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News Report

MONTHLY SUMMARY

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LAW AND ORDER

CARTEL-RELATED VIOLENCE

Ejecuciones on pace to pass 2010 yearly total; 500 more soldiers sent to Tamaulipas

According to *Grupo Reforma's* running tally of *ejecuciones*, or cartel-related murders, there were 5,067 such killings in Mexico as of May 20, or an average of 253 per week. If that rate continues, 2011 will

surpass 2010 as the most violent year since Mexican President Felipe Calderón began the military-led campaign against drug trafficking organizations in December 2006, which, by most estimates, has left more than 35,000 people dead. The last eight weeks have seen a slight increase in *ejecuciones*, averaging just over 275 deaths per week, largely attributable to mass graves discovered in Tamaulipas and Durango, which have increased from 199 to 506 *ejecuciones* in Tamaulipas during that period, and from 165 to 566 in Durango. Guerrero and Nuevo León both show substantial increases over the same period last year, with 604 and 551, respectively. Those increases have been offset in part by decreases in Chihuahua and Sinaloa, which combined have seen a 27% decrease during the first 20 weeks of 2011 as compared to the final 20 weeks of 2010.

In response to recent violence including the discovery of 116 bodies last month – the second such finding during the past year – Tamaulipas Governor Egidio Torre Cantú announced that 500 Mexican soldiers would be sent to the northern border state of Tamaulipas where they will join 3,200 troops already stationed there. They will work with the Tamaulipas Public Safety Office and in coordination with the state police as part of President Felipe Calderón’s strategy to quell drug related violence and drug trafficking. Such an addition will serve two purposes, stated Mexico’s Public Safety spokesman Alejandro Poiré. “Together, the state and federal government, we will decrease criminal activity and achieve true peace,” Poiré first noted. Second, the presence of the soldiers will give the police departments the space to continue their evaluation and professionalization process of local police forces. “The added manpower will help speed up the depuration of state and local police departments,” said Poiré. The increase in violence in Tamaulipas – where just 49 *ejecuciones* were reported in 2009 – has stemmed from a turf battle between the Tamaulipas-based Gulf Cartel and Los Zetas, two formerly allied criminal organizations that split in February 2010. Governor Torre Cantú’s announcement also comes recently on the heels of this month’s National March for Peace, in which the protestors demanded a change in Calderón’s military-centered approach to fighting drug trafficking. The Mexican government has given little indication that it plans to make any fundamental changes to its organized crime strategy, however.

During a visit to Ciudad Juárez, the Mexican city most affected during the past three years by cartel-related violence as the Sinaloa and Juárez (Carrillo-Fuentes) cartels have waged a vicious turf battle there and in surrounding towns, Mexican President Felipe Calderón reiterated his commitment to restoring order and social fabric to the city. He emphasized that, according to government data, homicides in the city have decreased by 60%. Alejandro Poiré said at a meeting with Calderón, Chihuahua Governor César Duarte, Juárez Mayor Héctor Murguía, Interior Minister Francisco Blake Mora and Public Security Secretary Genaro García Luna that the numbers reflect advances, and that while the problem has not been completely solved, “a cycle of restoration of confidence has begun that will bear the fruits desired by all *Juarenses*.” Calderón added that when the restoration campaign “Todos somos Juárez” began, the city averaged 11 homicides a day, with some days reaching 30. He said that the city is currently averaging 4-5 homicides per day, which, while still high, shows a downward trend. According to *Reforma*, the trend for *ejecuciones* (cartel-related homicides) as of May 20 was somewhat consistent with the numbers touted by the Calderón administration, though not as drastic, showing a statewide decline of 24% from the same time last year. Moreover, the weekly *ejecuciones* average during the first 20 weeks of 2011 was 39, down from 63 during the last 21 weeks of 2010, a 33% decline. Poiré added that of the 60 cases of kidnapping reported to the Federal Police since the agency assumed control of security functions in the city on May 16 of last year, 59 have been resolved, and 10 kidnapping groups have been dismantled. He also said that 87% of extortions reported were resolved before payment was realized, while 73 people allegedly charging illegal “rent” have been arrested, and seven criminal groups dedicated to that activity have been disbanded.

While violence has decreased in some of the traditionally harder-hit states, others find themselves more affected as a result of cartel realignment and in-fighting. Mexican soldiers found 29 bodies, among them one Guatemalan, following a shootout between members of the Sinaloa Cartel and Los Zetas in the Pacific state of Nayarit on Thursday, May 26, reported Nayarit Attorney General Óscar Herrera. The bodies, which authorities believe to be mostly Zetas, were strewn across a roadway near the town of Ruiz, as well as inside bullet-riddled vehicles. Many of the bodies donned fake military uniforms, and grenades, bulletproof vests, and thousands of rounds of ammunition were also found at the scene. Mexican Army soldiers apprehended two wounded suspects. Nayarit, which is between the states of Sinaloa and Jalisco, was

relatively quiet during the first few years of surging violence since President Calderón initiated his war against the drug cartels, but has been swept up in the turf battles between rival cartels and splinter groups.

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Army general involved in anti-cartel strategy gunned down in Mexico State

A few days after his retirement from the armed services, General Jorge Juárez Loera was killed Saturday after being shot twice at the scene of a car accident. The accident occurred in Tlalnepantla, in the state of Mexico, after which Juárez Loera got out of his vehicle to approach the scene. He then suffered two pistol shots, one to the skull and the other to the cheek, reported *Milenio*.

Juárez Loera was a key figure in the Mexican Army and in President Felipe Calderón’s anti-drug strategy. He became the third highest-ranking member of the Army with his appointments as Inspector and Controller of the Mexican Army in 2008, and as the *Oficial Mayor* in 2009, which is the position that provides administrative support on human and material resources to government offices. Before 2008, Juárez Loera was in charge of Joint Operation Chihuahua, part of the government’s anti-narcotics efforts in the states of Chihuahua, Coahuila, and Durango.



Gen. Juárez Loera
Source: Sedena

The Attorney General’s Office (Procuraduría General de la República, PGR) is investigating the case and continues to search for suspects and motives. Authorities have not yet indicated whether or not Juárez Loera was deliberately targeted. The General had been driving in a personal car wearing civilian clothes when he was murdered. According to *Milenio*, his body was taken to the PGR’s Tlalnepantla office for further investigation.

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Massacre leaves 29 dead on Guatemalan ranch; Los Zetas’ involvement suspected

Los Zetas, one of Mexico’s most violent and feared criminal organizations, were allegedly behind the massacre of 29 people on a ranch in northern Guatemala on May 15. Guatemalan authorities have blamed Los Zetas based on the brutal method in which the victims were killed, as well as the fact that the cartel has already “set up shop in Guatemala and brought its terror tactics to the rural indigenous area along the Mexican border,” said *U.S.A. Today*. 25 of the 29 victims were beheaded, and many showed signs of torture, both common tactics used by Los Zetas. The majority of the victims were workers on the “Los Cocos” ranch in the town of Caserío La Bomba in the Petén region on the border. Despite the possibility of the murders being drug related, none of the farm hand victims are thought to have ties to organized crime. Rather, authorities believe they were “innocent ranch workers and their families caught up in an increasingly bloody war mirroring the Zetas quest for territory in Mexico.”

Guatemalan authorities immediately began pursuing suspects and called on the military to help patrol the Mexican-Guatemalan border in order to prevent possible suspects from fleeing the country. On Tuesday May 24, Guatemala’s Interior Minister reported the arrest of five Mexicans linked both to the Zetas and to Hugo Álvaro Gómez Vásquez, one of the key suspects in the May 15 massacre. Police found and arrested the men in the western Guatemalan highlands. The five alleged Zeta members entered Guatemala illegally

and are suspected of helping Gómez Vásquez kill a relative of the ranch's owner and participate directly in the massacre. The investigations into their involvement are ongoing.

One of the other prime suspects believed to have helped direct the massacre was also arrested on May 24, stated Guatemala President Álvaro Colom. Estuardo Morales Madrid, thought to be the leader of the Guatemalan based Zetas' branch, was arrested for his role in leading the killings, specifically on charges of murder and kidnapping. Following his arrest, Morales Madrid was moved to Guatemala City to await his hearing.

