He went on to say that "there are at least a hundred narco-graves, of which possibly only five or six have been discovered," suggesting that the bodies discovered to date are just the tip of the iceberg. The Mexican Human Rights Commission says that more than 5,000 people have been reported missing nationwide since 2006.

The Inter-American Human Rights Commission (Comisión Interamericana de Derechos Humanos, CIDH) issued a statement criticizing the Mexican government for the mass graves, saying that it must fully investigate the incident, identify the victims, bring those responsible to justice, and take measures to ensure that such acts are not repeated. The Mexican government has not directly responded to the CIDH's statement, but the same day it was made, President Calderón issued his own statement via Twitter congratulating the Mexican armed forces for capturing Martín Estrada Luna, "El Kilo," the alleged Zetas

cell leader suspected of carrying out mass killing of migrants in Tamaulipas. The Mexican Army also detained 16 municipal police officers from San Fernando accused of offering protection to Los Zetas. Sources in the federal Attorney General's Office (Procuraduría General de la República, PGR) said that the implicated police officers assisted in hiding the mass homicide. In all, 76 suspects have been arrested, although prosecutors have still not established clear motives for the killings. Government security spokesman Alejandro Poiré said that the victims were likely killed after they refused to be recruited into the Zetas' ranks. There are rewards of between 5-15 million pesos currently offered for information leading to the arrests of three of El Kilo's associates. Morelos Canseco Gómez, Tamaulipas lieutenant governor, said that some of the graves yielding only a single corpse might have contained fellow cartel members killed in armed battles. Cartels have been known to recover their own dead from battle sites in order to leave behind as little evidence as possible.

SOURCES

- "Indicios de que detenidos por matanza de 72 personas son miembros de 'Los Zetas'". *ABC Agencias* April 9, 2011.
"Los Zetas, responsables en masacre en Tamaulipas." *Ansa Latina* April 9, 2011.
"México: 14 detenidos en relación con la reciente matanza de 72 personas." *BBC Mundo* April 9 2011.
Daily Mail Reporter. "U.S. Citizen Among Kidnapped Bus Passengers that Could be Buried in Mexican Mass Grave." *Mail*. April 11, 2011.
Associated Press. "Guatemalan victim ID'd in Mexican corpse pits." *Forbe*. April 12, 2011.
"Caen 16 policías por fosas en Tamaulipas." *Reforma* April 13, 2011.
Villamil, Jenaro. "Narcofosas y Calderón, mensajes frente al horror." *Proceso* April 19, 2011.
"Sin reclamar, 120 cuerpos de San Fernando en DF." *El Universal* April 20, 2011.
"Suman 254 los cuerpos en fosas clandestinas." *El Informador* April 23, 2011.
Miroff, Nick and William Booth. "Mass graves in Mexico reveal new levels of savagery." *The Washington Post* April 24, 2011.
"Durango superaría a San Fernando: PF." *El Siglo de Durango* April 27, 2011.

ANTI-CARTEL STRATEGY

Attorney General Chávez steps down, replaced by director of agency's organized crime unit

President Felipe Calderón announced on March 31 that Attorney General Arturo Chávez Chávez had resigned after 18 months in office. Chávez was the second attorney general to resign from Calderón's administration since he took office in 2006. When Chávez was appointed the position, he was highly criticized by both opposition party officials and civil society organizations, many of whom saw him as exceedingly loyal to Calderón's National Action Party (Partido de Acción Nacional, PAN).



Former Attorney General Arturo Chávez Chávez

Chávez was appointed as attorney general in September 2009 after the resignation of Eduardo Medina Mora, who was integral in articulating the Calderón administration's strategy for confronting drug trafficking and organized crime. According to a leaked cable, Medina Mora resigned because he was unable to continue working with Mexican Public Security Secretary Genaro Garcia Luna. In a diplomatic cable from 2009 released by Wikileaks earlier this year, then-U.S. Ambassador to Mexico Carlos Pascual wrote that Calderón's appointment of Chávez to head Mexico's Attorney General's Office (Procuraduría General de la República, PGR) was "totally unexpected and politically inexplicable." Pascual left his post last month due to fallout from the leaked diplomatic cables. While the reason given for Chavez's resignation is his need to attend to urgent personal issues, it also comes at a time when the Calderón administration is coming under increasing fire for continued violence in the country resulting from the military-led offensive against transnational drug trafficking organizations and increased allegations of human rights abuses at the hands of security forces.

The same day that Chávez's resignation was announced, Felipe Calderón proposed to Congress that Marisela Morales Ibañez, then the head of the special investigations unit for organized crime under Calderón, replace Chávez as Attorney General. Before the Mexican Senate approved her nomination on April 8, Calderón noted that Morales would not only play a vital role in "consolidating Mexico as a country of laws," but also be the first woman to hold the post in Mexico's history. Many reacted positively to Morales' nomination, with high hopes that she will help strengthen rule of law throughout the country. Morales, 39, obtained her law degree from the law school at the Autonomous University of Mexico.

Between 2000 and 2005 during the Fox administration, she served as general coordinator of the PGR's special investigations unit for federal crimes, during which she oversaw the reopening of the investigation into the 1993 assassination of Cardenal Juan Jesús Posadas Ocampo, as well as the lawsuit seeking to lift the prosecutorial immunity of Andrés Manuel López Obrador in 2005. The National Institute of Women (Inmujeres) has stated that Morales' appointment shows women are capable of carrying out tasks of the highest importance. Since 2008, Morales has headed the Assistant Attorney General's Office for Special Investigations on Organized Crime. She has been recognized for her efforts in catching some of the most notorious drug-traffickers in Mexico. In early March, U.S. Secretary of State Hillary Clinton and first lady Michelle Obama awarded her a 2011 International Women of Courage Award.

Meanwhile, though, she has received criticism from opponents who in part blame her for overseeing the arrest of over 35 Michoacán public officials suspected of aiding the La Familia drug cartel, reported *Informador*. All of the individuals detained in the so-called "Michoacanazo" have now been absolved, and several have returned to their previous government posts. That operation came under the direction of Arturo Chávez, who has also received harsh criticism for what is broadly seen as a bungled operation on a grand scale. Many critics consider Morales to be a continuation of Chávez's failed tenure.

SOURCES

- "Calderón postula a Marisela Morales como relevo en la PGR." *Informador*. March 31, 2011.
"Mexican president nominates Marisela Morales as attorney general." *CNN*. March 31, 2011.
Mosso, Ruben. "Sale Arturo Chávez de la PGR." *Milenio*. March 31, 2011.
"Perfil Marisela Morales Ibáñez." *El Universal* March 31, 2011.
"Marisela Morales llega a la PGR por su trayectoria: Inmujeres." *Informador*. April 8, 2011.
Michel, Elena and Ricardo Gómez. "Ratifica Senado a primera procuradora de México." *El Universal*. April 8, 2011.

SOCIETAL TOLL OF NARCO-VIOLENCE

Officials seek ways to assess and assist children impacted by Mexico's drug war

César Horacio Duarte Jáquez, the governor of the state of Chihuahua, sent a bill to Congress proposing amendments to the Military Service Law that would oblige young people who neither work nor go to school, also known as "ninis" (Spanish for "neither-nor"), to serve in the military for three years in an attempt to prevent young people from joining the ranks of organized crime groups. Participants would receive compensation during the three years of service. It is estimated that there are about seven million young people in Mexico that fall into the "nini" category and who are not economically active in the country.

