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News Report

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LAW AND ORDER

CARTEL-RELATED VIOLENCE

Weekly average of national ejecuciones up from 2010, Chihuahua's and Sinaloa's rates decrease

According to *Grupo Reforma's* running tally of cartel-related killings, or *ejecuciones*, Mexico had registered 8,619 such killings as of August 26, or an average of just over 253 per week. The average over the past four weeks has dropped slightly to 237, but still remains above the 2010 average of 222.75 per week. The

border states of Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas represent a slightly smaller share of the national total than in 2010, at 42% for the first eight months of 2011. This is due to a sharp decrease in *ejecuciones* in Chihuahua, which, despite holding the largest total of all Mexican states, has dropped to just under an average of 40 weekly cartel-related killings for a total of 1,314 thus far in 2011, as compared to just over 61 per week in 2010. Baja California and Sonora have also seen significant drops, from 6 to 2.6 per week and 4.7 to 2.8 per week, respectively. Overall drops in cartel-related violence in the border region have been tempered, however, by a sharp rise in Nuevo León over last year (1,257 or 38 *ejecuciones* per week for 2011 compared with 610 or 11.7 per week for 2010), as well as in Coahuila (9.3 per week in 2011 as compared with 4 per week in 2010). Tamaulipas has also seen a slight rise in its weekly *ejecuciones* rate, at 17.5 for 2011, compared with 14 for 2010.

Like Chihuahua, the central Pacific state of Sinaloa has seen a sharp decrease in *ejecuciones* in 2011, currently at 938, compared with 2,028 for 2010. The other Pacific states, however, have all increased their weekly *ejecuciones* averages – particularly Guerrero, averaging 34 killings per week, as compared to 19 in 2010. Jalisco and Michoacán have seen slightly smaller gains. Nayarit, which borders Sinaloa to the south, is also experiencing heightened cartel-related violence, with 193 *ejecuciones* for 2011, as compared to 211 for all of 2010. The central Mexican state of Durango, which borders both Sinaloa and Chihuahua, has accumulated 774 *ejecuciones* for 2011 or 23.5 per week, up from 15 per week in 2010. There has been a notable increase in *ejecuciones* in two other central Mexican states this year over last – San Luis Potosí (120 so far in 2011 as compared with 102 for all of 2010), and Zacatecas (110 for 2011 compared to 21 for all of 2010).

High-profile violence has continued in the most troubled states, affecting all areas of the citizenry. The entire 26-member police force of Ascensión, Chihuahua resigned on August 4, after receiving threats from purported members of organized crime operating in the area, and after two municipal police officers were murdered. The following day, State Prosecutor Carlos Manuel Salas announced that members of the state's unified police were sent to the town to fill the void, along with Army soldiers and Federal Police officers. Last September, Ascensión was in the news following the lynching deaths of two men that town residents said had kidnapped a 17-year-old girl. The town's police force was let go following the incident, after which a citizens' council assumed public security functions while a new police force was assembled. Also in Chihuahua, shots were fired from AK-47 assault rifles outside a primary school in the Anapra community of Ciudad Juárez on August 24, as parents waited for their children to be released from school. A man was killed, and another man and two women were reported injured in the attack.

On Saturday, August 20, a professional soccer match in Torreón, Coahuila, a northern Mexican state bordering Texas, was indefinitely suspended after gunfire opened up directly outside of the Territorio Santos Modelo stadium. The general director of the Torreón Public Security (Seguridad Pública de Torreón, SSP), Adelaido Flores Díaz, reported that unidentified assailants fired upon policemen in the streets surrounding the soccer stadium, which resulted in returned fire and a police chase of the gunmen. Although no suspects have been identified, *El Paso Times* noted the continually increasing violent exchanges in Torreón between feuding rival organizations- the Sinaloa and Los Zetas cartels- suggesting that the incident may be yet another incident of drug-related violence to hit Coahuila since 2006. Reports indicated that no one was killed in the attack, and one policeman was injured.



Fans inside the stadium hide from gunfire exchanged outside.
Source: Reuters

The incident cut short the soccer match between local clubs Santos and Morelia after 40 minutes of play as the audible gunshots sent players, fans, and referees running for cover. Video footage from inside the stadium show players sprinting for the locker rooms while the estimated 20,000 fans in attendance hide under their seats, initially unaware from where the shots originate. Thereafter, fans flocked to the field and tunnels to take cover. Despite the panic inside of the stadium, the soccer club's president, the Torreón Public Security, the State Attorney General's Office (Procuraduría General de Justicia del Estado de Coahuila, PGJE), and Mexican President Felipe Calderón (via Twitter) all similarly reiterated afterwards

that “the situation [was] under control” and that the attacks were not targeted towards citizens, rather just against the police forces. According to the *Los Angeles Times*, “the president’s comment sparked numerous retorts by other Twitter users, some asking: ‘Under control by whom?’” Investigations into the events are ongoing.

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Over 50 killed in arson attack in Monterrey casino



The Casino Royale in Monterrey
Source: Christian Science Monitor

In the second attack on a northern Mexico gambling establishment in 24 hours, assailants killed over 50 people by igniting a gasoline fire targeting the Casino Royale, located in the western portion of Monterrey, the capital city of the northern state of Nuevo León.

The incident occurred just before 4:00pm on Thursday, August 25, one day after an attack on the Grupo Caliente Casino located in the nearby city of Saltillo, the capital of the state of Coahuila. In that incident, patrons were startled by an explosion and gunfire, but no one was reportedly killed. The incident raised concerns about the links between Mexico’s growing gambling industry and its violent organized crime groups, which use such establishments to launder their profits from drug trafficking and other illicit activities. The Grupo Caliente Casino is owned by former-Tijuana Mayor Jorge

Hank Rhon, who was arrested on June 4, but was subsequently acquitted of charges for unlawful firearms possession.

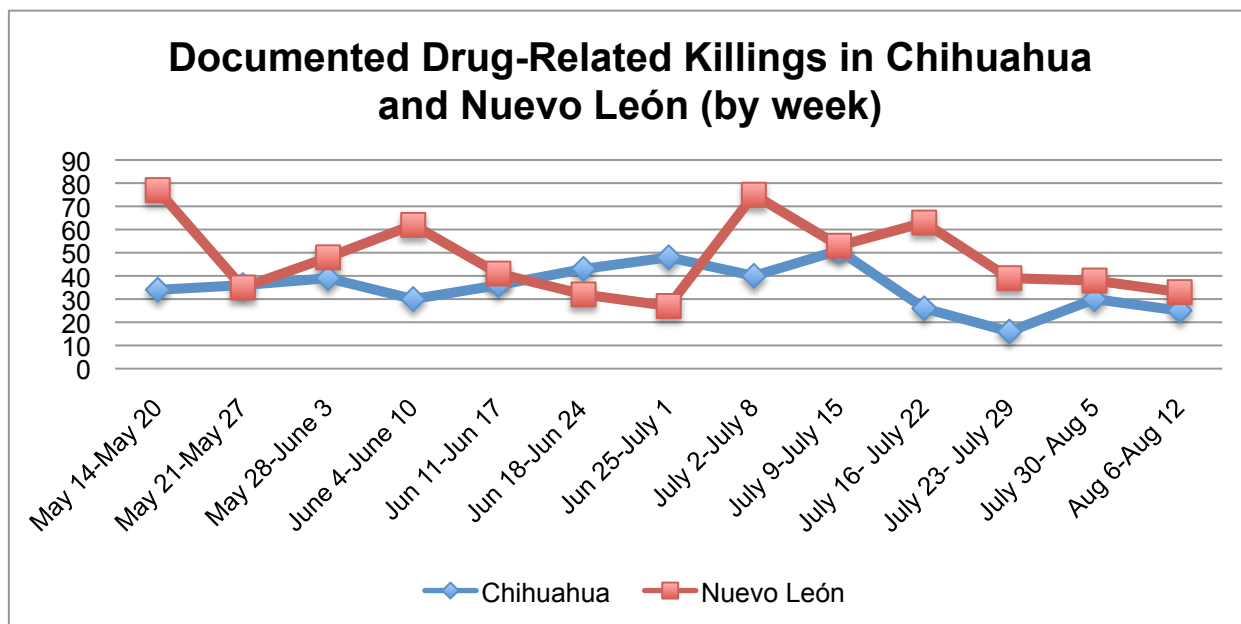
The attack in Monterrey took place in broad daylight, as 8 to 9 armed men arrived at the casino in four vehicles, parking them right outside the building. After entering the establishment, they began to pour gasoline throughout the casino and then warned patrons on the first floor to leave before the gunmen used Molotov cocktails to ignite a deadly inferno. Some who managed to escape reported that emergency routes were locked and many people remained trapped inside. Estimates of the number of dead began in the single digits earlier in the day and rose to a total of 53 by late Thursday evening, according to a statement by Nuevo León governor Rodrigo Medina in an interview with *Televisa*. Monterrey mayor Fernando Larrazábal indicated earlier in the day that the city had tried to close the casino on May 4, but that lawyers for its proprietors had succeeded in blocking the decision, allowing the establishment to reopen.