According to *Voice of America*, the U.S. Department of State released a news report last year that declared that "entire regions" of Guatemala have now come under the control of the Zetas. In response to the massacre, President Colom declared the Petén region of Guatemala in a "state of siege."

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Sinaloa governor bans *narcocorridos* from establishments selling alcohol

Sinaloa Governor Mario López Valdez announced changes to the state's alcohol law that seek to limit the public exposure of *narcocorridos*, songs popular in many parts of northern Mexico that exalt the culture of drug trafficking. Specifically, the law by decree will apply to bars, nightclubs, and other social centers that have state permission to serve alcoholic beverages, prohibiting them from hosting bands that perform *narcocorridos* or from playing recordings of the music in their establishments.

López Valdez explained his decision, saying that the music "apologizes for organized crime," and said that establishments found playing it will simply lose their state liquor licenses. He added that the measure comes with the hope of avoiding deadly incidents like that which occurred on February 21, when at the end of the Mazatlán Carnival celebrations an armed group entered a dance hall and killed six person, injuring 21 more. On stage at the time of the shootings was Gerardo Ortiz, a *narcocorrido* singer. Ortiz was fired on while traveling in his SUV in Colima the following month, an attack that killed his driver and representative, although Ortiz escaped unharmed. A total of four *narcocorrido* singers have been killed since 2008, which lead many to speculate that the attacks come at the bequest of cartel leaders angry about artists exalting their rivals. Governor López Valdez said he is also considering applying the law to public transportation. Technical Secretary of the National Security Council Alejandro Poiré expressed his support for the measure by means of his Twitter account, calling *narcocorridos* "an apology for crime, promoting false solutions. We must confront them with a culture of legality."

While the law has its supporters, civil rights activists have characterized it as an attack on the freedom of speech. Meanwhile, some security experts predict that it will have little to no effect on cartel-related violence in Sinaloa. José Manuel Valenzuela, researcher at the Colegio de la Frontera Norte (Colef) and author of the book *Boss of bosses: corridos and narco-culture in Mexico*, characterized López's *narcocorridos* ban as "cartoonish" in the face of the influence of organized crime, saying that such measures are meant to paint a strong public image of officials who are unable or unwilling to attack organized crime at its foundations, with anti-corruption and law and order measures, and with initiatives to improve legitimate employment, education, and other social opportunities. In an interview with *La Crónica de Hoy*, he recalled that state-level communications' agencies had previously banned the broadcast of such songs, with no positive impact on public security.

Sinaloa Autonomous University sociologist Tomás Guevara Martínez characterized the measure as naive, rejecting the notion that by banning the musical form young people would be less likely to be seduced by narco-culture. State lawmakers were more diplomatic in their response to the governor's decree, though no more optimistic as to its chances of success. State Senator Adolfo Beltrán Corrales from the National Action Party (Partido de Acción Nacional, PAN), which led the coalition that carried López to power, said that the law was a good measure, but ineffective in isolation, and impossible to enforce given the current public security challenges and limited resources. State deputy from the Institutional Revolutionary Party (Partido Institucional Revolucionario, PRI) Aarón Irizar said that while the law is well intentioned, it does not address the root of the problem of a *narco*-culture deeply rooted in Sinaloa. PRI Deputy Diva Hadamira Gastélum Bajo echoed Irizar's sentiments.

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ARRESTS

Arrests of alleged drug cartel members continue on both sides of the border

As part of President Calderón's drug strategy, soldiers and federal police have continued efforts targeted at apprehending mid-to-high level cartel leaders in the hopes of disrupting the operations of Mexico's criminal organizations. Meanwhile, authorities in the United States have continued to work to disband smuggling networks north of the border, this month arresting 27 suspected Sinaloa cartel members.

Mexican Army soldiers captured Martín Beltrán Coronel, also known as "El Águila," in Zapopan, Jalisco on Thursday, May 12. Beltrán Coronel had been one of the leaders of the Sinaloa Cartel since August of last year after his uncle and infamous drug lord, Ignacio Coronel Villarreal, was killed by the Mexican military in July 2010. Beltrán Coronel quickly moved into the role as leader of the "Coronel Villarreal" branch of the Sinaloa Cartel, garnering support from Joaquín "El Chapo" Guzmán Loera, the cartel's outright leader and Mexico's most wanted drug lord.

According to the Secretary of National Defense (Secretaría de la Defensa Nacional, Sedena), since becoming a leader, Beltrán Coronel "had successfully controlled the organization and the trafficking of drugs from Central and South America through the Pacific, maintaining his center of operations in both the states of Jalisco and Colima, while collaborating with his cousin, José Ángel Carrasco Coronel." He also had reunited the Jalisco Nueva Generación and La Resistencia cartels, two smaller organizations that had previously split from the Valencia cartel, reported *El Universal*. Beltrán Coronel was arrested in a suburb in Jalisco close to the one that his uncle had been killed in last year. The military also apprehended four others on May 12, two of which were women. Sedena reported having seized "nine fire arms, six vehicles, jewelry, communication devices, and more than \$400,000" from the scene of the arrest.

On May 19, Mexican Army soldiers made two significant arrests in Cuernavaca, Morelos – first of Víctor Manuel Valdéz Arteaga, alleged operative of the South Pacific cartel in that city, and then Juan Bosco Castañeda, who, until his arrest, served as operations director of public security there. According to Valdéz's statements following his arrest, Bosco Castañeda had provided information on police operations to the criminal organization in exchange for 15,000 pesos per month. Authorities believe that Valdéz is one of the principal leaders of the group, which has a strong presence in Morelos. The South Pacific cartel is a faction of the splintered Beltrán Leyva cartel, which military officials believe is headed by Valdéz and Jesús Radilla Hernández, whom Federal Police captured May 26 in Coatzacoalcos, Veracruz following a shootout. After the shootout, Federal Police officers also arrested Radilla's associates, José Luis Luquín Delgado and Valentín Ortiz López, believed to have collaborated with Radilla in the murder of Mexican Poet Javier Sicilia's son, Juan Francisco Sicilia Ortega, and six other youths in March.

Meanwhile, the Drug Enforcement Agency (DEA) announced earlier this month that it had dismantled a drug and migrant smuggling ring operating in Arizona, apprehending a total of 27 people – mostly U.S. citizens, and the rest Mexicans. Around 20 suspects remain at large, including the group's alleged leader, Jesús Valencia Rodríguez, who is believed to be hiding in Mexico. The suspects arrested face state charges of drug and human smuggling, money laundering, conspiracy, and participation in a criminal syndicate. The group, said to be a faction of the Sinaloa cartel, was primarily using the Tohono O'odham Indian reservation, which edges Arizona's southern border with Mexico, in order to smuggle migrants and marijuana into the United States. Agents also seized around 10,000 pounds of marijuana from safe houses during the investigation in Phoenix and Tucson. According to Arizona Attorney General Tom Horn, the group consisted of some tribal members who were able to take advantage of the reservation's less vigilant border control. The arrests came as a result of an 18-month joint investigation by the DEA and Arizona's Attorney General's Office. Doug Coleman, DEA special agent in charge of Arizona, said that he does not know what the bust means for the overall operations of the Sinaloa cartel, as he is unaware of how many such cells are currently operating.

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POLICE REFORM

Mexico's police forces lagging in reform efforts, according to official report

According to the National Public Security System (Sistema Nacional de Seguridad Pública, SNSP), Mexico's police forces are lagging in efforts to professionalize local, state, and national departments. Nearly four years after the passage of the SNSP General Law by the Mexican Congress, only 9.2% of police nationwide meet the law's professional standards. The law stipulates that Mexico's police forces have until January of 2013 to professionalize their personnel. It also requires states to create databases detailing detentions, criminal histories, public security personnel data, judicial rulings, and other data relevant to the public security system.