Duarte Jáquez pointed out that military service and responsibilities would create a positive mental and behavioral change for the young adults in the country, who are not in school or work. According to UNESCO, the net secondary enrollment rate for Mexican boys between 2005 and 2009 was 71%, three percent lower than for girls. Human rights groups, academics, and professionals all urged the military to consider the thousands of children between the ages of 13 and 15 who live in the border region by helping prevent them from becoming involved in organized crime. Gustavo de la Rosa Hickerson, a visitor of the Human Rights Commission, also pointed out the effects the drug war has specifically had on children ages 13-15 when the drug war started, that are now 17 and older, who have become the victims of – or the participants in – organized crime groups. He also stated that with more time, the hatred and desire for vengeance will grow as these children get more involved with the drug cartels or lose family members due to the violence. However, Duarte Jáquez's proposal has not been so readily accepted by others. Noe Gómez García, President of the Democratic Revolution Party (PRD), stated that Jáquez's proposal does not address the root problem of why these young people are not in school or working. He also stressed the need for good preventative policies to decrease the number of youth engaged in organized crime.

Regardless of whether Duarte's proposal gains traction in the Mexican Congress, it underscores the growing impact of Mexico's drug war on the country's youth. Former Sinaloa Human Rights Commission President Óscar Loza Ochoa estimates that the number of children having lost at least one parent due to cartel-related violence could be as high as 60,000, assuming an average of 1.5 children for each of the 35,000 killed in narco-violence and the 5,000 missing according to Mexico's Human Rights Commission

(Comisión Nacional de los Derechos Humanos, CNDH). Others have proposed a more conservative estimate – around 40,000 – though all agree that children scarred by the violent death of one or both parents will prove to be a substantial societal challenge for Mexico, particularly as they enter their teenage years. In Ciudad Juárez alone, some estimate that 12,000 children have lost a parent as a result of the 7,000 dead in that city from cartel violence – the majority of whom were between 17 and 35 years old. Still others point to the direct victimization of youth by cartel-related violence. Multiple estimates put the number of minors killed in the crossfire between cartels and security forces to be around 1,000. The Mexican government does not track the number of child deaths resulting from cartel violence.

CNDH official Gustavo de la Rosa told news agency *AFP* that there is a drastic shortage of psychologists to attend to children who have lost one or both parents to cartel violence, meaning that the need is outsourced to other sectors, including academics, social workers, and clergy members. The state of Chihuahua has reportedly allocated the equivalent of \$800,000 (US) for attention to drug war orphans, an amount experts say is inadequate. Social workers and others directly acquainted with the situation of orphaned children in Mexico worry about the cyclical effects of narco-violence on future generations. Therapists have reported about young children envisioning enacting revenge on their parents' assailants, or even on news outlets that broadcast images of their bodies. There is also the very real fear that children with little or no familial support system are more easily seduced by criminal organizations to join their ranks. Among the nearly 80 individuals arrested in connection with the more than 180 bodies recovered from mass graves around San Fernando, Tamaulipas, four are adolescents who are currently being handled in the state's adolescent justice system. According to various estimates, between 25,000-30,000 minors are currently involved in criminal organizations.

Cecilia Landerreche Gómez Morín, director of the National System for Integral Family Development (Sistema Nacional para el Desarrollo Integral de la Familia, DIF), said her agency is responding to the challenge by creating a national database of children left homeless as a result of the drug war. She said that the DIF has also worked since 2007 to streamline the process for adoption in the country to help ameliorate the problem. Her agency is also faced with the challenge of gathering data and supporting programs across the 32 Mexican states with the objective of pursuing a coherent national strategy.

SOURCES

- Veracruz elabora padrón de huérfanos del narco." *El Universal* March 23, 2011.
Cruz, Juan Manuel. "Duarte propone que 'ninis' ingresen al Ejército." *El Universal*. March 25, 2011.
Breach Velducea, Miroslava. "Formaliza Duarte iniciativa para que 'ninis' se incorporen al Ejército." *La Jornada*. March 28, 2011.
Gutierrez, Dinorah. "Promueve César Duarte servicio militar remunerado para 'ninis'" *Milenio*. March 28, 2011.
González, Jennifer. "Mexico's orphans are casualties of drug wars." *AFP* April 17, 2011.
Estrada, José Ángel. "La guerra al narco habría dejado 60 mil huérfanos." *El Sol de Sinaloa* April 24, 2011.
Ramírez, Nashieli. "Ya Basta." *Cimac Noticias* April 26, 2011.
"Hay menores de edad involucrados en caso de las foas de San Fernando." *El Informador* April 26, 2011.

TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Calderón urges confidence exams for state officials while states struggle to staff police forces

While speaking at the annual meeting of the Confederation of the National Chambers of Commerce, Services and Tourism (Confederación de Cámaras Nacionales de Comercio, Servicios y Turismo, Concanaco Servytur México) in late March, President Calderón requested that all of Mexico's governors administer tests that will assess levels of confidence and trust in higher officials of various state governmental departments. The same will be applied to higher authorities within the federal government. Officials targeted for the tests include those related to public security and justice, as well as state attorneys general and police chiefs. Calderón also stressed the importance of vetting all officers comprising the states' special anti-kidnapping units.

Calderón asked that the process begin on April 1. He used the setting of the Concanaco Servytur México meeting to stress that these steps are needed to strengthen the economy by preventing illegal trade and business practices. “Businesses need to be supported by a firm application of the law,” he said. Officials are expected to pass the exam by the end of April. Calderón stated that he does not see reason to “wait any longer.” He also urged governors to apply a unified police model to bring each state’s municipal forces under a single, governor-appointed command. The unified police model has the strong support of Mexico’s Public Security Secretary Genaro García Luna, but is opposed by many mayors, and a legislative reform proposal to make way for the model has stalled in the Mexican Congress.

Several governors were quick to respond to Calderón’s request. Less than a week following Calderón’s proposal, Hidalgo Governor Francisco Olvera announced that the state’s public security chief and attorney general would be subjected to confidence exams. Olvera added that such exams would be applied to chiefs of police in all of the state’s 84 municipalities. On the same day that Governor Olvera announced he would undergo the tests, Hidalgo Public Security Secretary Damián Canales Mena fired five state police commanders on the grounds that they were not achieving their performance goals. As in Hidalgo, the public security secretary and attorney general of Zacatecas both visited the Center for Investigation and National Security in Mexico City to undergo confidence exams. In Querétaro, Attorney General Arsenio Durán Becerra announced that he is prepared to undergo the exams, but to date no other state officials have made the same commitment.

Meanwhile, states continue to struggle to staff municipal police departments with vetted personnel. Recently, mayors of several cities in Nuevo León reported drastic shortfalls in their municipal police forces. Monterrey Mayor Fernando Larrazabal reported that by May his city will have recruited the 750 officers needed, however, and reassured that they would hold up to confidence exams. By contrast, Guadalupe Mayor Ivonne Álvarez reported a deficit of 300 municipal police officers. She said she has appointed a military officer to carry out recruiting and training operations, but does not have a timeframe for when the process will be complete. For his part, San Pedro Garza García Mayor Jaime Rodríguez Calderón said that his city currently has only 160 officers while requiring 400, and does not foresee the deficit being filled before the end of this year. The newspaper *Milenio Monterrey* reported this month that state and municipal police forces are currently at a 50% personnel deficit. Facing these numbers, Guadalupe Mayor Álvarez said that she might seek to recruit officers from other states to fill the void. Punctuating the problem, 40 Guadalupe municipal and transit police were removed for failing to pass their confidence exams. For his part, Governor Rodrigo Medina de la Cruz told reporters early this month that he is considering similar measures in order to triple the current number of state investigative police, as required by the agency’s model. He estimated a need to recruit 1,600 police officers per year to fill vacancies in local and state police forces in Nuevo León. The state is currently well short of the internationally recommended 3 police officers per 1,000 residents – it currently stands at 2.4. The states of Coahuila, Sinaloa and Sonora have also recently reported substantial shortfalls in state and municipal police staffing.