In response to the attack, President Felipe Calderón declared three days of national mourning, describing the perpetrators as “real terrorists who have exceeded all limits.” He also requested the Attorney General’s Office (Procuraduría General de la República, PGR) provide a “substantial reward” for anyone able to provide information leading to the capture of those responsible. Interior Secretary Francisco Blake Mora, in a joint press conference with Governor Medina, said that the act is an example of the irrationality of organized crime, and assured that the federal government will act with all the force of the state to find those responsible and put them behind bars.

In the ensuing months, Monterrey, the country’s third most populous city (located 140 miles south of the Texas border), has become the new epicenter of Mexico’s drug violence. On June 15, 32 people were killed in 12 separate incidents throughout the city, followed on June 28 by the assassination of Germán Pérez, the police chief of a Monterrey suburb called Santa Catarina. On July 8, a late-night massacre

reportedly killed over 20 people—among them 18 employees—in a Monterrey nightclub known as Sabino Gordo. Violence in the city began to escalate in March of last year due to a turf battle between the so-called Gulf Cartel and their former enforcers, known as the Zetas.

As a result of the spikes in violence, during each of the last six weeks Nuevo León has surpassed the number of drug related killings found in the state of Chihuahua, which had been Mexico’s most violent state for the past three years. According to the conservative estimates produced by the Mexico City newspaper *Reforma*, Chihuahua has had over 420 killings since early June, while Nuevo León has had almost 600. Despite the fact that violence has dropped dramatically in Chihuahua (by nearly a third compared to the same time last year), the increase in Nuevo León and elsewhere has more than compensated for the difference, leaving Mexico on track to exceed last year’s record of more than 15,000 drug related killings, documented in a detailed study of official Mexican government statistics released by the Trans-Border Institute earlier this year.



Violence has continued despite government arrests in recent weeks that targeted prominent members of the Zetas, as well as the La Familia Michoacana organization. Alejandro Poiré, security spokesman for President Felipe Calderón, warned that “I want to tell Mexicans that these unspeakable acts of terror will not go unpunished, will be pursued, and that the perpetrators will be stopped, and (they) will pay for this shameless, unspeakable, and unacceptable crime.”

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HIGH-PROFILE ARRESTS

Officials arrest alleged cartel splinter group leaders in Guerrero, Federal District, Michoacán

Mexican officials continue to apprehend alleged leaders of cartel splinter groups. In early August, the Attorney General’s Office (Procuraduría General de la República, PGR) announced a 40-day arraigo, or period of detention pending organized crime charges, for Moisés Montero Álvarez, “El Coreano,” the presumed leader of the Independent Acapulco Cartel (Cartel Independiente de Acapulco, CIDA), a group

that resulted from the arrest of Edgar Valdez Villarreal, “La Barbie,” which itself formed during the power struggle following the killing of Arturo Beltrán Leyva by Mexican Navy special forces in December 2009. El Koreano is believed to be responsible for much of the wave of violence affecting Acapulco in recent months, including the killing of 20 Michoacán tourists last year, and the kidnapping of two federal police officers. Authorities say that Montero has been engaged in a violent turf battle with another La Barbie splinter group, “La Barredora,” reportedly led by Eder Jair Sosa Carvajal, “El Cremas,” and Cristian Hernández Tarin, “El Cris.”

On Thursday, August 11, authorities in the State of Mexico (Edomex) announced the capture of Óscar Osvaldo García Montoya, alias “El Compayito,” an alleged leader of a Beltrán Leyva splinter group called La Mano con Ojos (Hand with Eyes). García Montoya was detained in Tlalpan, a neighborhood in southern Mexico City where his organization is believed to mainly operate. He had been one of the most sought after criminals in Mexico, given his direct involvement in over 900 murders, 300 of which he claimed to have committed and 600 of which he ordered. El Compayito has also admitted to being a large distributor of illicit drugs in central Mexico City. Following his arrest, Mexico State’s Attorney General (Procuraduría General de Justicia del Estado, PGJE) Alfredo Castillo Cervantes noted that his capture alone would decrease violence in area.

García Montoya was once a member in the Mexican Navy (Secretaría de Marina, Semar) where he also received training from los Kaibiles, an elite unit in the Guatemalan military that allegedly ‘taught him to kill,’ said Castillo. After his military service, El Compayito worked for the Baja California Ministerial Police (Policía Ministerial del Estado de Baja California) force and later for a unit in the Sinaloan municipal police. From there, he made the transition into narco-trafficking and organized crime by joining the Beltrán Leyva cartel and later creating his own group, La Mano con Ojos. His organization has become known for its brutality and violence, often decapitating its victims.



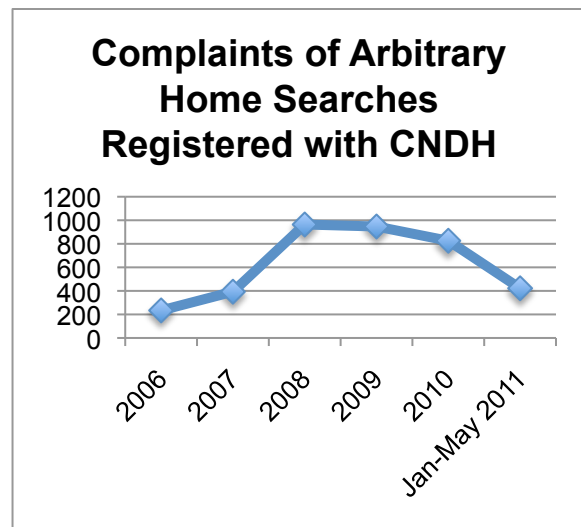
“El Compayito” arrested on August 11.
Source: Proceso.com.mx

Despite the arrest, the operation leading up to García Montoya’s capture is being investigated after allegations surfaced of human rights violations committed by police during the search. The police are accused of unwarranted searches of a number of houses when searching for El Compayito, including the home of prominent poet Efraín Bartolomé, who also reported that the police robbed him of personal belongings including a computer and an antique watch. President Felipe Calderón condemned the actions of state authorities via his twitter account. For his part, Attorney General Castillo stated, “Mexican citizens should not be subject to these situations; the reports shall be investigated and whoever is responsible will be punished.” The investigation into the allegations is ongoing.