Juan Miguel Alcántara Soria, executive secretary of the SNSP, estimates that one-third of Mexican states are on track to fulfill their legal obligations under the law, if they continue on their current trajectories, adding that Mexico has "two-thirds of states that have serious problems." According to a SNSP diagnostic, the nine states that have advanced the furthest in applying the five required criteria – toxicological, polygraph, psychological, medical, and socioeconomic exams and evaluations – are Aguascalientes, Baja California, Colima, Guanajuato, Morelos, Nuevo León, Sinaloa, Tlaxcala and Yucatán. Those states range between 25%-75% in their levels of completion according to the nationwide SNSP assessment, carried out in March. Alcántara Soria added that some states, such as Mexico State and Veracruz, have committed to stepping up their efforts to meet the federal requirements. One problem that he cited as a cause of delays, however, is that only four of the 38 police examination centers nationwide (the Federal Preventive Police and Attorney General's Office installations, along with the state offices in Baja California and Guanajuato) have been accredited by SNSP, a deficiency he predicts will be reduced in coming months with the projected approval of centers in 14 states and the Federal District. In separate statements, Soria revealed that six states have thus far failed to vet their ranking officers. He said that of 376 such officers, only 198 have been subjected to the required examinations, representing 52.6% of the total possible. He noted that Nuevo León is the only state thus far to have vetted all of its commanding officers. For his part, Felipe González, president of the Senate Public Security Committee, finds the lack of progress in the area of police reform problematic, but said that he is more troubled by the apparent lack of will on the part of some

states to reform their police forces. He attributes the lack of progress in part to the absence in the SNSP General Law of negative consequences for states failing to meet the stipulated deadlines.

In related news, the Merida Initiative – the name given to a U.S. government pledge to aid Mexico and Central American and Caribbean nations in fighting transnational organized crime – has entered an “institution building” phase in recent months, which includes addressing the difficult task of training Mexico’s nearly 450,000 police officers. Within this context, Merida Initiative U.S. General Director Keith Mines visited the state of Puebla to attend the groundbreaking ceremony for a new national police academy (Academia Nacional de Formación y Desarrollo Policial). Mines said that the Merida Initiative would contribute \$4 million (USD) to the project, while the Puebla government had committed 22 hectares for the training center, as well as \$18 million for its construction. He added that the center would receive support from the FBI’s national academy, as well as instructors from other U.S. law enforcement agencies. The facility will include 12 classrooms, three virtual training rooms, two simulated courtrooms, an auditorium, a gymnasium, and lodging for 300–400 students. During his speech, Mines referenced the success of the Federal Police training center built in San Luis Potosí in 2008 near the beginning of the Merida Initiative, where more than 4,500 investigators were trained in courses taught by instructors from the United States, Canada, Colombia, the Czech Republic, and Spain. The United States announced last month that it would allocate \$500 million to the Merida Initiative in 2011.

Meanwhile, attacks against police officers continue, exacerbating recruiting efforts in more troubled states. Nuevo León’s State Security Council announced to the press in early May that six Linares municipal transit police officers had been kidnapped while on patrol. A total of 24 police officers have been kidnapped in Nuevo León since March 2011, including Apodaca municipal police director Milton Alvarado Rojas and 10 of his bodyguards, abducted in late April. Several of Nuevo León’s larger municipalities have reported critical deficiencies in their forces, and some local and state officials have said they are beginning to look outside the state for recruitment.

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17 prisoners escape Tamaulipas prison through tunnel

The Attorney General’s Office of Tamaulipas and the state’s Public Security Secretariat announced that on May 24, a total of 17 prisoners escaped from the state penitentiary in the border city of Reynosa through a tunnel leading from the laundry room. It is unknown whether they were state or federal prisoners. On Friday May 27, after three days of questioning and investigating, the federal prosecutors office announced the arrest of the prison director and 11 officials and guards in connection with the jailbreak. It is often determined that large prison breaks in Mexico are carried out with the help or complicity of prison staff.

The prisoners escaped from the same penitentiary where 85 inmates escaped last September using a ladder to climb one of the outside walls. According to numbers compiled by *El Universal*, of the 355 prisoners who have escaped from Mexican correctional facilities since the beginning of 2010, 308 were in Tamaulipas, including a massive escape of 141 prisoners December 17, 2010. The majority have been federal prisoners.

The Reynosa prison break followed a fire just four days earlier that killed 14 prisoners and injured an additional 35 in Nuevo León’s Apodaca penitentiary, and a shootout a day earlier in a Durango prison that killed 9 prisoners and injured 10. The fire led to the resignation of the Apodaca and Cadereyta state prison directors, and raised questions as to a possible connection with a “narco-banner” hung in Monterrey two days earlier alleging cartel infiltration in the state prison administrations. In Durango, Federal Police are investigating the shooting. For its part, the State Human Rights Commission (Comisión Estatal de Derechos Humanos, CEDH) said that it had been denied access to the prison following reports of the incident.

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US-MEXICO COOPERATION

U.S. authorities opt not to classify Mexican drug cartels as terrorist organizations

Representatives of the U.S. Department of Homeland Security (DHS) and Department of Justice (DOJ) decided not to classify Mexican drug cartels as terrorist organizations, an announcement made public on Thursday, May 12. According to DHS Office of Anti-terrorism Director Grayling Williams, the mechanisms and laws already in place in the U.S. to deal with drug trafficking are sufficient and the proposed terrorist classification would be unnecessary. Amy Pope, the Deputy Chief of Staff and Counselor to the Assistant Attorney General, reiterated Williams' remarks, stating, "I don't think we need it because... we already have very, very strong penalties here in the U.S." Pope further commented on the available possibility of extraditing Mexican drug cartel members to the U.S. to face the stronger and stricter justice system.



Rep. Michael McCaul
Source: Huffington Post

The refusal to label cartels as terrorist organizations occurred despite the efforts of various congressmen to convince their colleagues that Mexican drug cartels not only pose a serious threat to Americans, but that their operations are already well-established inside the United States. Rep. Michael McCaul (R-Austin), chairman of the House Subcommittee on Oversight, Investigations, and Management, stated, "Do not be mistaken. The drug cartels are here. The Department of Homeland Security reports that they operate in 276 cities inside the U.S. Only after the murder of ICE [Immigration and Customs Enforcement] agent Jaime Zapata were 450 cartel members arrested in this country."

McCaul initially introduced legislation to Congress on March 30 that called on the government to label six Mexican drug cartels as terrorist organizations. According to the State Department, such a designation serves "as an effective means of curtailing support for terrorist activities and pressuring groups to get out of the terrorism business." The decision to leave Mexico's cartels off of the list of terrorist organizations highlighted the distinction the DHS and DOJ made between the cartels and organizations like the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC), stated *El Universal*.

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Mexican media reports Earl Anthony Wayne to be nominated as Mexican ambassador

Citing diplomatic sources, the Mexican press revealed on May 24 that President Obama would nominate Earl Anthony Wayne to fill the position of Ambassador to Mexico, a position vacated by Carlos Pascual in March of this year. Wayne, who is currently serving as U.S. deputy ambassador to Afghanistan, has little experience in Latin America, but has worked as a Foreign Service officer since 1975, specializing in economic and energy issues, mostly in European countries. Last year Secretary of State Hillary Clinton named him as "career ambassador," one of the highest ranks achievable in U.S. Foreign Service. His experience in Latin America came from a three-year stint running the embassy in Buenos Aires, Argentina under President George W. Bush. While the U.S. and Mexican governments refused to confirm the reports of Wayne's imminent nomination, 3 knowledgeable Washington diplomatic sources did, according to the *Houston Chronicle*.



Earl Wayne

Political analyst Jorge Castañeda said that the choice of Earl Anthony Wayne is a sensible and safe one on the part of the Obama administration. Castañeda characterized Wayne as a competent career diplomat with an understated personality unlikely to cause controversy, and able to weather U.S.-Mexico relations, which have become tenuous in recent months due to secret diplomatic cables published by Wikileaks revealed former Ambassador Carlos Pascual writing unfavorably of the Mexican security apparatus. It is widely believed that the leaked cables – and Mexican President Felipe Calderón’s angry reaction to them – pressured him to resign on March 19. Castañeda believes that Wayne was chosen because he will face an easy Senate confirmation, and will likely serve out the remainder of the Calderón administration and then step down.

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TRAFFIC-RELATED FATALITIES

Calderón sets national goal to reduce traffic deaths by 50% by 2020

At an event commemorating the launch of the National Strategy for Road Safety 2011-2020, President Calderón announced that Communications and Transport Secretary Dionisio Pérez Jácome and Health Secretary José Angel Córdova have signed an agreement to nationalize a United Nations strategy for reducing automobile accidents. The UN has set a goal of reducing traffic fatalities by 50% worldwide over the next ten years, which the organization has named the “Decade of Action for Road Safety.” The President said that the same goal would be adopted for Mexico.