SOURCES

- López, Lorena. “Calderón pide exámenes de control de confianza para altos mandos.” *Milenio*. March 31, 2011.
Urrutia, Alonso. “Pedirá Calderón examinar en abril control de confianza en mandos de seguridad.” *La Jornada*. March 31, 2011.
Becerra, Bertha. “Aplicarán exámenes de confianza a todas las policías, anuncia Felipe Calderón.” *El Sol de México*. April 1, 2011.
Puértolas, Miguel Ángel and Daniela Mendoza. “NL busca reclutar en otros estados 1,600 uniformados al año.” *Milenio* April 4, 2011.
“Aplicarán exámenes de confianza a mandos de seguridad en Hidalgo.” *El Informador* April 6, 2011.
“Remueven a mandos policiales de Hidalgo.” *Notimex* April 6, 2011.
García, Luis. “Reconocen alcaldes de Monterrey, Guadalupe y García déficit de elementos.” *Milenio* April 8, 2011.
Arcos, Guadalupe. “Procurador de Querétaro, listo para someterse a pruebas de confianza.” *Rotativo de Querétaro* April 15, 2011.

Last of Michoacanazo suspects freed by judicial order

A judge in Morelia, Michoacán acquitted the last of 35 Michoacán officials arrested in 2009 for allegedly aiding a drug cartel. Armando Medina Torres was one of 12 Michoacán mayors arrested in the so-called *Michoacanazo*, accused of offering protection to the La Familia Michoacana criminal organization. With Medina Torres’ release, all 35 officials have now been acquitted, finalizing a definitive blow to the federal government’s campaign to clean up official corruption in the home state of President Felipe Calderón.

Torres returned to his municipality of Múgica after spending 19 months in jail, and was greeted by hundreds of sympathizers. He has requested to be reinstated as mayor of that town, and the government committee of the state congress is reportedly studying the matter. Meanwhile, his supporters have demanded a *mea culpa* from newly instated Attorney General Marisela Morales Ibáñez, who was the head of the organized crime unit of the Attorney General's Office at the time of the detentions.

State party leader for President Calderón's National Action Party (Partido de Acción Nacional, PAN), Germán Tena, said that the *Michoacanazo* will not be over until Julio Cesar Godoy is processed. Godoy, brother of Michoacán Governor Leonel Godoy, has evaded arrest since May 2009. For his part, Jesús Zambrano Grijalva, state leader of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), expressed his party's fear that such an operation could occur in other states. He implored Mexican Attorney General Maricela Morales to not succumb to temptations to carry out police operations similar to the *Michoacanazo* during the run-up to upcoming elections.

SOURCES

"El 'michoacanazo' aún no ha concluido: Tena Fernández." *El Financiero* April 13, 2011.
Vásquez, Cecilia. "Armando Medina Torres, el último implicado del 'michoacanazo' llega a Múgica." *Cambio de Michoacán* April 17, 2011.

Mexican senate passes anti-corruption legislation

The Mexican Senate has approved reforms to the General Law of Administrative Responsibilities for Public Servants (Ley General de Responsabilidades Administrativas para los Servidores Públicos) that, if approved by the Chamber of Deputies and signed by the president, would provide monetary rewards to individuals that report acts of corruption by public servants, establish an anonymous complaint system, and increase penalties for officials found guilty of "grave" infractions.



According to the legislation, public servants found guilty of such serious offenses would be relieved of their positions, and prevented from holding public office for 10 to 20 years. It also would make the federal government responsible for protecting citizens who file corruption complaints about public servants from possible reprisals, the fear of which is believed to keep many from reporting official corruption. The Mexican Ministry of Public Function (Secretaría de la Función Pública, SFP) would administer the financial rewards to people reporting official corruption. Reports would be required to be made in writing or through the SFP's complaint system, and include the identification of the public servant alleged to have committed acts of corruption, as well as evidence of those acts. On the other hand, if the servant is absolved of the allegations, the agency for which he or she works will be required to reinstate the individual, as well as to pay wages lost while he or she was suspended as a result of the allegations. Some critics of the legislation expressed concern that the anonymous complaint system could open the doors for frivolous complaints made for monetary payout, while others argued that acts of official corruption should be punished criminally, and not be limited to administrative actions, as allowed in the legislation.

The Senate's decision came two weeks after the president of business organization Confederación Patronal de la República Mexicana (Coparmex), Gerardo Gutiérrez Candiani, announced that the economic costs of corruption in Mexico amount to \$100 billion (MXN). Gutiérrez pointed to public education as a solution to the problem, saying that Mexico must "push in the schools, beginning in primary schools, principles of civic and ethics education," to put an end to corruption in Mexico that results in a cost equivalent of 9% of Mexico's GDP. He also pointed to impunity in general as an obstacle to economic growth, stressing that, "Mexico has to be a country where impunity and corruption are the exception." Gutiérrez argued that recent studies show companies in Mexico spend 10% of their revenue on acts involving corruption. The same reports reveal that more than 44% of companies make unofficial payments to public servants at the local, national, and federal levels of government, reports *El Economista* publication. Gutiérrez stated that as a result, 7 out of 10 companies have experienced a reduction in their competitiveness. He also reiterated that Mexico ranked 98th out of 178 countries on Transparency International's Corruption Perception Index for 2010, which is a drop from their 2009 ranking of 89th.

Gutiérrez urged the public to dig deeper and explore the problem of organized crime, saying that changes should be made in order to strengthen security within Mexico. He suggested that now is the time to begin a great “national crusade against corruption and impunity.”

SOURCES

- González, Lilia. “Sector patronal urge a combatir la corrupción.” *El Economista* April 4, 2011.
Hernández, Antonio. “Gastan empresas 10% de sus ingresos en actos de corrupción: Coparmex.” *Milenio* April 4, 2011.
“Corrupción en México equivalente a 100mmdp al año: Coparmex.” Radio Fórmula April 6, 2011.
“Entregarán recompensas a quien denuncie actos de corrupción.” *Notimex* April 12, 2011.
“Recompensarán las denuncias de corrupción.” *El Informador* April 20, 2011.

Recent upsurge in Monterrey casino developments points to potential for money laundering operations

The newspaper *La Jornada* ran a report this month drawing a connection between the recent, rapid proliferation of casinos in Monterrey, Nuevo León and money laundering. According to the article, the Mexican government has considered the city to be the country’s principal money laundering center for the past 15 years, and that the Mexico-based gaming association Asociación de Permisarios de Juegos y Sorteos has acknowledged that criminal organizations have money laundering operations in 40 casinos in northern Mexico. Treasurer of the Chamber of Commerce Confederation for Commerce, Services, and Tourism (Confederación de Cámaras Nacionales de Comercio, Servicios y Turismo, Concanaco), Juan Ernesto Sandoval Villarreal, attributed the rapid growth of casinos in Nuevo León, which has more than doubled from 23 in 2007, to both an increase in gambling addiction and incidence of money laundering.