The Mexico State and Federal District governments have also come to heads over the arrest of García Montoya. Marcelo Ebrard, Federal District head of government, expressed his displeasure over what he characterized as an invasion into homes of innocent citizens. He filed a complaint with the Federal District Attorney General’s Office (Procuraduría General de la Justicia del Estado del Distrito Federal, PGJE) regarding the home searches. He also demanded that Mexico State authorities explain their decision not to collaborate with the Federal District on the operation, as has been done in the past. For his part, Castillo insisted that his Federal District counterpart was notified of the order of apprehension. He added that under current law, each government has the authorization to carry out operations on the other’s soil.

Mexico’s Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has weighed in on the debate, calling for an end to unauthorized searches by all of Mexico’s public security agencies. The CNDH reports having received nearly 3,800 complaints of unwarranted home searches since 2006, and expressed concern that such invasions have become common practice. CNDH investigator Marat Paredes Montiel in an interview with *El Universal* said that the most offending agencies have been the Mexican Army (Ejército Mexicana), the Public Security Secretariat (Secretaría de Seguridad Pública, SSP), and the PGR. He added that the Mexican Navy has joined the list since 2010, when it took on a greater role in public security operations.

A rise in the number of annual complaints of arbitrary home searches over the past five years has corresponded with surging cartel-related violence in Mexico. In 2006, the year in which President Calderón entered office in December and initiated the armed forces-led campaign against Mexico's drug cartels, the CNDH registered 234 complaints. In 2007 the number rose to 393. In 2008, the year in which soldiers and federal police were sent in the thousands to take over public security functions in the embattled Ciudad Juárez and surrounding areas, the number spiked to 964, followed by 947 in 2009. There was a slight decline in 2010, to 826; and between January and May of this year the CNDH registered 422 complaints. The organization called on all law enforcement bodies to adhere to article 16 of the Mexican constitution, which stipulates that authorities may only enter a private home with a court order, or when a crime is in the act of being committed, a state known as "flagrancia."



Earlier in the month in the state of Michoacán, federal police arrested three alleged members of the Caballeros Templares (the Knights Templar), a splinter group of the La Familia Michoacana criminal organization. Ramón Pequeño, the chief of the anti-drug division of the SSP, said that Nelly Salgado Harrison, "El Yupo," one of the three arrested and the alleged leader of the group in Apatzingán, had made alliances with the La Resistencia and Gulf cartels against the Zetas criminal organization in the region. The La Familia Michoacana drug cartel has been weakened with the capture and killing of prominent leaders over the past several months, which has given rise to splintering and infighting and the formation of the Caballeros Templares. With 226 *ejecuciones* as of August 19, Michoacán has nearly surpassed its total for all of 2010, in large part due to fighting between such groups in the Tierra Caliente region, the area where in

late July nine enumerators from the polling agencies Mitofsky and Parametría and five employees of the marketing firm Sección Amarilla were kidnapped by members of criminal organizations. All of them were later released. Officials believe they were mistaken by a drug trafficking organization for agents of the state looking into their activities.

The emergence of splinter groups has been a common occurrence amongst cartels that have been weakened or dismantled, as exemplified by the Arellano Félix cartel in Baja California, the Beltrán Leyva cartel in central Mexico, and the La Familia criminal organization in southern Mexico. While the federal government maintains that the phenomenon reflects its strategy of breaking the country's powerful drug cartels into smaller, more manageable groups, critics argue that it has increased the violence in those areas with more civilians being caught in the crossfire, and that with the capture of each presumed leader of the break-off groups there is at least one member waiting in the wings to assume control.

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Juárez Cartel's "El Diego" arrested in Chihuahua

The Mexican government announced in late July the arrest of José Antonio Acosta Hernández, one of the main leaders of the Juárez Cartel and alleged mastermind of nearly 1,500 homicides. He is also suspected

to be responsible for the killing of three U.S. Consulate members in March 2010, for the detonation of a number of car bombs, and for the attack on the Faith and Life (Fe y Vida) rehabilitation center in Chihuahua in June 2010 that killed 19 people. After his arrest, Acosta Hernández also admitted to giving the order for the Villa de Salvárcar massacre in Ciudad Juárez in January 2010 that killed 15 people at a birthday party, 11 of which were minors.



“El Diego” arrested July 31.
Source: Primerahora.com

Acosta Hernández, also known as “El Diego,” was detained in Ciudad Juárez on July 31 after a shootout between members of the criminal group and agents of the federal government, Mexican military, and local police.

The Secretary of Public Security (Secretaría de Seguridad Pública, SSP) worked on the operation with information provided by the Central Intelligence Agency (CIA) and in coordination with the different levels of Mexican law enforcement. U.S. and Mexican authorities consider El Diego to be the second-highest member of the armed branch of the Juárez Cartel, “La Línea,” just after José Luis Ledesma.

Just over two weeks later, the Mexican Army announced that it had arrested El Diego’s successor, Jesús Antonio Rincón Chavero. Rincón Chavero had served as an agent in the state’s Judicial Police (Policía Judicial). After his arrest, Rincón Chavero, popularly known as “El Tarzán” and “El Coman2,” was transferred to the local offices of the federal Attorney General’s Office (Procuraduría General de la República, PGR), where a spokesperson said that there is evidence to convict Rincón Chavero of extortions in Chihuahua City, as well as numerous homicides. The same day, a federal judge sentenced Ricardo García Urquiza, “El Doctor,” the presumed successor to Juárez cartel leader Amado Carrillo Fuentes, to ten years in prison on illicit funds charges.

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PUBLIC SECURITY STRATEGY

Reports indicate increased public security spending coincides with sharp rise in violent crime



MÉXICO
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DE POLÍTICAS PÚBLICAS

Source: animalpolitico.com

According to a recent report by the nongovernmental research group México Evalúa, public security spending during President Felipe Calderón’s tenure has increased at seven times the rate as during Vicente Fox’s presidency, without clear evidence of the impacts of that spending. While public security spending in 2010 decreased slightly from 2009, it remained at nearly 197 million pesos or 6.2% of total public spending. Such spending is defined as allocations to the Interior Ministry (Secretaría de Gobernación, Segob), Federal Police (Policía Federal, PF), the Attorney General’s Office (Procuraduría General de la República, PGR), the Armed Forces (Fuerzas Armadas), the National Public Security System (Sistema Nacional de Seguridad Pública, SNSP), the Municipal Public Security Subsidy (Subsidio de Seguridad Pública Municipal, Subsemun), the Fund for Municipal Fortification (Fondo para el Fortalecimiento Municipal, FORTAMUN), and Metropolitan Funds (Fondos Metropolitanos). Also included are funds allocated to and spent by state public security institutions. México Evalúa identified a .6 correlation between public security spending and levels of

violence, meaning that as the first increased, so did the second. Moreover, official figures reflecting increases in the areas of police training and vetting, weapons acquisition and storage, and tracking the prisoner populations are either incomplete or show improvements that are substantially lagging their increases in funds allocations. Official reports also indicate that as much as one-third of certain public security allocations have remained unutilized. While México Evalúa’s findings are very extensive, the

group concluded that there were consistent failings in resource utilization and transparency among the programs and entities it investigated, including the Public Security Secretariat (Secretaría de Seguridad Pública, SSP), the Federal Police (PF), the National Public Security Secretariat (SNSP), Plataforma México, the federal public security funds destined for states and municipalities, the PGR, the federal penitentiary system, and the armed forces. The report places particular emphasis on the need for increased transparency in all areas of public security spending in order to hold institutions accountable for their funds management practices.