Calderón said that the country is already heading in the right direction, having reduced traffic accidents by 39,000 in 2010, and injuries by 400 since 2009. Nevertheless, he emphasized that much still needs to be done to prevent traffic-related deaths. According to the World Health Organization (WHO), Mexico ranks ninth worldwide in traffic fatalities, with 24,000 deaths per year, in addition to 40,000 injured in traffic accidents. By comparison, 11,583 people were killed as a result of cartel-related violence last year, according to *Reforma*. Calderón emphasized the importance of educating university students of the importance of traffic safety, as the incidence of traffic fatalities is elevated among this age group. Car accidents are the leading cause of death among Mexicans between 5 and 29 years old.

The President did not propose any plans for specific initiatives to reduce traffic-related deaths and injuries, but he stressed that driving under the influence of alcohol or drugs should be considered “unthinkable.” Mexico has set the legal driving limit at .08% blood alcohol level, similar to many U.S. states. He also alluded to the use of cellular phones while driving, as well as the importance of using seatbelts, and properly securing small children in the back seat.

The issue of financial costs associated with traffic accidents was also raised at the event, and used as a platform to announce long-term traffic safety goals. Health Secretary José Ángel Córdova Villalobos said that the financial cost of traffic accidents amounts to nearly 130 billion pesos (just under \$11.2 billion USD), or 1.2% of Mexico’s gross domestic product. He added that 94% of accidents occur in urban areas, and the remaining 6% occur on highways.

Calderón’s announcement came as part of a regional commitment to improve traffic safety throughout Latin America at the second Ibero-American and Caribbean Traffic Safety Summit. In all, representatives from 18 Latin American countries have committed to the same 10-year goal of reducing traffic fatalities by 50% over the next decade with their signing of the “Mexican Declaration for Traffic Safety: the route for saving lives in Ibero-America and the Caribbean,” which strives for improvements in traffic safety education, infrastructure improvement, vehicle safety, and first response in order to meet UN long-term goals. The 18 countries committing to the traffic safety goals included Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, and Spain.

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POLITICAL VIOLENCE

Ten dead following attack on political action group

Mexico's National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has opened an investigation into an attack on a group of Mixe Indians in the southern state of Oaxaca on May 14, in which ten were killed. The group was on its way to an electoral meeting in the town of Santiago Choapam in preparation for special municipal elections when an armed group opened fire on them. The Oaxaca government has not yet determined a motive for the attack, although officials have said that a conflict between local communities arose last December when local elections were annulled by state election authorities. Two political groups have been embroiled in a struggle for power in the municipality – one led by former local deputy from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) Dámaso Nicolás Ramírez, and the other by leftist Labor Party member César Mateos.

Federal authorities on May 17 announced the arrest of three men suspected of carrying out the May 14 massacre. Residents of San Juan del Río had rounded up an additional 5 people they suspected of involvement, but authorities later released them when ballistic tests came up negative. The victims' families have demanded a thorough investigation into the events, and the CNDH is looking into whether state authorities were negligent in failing to provide adequate protection. Family members of one of the victims have implicated local deputy Flavio Sosa as being behind the attack, but Sosa has denied that he had any involvement. The victims appear to have been supporters of Nicolás Ramírez, while César Mateos has worked to downplay claims by survivors that they were victims of an ambush, characterizing the event as a "confrontation." For his part, Governor Gabino Cué said that thus far investigations point to targeted homicide, as only one side suffered fatalities.

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TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Migration agency fires 7 regional directors amid corruption allegations

The National Institute of Migration (El Instituto Nacional de Migración, INM) announced Thursday the firing of 7 of its regional directors following accusations that the officials had participated in the kidnapping of migrants and later turned them over to organized crime groups. The regional directors were from the states of Mexico, Oaxaca, Quintana Roo, San Luis Potosí, Tabasco, Tamaulipas, and Veracruz, "the main corridors for migrants en route to the United States," stated Mexico's Interior Ministry.

According to INM Commissioner Salvador Beltrán del Río, the firing of the 7 regional directors this week is part of a larger national effort to target and eliminate corruption and illicit activity within the agency. He added that the new regional directors "will have as an immediate task carrying out a cleanup of personnel who work for them, to strengthen migration operations with strict respect for migrants' human rights," reported the *Los Angeles Times*.

In response to the announcement Thursday, Interior Minister Francisco Blake Mora asserted that the National Institute of Migration is “not a refuge of criminals.” Rather, as quoted in *Reforma*, “it is an institution that protects the best interests of those it finds in a state of vulnerability.” During a visit to the states that make up the so-called “route of the migrant,” Interior Minister Blake spoke of a restructuring of the INM that will involve rotating agents and streamlining the vetting process.

Migrants are increasingly becoming the target of drug trafficking organizations looking to either extort them for money or recruit them as members. This incident comes on the heels of last month’s investigation and detention of 6 INM agents in Tamaulipas accused of similarly participating in the kidnapping of migrants for criminal organizations. The Attorney General’s Office (Procuraduría General de la República, PGR) has taken the lead on the case.

The INM announced this month that as of May 18 it had received 128 complaints reported to the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) involving alleged abuses by agency officials so far in 2011. In the statement, released by the Interior Ministry, which oversees the INM, 37 of the complaints have been dismissed, while the rest are currently under examination. The agency added that the CNDH this year has issued two recommendations, which have both been accepted, and will be honored in a timely manner.

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Oaxaca government reports financial irregularities from Ulises Ruíz administration

Between January and March of this year, the government transparency agency in Oaxaca (Secretaría de la Contraloría y Transparencia Gubernamental de Oaxaca) carried out audits that detected irregularities in six departments of the government of Ulises Ruíz Ortiz, amounting to over 1.73 billion pesos. Current Oaxaca Governor Gavino Cué has called the unaccounted-for funds a “ransack,” and has vowed to account for all of the misplaced monies. Ulises Ruíz Ortiz governed Oaxaca for six years prior to Cué and was the last in a line of Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) governors spanning 82 years. Governor Cué said that his government has not yet initiated criminal proceedings against administrators from the Ruíz administration as investigations are still underway, but that it would act if there were signs of administrative mismanagement.

Perla Worlich Fernández, head of Oaxaca’s transparency agency, said that the discrepancies from the Ruíz government were detected over the course of 17 government audits announced in January of this year. Worlich said that a staff of 100 worked through the month of December to carry out the audits. The department of agriculture, forests, and fisheries detected a discrepancy of nearly 14 million pesos. The comptroller’s office found a misappropriation of nearly 13.9 million pesos, while the state’s Children and Family Development System (Sistema de Desarrollo Infantil y de la Familia, DIF) had just under 559,000 pesos unaccounted for. Oaxaca’s technological college (Colegio de Estudios Científicos y Tecnológicos de Oaxaca) had a nearly 166 million pesos deficiency, while the state’s public education administration (Coordinación General de Administración y Finanzas del Instituto Estatal de Educación Pública de Oaxaca, IEEPO) saw the largest budget discrepancy, at 457.4 million pesos. The state authority in charge of school construction also was unable to account for nearly 51 million pesos. Another 43.9 million pesos were lost in the public pensions administration.

Responsibility for the irregularities ranges from inability of administrators to account for missing funds, to some cases of clear mismanagement. As such, appropriate state authorities will determine who will face sanctions and to what severity. Oaxaca Finance Secretary Gerardo Cajiga said that the Cué administration has been able to recover 250 million pesos in unspent funds from the Ruíz government. Moreover, it has been revealed that Ulises Ruíz exonerated his finance minister, Miguel Ángel Ortega Habib, 24 days

before leaving office, after having opened an investigation into Ortega Habib on suspicion of embezzlement. The state's Attorney General's Office says that it reserves the right to prosecute Ortega Habib along with other former officials from the Ruíz administration.

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Transparencia Mexicana reveals an increase in corruption nationwide since 2009

Transparencia Mexicana this month released a study detailing the changes since 2001 in the prevalence of corruption in Mexico. Specifically, the study evaluates the frequency and costs of official corruption during the years 2001, 2003, 2005, 2007, and 2010. Transparencia Mexicana has worked since 1999 to gather and disseminate information with the goal of improving public awareness of the problem of corruption in the country.