The existing law governing gambling operations, the Ley Federal de Juegos y Sorteos, is 63 years old, and is considered outdated even by the Mexican government. Interior Ministry official Juan Bosco Martí Ascencio said that it was “necessary to create a new judicial framework to avoid partiality and illegality” in the gaming industry. The licensing process for casinos in Nuevo León has also come under criticism for being excessively loose, and occurring at a pace that allows opacity. Sandoval Villarreal of Concanaco characterized the phenomenon as “license trafficking,” saying that “the market will become saturated, and if businessmen are investing these amounts they will want to recuperate them,” and those that remain will be detrimental to public interests.

Some local officials seem to agree that unchecked casino development poses a threat to public interests. The Monterrey city council announced that it will request that the Interior Ministry look into the matter. Monterrey Mayor Fernando Larrazabal said that during his administration no licenses have been granted, but casinos recently opened and the Interior Ministry granted permission to others expected to open in the foreseeable future. He added that his administration has received 15 licensure applications, all of which have been denied, while expressing frustration with the Interior Ministry, which he characterized as “turning a blind eye” to the unsustainable growth in the casino industry in the city. On April 15, the city of Monterrey shut down three casinos that were operating without the permission of various authorities, including the bureau of Alcohol and Civil Protection (Alcoholes y Protección Civil). The closures were the result of unannounced inspections, after which Larrazabal called on the Interior Ministry to put an end to injunctions and other actions that favor the illegal operation of casinos in the city. Currently, there are 15 casinos operating in Monterrey.

SOURCES

- “Monterrey: un oasis del lavado de dinero mediante el auge de casinos.” *La Jornada* April 10, 2011.
Cavazos, Liliana. “Monterrey realiza triple clausura de casinos.” *Milenio* April 15, 2011.

TRANSPARENCY

Mexican news outlets agree to drug war reporting guidelines

For the first time ever, many of Mexico’s largest media outlets including 600 radio stations, 92 newspapers, 23 magazines, 12 television stations and various internet news sites have agreed to a 10-

point accord that sets coverage guidelines for the Mexican media. These voluntary guidelines were made in an attempt to protect journalists and to avoid glorifying crime bosses. Since President Calderón's crackdown on drug cartels, many journalists have received threats, while some have been kidnapped or killed. Many reporters in Mexico file their stories anonymously to avoid reprisals. In northern states and border towns, drug gangs have consistently repressed news organizations making it increasingly difficult for residents to get access to information about violence in these areas.

The proposal suggests that media outlets should avoid glorifying traffickers as heroes and stop spreading their propaganda, like the 'narco-messages' and banners often left at crime scenes and later published in the news or photographs, arguing that this only aids the crime groups' "terror strategies." Additionally, as reported by the *Los Angeles Times*, "Under the agreement, the companies are urged to draw up standards for showing violent images, such as decapitated bodies, and provide more context when reporting on drug violence." They also agreed not to reveal information that could endanger police operations. The agreement encourages journalists to unite against threats by jointly publishing stories, a tactic which was used by the media in Colombia. There is also a commitment to not prejudge suspects, presuming innocence until proven guilty, as well as to protect the safety and identities of victims of violent crimes. There is also a stated goal of encouraging citizen participation in reporting crimes, while offering protections from possible reprisals. As the *Washington Times* reports, "The agreement defends the media's right to criticize government anti-crime actions, and to question the police practices of displaying newly arrested suspects, often surrounded by their alleged weapons, before reporters and cameras."

Several daily newspapers, like *Reforma*, *La Jornada*, and *Proceso*, opted not to sign the agreement, the latter arguing that such guidelines encourage both censorship and the influence of public opinion by larger media outlets that take advantage of the fearful climate caused by cartel violence. *Reforma* issued a statement saying that it "has had its own mechanisms for editorial policy." *Televisa*, *TV Azteca*, and other big network outlets denied *Proceso's* claim of self-censorship. Similarly, President Calderón praised the guidelines, referring to it as an expression of "social responsibility" by Mexican news companies.

SOURCES

- Ellingwood, Ken. "Mexico news companies agree to drug war coverage guidelines." *Los Angeles Times* March 25, 2011.
"Mexican media sets drug war coverage guidelines." *Associated Press* March 25, 2011.
Stevenson, Mark. "Mexico's media agree to voluntary censorship." *The Washington Times*. March 25, 2011.

Anti-trust agency imposes hefty fine on América Móvil

Mexico's anti-trust agency this month leveled a \$12 billion peso (US\$1billion) fine on Telcel, the Mexican unit of América Móvil, the regional cellular provider and largest holding belonging to Mexican telecommunications magnate Carlos Slim, who also owns the landline provider Telmex. América Móvil said that the fine is for "alleged monopolistic practices" in the fees it charges competitors for call termination. The fine comes as a result of an investigation begun in November 2006 following complaints lodged by telecommunications companies Axtel, Marcatel, Alestra, Avantel and Protel. América Móvil has around 275 million subscribers across Latin America, and recently has become embroiled in a legal dispute with Mexican media companies Televisa and TV Azteca, which accuse Slim's telecommunications companies of using their near-monopolistic command of the Mexican telecommunications market to charge exorbitant interconnection rates. América Móvil has said that it is exploring an appeal of the anti-trust decision.



Credit: Business Week

Financial analyst José Yuste said that the fine leveled against América Móvil is the largest ever imposed on the Mexican telecommunications industry, and that it could be a step toward establishing order in the sector. President of Observatel, Irene Levy Mustri, said that the fine against Telcel should be the beginning of a series of historic decisions extending beyond the telecommunications industry into broadcast media. The television market has seen a rapid movement toward centralization in recent years, beginning with the authorization in 2006 granting Televisa permission to acquire 50% of the cable company TVI for \$769.4 million pesos, and 49% of the capitol of Cablemás, then the second most important cable television company in Mexico, for US\$258 million. The following year, Televisa also acquired control of

telecommunications company Bestel. Earlier this year, Televisa announced that it would acquire the remaining holdings of Cablemás, an action that must first be approved by anti-trust authorities. The broadcast giant also this month announced that it would acquire 50% of Iusacell, Mexico's 3rd largest cell phone provider, for US\$1.6 billion. América Móvil's Telefonos de Mexico SAB last month filed an antitrust complaint against Televisa as well as TV Azteca, for alleged monopolistic practices in broadcast advertising. The acquisition of Iusacell holdings would also require approval by antitrust authorities.

In related news, a bill is currently working its way through Senate committees that would stiffen the penalties for monopolistic practices in Mexico. The legislation, already passed by the Chamber of Deputies, would levy sanctions against individuals directly implicated in such practices, as opposed to entire corporations. The legislation would establish penalties of between 3 and 10 years for individuals found guilty of monopolistic practices. Proponents of the legislation hope to see it reach the Senate floor before the regular legislative session ends April 30.

SOURCES

- Arriola, Jose Enrique and Crayton Harrison. "Televisa Buys \$1.6 Billion 50% Stake in Iusacell to Add Wireless Revenue." *Bloomberg* April 7, 2011.
- "Mexican Anti-Trust Agency Slaps Hefty Fine on America Movil Unit." *Latin American Herald Tribune* April 17, 2011.
- "Evidente', que Presidencia dirige cómo acotar a empresas de Slim." *La Jornada* April 18, 2011.
- "Multa histórica a Telcel, pondría en orden a sector: Yuste." *Radio Fórmula* April 18, 2011.
- Simonnet, Carole and Claudia Guerrero. "Avanza en Senado Ley antimonopolios." *Reforma* April 26, 2011.