According to México Evalúa, violent crimes have increased substantially during Calderón's presidency. In an interview with *Radio Fórmula*, México Evalúa general director Edna Jaime said that her group determined, using data from the SNSP, crimes such as homicide, kidnapping, extortion, aggravated robbery, and auto theft are all up since 2006 when Calderón took office. Between 2007 and 2010, homicides increased by 96%, kidnapping by 188%, extortion by 100%, and aggravated robbery by 42%. Jaime added that those states that were in the midst of public security crises at the beginning of the Calderón administration remain so, while other, formerly tranquil states have since joined their ranks, naming specifically Aguascalientes, Colima, Nuevo León, and Tamaulipas as examples. Jaime said that this was the first analysis of its type the group has conducted using official data, available now for the first time. She added that the data allows researchers a long-term picture of crime levels dating back to 1997, when Mexico was also faced with elevated violence under the presidency of Carlos Salinas. For his part, Aguascalientes Governor Carlos Lozano rejected the findings of México Evalúa, calling them "irresponsible," and characterizing the study as lacking a rigorous methodology that ignores the hard work of many people to bring about advances in public security in recent months. He clarified that the state has seen a 77% increase in arrests for drug trafficking over 2010, and a 114% increase in drug seizures, adding that 304 stolen vehicles have been recovered in 2011, as compared to 319 in all of 2010. The State Attorney General (Procuraduría General de la Justicia del Estado, PGJE) Felipe Muñoz Vázquez also cited advances in murders solved, as well as prosecutions and convictions, attributing much of the success to a "magnificent relationship" with the armed forces and the federal Attorney General's Office.

According to a survey carried out by researchers at the Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM), Mexicans also perceive that the security situation is worsening. 70% of the respondents in the UNAM survey consider violence in Mexico to be greater than a year ago. The type of violence raising concern has also changed since the first survey was carried out in 2003. In that year, respondents expressed concern over specific crimes of robbery and kidnapping, while in 2011 worries over generalized crime and organized crime are more commonly expressed. The study was conducted by Héctor Fix-Fierro, director of the legal research group the Institute of Legal Investigations (Instituto de Investigaciones Jurídicas) and by Julia Flores and others from the applied research and opinion center of UNAM. It was carried out in May and involved 2,208 respondents over the age of 15. Over three-quarters of the respondents also agreed that more transparency is needed in the fight against drug trafficking. 54% of respondents said that it is possible to carry out a campaign against organized crime while still respecting human rights. 90% rejected the notion of an unwarranted search of their home; likewise, 2 of 3 respondents said that they would not be willing to have their telephone conversations monitored. However, 57% agreed that Congress should give the president the authority to use the armed forces to maintain security in the country, while just over 66% said that a curfew would help the public security situation.

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Lawmakers seeking direction for future of public security policies

The group Movement for Peace with Justice and Dignity (Movimiento para la Paz con Justicia y Dignidad), led by Javier Sicilia, has entered turbulent talks with the Mexican Congress in the hopes of establishing

changes to the nation's public security laws that ensure protections for human rights. After reaching tentative agreements for future steps in legislative reform, the group abruptly broke talks with Congress, not showing up for a planned meeting with the Chamber of Deputies on August 4. Sicilia's group withdrew from talks after the lower chamber approved its original version of the new National Security Law (Ley de Seguridad Nacional) without taking the group's views into account. Sicilia said that his group would continue to boycott continued meetings with Congress until it shows a sincere willingness to work collaboratively on the nation's public security problems.

The following day, congressmen from all Mexican political parties called for Sicilia's organization to return to the ongoing discussions, saying that the passage of the National Security Law was a means, and not an end, to finding a lasting solution to the current public security crisis. Stressing the need to adhere to commitments made by both groups to work together, the president of the Political Coordination Board of the Senate (Junta de Coordinación Política del Senado), José González Morfín, stated there is and will be an "absolute sensitivity...to attend and listen to" the various stakeholders, including the social organization led by Sicilia, as reported in *El Universal*. Other human rights organizations in Mexico sided with the Movement for Peace, adding that the proposed law is "harmful to individual rights" and creates an "irregular" model in civil-military relations, according to *El Sol de México*. In response, President of the Commission of Government of San Lázaro (Comisión de Gobernación de San Lázaro) Javier Corral said they have not stopped listening to Sicilia and his movement's representatives. They cannot "be dissatisfied or excluded," Corral stated, "because the process itself has not even begun."



Poet Sicilia continues leading the Movement for Peace.
Source: voiceofmexico.com

Prominent social activists, however, are not a unified front in opposing proposed public security law. Sicilia and his organization, also comprising writer Paco Ignacio Taibo and academic Martha Lamas, along with families of disappeared and accompanied by a Ciudad Juárez anti-militarization group, flatly oppose the use of the military for public security functions. Meanwhile, Alejandro Martí, whose son Fernando was kidnapped and murdered in 2008, said in an interview with *Primero Noticias* that the law's stipulation regulating the participation of Mexico's armed forces in law enforcement does not necessarily translate to a violation of human rights, stressing the importance of defining the parameters of military involvement. He added that the law, which has been debated in Congress for more than a year, has some flaws that need attention, but argued that it is a step toward a long-term solution for Mexico's public security woes.

In the meantime, on August 8, the National Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM) Dean José Narro presented a document titled "Elements for the construction of a state policy for security and justice in democracy," which includes 36 proposals developed by 88 academics. As summarized by Octavio Amezcua, attorney for the Mexican Commission for Defense and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos), the nearly 40-page document criticizes the current federal government's public security strategy for failing to promote the active involvement of the Mexican citizenry, and instead handing down nearsighted, incongruous measures based on anecdotal observations instead of firm scientific methodology, and that emphasize the punishment of crimes over prevention. According to the report, this has resulted in a loss of legitimacy of authorities, policies that serve partisan interests and lack transparency, and poor training of authorities charged with maintaining public security. Meanwhile, the document cites numerous sources that indicate a continued rise in violent crime particularly since 2007, as well as worsening public perception of public security strategy as crime has affected a widening sector of the population. States and municipalities are also lagging in their efforts to adequately train police officers and other public servants, and nearly half of the nation's correctional institutions suffer overpopulation, while 4 of 10 prisoners are awaiting trial. Amidst these and other troubling trends, public security spending has risen sharply, but with little apparent regard to where the funds are most needed. Domestic drug consumption is up by most measures, and a drug economy has emerged that has infiltrated vast sectors of the Mexican economy.

As far as steps to be taken, UNAM's proposal urges a reorientation of public security policy, situating adherence to national and international human rights standards at the foundation, as well as a "rationalization" of the use of force to prioritize human life, and minimizing military intervention. The authors mention as a specific step the adherence to all of the sentences handed down by the Inter-American Human Rights Court. Several of the proposals refer to a transcendence of political and institutional divisions in order to work more collaboratively toward a comprehensive public security strategy. It also urges "maximum" transparency and accountability of institutions with viable evaluation tools for their effectiveness. Finally, UNAM urges policies that prioritize the safety of groups most vulnerable and at risk – including police and military personnel – as well as attention to gender inequality.

While most of the points of the UNAM proposal have been presented in the past by various actors from within and outside of the political process, the fact that they came from the nation's leading university garnered much attention, and governors and congress members alike have put their support behind it. It was well received by National Governors' Conference Director Marcelo Ebrard, who promised to present it at the conference's next meeting. Chamber of Deputies President Jorge Carlos Ramírez praised the proposal, though said that the majority of the recommendations apply to the executive branch. Nevertheless, legislators from the Institutional Revolutionary Party (Partido de la Revolución Institucional, PRI) have agreed to consider the proposal in the ongoing discussions over the National Security Law.