Source:
Gobierno de Mexico

The study, called the National Index of Corruption and Good Government (Índice Nacional de Corrupción y Buen Gobierno, INCBG) includes data gathered from over 15,300 homes nationwide, which reported being victims of over 200 million acts of corruption while in the process of accessing 35 different official services. Those

services include the payment of taxes and fees, applying for educational scholarships, procuring electrical hookups, obtaining government employment, obtaining a driver's license, attempting to avoid fines from transit police, and seeking home loans, among others. The cost in 2010 was an estimated 32 billion pesos (just over \$2.7 billion U.S.), amounting in effect to an additional tax of 14% of the average income. For homes earning a single minimum wage, the amount represents 33% of the household income. The study shows that more public services saw increases in corruption than saw decreases from 2007 to 2010 – 14 of the 35 services improved, while the remaining 21 had increased reports of corrupt acts.

Meanwhile, at the state level, half of Mexican states improved their numbers, while the remaining 16 had more reports of corruption. The states seeing the most marked improvements were Baja California Sur, Durango, Morelos, and Yucatán, while Colima, Guerrero, Hidalgo, and Oaxaca all saw worsening levels of corruption. The latter four states along with the state of Mexico and the Federal District are most affected by official corruption, according to the INCBG.

In an op-ed, the National Action Party (Partido de Acción Nacional, PAN) Senator from Tlaxcala, Minerva Hernández, called on Mexican citizens to report any act of corruption against them. She also implored authorities to put into place more thorough vetting procedures for public officials, extending beyond just police officers to include all areas of public administration, as well as to strengthen processes for monitoring public services to ensure that public resources are applied appropriately. In a statement, the PAN leadership said that Transparencia Mexicana's findings give weight to its assessment "that the government of Enrique Peña Nieto [governor of the State of Mexico] is one of the most corrupt in the country, along with the one that Marcelo Ebrard heads in Mexico City." It went on to say that "[t]his situation should worry Mexicans in general, since in both cases, it has to do with governments headed by politicians who aspire to govern the country." Peña Nieto, of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), and Ebrard, of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), are two of the most prominent members of their respective parties as momentum builds toward the 2012 presidential elections. There is also a PAN-Left coalition that hopes to disrupt the PRI's established order in that state's gubernatorial elections in July, which would provide an answer to PRI gains in last July's gubernatorial elections.

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3 Arizona officers under Sheriff Arpaio arrested for alleged involvement in human, drug trafficking

Three Arizona officers who work for Maricopa County Sheriff Joe Arpaio were arrested this week after their involvement in human and drug trafficking rings were exposed. Deputy Alfredo Navarrette and detention officers Marcella Hernández and Sylvia Nájera were apprehended Tuesday, along with 9 others, in an operation that began last year after Arpaio's office received an anonymous tip. Their involvement in criminal activity is being traced to connections with the Sinaloa Cartel in Mexico, of which Arpaio stated, "No one's above the law, and apparently no one is beyond the reach of drug-trafficking organizations in Mexico."

Navarrette, who worked under Arpaio in a unit targeting human trafficking for almost ten years, is facing charges of operating a human smuggling ring, drug trafficking, and money laundering. He also allegedly assisted in collaborating with and sharing confidential police information with a drug ring. Navarrette was arrested in his home where police also found two illegal immigrants and large amounts of heroin worth almost \$200,000. Marcella Hernández, a prison guard in Maricopa County and pregnant with Francisco Arce-Torre's child, was also arrested Tuesday for drug trafficking and money laundering. Arce-Torre is the "presumed leader of the Phoenix cell connected to the Sinaloa Cartel" and a large player in the heroin trafficking business, reports *Proceso*. Sylvia Nájera, a guard in an Arizona women's prison, was arrested for both money laundering and her role in allegedly trafficking thousands of women from Mexico and Central America into Arizona.

The arrests have put Sheriff Arpaio, self-proclaimed as "America's toughest sheriff," in the spotlight. He is known for his strong anti-immigration stances and his so-called "Tent City," the temporary jail he created to hold detained illegal immigrants in as a location outside of the traditional prison cell. In response to the arrests, Arpaio called the collaboration with human and drug traffickers "despicable," but also acknowledged that most organizations in general have a few "bad people."

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TRANSPARENCY

Public Security Secretary García Luna criticized for allowing filming of police drama at Federal Police installations

Mexico's Public Security Secretary Genaro García Luna has come under fire from critics for allowing the new Mexican television series "El Equipo" to film on federal police premises, using officers as extras. The show seeks to detail the day-to-day operations of the Federal Police. García Luna, who has been the architect of President Calderón's strategy targeting Mexico's drug cartels, as such has been harshly criticized for waging an ineffective and costly campaign, most recently by



Genaro García Luna
Source: El Porvenir

the poet Javier Sicilia, whose son was kidnapped and killed earlier this year, and who organized a massive march this month on the capital denouncing the administration's strategy and demanding García Luna's resignation.

Critics of the public security chief's recent move to allow filming of a cop drama using Mexican federal officers say that he is using public resources for propaganda purposes. Leticia Quezada, spokeswoman for the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) in the Chamber of Deputies, presented a complaint to the government oversight agency (Secretaría de la Función Pública, SFP) naming García Luna, along with Federal Police Commissioner Facundo Rosas Rosas. In her complaint, Quezada highlights the use of strategic facilities that should not be accessed by unauthorized personnel. She also says that Federal Police equipment, such as land vehicles and helicopters donated by the United States as part of the Merida Initiative, were used in filming. Quezada pointed to violations in the

Federal Law of Administrative Responsibilities of Public Servants, the General Law of National Goods, and the Law of Firearms and Explosives.

As Mexican journalist Raymundo Riva Palacio argues, these criticisms likely have their origin in the case of the Frenchwoman Florence Cassez, the former girlfriend of the convicted leader of the Zodiacs kidnapping ring, who, after having been arrested December 8, 2005, had her arrest re-enacted for the press the following day at the boyfriend's home where several kidnapping victims had been found. Cassez, however, had been arrested as she drove with her boyfriend on the Mexico City-Cuernavaca Highway. Many, including her supporters back in France, say that her due process rights were violated when the French consul was not notified immediately of her arrest. García Luna was head of the now-defunct Federal Agency of Investigations that helped restage her arrest for a television audience.

García Luna's troubles with opposition members of the Mexican Congress continued in the wake of his acceptance of a medal of recognition from the Colombian government without congressional approval, a little-known legal requirement for public servants accepting awards from foreign states. Colombian President Juan Manuel Santos gave García Luna the "Distinguished Services Medal" for his "brave and decided" service in fighting drug trafficking. Congress received word the day before the medal was to be awarded – insufficient time to deliberate, much less vote on the matter. PRD Senator José Guadarrama emphasized that an official responsible for ensuring that laws are upheld must himself observe the laws of the country, pointing to article 37 of the Mexican constitution, which requires congressional approval for accepting such an award. National Action Party (Partido de Acción Nacional, PAN) Senator Fernando Elizondo, however, characterized the law as anachronistic, and lamented that lawmakers have reacted so negatively to the honor bestowed on García Luna. Chamber of Deputies President Jorge Carlos Ramírez Marín of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) said that García Luna needs to give back the medal, continuing a standoff that could lead to a congressional hearing into the matter.

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Federal labor authority begins inspections of Coahuila mines following deadly accident

According to the Ministry of Labor and Welfare (Secretaría del Trabajo y Previsión Social, STPS), several federal and state agencies have begun inspecting over 100 mines in Coahuila to ensure that they are complying with labor regulations. In a joint statement along with the Ministry of Economy (Secretaría de Economía, SE), the Mexican Institute of Social Security (Instituto Mexicano del Seguro Social, IMSS), and Federal Environmental Protection Agency (Procuraduría Federal de Protección al Ambiente, Profepa), the STPS stated the goal of inspecting the mines by mid-August.

The announcement came two weeks after a gas explosion in a Coahuila coalmine on May 3, in which 14 miners were killed, and a 15-year-old boy lost an arm. The accident has brought to light the high incidence of coal mining fatalities in Mexico where, according to data presented by National Action Party (Partido de Acción Nacional, PAN) Senator Ricardo García Cervantes, 1,712 miners have died in Coahuila's coalmines since 1989, an average of just under 78 per year. Raúl Vera López, archbishop of Saltillo, decried the state's mining industry, characterizing it as "modern slavery," and the mines themselves as graves that are tolerated by authorities lacking the will to address the well-known safety deficiencies. In the days following the explosion, the National Mining Alliance (Alianza Minera Nacional, AMN) pointed out that at least one mineworker had become sick from inhaling methane gas, but mining operations were not suspended. A wife of one of the miners also came forward stating that her husband had complained since February that the mine smelled like gas. Héctor Jiménez Coronado, general director of the AMN, blamed the continued accidents on corruption and legal vacuums in the operation and oversight of the mining industry.