Transparency legislation awaits approval in Chamber of Deputies

The Federal Institute of Access to Information and Protection of Personal Data (Instituto Federal de Acceso a la Información y Protección de Datos Personales, IFAI) is urging Mexico's Chamber of Deputies to approve transparency reforms already passed by the Senate. In a letter to deputies – particularly those comprising the committees of the interior, justice, and government accountability – the IFAI said that the reforms would strengthen judicial framework for access to information as well as the protection of personal information by allowing for the beginning of a "second generation" in the arena of transparency that would force government agencies to be "proactive" in providing transparency and accountability.

Specifically, according to IFAI, approval of the reforms would provide the necessary secondary legislation to enact reforms already made to Article 6 of the Mexican Constitution, implemented in 2007. The Mexico City-based think tank, Fundar, argues that the reforms would level the playing field for beneficiaries of government subsidies, provide financial transparency of trusteeships benefiting from public resources, strengthen the decisions reached by the IFAI making them more difficult to sidestep, create a standard of "public interest" for determining the release of information deemed confidential, and establish a requirement for government authorities to determine if information they are refusing to release would violate existing laws. The reforms would also provide more autonomy and authority to those responsible for archiving government documents, as well as draw a distinction between administrative and historical documents to allow free access to archives deemed for the purpose of conserving and spreading the institutional memory of the country. Furthermore, the legislation, which has been passed by the Mexican Senate and awaits approval in the Chamber of Deputies, stipulates that the IFAI will be an entity with operative and budgetary autonomy.

IFAI's request came just four days before the conclusion of the current legislative session on April 30. If the reforms are not approved by then, they will be postponed until the next session commences in September of this year.

SOURCES

- "Diez razones por las que se debe aprobar la Ley de Transparencia." *Vanguardia* April 26, 2011.
- Rodríguez García, Arturo. "Apremia el IFAI a diputados a aprobar reformas a la Ley de Transparencia." *Proceso* April 26, 2011.

DISAPPEARED AND DISPLACED PERSONS

New reports attempt to shed light on disappeared and displaced persons in Mexico

Several international and domestic groups have released reports over the past month detailing the extent of disappeared and displaced persons in Mexico, mostly as a result of the government's ongoing war with transnational drug trafficking organizations. Over 35,000 people have been killed as a result of cartel violence since 2006, but the toll of the drug war extends far beyond the dead, and analysts worry as to the extent that the ongoing conflict is disrupting the nation's social fabric.

The Internal Displacement Monitoring Centre issued a report stating that there are an estimated 230,000 internally displaced people (IDPs) as a result of the violence from the Mexican drug war and other conflicts. The report, titled *Internal Displacement: Global Overview of Trends and Developments in 2010*, asserts that in 2010 "most IDPs originated from the states most affected by violence, Chihuahua and Tamaulipas." Numbers in the report are largely based on local researchers' compilations and data as opposed to official government sources because the Mexican government does not factor in persons displaced due to violent 'turf battles' between cartels. Based on this information, the Centre estimates that as many as half of Mexico's IDPs may have migrated to the United States with the other 115,000 displaced within Mexico.

Despite the Mexican government does not account for displaced populations as a result of the drug war, the Mexican Census taken in mid-2010 revealed that two-thirds of the homes in Praxedis G. Guerrero, a town east of Ciudad Juarez, have been abandoned, most likely due to the violence created from the wars between the Sinaloa and Juarez cartels in the area. There have been reports of other small towns along the border as well as in the violence-troubled state of Durango where terrorized residents have fled due to real and perceived threats of violence. The Internal Displacement report also indicates that many IDPs in Mexico were forced to move from their places of origins by causes other than drug violence, such as the 1994 Zapatista uprising Chiapas and the government crackdown that followed.

In Tamaulipas, the discovery of 183 bodies buried in clandestine graves has brought families of disappeared persons forward in the hopes of identifying their loved ones. Ángeles López, director of the Victoria Diez Human Rights Center, told *Proceso* that the number of families that had reported a member having gone missing in Tamaulipas to its Guanajuato office jumped from 27 to 60 after the graves were discovered. The situation is reminiscent of the violent period suffered by Baja California in 2008-2009, when hundreds of families came forward after it was revealed that José Santiago Meza, "El Pozolero," an associate of gang leader Teodoro García Simental of the Arellano-Félix Organization, had confessed to dissolving more than 300 bodies of rival cartel members in acid. Just this month, 3 graves full of bodily remains were found on property in east Tijuana that once belonged to Meza, according to Miguel Angel Guerrero, head of the Baja California State Prosecutors' Office on Disappearances. At least 35 bone fragments and 20 tooth fragments have been found, some with signs of charring. Since 1997, almost 300 people have disappeared in Tijuana, some of whose remains may be able to be identified by the recently found fragments, hopes the Tijuana-based Citizen's Association Against Impunity.

The Victoria Diez Human Rights Center had documented 15 cases of forced disappearances in Guanajuato, which were presented to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) during its visit last month. In its preliminary report, the working group reported that over 3,000 people have been disappeared since 2006. Meanwhile, Mexico's Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) during the same period amassed 283 complaints of forced disappearances. Ariel Dulitzky, member of the WGEID, concluded that, "Mexico lacks an integral policy to confront the phenomenon of forced disappearances." He also pointed out the need for standard procedures for exhuming mortal remains and storing them, as well as establishing a database in order to facilitate victim identification. The group's report cited "most officials, NGOs and victims of enforced disappearances" as agreeing on the problem of a lack of coordination among government authorities, which the WGEID attributes to Mexico's federalist system and the presence of federal, state

and municipal police departments combined with the lack of a federal law regulating what each must do regarding the phenomenon of forced disappearances. Members of the WGEID traveled to various cities including Acapulco, Chihuahua, Ciudad Juárez, and México City, for two weeks in order to complete the report. They observed that victims and families of enforced disappearances often doubt the efficiency of the judicial system, police and armed forces.

The WGEID also expressed concern over the Mexican government's use of the armed forces in the war against transnational criminal organizations. The group called on the Mexican government to consider withdrawing the military from the streets. The recommendation came as a response to rising abuse claims since the Mexican Army was first deployed four years ago to fight drug traffickers. According to Mexico's National Human Rights Commission, about 1,500 abuse claims against the National Defense Ministry have been reported within the last year, compared to fewer than 200 claims reported in 2006. Mexican government forces are more often being linked to cases of disappearance and other violent crimes that the WGEID says can no longer be exclusively contributed to organized crime. Since 2006, there has been a large increase in complaints of rape, torture, disappearances, and arbitrary detentions at the hands of the armed forces. According to the UN, most cases involving alleged abused by troops go unpunished because soldiers are tried in military courts instead of civil courts for rights abuses when committed on duty. A proposal that President Calderón sent to the Mexican Congress would require that cases of torture, rape, and disappearance be tried in civilian courts, but critics say that the legislation would be too easy for military justice to sidestep by simply reclassifying crimes of torture. Furthermore, they point out that killings by soldiers of civilians at military checkpoints are not included in the proposal.