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U.S.-MEXICO COOPERATION

Revelation of U.S. intelligence officers operating in Mexico raises sovereignty concerns

A new level of collaboration between the United States and Mexico has been reached with the implementation of Central Intelligence Agency (CIA) officials, Drug Enforcement Agency (DEA) agents, and retired military personnel into Mexico as additional support for combating drug trafficking. For the first time, security officials of both countries are gathering information about drug-related organized crime and collaborating on operations to combat it. The CIA and DEA have reportedly been conducting operations in Mexico after Mexican President Felipe Calderón requested help to reestablish security in Monterrey, Nuevo León. The agencies' agendas in Mexico were designed to comply with international laws and the Merida Initiative.

The announcement of the bi-national collaboration, however, has led many to express concern over a possible threat to Mexico's autonomy. Mexico's Congress has demanded that an explanation of the operation be given. As stated by the Green Ecological Party of Mexico (Partido Verde Ecologista de México, PVEM), the government has to "clarify and explain the participation of U.S. agents in anti-narcotics matters within the [Mexican] national territory." Members from the federal government will reportedly present before Congress prior to September 1. For his part, Alejandro Poiré, the technical secretary of National Security (Secretario Técnico de Seguridad Nacional) maintained that there is "respect of sovereignty" as U.S. government agents working in Mexico are unarmed and because the "exchange of information happens exclusively between federal authorities of both countries." President Obama agreed and added that the United States is "only providing assistance to help President Calderón meet his objectives." Mistrust of U.S. intelligence agents in Mexico has increased in recent months, first

with the revelation of the Merida Initiative implementation center in Mexico City that, as Mexican media reported at the time, houses “hundreds” of U.S. intelligence officers; as well as the fallout from the DEA’s botched “Fast and Furious” weapons tracing program, in which Arizona-based agents allowed thousands of weapons to flow into Mexico in the hopes of following them into the hands of Mexican cartel bosses.

El Universal reported that the exchange of such information between agents and authorities has led to the arrest of at least 30 high-profile drug dealers in the past few years. According to the *New York Times*, Mexico’s drug cartels provide for 80% of illegal drugs consumed in the United States. For that reason, increased efforts to fight organized crime within the past three years have placed Mexico over Colombia and Afghanistan as recipients of U.S. aid.

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TRANSPARENCY & ACCOUNTABILITY

TRANSPARENCY

SESNSP suspends release of funds to nearly 80% of its recipients, including Ciudad Juárez

The federal government and that of Ciudad Juárez, Chihuahua reached an agreement to reestablish the distribution of funds as part of the Subsidy for Public Security in the Municipalities (Subsidio para la Seguridad Pública en los Municipios, Subsemun), shortly after it was announced that the funds to the violence-plagued city would be discontinued for lack of compliance. Subsemun is a program through which the federal government allocates funds to municipalities for public security purposes under the condition that they comply with certain standards and regulations. The federal government’s move to stop these funds sparked a harsh response from Juárez city officials, as well as concern over the detrimental effects to public security operations in the Mexican city most affected by cartel-related violence. As such, it is key to the federal government’s strategy for combating the powerful drug trafficking organizations, and has been the site of numerous troop and federal police deployments, repeated visits from President Calderón, the social reconstruction plan We Are All Juárez (Todos Somos Juárez), as well as numerous civil society demonstrations protesting continued violence, the state’s response, and targeted attacks against social activists.

The Secretary General of National Public Safety (Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, SESNSP) announced the suspension of Subsemun funds in late July. The Ciudad Juárez branch of Subsemun purportedly failed to meet SESNSP’s program requirements on which the release of the second 2011 installment were contingent. Upon accepting the first installment of SESNSP funds earlier this year, Ciudad Juárez officials were required to adequately vet and professionalize its police force, which SESNP said they failed to do. According to SESNSP, “the authorities of this border city [Juárez] have not reported, in terms of complying with the requisites established in the 2010 rules, in three fundamental areas: adoption of a tertiary hierarchical police model, wage equalization, and the implementation of a professional civil service.” Records show that from 2008 to 2010, the city only managed a 6% professionalization of the elements of the municipal police corporation, and only 145 elements of the police force were trained using funds provided by SESNSP. Before the funds were suspended, Juárez had received 38 million pesos of the nearly 100 million it was allocated for the year.

SESNSP announced on August 5 that it would restore the funds, adding that the Ciudad Juárez government had acknowledged that it had failed to comply with the General Law of the National Public Security System (Ley General del Sistema Nacional de Seguridad Pública), and that it had agreed to meet the three aforementioned requirements by August 8. The previous day, a group of city officials led by

Public Security Secretary Julián Leyzaola met with SESNSP Secretary Juan Miguel Alcántara Soria to discuss the terms of a possible agreement on the restoration of Subsemun funds to the city.

The Mexican Congress quickly involved itself in the controversy, with members of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) and the National Action Party (Partido de Acción Nacional, PAN) demanding that SESNSP provide precise information as to the allocation of Subsemun funds. Specifically, PRD Senator Tomás Torres during a recess commission session (sesión de la Comisión Permanente) demanded that SESNSP hand over reports detailing the total amount of federal funds allocated to municipalities for public security operations, and the precise criteria for allocation of those funds. The senator also requested a report detailing the indicators that SESNSP utilizes for determining compliance with those criteria. It is not clear whether the congressmen's requests were fulfilled. Regarding Ciudad Juárez, Torres questioned why that city alone was subjected to such a public sanctioning, asking "What are the specific criteria that justify the cancellation of resources to one of the municipalities that require a greater commitment from the federal government to confront crime?" He also questioned the advancements in the professionalization of federal police forces, in response to such demands being made of Ciudad Juárez.

As if in response to Senator Torres' questions, on August 8, SESNSP went on to announce the suspension of the second installment of 2011 Subsemun funds to a total of 172 municipalities, or nearly 80% of a total of 220 included in the program. SESNSP said that the 48 municipalities receiving funds had met with the program's requirements, which included Tijuana, Culiacán, Guadalajara, Monterrey, Puebla, and Querétaro each with 28.5 million pesos; San Luis Potosí, with 25.3 million pesos; Aguascalientes, with 18.9 million pesos; Cancún, with 18.7 million pesos; and Matamoros, with 13.7 million pesos. All told, SESNSP dispensed a total of 376,860,236 pesos of the 607 million allocated for the second installment for 2011, to a total of 48 municipalities conforming to all of the requirements. The first payment was distributed to all participating early this year, but that allocation was not tied to the requirements that the second and third installations are.

Despite the fact that Subsemun had only initially achieved 21% compliance among the 220 participating municipalities, National Public Security System's (Sistema Nacional de Seguridad Pública, SNSP) Executive Secretary Alcántara Soria insisted that the program has not been a failure, nor that the distribution of Subsemun funds had become politicized. He explained that payment to 172 municipalities had been suspended primarily due to a failure to comply with requirements for establishment of a prescribed control structure, standardize police salaries, and implementation of the Servicio Profesional de Carrera Policial, a prescribed officer-training program. As of August 9, 48 municipalities had complied with SESNSP's requirements, while SESNSP estimated that by the end of the week an additional 50 municipalities would be in compliance. By August 24, that number had climbed to 193, representing 88% of all participating municipalities. Still it remains unclear what exactly the local governments had to do to comply with SESNSP's requirements, or how they were able to do so in such a relatively short time.

Meanwhile, some have criticized SESNSP's management of the Subsemun funds, with complaints ranging from needless bureaucracy to a politicization of the program. Jorge Acuña, in charge of Subsemun funds for Guadalupe, Zacatecas, pointed out that SESNSP was supposed to distribute the first Subsemun installment on March 31, but after three postponements the funds were not delivered until May 13, leaving participating municipalities only two months to provide the required documentation for the second disbursement, scheduled for July 15. Officials from other states expressed similar complaints.