According to journalist Jesús Cantú, it was revealed that of the 15 miners affected by the accident in Coahuila, only 7 were registered with the IMSS and that the 15-year-old boy who was injured in the incident was earning just 700 pesos (\$60 USD) per week. Those not registered with the IMSS received 300 pesos per week more than the 1,200 pesos garnered by those who were, in exchange for their silence. It was also revealed that the mine was operated by the son of the executive awarded the mining rights in 2005. In Mexico, the party awarded the mining permit does not have to be the one running the operations at a given mine, which has allowed the accumulation of a disproportionate number of permits in the carbon producing region of Coahuila by a businessman named Alfonso González Garza. Alfonso and his brother Luis together hold permits to mine 270,000 hectares in the region. The brothers then lease the rights to exploit the land in exchange for a portion of the earnings. Written into the contracts is language releasing Alfonso González Garza and his brother from any civil, penal, labor, administrative, or other responsibility regarding mining operations on the land.

Since February 2006, when a mining accident claimed the lives of 65 miners, the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has handed down four recommendations to the STPS and the SE for those agencies' "tolerant and dismissive conduct" in enforcing safety and health laws in Coahuila's mines. According to the recommendations, the state's mines lack adequate protective gear, lighting, cleanliness, ventilation, and equipment for monitoring levels of toxic gas, among other deficiencies. Senator García Cervantes lamented that since 1989, initiatives from the United Nations' International Labour Organization still await ratification by the Mexican Senate. Cervantes claims that the initiatives, which are opposed by Mexico's Ministry of Labor, would help to elevate Mexican mining to comply with international standards regarding workplace health and safety.

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Inquiries into ATF's Operation Fast and Furious gain momentum in Congress

Attention among U.S. officials to the Bureau of Alcohol and Firearms and Explosives (ATF) program it called "Operation Fast and Furious" have increased since it was revealed that weapons traced to that operation – designed to allow ATF officials to track weapons from the U.S. as they flowed into the hands of Mexican drug cartels – were found near the site where U.S. Border Patrol agent Brian Terry was killed in a firefight with presumed drug traffickers last December. Republicans in the U.S. Congress have launched inquiries into the program, led by Representative Darrell Issa, head of the House Committee on Oversight and Government Reform, which seek to clarify the Justice Department's role in the operation, as well as how and why the program was able to reach the point where, in the words of Senator Charles Grassley, "at best, the ATF was careless in authorizing the sale of thousands of guns to straw purchasers [and] at worst, our own government knowingly participated in arming criminals, drug cartels, and those who later killed federal agents." Grassley raised his concerns at a Senate Judiciary Committee hearing in early May.



Border Patrol agent Brian Terry was killed in a firefight in Mexico last December near the Arizona border. Two assault rifles were found near the scene of his death, which were later traced back to a gun shop in Arizona. Issa and Grassley claim that they were purchased with the complicity of ATF agents operating in the state. For his part, Attorney General Eric Holder has said that he was unaware of the operation, but since it was made public earlier this year he has worked to clarify his position that "under no circumstances, in any case, in any investigation that we bring, should guns be allowed to be distributed in an uncontrolled manner." As reported by NPR, Republicans have focused much of their energy on implicating the Justice Department's leadership in Fast and Furious, pointing to department officials' claims

that it was authorized by the federal prosecutor in Phoenix and ATF officials in that city, as well as a wiretap for the operation that was authorized by Washington Justice Department lawyers. In an exchange with Issa, Attorney General Holder rejected the congressman's implication that Justice Department officials were responsible for deaths of U.S. agents.

Meanwhile, on May 6, a federal judge unsealed a 14-count indictment charging Mexican national Manuel Osorio-Arellanes with Terry's murder. At least two others have been charged in the killing, but their identities remain sealed because they have not yet been apprehended. Osorio-Arellanes pleaded not guilty at his arraignment. The federal attorney announcing the indictment, Dennis K. Burke, is also the attorney that Congressman Issa has claimed was complicit in the investigative methods of Operation Fast and Furious. According to the indictment, Osorio-Arellanes was part of an "armed group of illegal aliens that engaged in a firefight with Agent Terry and other border patrol agents... One of the group shot Agent Terry who died of the wound." Osorio-Arellanes, also wounded in the confrontation, has been under the custody on felony immigration charges. Along with second-degree murder, he is now charged with three counts of assault of a federal officer, four counts of using a firearm to commit a violent crime, three counts of re-entry of a deported alien and two counts of illegally possessing a firearm.

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ACCESS TO JUSTICE

CRIMINAL JUSTICE SURVEY

Justiciabarómetro surveys judges and lawyers about Mexico's criminal justice challenges The Trans-Border Institute's Justice in Mexico Project announced the results of its most recent study of professionals in Mexico's criminal justice system. Justiciabarómetro's judicial survey summarizes the findings from a poll of 276 judges, prosecutors, and public defenders in nine different Mexican states.

The study and is now available online at the Justice in Mexico Project site (www.justiceinmexico.org), and provides unprecedented insights on the profile and opinions of judges and lawyers working in the Mexican criminal justice system. The survey is timely in that Mexico is currently working to modernize its judicial sector through a series of reforms introduced in 2008 and scheduled for completion by 2016.

Respondents from nine states were included in the survey: Baja California, Coahuila, Chihuahua, Jalisco, Michoacán, Nuevo León, Oaxaca, Yucatán, and Zacatecas. The survey includes a variety of questions on demographic characteristics, professional profile, perceptions of judicial system functioning, perceptions of lawfulness, corruption, due process and the criminal justice reform of 2008. The survey was conducted through the professional polling firm Data y Opinión Pública y Mercados (DATA-OPM), which made over 2,800 telephone calls made from October to December to the 1,098 sitting judges, prosecutors, and public defenders identified in all nine states, achieving an overall response rate of 276 completed interviews (22.4%).

The report provides a first look at the findings, which identify a substantial need and potential for improvement in the administration of justice in Mexico. Among concerns identified by participants' responses are problems of workload and capacity, a disparity of opinions among professions on the efficiency of court procedures in criminal cases, and problems of adherence to due process. These findings provide useful indicators for evaluating the performance of Mexico's criminal justice system and provide a baseline for benchmarking the future progress of the 2008 judicial reform, which introduces major changes to criminal procedure that have generated some concerns in the legal community.

Among this study's findings, 36% of respondents asserted that there has been a deliberate campaign to

discredit the country's traditional system, and nearly 40% of respondents viewed the 2008 reform as the result of foreign pressure. Even so, more than 80% held generally positive views of the reform, and 76% preferred moving from Mexico's traditional system to new "oral trials." Only 47% of respondents believe that the reform will help to reduce criminality, but the vast majority believes that the reforms will speed up criminal proceedings (70%) and reduce corruption in the judicial sector (84%).

The report was authored by Matthew C. Ingram, Octavio Rodríguez Ferreira, and David A. Shirk, and was made possible through the financial support of both The William and Flora Hewlett Foundation and The Tinker Foundation. The authors argue that their findings provide support for cautious optimism about the prospects for judicial reform in Mexico, and help to identify trouble spots that must be considered during implementation over the next four years.

SOURCE

<http://justiceinmexico.org/resources-2/justiciabarometro/judicial-survey/>

PUBLIC ACTION

Poet Sicilia leads march to Mexico City to protest ongoing violence

Sunday May 8 marked the last day of the National March for Peace with Justice and Dignity, a four-day event that began in Cuernavaca, Morelos and ended in Mexico City. Mexican poet Javier Sicilia organized the march, which drew an estimated 150,000 participants in Mexico, as well as support in Latin America, the U.S. and Europe, reported *El Universal*. Sicilia has quickly become one of the leading protestors against President Felipe Calderón's anti-drug campaign following the murder of his son and six other youths in March.