In related news, Mexico's Chamber of Deputies is currently deliberating on proposed reforms to the National Security Law (Ley de Seguridad Nacional) that seek to clarify and formalize the role of the Mexican military in public security functions. The largest point of contention between proponents of the legislation – mostly members of President Calderón's National Action Party (Partido de Acción Nacional, PAN) and the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) – is whether it would give the executive branch the power to authorize a "state of exception," allowing for the suspension of some citizens' rights. A deputy from the Green Ecological Party of Mexico (Partido Verde Ecologista de México, PVEM), Pablo Escudero Morales, warned that the change would provoke a rise in human rights abuses at the hands of Mexican armed forces in the name of pursuing drug traffickers. Members of the Party of the Democratic Revolution and the Workers' Party also oppose the measure. In defending the proposed legislation, PRI Deputy and Chamber President Jorge Carlos Ramírez Marín countered that the legislation does not give the president increased powers to employ the military on Mexican soil, but rather regulates the types of situations in which he will be authorized to do so. Ramírez also said that the legislation is leaning toward maintaining military trials for soldiers accused of human rights violations, citing that soldiers are placed under pressures that change the nature of their alleged crimes.

SOURCES

- Stevenson, Mark. "Report: 230,000 Displaced by Mexico's Drug War." *Forbes* March 25, 2011.
"Report: 230,000 Displaced by Mexico Drug War." *Jamaica Observer* March 25, 2011.
"United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Mexico." United Nations Human Rights March 31, 2011.
Cattan, Nacha. "UN questions Mexican Army's role in drug war." *The Christian Science Monitor* April 1, 2011.
"Impunity a major issue as Mexico addresses enforced disappearances – UN experts." UN News Centre April 1, 2011.
"Bones found in Mexico pit used by body dissolver." *Associated Press* April 8, 2011.
"Hallan restos humanos en predio de Tijuana." *AFP* April 9, 2011.
"Hallan tres canastas con huesos y dientes, en casa del macabro "El Pozolero." *EFE* April 9, 2011.
Arvizio Arrijoja, Juan. "Ven riesgos en ley de seguridad." *El Universal* April 25, 2011.
Herrera, Claudia. "Se mantienen juicios militares para Ejército en Ley de Seguridad: PRI." *La Jornada* April 25, 2011.
"Se acelera la discusión sobre Ley de Seguridad Nacional." *El Informador* April 25, 2011.

Juárez Police Chief Leyzaola accused of human rights abuses a month into his tenure

Ciudad Juárez's top police official, Lt. Col. Julian Leyzaola, is being accused of human rights violations following the disappearances of four men on March 26. Leyzaola, who became renowned for reducing corruption within police forces in Tijuana from 2008-2010, was appointed public security secretary on March 10 by the mayor of Ciudad Juárez, Hector Murguía. During his time as public security secretary of

Tijuana, Leyzaola also faced abuse allegations from Humans Rights Watch (HRW) and the National Human Rights Commission (Comisión Nacional de Los Derechos Humanos, CNDH), which he dismissed as attempts to “smear” him. HRW has demanded that federal authorities investigate the disappearances of these men since “credible accusations of torture” exist. Mayor Murguía says he has ordered his staff to investigate the case.



Colonel Julián Leyzaola
Credit: TijuanaPress

Witnesses told human rights investigators that they saw police round up the four men, identified as Juan Carlos Chavira, 28, Dante Castillo, 25, Raúl Navarro, 29, and Félix Vizcarra, 22, in front of a market. According to Gustavo de la Rosa, veteran activist and member of the Chihuahua Human Rights Commission (Comisión de Derechos Humanos de Chihuahua, CDHC), witnesses reported seeing the four men detained by municipal police as they drove in a pickup truck. Some of these witnesses provided license plate numbers of the patrol cars involved in the arrests, two of which correspond to Leyzaola’s personal bodyguard units. On March 27, the victims’ relatives found the abandoned vehicle in a tunnel a few kilometers from where the men had been arrested. Despite finding the truck’s keys on the ground, the family was unable to find the vehicle’s registration card. Family members say that they have been to municipal, state, and federal police offices to locate the four men, but with no results. The CDHC has criticized the Murguía government for its seeming reticence to investigate the incident.

In August 2010, Baja California’s human rights commission issued a recommendation to Tijuana Mayor Jorge Ramos in which it documented human rights violations committed by Leyzaola – in that case also against four civilians. Mayor Ramos ignored the recommendation, after which the CNDH concurred with the Baja California commission’s findings and issued its own recommendation to the state congress. The following month, HRW sent a letter to Felipe Calderón expressing concern over abuse allegations against Leyzaola. Despite these concerns, Baja California Governor Guadalupe Osuna Milán appointed him undersecretary of state public security in December. It was only this March that he was named Juárez public security secretary.

The Juárez municipal police department continues to deny having the men in custody or being involved in the men’s disappearance in any way, and there have been no arrests of officers in connection with the case. A spokesman for Leyzaola’s department said it would cooperate in any investigation of the disappearances. HRW has expressed doubts that Leyzaola will earnestly pursue allegations of abuse within his ranks, given his past transgressions. According to Jose Miguel Vivanco, head of the America’s division of HRW, Leyzaola’s history throws into question the quality of his leadership skills and his ability to reform the embattled Juarez police forces.

SOURCES

- Díaz, Gloria Leticia. “Exige HRW investigar a Leyzaola por cuatro desapariciones en Juárez.” *Proceso* April 4, 2010.
EFE. “Human Rights Watch pide una investigación de las desapariciones forzadas en Ciudad Juárez.” *EFE* April 4, 2011.
Wilkinson, Tracey. “Ciudad Juarez’s top police official accused of rights abuses.” *Los Angeles Times* April 4, 2011.

PUBLIC PROTEST

Kidnapping and murder of son of prominent poet and journalist sparks outcry against violence in Mexico

The son of poet Javier Sicilia, Juan Francisco Sicilia, and six others were found dead on March 28 in a car in Cuernavaca after being missing for over almost a day. The bodies showed signs of torture and authorities reported they found a note from the Gulf Cartel left at the scene. The message allegedly accused the victims of reporting drug activity to a government hotline. The death of Juan Francisco Sicilia has sparked a new wave of protests and other public criticisms of the Mexican government’s drug war strategy.

Javier Sicilia, who is also a columnist for *La Jornada* and *Proceso*, called for a series of protests on April 6, after the murder of his son. The protests took place in more than 38 cities in Mexico throughout the day, but were partially overshadowed by the findings of over 100 bodies in the state of Tamaulipas, presumably victims of the Los Zetas criminal organization. Protests also took place internationally in cities including Buenos Aires, New York, Paris, and Madrid, among others. Protesters shouted phrases such as “No more blood,” demanding a stop to militarization, while others asked President Calderón to resign. “No more blood,” (“No más sangre” in Spanish) is a campaign launched by Mexican political



Credit: CNN México

cartoonists in recent months to protest the ongoing violence in the country. In an open letter published in *Proceso* directed at Mexican politicians and criminals, Javier Sicilia argued that Calderón’s military-led campaign against the drug cartels was “badly planned, badly carried out, and badly led.” He also noted that Mexicans have had enough (“Estamos hasta la madre”), while adding that the population has lost trust in their governors, police, and army, and are now living in fear and pain.