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CORRUPTION

PGR police agents under investigation for alleged corrupt acts in DF and Baja California

Mexico's Attorney General's Office (Procuraduría General de la República, PGR) confirmed that Héctor Guajardo Hernández, an accused Sinaloa cartel operative, escaped from a Federal District hospital while under guard by agents from the PGR's Federal Ministerial Police (Policía Ministerial Federal, PMF). Several news reports initially reported that the agents in charge were from the Federal Agency of Investigations (Agencia Federal de Investigaciones, AFI), but that much-maligned investigative agency was replaced with the PMF in late 2009. Baja California state police detained Guajardo on May 9, following a shootout in which he and an alleged accomplice were wounded. Both were transferred to the Federal District to face federal organized crime charges, but were interned in a medical center due to their injuries. They were under orders of *arraigo* – a 40-day detention period granted by a federal judge pending charges – when Guajardo escaped. In a statement, the PGR said that the two PMF agents are now under investigation.

In related news, four PMF officers were detained in early August for alleged extortion of a transit businessman and four drivers after they were found with several barrels of diesel fuel. The businessman's wife reported the incident to federal police as a kidnapping, saying that the perpetrators had demanded a ransom of \$15,000 (USD). Federal police officers made the first arrest when the woman went to a restaurant next door to the local PGR offices to make the first payment. According to police reports, the PMF agents arrested the businessman and his drivers when they were found in possession of several barrels of diesel fuel, and took them to the PGR offices, where they told the men that they would have to pay for their release. It remains unclear whether the four were illegally in possession of the diesel fuel.

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PGR turbulent amidst purges by new leadership, mass-departure of state prosecutors

Mexico's Attorney General's Office (Procuraduría General de la República, PGR) has entered turbulent times in recent weeks amidst revelations of a far-reaching investigation into suspected wrongdoings on the part of hundreds of employees, as well as the mass exodus of state PGR prosecutors. Reactions to the upheaval have remained largely along party lines, with supporters of the president's National Action Party (Partido de Acción Nacional, PAN) applauding the new attorney general, Marisela Morales, for "cleaning up" the agency, and detractors from opposing parties decrying a politicization of the PGR.



Attorney General Marisela Morales has overseen significant changes to the PGR since coming to office in March 2011. Source: El Universal

During Attorney General Marisela Morales Ibáñez's visit to Spain and Italy in late July in which she established tentative plans with her counterparts there for coordinating efforts against drug trafficking, human trafficking, and money laundering, PGR sources revealed that 8% of the 20,400 agency employees are currently under investigation for suspected irregularities committed in performing their jobs. For her part, Morales said that the current vetting process must remain as a permanent measure, adding that it will not suffice to limit deputation to new recruits, but that organized crime's persistence in infiltrating law enforcement will necessitate continuous confidence exams for all PGR employees. According to the PGR, 462 employees have been fired since Morales took charge of the agency in April.

Morales' statements coincided with reports on August 1 that 21 PGR state prosecutors were resigning due to disagreements with the attorney general. It was the largest ever mass-resignation of high-ranking PGR officials. According to *Milenio*, the largest departure of PGR employments came during the 1990s when more than a thousand

members of the now-defunct Federal Judicial Police (Policía Judicial Federal, PJF) were fired for failing confidence exams. According to *El Universal*, as of August 3, sources in the PGR said that none of the prosecutors had passed recent confidence exams, which include toxicological, polygraph, and psychological tests, but some prosecutors contacted by *Reforma* told the publication that they were leaving because of likely forced transfers to other cities. Moreover, the now ex-prosecutor for Querétaro, Patricia Valdés Argüelles, said that she was notified in February of this year that she had passed her exams. The office of the Tamaulipas PGR Prosecutor José Francisco Rivera also said that he had passed his confidence exams months prior to the announcement of his resignation. The office of Guanajuato Prosecutor Martín Levario Reyes expressed bewilderment at his resignation, pointing out that he, too, had passed his exams.

Some of the remaining prosecutors reported leaving for personal reasons, while others have either been accused of involvement in criminal activities, or served in areas highly affected by drug trafficking. In 2008, the U.S. Treasury Department declared that now former Coahuila Prosecutor José Rolando Gómez Llanos Aispuro belonged to a Sinaloa cartel money-laundering network. He was appointed as a federal prosecutor in 2010 after Mexican authorities determined that he was not involved in illicit activities. Veracruz Prosecutor Luis Antonio Ibáñez Cornejo was one of the more experienced prosecutors in the PGR, having overseen Baja California during the 1990s. Likewise, Sinaloa Prosecutor Mauricio Saad Viveros began his career with the agency in 1996, and served as Morelos prosecutor beginning in 2007, after which he was assigned to Sinaloa, one of the states most affected by Mexico's drug trafficking and drug-related violence.

On August 3, a spokesperson for the PGR's Internal Affairs department (Visitaduría General) said that only three prosecutors were then under investigation, along with several assistant prosecutors. The spokesperson would not clarify which were being investigated, but said that there were no administrative processes open against any of the 21 prosecutors who had resigned four days earlier. Two days later, however, the PGR released a statement saying that the resignations resulted from internal evaluations that began in the second half of June of this year. It added that ten of the former prosecutors were now subject to administrative proceedings.

Amidst the uncertainty surrounding the resignations, opposition members of the Mexican Congress demanded that the PGR submit a report verifying the reasons for the prosecutors' departures. While acknowledging the importance of maintaining a clean PGR, Senator Manlio Beltrones of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) stressed that "if the loss of confidence [in the state prosecutors] happens simply because they are not close collaborators to the attorney general in office, it is not sufficient for harming the prestige of the public servants." The response to the recent purges and resignations has been largely partisan, with President Calderón and members of his National Action Party in Congress touting the developments as a movement in the right direction toward rebuilding the agency, while opposition members have dismissed the purge as insufficient in addressing structural corruption in the agency, and suggesting that it is too closely aligned with the president to act in the interest of upholding the law with impartiality.



Marisela Morales, who was quoted as saying in a staff meeting, "the PGR in the hands of [former Attorney General] Arturo Chávez didn't work," has expressed her intention to restructure the agency, for which she has received public praise from Calderón. Aside from the hundreds of PGR employees currently under investigation, the new leadership is planning deep structural changes in accordance with the 2008 federal justice reform legislation, according to María Idalia Gómez, a journalist specializing in narco-trafficking and national security. The PGR has traditionally acted as the federal government's main investigative body armed with its own police force – first the Federal Judicial Police (Policía Judicial Federal) and then the likewise-maligned Federal Investigations Agency (Agencia Federal de Investigaciones). With the formation of Mexico's Federal Police (Policía Federal) in 2009 with the intention of shifting investigative

responsibilities to that agency, the role of the PGR has changed, according to Gómez, moving away from crime scene investigation toward a streamlined prosecutorial function.

Within a week of the prosecutors' resignations, the PGR announced the appointment of 24 new state prosecutors to replace the 21 who left on July 29 and the three who were already under investigation. In addition, it was announced that President Calderón had appointed José Cuitláhuac Salinas Martínez as the Assistant Attorney General for Regional Control, Penal Processes, and Injunctions (Subprocurador de Control Regional, Procedimientos Penales y Amparo), replacing Dilcya Samanta García, who had only occupied the position for three months. Salinas Martínez has served in the public administration and justice sectors for 20 years, including as coordinator of assessors for Attorney General Morales, and in Mexico's Supreme Court as the technical secretary assigned to the investigative committee for the infamous Lydia Cacho case in 2006 and 2007.