The rally was staged to demand changes to the government's military-led strategy against transnational drug trafficking organizations. To conclude the march on May 8, Sicilia gave a speech in the center of the main plaza in Mexico City. In addition to demanding a decrease in the nationwide violence, he also called on the government to demand the resignation of Public Security Secretary Genaro García Luna, who has been one of the key players in President Calderón's fight against drug traffickers. In response, the Calderón administration voiced its continued support of García Luna and recognized his national efforts to reform federal police forces. Sicilia also led a five-minute moment of silence at the demonstration in honor of the 35,000 victims of drug violence who have died since President Calderón took office.

The National March for Peace with Justice and Dignity has opened the door to a possible dialogue between the Calderón administration and the Mexican citizen activists. Following the march, the president agreed to meet with the organizers of the protest to discuss and explain his strategy. President Calderón continued by saying, "We can agree or disagree. Of course that doesn't exclude the possibility and the responsibility to dialogue, to listen to each other and understand each other." The exchange between protest organizers and the Calderón administration has reverberations of the popular mobilizations led by Mexican businessman Alejandro Martí following the kidnapping and murder of his son in 2008 who challenged authorities, "If you can't [resolve the violence in the country], resign." Calderón met with Martí at Los Pinos in August of that year, and the businessman has remained a prominent public figure since.

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MIGRANT SMUGGLING

Police make historic migrant smuggling bust in Chiapas; immigration law passes Congress

State and municipal police in Tuxtla Gutiérrez, Chiapas on May 17 discovered 513 migrants stowed in two semi truck trailers. The migrants were mostly from Central America, though around 100 were from the Caribbean and Asia. Among the 513 migrants were 32 women and four minors. Two presumed migrant smugglers were also arrested at the scene. Officials from Chiapas' Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) said that the find was made possible by x-ray equipment in use since January of this year. An immigration official speaking anonymously said that it was the largest single migrant smuggling bust in recent memory; in January, authorities stopped a truck transporting 219 migrants.

Authorities say the migrants were traveling in sub-human conditions, crowded upright for hours, and many suffering from dehydration and complaining of a lack of air. The trucks were en route to the city of Puebla, where the migrants say they were to transfer vehicles for the final leg of their trip to the United States. The migrants were handed over to the National Migration Institution (Institución Nacional de Migración, INM) for processing and eventual repatriation. The day following the discovery, the INM reported that 400 of the 513 migrants had been returned to Guatemala, while the remaining 113 – among whom include migrants from other Central American countries, the Caribbean, and Asia, as well as 10 Guatemalans, four of which are minors – remain in INM custody, as the repatriation of minors requires collaboration with Mexico's child protection agency (Oficiales de Protección a la Infancia, OPI).

Mexico's National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has stepped up its campaign in recent months to improve the situation of migrants in transit through Mexico. Public and officials' concern over the issue has increased with the discovery of two sets of mass graves in the northern border state of Tamaulipas in August 2010 and April of this year. Most of the bodies discovered last year were identified as Central American migrants who were likely killed by the Zetas criminal organization for refusing to join the group's ranks.

Authorities say the migrants were prepared to pay their alleged smugglers \$7,000 (USD) upon arriving in the United States, according to the PGJE, representing at least \$3.5 million dollars in human cargo. According to the *Associated Press*, the United Nations estimates that smuggling migrants across the U.S.-Mexico border nets \$6.6 billion annually. This is in addition to an estimated \$1 billion paid annually for illegal passage from Guatemala into Mexico, according to a 2010 U.N. transnational crime report. While migrant smuggling used to be an entrepreneurial business, it has been taken over in recent years by drug trafficking operations expanding their scope and influence and seeking to diversify their income sources as drug smuggling becomes increasingly difficult and costly. This shift of control has corresponded with increased reports of human rights violations and extortion of through-migrants. Law enforcement officials have also been implicated in migrant smuggling activities, as was the case earlier this month when seven INS directors were fired for allegedly handing migrants over to organized crime groups.

Two weeks following the migrant smuggling bust in Chiapas, President Calderón signed new migration legislation into law that decriminalizes migration and imposes penalties on authorities that violate migrants' rights. Calderón praised the legislation, saying that it will expand migrants' access to justice, health and education, regardless of their legal status. He said that the legislation would eliminate ambiguities that have allowed corrupt officials to capitalize on migrant smuggling with impunity, as well as allow migrants to be more visible, reducing their chances of being abused. He added that without corresponding action from the U.S., however, through-migrants would continue to find themselves victims of the human smuggling market.

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HUMAN RIGHTS

Human Rights Law passes majority of state legislatures; awaits Calderón's signature

With the approval in the state legislature of human rights legislation passed in the Mexican Congress earlier this year, Tamaulipas became the 16th state to adopt the law, representing the majority among Mexican states required for nationwide adoption. In a press release, the Human Rights Commission of the Federal District (Comisión de Derechos Humanos del Distrito Federal, CDHDF) praised the new law for its advancements in the constitutional protection of human rights in Mexico. The law seeks to align Mexico with internationally accepted human rights standards, including banning discrimination based on sexual preferences or gender identity. It also amends the Mexican constitution to recognize international human rights treaties, and requires a reorganization of Mexico's prison system to conform to human rights standards to not only guarantee due process, but also safe, dignified incarceration that promotes social reintegration. In addition, the law expands the influence of the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH), transferring it investigative powers previously exercised by the Supreme Court. The CNDH, as well as state human rights commissions, will also have the power to investigate alleged labor violations, an area previously outside of their jurisdiction.

Furthermore, the legislation includes provisions to expand access to political asylum, as well as to define fundamental human rights that cannot be suspended even in times of martial law, and to allow the Mexican Senate to sanction public officials who fail to comply with a recommendation handed down by the CNDH or the state human rights commissions. Those elements, however, are among at least five items to which President Felipe Calderón has reportedly applied a pocket veto, effectively removing them from the legislation. Alfonso Navarrete Prida, president of the Human Rights Committee of the Chamber of Deputies, called on the president to reverse the veto. Navarrete, a member of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), characterized the reform as "the most important of the past 20 years," and has accused the president of blocking the will of congress "using an unwritten power that he does not legally have, which is the pocket veto." He urged Calderón in a "respectful, but firm" manner to sign the entirety of the legislation into law.

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SUPREME COURT

Supreme Court upholds military trials for soldiers accused of abusing civilians

In a rebuke of a 2009 decision in the Inter-American Human Rights Court (Corte Interamericana de Derechos Humanos, CoIDH), Mexico's Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) voted to uphold the application of military justice in cases of alleged abuse by soldiers involving civilians.



In a decision seen as a boost to President Felipe Calderón, justices ruled in favor of the military justice code in maintaining military trials, even in cases where a soldier accused of human rights abuses against civilians has been removed from military service as a result. Falling in line with Calderón, the justices rejected the argument that military trials favor soldiers implicated in human rights abuses. The ruling also rejects the finding by the CoIDH in 2009 that the application of military jurisdiction in such cases is unconstitutional, stemming from the case of Rosendo Radilla, who was forcibly disappeared by Army soldiers in 1974.

The ruling addressed two contradictory circuit court rulings from last year, one of which stated that if a soldier is relieved of duty as a result of abuse allegations he must be tried in a civilian court. A second ruling stated that a military tribunal was appropriate for such occasions. It also addresses inconsistencies in the Mexican constitution and the military justice code, which have contradictory language referring to the application of military justice. Article 13 of the Mexican constitution states that: "When in a crime or lack of

military order a [civilian (*paisano*)] was involved, the corresponding civilian authority [will assume (*conocerá*)] the case.” Meanwhile, article 57 of the military justice code states that crimes committed by soldiers against civilians while in active service are considered violations of military discipline, and will be handled in the military justice system. President Calderón last year sent an initiative to Congress proposing that the military justice code be reformed to mandate that cases of forced disappearance, rape, and torture be handled in civilian courts. Critics of the initiative, presented in April of last year, say that it is too narrow in scope.

Alejandra Nuño, director of the Central America and Mexico Program of the Center for Justice and International Law (Centro por la Justicia y el Derecho Internacional, Cejil) – an organization that has participated in the litigation of four cases against the Mexican military in front of the CoIDH, all of which have found the Mexican government responsible for human rights abuses committed by the Mexican military – acknowledged recent human rights legislation passed in the Mexican Congress and a majority of Mexican states, but criticized the Supreme court for contradicting the findings of the CoIDH. One such finding was that the Mexican government must see that civilian authorities carry out a thorough investigation into access to justice from a gender and cultural diversity-based perspective.