The only suspect thus far arrested in connection with the kidnappings and murders has raised some doubts, given the nature of his detention and perceived inconsistencies in his confession. Rodrigo Elizalde Mora, “El Chemis,” was detained on April 14, and was presented before members of the media two days later showing visible trauma to the face. According to the Mexican Army, Elizalde admitted to belonging to the South Pacific drug cartel and having participated in the torture and murder of Juan Francisco Sicilia and his companions. Sicilia’s attorney, however, complained that he was never notified of Elizalde’s arrest, and that there were inconsistencies in his statements. For one, it is not clear whether Sicilia was detained or found by soldiers. Sicilia has said that he was beaten by gunmen, tied up and left in a car, where soldiers found him, yet the Mexican Army claims to have detained him in an operation. There are also inconsistencies as to which bar or restaurant Elizalde and his accomplices abducted the youths. Additionally, Elizalde said that he participated in the kidnapping of four people, while a total of seven bodies were found. “El Chemis” has also said that the kidnappings occurred at around 8:30 p.m., although the family’s attorney says that a security camera shows Juan Francisco buying cigars at 9:07, and telephone registries show that he had spoken with friends and family members by cell phone as late as 9:29 p.m.

For his part, Javier Sicilia reacted with skepticism to the announcement that Morelos Governor Marco Adame Castillo had replaced the state’s public security secretary with Brigadier General Gilberto Toledano during the 72 hours leading up to the deadline set by Sicilia for the government to produce real results in its investigation. Calling the move “pure makeup,” Sicilia said that it was meant to cover up the wider problem of government corruption. He also appealed to the drug cartels themselves, asking them to transmit messages through *narco-banners* or the Internet that they would leave the citizenry in peace.

Before starting the protests, Sicilia met with President Calderón in Mexico City where the President reportedly offered his condolences while also updating Sicilia on the efforts to find his son’s killers. The publicity that Sicilia has achieved as an advocate against impunity follows in the mold set by businessman Alejandro Martí and Isabel Miranda de Wallace, both of who became public figures after losing their children to kidnappers. Journalist and political analyst Jorge Zepeda lamented Mexico’s lack of “legitimate” leaders, made evident by such individuals as Sicilia, Miranda de Wallace, and Martí, who have been driven by grief from their loss and indignation at failings on the part of the government to prevent such violent acts. Such instances, he said, bring Mexicans out of their abstractions of the daily violence suffered in the country and provide moments of collective outrage, as were seen in the recent protests. Real changes have also come of the efforts of these “new leaders,” including harsher sentences for convicted kidnappers, the creation of citizens’ councils, and increased participation of NGOs in observing and evaluating public security efforts. Zepeda adds Lydia Cacho to the list of citizen-leaders, due to her efforts to bring attention to child abuse, and the reprisals she has suffered as a result. Her efforts have contributed to the recent establishment of harsher sentences for human trafficking and child abuse.

SOURCES

- "Anti-violence marches set for Mexico." *AFP* April 6, 2011.
"Bodies found as Mexicans march against violence." *BBC News* April 7, 2011.
Ellingwood, Ken and Cicilia Sanchez. "Thousands across Mexico protest drug violence." *Los Angeles Times* April 7, 2011.
"Acción del gobierno de Morelos 'es puro maquillaje': Javier Sicilia." *El Universal* April 11, 2011.
"Confesión con inconsistencias." *France Presse* April 16, 2011.
Isidro, Leticia. "El abogado de Sicilia discrepa de *El Chemis*." *Milenio* April 16, 2011.
Zepeda Patterson, Jorge. "Sicilia, Martí y los nuevos liderazgos." *El Informador* April 17, 2011.

Central American migrants march in southern Mexico to protest abuses

The discovery this month of 183 human remains in San Fernando, in the northern border state of Tamaulipas – many of which are believed to be those of Central American migrants kidnapped from buses passing through San Fernando – has refueled outcries over the abuses suffered by Central American through-migrants. Such migrants have for years been victims of violence and extortion from elements of the Salvadoran Mara Salvatrucha criminal gang operating in southern Mexico. In recent years, however, they have increasingly been targeted by members of the Zetas criminal organization seeking ransom from family members both in victims' home countries and in the United States and, according to some reports, hoping to recruit them into the organization's ranks.

On Tuesday, April 19, an estimated 200 Central American migrants, accompanied by human rights activists, began a march they called the "Way of the Cross of the Migrant," beginning at the Río Suchiate, which divides Mexico and Guatemala, and ending on Good Friday, April 22, at Ciudad Ixtepec, Oaxaca. Several of the migrants carried crosses, and staged a mock-crucifixion that day in Ixtepec, considered by activists to be one of the worst points in Mexico for the victimization of through-migrants. There were 15 stations along the way, each set up to represent unique dangers and trauma suffered by victims and their families, from the initial river crossing to abuses leveled by criminal gangs as well as Mexican immigration authorities. Migrants and activists also carried signs reading "Los migrantes también estamos hasta la madre," referencing the poet and journalist Javier Sicilia, whose son was recently kidnapped and killed in Morelos, and who has since become an outspoken critic of the Mexican drug war, and a catalyst for anti-violence demonstrations across Mexico. Joining the migrants in their march were priests Alejandro Solalinde (who himself has become a prominent figure in the fight for migrants' rights), Luis Ángel Nieto and Heyman Vázquez, as well as several well-known human rights activists, including Elvira Arellano. Seven human rights and migrant rights organizations also participated.

Earlier this month, the Mexican Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) released a special report on the kidnapping of migrants in Mexico in which the organization signals 71 municipalities in 16 states that represent a risk for Central American migrants en route through Mexico. The states include all of the northern border states as well as all of the states comprising southern Mexico, with the exception of Yucatán. Several Central and Southern Mexican states are also singled out, including Querétaro, San Luis Potosí and Tabasco.

Last August, the bodies of 72 Central and South American migrants were recovered from mass graves, also in San Fernando. Calderón sent federal forces to the town to gain control of the town, but as media coverage died down they were withdrawn, and locals say criminal gangs worked their way back in. Reports of intimidation, kidnappings and extortion resumed and continued until the kidnappings of bus passengers were revealed late last month.

SOURCES

- "Another Corpse Found in Western Mexican Pits." *CBS News* April 14, 2011.
"Difunde la CNDH los 71 municipios peligrosos para centroamericanos." *El Sol de México* April 19, 2011.
Mandujano, Isaín. "Inicia 'viacrusis' migrante en Chiapas." *Proceso* April 20, 2011.
"Realizan 'Viacrusis Migrante' en Chiapas." *NSS Oaxaca* April 20, 2011.

AROUND THE STATES

BAJA CALIFORNIA

Police reform efforts take step back in Tijuana



After being held for nearly 8 months in a prison in Veracruz, roughly 40 police officers and agents have been released from jail after a Mexican federal magistrate found there to be insufficient evidence to justify their continued detentions. In July 2010, 62 former and active Tijuana police officers and Baja California agents were detained for alleged ties to organized crime and drug trafficking.

The arrests last year in Tijuana are part of a larger effort in Baja California and throughout Mexico to target corruption, especially among public security forces. “A cornerstone of President Felipe Calderón’s war against drug-trafficking groups has been the removal of suspected collaborators inside law-enforcement agencies,” states an article in the *Union Tribune*. “In Baja California, more than 2,100 officers at all levels of authority have been cut since 2007,” it continues. However, the recent release of the police officers following a magistrate’s invalidation of testimony, which resulted in a lack of evidence in the case, is a step back in police reform efforts. According to Professor Guillermo Zepeda Lecuona at ITESO, associated with the Universidad Jesuita de Guadalajara, “Unfortunately, it’s another example of the deficiencies of authorities in investigating and proving such serious accusations against public servants.” In 2009, a similar situation occurred when over 35 Tijuana public officials were arrested for suspected connections to organized crime. All have since been released due to a lack of evidence.