Critics of the PGR, however, have accused the institution of attempting to masquerade a period of chaos resulting from the politicization of the agency as one of meaningful reform. For her part, political analyst Ana Laura Magaloni told *Radio Fórmula's* Denise Maerker that the agency currently lacks a strategic plan for addressing its structural problems, and that without such a plan it will be difficult to develop the rule of law in Mexico. She specifically criticized the PGR's ability to choose which preliminary investigations (averiguaciones previas) are allowed to advance. She pointed to inaction in the Lydia Cacho, Arturo Montiel, the ABC daycare facility, and Atenco cases as examples of the PGR catering to specific political interests. Magaloni concluded that the biggest obstacle she has seen to meaningful reform in the PGR is the attitude among agency officials that such structural changes cannot take place amidst high levels of criminality, of which there is currently no end in sight.

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Ciudad Juárez prison riot leaves 17 dead and reveals possible acts of corruption

On July 25, a riot involving gunfire in a Ciudad Juárez municipal jail left at least 17 inmates dead and several more wounded. Reports that have surfaced since the confrontation suggest that it came as a result of endemic corruption and negligence on the part of jail staff. Jorge González Nicolas, the northern district chief for the Chihuahua State Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE), told *C.N.N.* that in response to this incident, 44 guards have been interrogated and 406 inmates have undergone gun-powder residue tests to determine if they were involved in the shootings. Jail footage shows the perpetrators, who were wearing black masks, overpowering a guard for his keys in order to open doors to let armed men inside the prison. Reports indicate that the shooters and all others directly involved in the incident were inmates. A preliminary investigation revealed the possibility that the shooters and victims belonged to rival narco-trafficking groups and that the riot stemmed from gang-related disputes. Authorities stated that they are still working on discovering the identities of the shooters, but the fact that they were filmed with masks on has made that task difficult. Among the weapons recovered at the scene were two Uzis, one AK-47 assault rifle, and three 9mm automatic handguns.

The State Attorney General's Office has taken over the investigation and thus far the agency's reports allege widespread corruption within the jail. According to *Proceso*, the PGJE report has speculated that inmates belonging to the Artist Assassins (Artistas Asesinos) drug cartel had been planning a massive escape. Shortly after the massacre, it was revealed that on July 24, the night before the shooting, a large party involving both prison staff and inmates was held within the jail. Several news outlets reported that the party involved weapons, drugs, alcohol and as many as 20 prostitutes, including three female minors

between the ages of 15 and 17. The director of the jail, Lucio Cuevas Sánchez, and six guards are currently being held for investigation of crimes including abuse of power, and corruption of minors. One of the guards has since been released following an oral trials tribunal.

Hector Conde, spokesman for the prison, said that two U.S. citizens were among the 17 dead. Nicolas Frias Salas, 35, was a resident of Los Angeles, and was serving a term for homicide and unlawful weapons possession; and El Paso resident Luis Adrian Estrada Perez, 28, was in the jail on a kidnapping conviction. Conde said that both had been living in Juárez at the time of their imprisonment. Frías Salas was also the alleged leader of the Ciudad Juárez criminal organization the Artistas Asesinos.

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ACCESS TO JUSTICE

JUVENILE JUSTICE

14-year-old U.S. citizen sentenced to three years in Mexican prison

The Mexican Juvenile Court (Tribunal Único de Justicia para Adolescentes, TUJA) sentenced 14-year-old Édgar Jiménez Lugo, known as "El Ponchis," to three years in juvenile prison for murder, kidnapping, and trafficking cocaine. Three years is the maximum sentence for adolescents in Morelos, the state where Jiménez grew up and the location of the crimes he admittedly committed. Jiménez, a U.S. citizen who was born in San Diego, California, was arrested in December of 2010 while boarding a plane from Cuernavaca, Morelos to Tijuana, Baja California. It is assumed he was leaving Mexico for the United States at the time of his arrest.

Jiménez was found guilty for the murder of four individuals who were left hung on a bridge in Morelos in August of 2010. The murders were linked to the South Pacific drug cartel (Cartel del Pacífico Sur, CPS), a splinter organization of the Beltrán Leyva cartel, which Jiménez allegedly worked for. He claimed he began murdering at the age of 11, and was given drugs and \$200 a month by cartel leaders for the killings. The arrest of the 14-year-old last year and the details that surfaced in the press about his involvement in the CPS shocked the Mexican public, and drew increased attention to the involvement of Mexico's youth in criminal organizations.

Questions and skepticism arose regarding Jiménez's eight-day oral trial and sentencing as his defense failed to present witnesses in his favor, nor was any of the boy's family in attendance. The TUJA initially stated up to 65 people would be called to testify against Jiménez. Additionally, the Human Rights Commission of Morelos (Comisión de Derechos Humanos del Estado de Morelos) has since stated the prison where Jiménez will serve his sentence is unfit due to lack of food, poor sanitation, and other violations of prisoners' rights. The Commission also predicted that Jiménez will "most likely" return to the streets and organized crime upon his release in three years, saying he would not be able to be reinstated into society, as reported by *Grupo Formula*.

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MIGRANT RIGHTS

Central Americans march to DF seeking protection of migrants' human rights

A group of around 300 Central American migrants arrived in the Federal District (Distrito Federal, DF) August 2 after a 6-day march that began at the Guatemala-Mexico border. The group, calling itself Step by Step Towards Peace (Paso a Paso Hacia la Paz), worked to drum up support in the hopes of meeting with members of the Mexican Congress to lobby in favor of increased protections of migrants rights and to convince them to rescind the visa requirement for Central Americans entering Mexico. An estimated 400,000 Central American migrants enter Mexico clandestinely each year en route to the United States, and as such face a risk of exploitation by criminal organizations and corrupt law enforcement and migration officials. Upon arriving at the cathedral in the Mexican City zócalo, priest, migrant rights advocate, and Paso a Paso leader Alejandro Solalinde restated his demand for an end to abuses committed against thousands of migrants each year crossing Mexico.

A number of events marked the caravan's march to Mexico City and the few weeks after its arrival. On Sunday, July 31, municipal police in the state of Puebla arrested bodyguards sent by the federal government to protect Solalinde, who has received threats from criminal organizations that are believed to be capitalizing on the exploitation of Central American through-migrants. During the incident, reports indicate that police also held and questioned Solalinde in a "harsh and almost aggressive manner" for nearly 30 minutes. Despite the arrests, Solalinde's group continued towards the DF and arrived three days later. Since then, the caravan has been working to draw attention to the issue of rights abuses, including a call for Mexican authorities to investigate the murder of Julio Fernando Cardona Agustín allegedly by municipal police in Tultitlán, State of Mexico (Edomex) on the night of Monday, August 11. Cardona, a 19-year-old Guatemalan immigrant, had joined with the Paso a Paso caravan as part of his journey through Mexico to the United States. Reports indicate that municipal and state authorities have said very little on the matter despite the caravan's pressure to address the situation and the Guatemalan government's recognition and condemnation of the event. Most recently, Solalinde has begun to turn his attention to the "empowerment of civil society" in raising awareness and addressing the abuses against migrants. The priest cited the lack of attention paid to the matter by all levels of Mexican government, particularly at the federal level, and pointed out the disconnect between the visions and policies from the authorities and "higher ups" with the realities migrants and human rights activists face on the ground.



Solalinde and the Paso a Paso Hacia la Paz movement marched to Mexico City.
Source: oaxacadialdia.com

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EXTRADITIONS

"La Reina del Pacífico" avoids extradition

Sandra Ávila Beltrán, commonly referred to as "Reina del Pacífico" (Queen of the Pacific) has escaped extradition to the United States based on charges of smuggling of narcotics and money laundering, at least for the time being. Detained in 2007 along with her then boyfriend Colombian Juan Diego Espinosa, Ávila

was charged with smuggling several tons of cocaine from Colombia into Mexico on a ship named the Macel. In 2010, however, both were acquitted of these charges as the proceeding judge found that there was neither “suitable or conducive proof that the defendants (Ávila and Espinosa) had been the individuals who ordered or carried out the acquisition, transportation, and introduction of the 7.973 kilos and 47 grams of cocaine onto the Macel,” as reported in *El Economista*. In February of this year, Ávila was sentenced to a year in prison for the possession of an illegal firearm.