In related news, Valentina Rosendo Cantú, an indigenous woman from Guerrero, has begun a tour through Europe to speak about the Mexican government’s failure to bring justice to her case. In 2002, Rosendo Cantú, along with Inés Fernández Ortega, were allegedly raped and tortured by members of the Mexican armed forces. Eight years later, their case was brought before the CoIDH, which found that the Mexican government had violated their right to due process. Her case remains bound in the military justice system despite the court’s ruling. According to a communication from Amnesty International, Peace Brigade International, and the Human Rights Center of Montaña Tlachinollan, Rosendo Cantú began an 18-day circuit on May 25 through Germany, France, Spain, and the United Kingdom in an attempt to bring more light to her case, and to the lack of access to justice and health services for abused women in Mexico.

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Supreme Court orders release of woman imprisoned for aiding in rape of a child

After Magdalena García Soto spent nearly four years in prison, Mexico’s Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) determined that there was not enough proof that she participated in the sexual abuse of a minor at a private school in Oaxaca. García Soto, formerly a teacher at the school, declared her innocence since her incarceration in 2007, and continued to do so as she was released from the Santa María Ixcotel Central Penitentiary just before midnight on May 17. She was serving a sentence of six years and eight months.

The minor – then four years old – accused García Soto of directing him to the room where he and his parents said two male teachers sexually abused him, one of which was the husband of the principal and owner of the school. García Soto was the only person imprisoned for the alleged crime. The accused rapists – Hugo Gabriel Constantino García and Adán Salvador Pérez Ramírez, the latter being the nephew of the school principal- remain fugitives.

The court’s decision came as a result of an eight-vote majority, with SCJN President Juan Silva Meza dissenting. Meza rejected the majority’s concern over the heavy reliance on testimony from a minor, particularly one just four years old. He pointed to the elaborate detail in the boy’s testimony, as well as a lack of inconsistencies between statements given in the presence of his mother, and those given in her absence. Moreover, the boy’s mother, Leticia Valdés has pointed out that there was testimony given by the doctors that examined the boy, as well as his psychologist, and representatives of Oaxaca’s Attorney General’s Office.

Valdés and her attorney, Felipe Canseco Ruiz, said that the ruling was shameful. Valdés accused the SCJN majority of “protecting pedophiles and pederasts of the country,” but acknowledged her appreciation of the three dissenting justices. She added that she now regrets having reported the crime in the first place, given the negative impacts on the family and the financial expense, with an absence of justice in the end. Nevertheless, she said that she will take her complaints to the Inter-American Human Rights Commission. Canseco Ruiz characterized it as “a black day” for justice in Mexico.

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AROUND THE STATES

BAJA CALIFORNIA

Tijuana and Mexicali make advancements on implementation of oral trials



Both Tijuana and Mexicali have recently taken steps to continue implementing the New Penal Justice System in Baja California. In Tijuana, 49 Municipal Police officers completed courses that focused on developing their responsibilities and duties under Mexico’s new oral trials. The two classes- “The Penal Process of Oral Trials” and “Strengthening Police Action”- were completed over a two-week span at the Professional Preparatory and Training Institute (Instituto de Capacitación y Adiestramiento Profesional, ICAP) in Tijuana. The Secretary of Municipal Public

Security (Secretaría de Seguridad Pública Municipal, SSPM) added that such trainings are used to continually evaluate the police forces and public officials. “It affirms the promise that the SSPM upholds to professionalize each and every member of the Municipal Police in the city [Tijuana],” writes *Agencia Fronteriza de Noticias*.

The 49 graduated Municipal Police add to the increasing number of public officials in Tijuana that have already completed the mandatory courses. According to the SSPM, this addition brings the total in 2011 to 377, and to 874 since July 2010. In April alone, 106 police agents took the classes. In addition to police forces, 84 firefighters have also passed the courses, of which 26 graduated in April.

In Mexicali, the Autonomous University of Baja California (Universidad Autónoma de Baja California, UABC) hosted a public forum for law students to discuss and learn about the New Penal Justice System from the State Attorney General’s Office (Procuraduría General de Justicia del Estado, PGJE). According to the PGJE, one of the main themes discussed was the implementation of a new oral procedure under which an appeal (remedy) presented against a judge’s ruling before a court of appeals must be known publicly in order to give transparency to the procedure. Both public defenders, and students and teachers of the UABC were in attendance at “Publicity at the Appeal Level Under the New Penal Judicial System” (La Publicidad en Segunda Instancia en el Nuevo Sistema de Justicia Penal) conference on May 2.

Such training and education is part of the ongoing nationwide effort in Mexico to implement the 2008 judicial reforms that focus on a switch to oral trials in place of Mexico’s previously used written trials.

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SONORA

Sonora implements various judicial reforms



The president of the Supreme Court of Justice of Sonora (Supremo Tribunal de Justicia de Sonora, STJS) Max Gutiérrez Cohén asserted that Sonora is taking an active role, as are other Mexican states, in implementing federal reforms to their judicial system. These reforms are intended to strengthen rule of law in Sonora, as well as citizens' faith in the justice system. Among these reforms include the "Law of Executing Sentences" (Ley de Ejecución de Sentencias), which will be implemented in June of this year.

Overall, one of the most important reforms that the state of Sonora is currently undergoing is implementing a new penal code. On May 9, Sonora held its first Regional Forum in San Luis Río Colorado to discuss the creation and implementation of the new Penal Procedures Code (Código de Procedimientos Penales). Representative Damián Zepeda Vidales headed the public event, which was the first of five such forums to be held in various cities throughout Sonora, the next of which will take place in Nogales. Various members of congress and judges from the San Luis Río Colorado district were present at the event, including representatives Leslie Pantoja Hernández and Marco Antonio Ramírez Wakamatzu, and federal representative Leonardo Guillén Medina.

According to news source *Crítica*, the new penal code strives to protect the rights of victims by allowing them, in certain cases, to practice direct penal action before a judge while the courts continue to uphold the judicial protections guaranteed to the accused. The new penal code also means that *jueces de control*, which are judges that determine if the due process of law was respected, along with oral trial judges, will be taking a more active part in court procedures and will be used more frequently in various stages of the process. *Crítica* also stated that the system would protect the principle that all individuals are equal before the law, and will make sure that judges guarantee this right. Finally, the code attempts to reduce the number of cases involving unethical procedures like intimidation, torture or cruel treatment.

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FEDERAL DISTRICT

DF passes new law targeting the overcrowding of prisons; house arrest approved for prisoners



The Federal District Legislative Assembly (Asamblea Legislativa del Distrito Federal, ALDF) approved the Law on Execution of Criminal Sanctions and Social Reintegration (Ley de Ejecución de Sanciones Penales y Reinserción Social) for the Federal District (DF) of Mexico. This law makes it possible for qualified inmates to fulfill some of their sentence on house arrest, where an electronic tracking device, such as a bracelet, will monitor them. Officials project that the law would affect between 10,000 and 20,000 prisoners, though an exact number is not confirmed.

Julio César Moreno, a leader of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), stated that this new law would empower the judicial authorities to evaluate if the long distance tracking of inmates is effective and if it actually depressurizes the prisons. Alejandro Carbajal, a member of the Commission of Administration and Management of Justice of the ALDF, noted that the new law will only apply to inmates whose prison sentences fall between 5 and 10 years, while stating that it should not apply to those who have committed more serious crimes such as kidnapping, murder, trafficking, extortion, organized crime, and torture.

While many are optimistic about the new law, Edgar Elías Azar, a presiding judge of the High Court of the

Federal District (Tribunal Superior de Justicia del Distrito Federal, TSJDF), noted that the allocation of proper resources are necessary to make the law effective. He expressed concern about the law's actual implementation considering some estimate that there could be as many as 20,000 inmates who are eligible for in-home detention, making it difficult to distribute a sufficient number of bracelets.

The president of the Green Party in the DF (Partido Verde Ecologista de México del Distrito Federal México, PVEM-DF), Jorge Legoretta, stated that the prisons in the capital have come to operate as "universities of crime," where the current system is continually failing to be an effective form of rehabilitation. Such failures have pushed the state government to take action and approve the new law.

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