The majority of the freed officers are returning to their homes in Tijuana. The investigation had been led by the Assistant Attorney General’s Office for Special Investigations on Organized Crime (*Subprocuraduría de Investigación Especializada en Delincuencia Organizada*, SIEDO). According to Mexico’s Public Security Law (*Ley de Seguridad Pública*), officers cannot be reappointed to the police force if they were let go in the past, whether or not they were found guilty of any charge. As Yolanda Enríquez de la Fuente, head of the *Sindicatura Municipal*, stated, “We know that they are human beings that were unfairly blamed... We understand their situation but we must uphold the law.” Each freed officer will instead receive 15,000 to 20,000 pesos as severance pay.

SOURCES

Dibble, Sandra. “Crackdown on Police in Mexico Falls Apart.” *Union Tribune* April 17, 2011.
Martínez, Julieta. “Tijuana indemnizará a ex agentes liberados.” *El Universal* April 18, 2011.
Sevilla, Krystal Gómez. “Policías liberados no volverán” *El Sol de Tijuana* April 18, 2011.

FEDERAL DISTRICT

DF continues reform on human rights and public security issues



The Federal District’s reform efforts continued in April as the state government passed important legislation aimed at targeting human rights violations and drug trafficking. Early this month, the government of the Federal District of Mexico (GDF) and the Human Rights Commission (HRC) of the Legislative Assembly (ALDF) presented an initiative to reform the Penal Code. According to the newspaper, *El Sol de Mexico*, the reforms are to “provide harsher punishments for authorities who have been convicted of using inhumane treatment, like torture, on prisoners in Mexico City’s jails.” The initiative hopes to eliminate all forms of torture or cruel and inhuman treatment in order to strengthen the security and efficiency of the judicial system while being respectful of human rights. David Razú, the president of the Human Rights Committee of the Mexico Legislative Assembly; Juan José García Ochoa, the assistant secretary of GDF; Rocío Culebro of the Mexican Institute for Human Rights and Democracy; and Sebastián Ramírez of ELIGE were all present at the conference. Civil society organizations, academic institutions, the GDF, the Human Rights Commission of ALDF, and the Superior Court of the Federal District all contributed to the writing of the initiative.

The proposal is meant to expand the definition of torture and to ensure that this crime does not go unpunished. Under this reform, the term 'torture' is understood as "any act by which a person intentionally inflicts severe pain or suffering, whether physical or mental, to obtain from him or a third person information or a confession, while punishing him for an act he has done." According to the officials, there have been almost 500 reported cases of inmates being tortured by authorities in prisons since 2005, and only 194 of those cases are currently being investigated. Authorities often decide that most of these cases lack the proper and necessary evidence to prove that inmates had been tortured. So far not a single person has been found guilty of these charges. The majority of the cases involve instances of abuse and injuries, said Juan José García Ochoa, the assistant secretary of GDF. The investigations that are being pursued are against officials like policemen, prison staffs, the Secretariat of Public Security (Secretaría de Seguridad Pública), the Attorney General's office (Ministerio Público), and other members of various judicial agencies.

The DF also adopted reforms this month that decentralize judicial powers in order to better address local issues associated with drug trafficking and drug smuggling. On April 18, the Legislative Assembly of the Federal District (ALDF) approved with a unanimous vote amendments to various laws regarding public security. These laws include the Organic Law of the Superior Tribunal of Justice (Ley Orgánica del Tribunal Superior de Justicia), the Criminal Procedure Code (el Código de Procedimientos Penales), and the Health Act (Ley de Salud), which have been reformed in order to give powers to local judges in addressing and resolving complaints on cases related to drug smuggling.

One of the reforms presented provides that the Attorney General of the Federal District (Procurador General de Justicia del Distrito Federal, PGJDF) will be able to decipher and rule whether those detained for distributing drugs also have a drug addiction problem in addition to his or her involvement in the narcotics trade. The PGJDF will have 48 hours to render a decision. *Milenio* added that, "these reforms... require the government of the Federal District to carry out actions that will implement programs of prevention in terms of addictions, especially smoking, alcoholism and substance abuse." Specialized units will be created to investigate and prosecute these types of crimes. The Superior Tribunal of Justice of the Federal District (Tribunal Superior de Justicia del Distrito Federal, TSJDF) is expected to begin resolving these types of cases starting at the beginning of 2012.

SOURCES

- Mora, Karla. "Legislan para castigar la tortura en el DF." *El Universal* April 5, 2011.
Bolaños, Claudia. "Piden que se amplíe definición de tortura." *El Universal* April 6, 2011.
Cruz, Abigail. "Presentan iniciativa para frenar la tortura en cárceles del DF." *El Sol de México* April 6, 2011.
Cruz, Abigail. "Combatirán autoridades del DF el narcomenudeo." *El Sol de México* April 19, 2011.
Gutiérrez, Carlos. "PGJDF podrá detener a narcomenudistas : ALDF." *Milenio* April 19, 2011.
Villanueva, Jonathon. "Aprueban en DF reforma para atacar narcomenudeo." *El Universal* April 19, 2011.

SONORA

Commission created to assist implementation of the new penal justice system



On April 1, the heads of the Executive, Judicial, and Legislative branches of the Sonora state government created the Implementation Commission for the New Penal Justice System (Comisión Implementadora del Nuevo Sistema de Justicia Penal) as part of its state-level judicial reform efforts. Headed by Sonora Governor Guillermo Padrés, the commission's main objective is to introduce oral trials and mediation in place of the current methods used in the Sonoran judicial system. It will meet regularly to assess and evaluate the current infrastructure available in Sonora to implement the judicial reforms, as well as oversee the development and progress of the actual implementation. The reforms, the commission hopes, will provide a responsive, clear, and unobstructed judicial system that will foster justice and end impunity, the latter of which has flourished under the current system.

Governor Padrés stated that the new model of justice seeks to leave behind a system that citizens did not believe in, adding that in order for the new Criminal Justice Commission to be successful, the three state powers (Executive, Legislative, and Judicial) must “identify, describe, and make the necessary measures” to guarantee that the committee works as smoothly as possible. The commission is also composed of the State Congress, the Sonoran Supreme Court, and the Sonoran Bar Association, and is part of a decentralized agency of the Ministry of Interior.

Talks of reform to the Sonoran Criminal Justice system first surfaced in 2008 when the Mexican Congress passed a Constitutional Reform that makes necessary for all states to bring the legal framework of the judicial branch to the demands of the world today. As such, oral trials and judicial reforms are key components of the nationwide efforts.

SOURCES

“Instalan Comision para implementar el Nuevo Sistema de Justicia Penal para Sonora.” *El Observador* April 1, 2011.
“Se constituye la Comisión para implementar el nuevo sistema de justicia penal en el Estado.” *Nuevosonora.com* April 1, 2011.
Quintero, Javier. “Instalan Comité de Nuevo Sistema de Justicia Penal.” *Expreso* April 2, 2011.

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

About the Report: *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog at <http://wordpress.justiceinmexico.org>, and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Research Associate Cory Molzahn, with editing and research assistance from Octavio Rodríguez, Kimberly Heinle, Anna Lizano, Felicia Gomez, 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 University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to transborder@sandiego.edu.*

Copyright Trans-Border Institute, 2011. All rights reserved.