The United States then requested Ávila's extradition, but her defense team petitioned to the Mexican government that they refuse this request. Upon hearing her plea, the Mexican courts decided to indefinitely postpone her extradition telling the United States that unless they are willing to agree not to retry Ávila for crimes already tried in Mexico, the request would not be granted. Although reports indicate that there is much evidence that Ávila retains close ties with the Sinaloa Cartel, courts maintain that there is no concrete evidence of illegal dealings with the organized crime group, nor are they able to prove that money that had been transferred between her accounts was acquired illegally. Despite the alleged lack of evidence, Ávila continues to be held in a Mexican federal prison until further notice.

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PROSECUTION OF PUBLIC FIGURES

Gregorio Sánchez continues to fight allegations of organized crime affiliations

The defense team of former mayor of Cancún Gregorio Sánchez Martínez, “El Greg,” has accused Mexico’s Attorney General’s Office (Procuraduría General de la República, PGR) of a “persecution” against their client after the Fifth District Judge (Juez Quinto de Distrito) in Quintana Roo denied the agency a warrant for Sánchez’s apprehension. The PGR has been investigating Sánchez since May 2010 for alleged crimes including drug trafficking, money laundering, and most recently human-smuggling. Sánchez has since requested that the tracking bracelet that the PGR succeeded in attaching to him be removed, arguing that the judge who authorized the bracelet is not a control judge (juez de control), a judge charged with ensuring that defendants’ rights are protected. The PGR, meanwhile, has continued to insist that it has sufficient evidence to convict Sánchez of organized crime associations and human smuggling, despite its recent failure to obtain an arrest warrant for him.



**Former Cancún Mayor
Gregorio Sánchez**
Source: terra.com.mx

Sánchez was arrested in the Cancún airport on May 25 of last year while he was a gubernatorial candidate for a consortium comprising the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), the Worker’s Party (Partido de Trabajadores, PT), and the Convergence party (Convergencia por la Democracia). He was moved to a federal prison in Nayarit where he stayed until June 15 of this year, when a federal judge ruled that the PGR did not have sufficient evidence to bring him to trial on charges of drug trafficking and money laundering. He has since been detained and brought before the PGR’s organized crime division (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), accused of leading an organization dedicated to smuggling undocumented Cubans. The Yucatán Peninsula is a known transit point for asylum-seeking Cuban migrants en route to the U.S.-Mexico border. There are also allegations made by a protected witness tying Sánchez to the Sinaloa cartel. The witness, code named “Wicho,” reportedly told the PGR that Sánchez is the owner of a ranch in southern Chiapas, near the border with Guatemala, which served as a safe house for cocaine shipments from Central and South America.

Since Sánchez’s arrest last year, critics of the Calderón administration have dismissed the PGR’s investigations into him as politically motivated, pointing to the fact that the agency

chose to detain him during his political campaign to be Quintana Roo governor. Earlier this month, Sánchez issued a complaint with the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), after he was ordered to wear his tracking bracelet for an additional 20 days. He claimed that there has been a systematic violation of his human rights by the PGR, and SIEDO in particular, beginning with his arrest and continuing to the present day. Specifically, he alleged that he was refused the right to present a written declaration of his innocence, or to present evidence to refute the charges leveled against him by the PGR.

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JUSTICE SECTOR REFORM

Online trials go into effect nationwide for fiscal and administration proceedings

On Wednesday, August 24 President Calderón signed into law a system of online trials for the Federal Court of Fiscal and Administrative Justice (Tribunal Federal de Justicia Fiscal y Administrativa, TFJFyA). The system will allow defendants who fall under the jurisdiction of the TFJFyA to follow and participate in their legal proceedings online 24 hours a day.

Calderón praised the new system, saying he believed that "we will be witnesses to a truly profound change in the carriage of justice." He also noted that "for too long, going to the judicial system has resulted in not just the loss of hours, days, months, and years, but the indignation of not receiving the fair treatment one deserves..." He added that he expects to see the model applied to other areas of the law. At the signing ceremony at Los Pinos, Calderón took the opportunity to call on the entire justice sector to take measures to end impunity, which he characterized as the principal cause of the erosion of rule of law in Mexico.

Aside from allowing citizens to follow their proceedings remotely and thus expanding access to justice, it is hoped that the measure will free up valuable and limited time and resources. Calderón expressed the goal of increasing the annual caseload of the TFJFyA from 90,000 to 300,000 within five years. The new system is the result of a legislative reform approved in December of last year, and went into effect on the TFJFyA's 75th anniversary. TFJFyA President Juan Manuel Jiménez Illescas characterized the system as the first of its kind, saying that all Mexicans will benefit from an expedited, but quality, judicial process.

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AROUND THE STATES

FEDERAL DISTRICT

Federal District performs first oral trials



The new accusatory judicial system kicked-off for the Federal District (Distrito Federal, DF) in Mexico City at the two Execution Courts located at the South Prison (Reclusorio Sur). During these initial sessions on August 11, Judges Belén Bolaños and Beatriz Martínez Rosas heard five different cases of sexual abuse, rape, and robbery, the first three being tried in just 30 minutes and all five cases being attended to in just 90 minutes. Between these two courts, they have been assigned 240 cases and they will collectively receive about 100 cases each week thereafter. Courts in the DF at the moment will only follow this

model in serious offenses involving teenagers, but they can and will address other issues if enough resources are allocated to handle a heavier volume of cases.

The new system allows public hearings and the presence of a judge at all stages of the trial in order to achieve a resolution in a less bureaucratic and more proficient process. The system is based on transparency, efficiency, increased certainty for the parties, and compliance with general philosophical principles of greater justice, which the president of the DF courts referred to as a "justice of quality." However, the new system carries a costly investment, as new facilities are needed such as courtrooms equipped with a computerized system to eliminate excessive paperwork. In 2009, the World Bank loaned 250 million pesos to the DF's initiative to help fund these modernization efforts.

Chief Justice of the Federal District (Tribunal Superior de Justicia del Distrito Federal, TSJDF) Edgar Elías Azar was present at the August 11 hearings and said that with this new model, cases that in the past could take years are now resolved within minutes. At a press conference, Elías Azar reported that by 2012, 90% of the necessary infrastructure and computer systems would be completely implemented. He also stressed that an intensive training for more than nine thousand court employees will take place, since the reform involves a "radical change" in the ideology that had been developed in the Mexican judicial system, both at the administrative and court levels. The Chief Justice expressed his satisfaction with the results so far, but acknowledged that the two judges (Bolaños and Martínez Rosas) will be insufficient to hear an average of 100 cases a week, and therefore expects that more courts of this type can and will be created by the end of the year. He hoped the Federal District Legislative Assembly (Asamblea Legislativa del Distrito Federal) would allocate the necessary resources to face the needs of the new system.

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BAJA CALIFORNIA

Baja California celebrates one-year mark of the New Penal Justice System's implementation



At a large ceremony on August 10, Baja California Governor José Guadalupe Osuna Millán celebrated the achievements and advancements made in one year since state officials began implementing the New Penal Justice System (Nueva Sistema de Justicia Penal, NSJP) in Baja California. Osuna and other government officials spoke of the importance of the NSJP as meeting a "societal demand" to see a more transparent and efficient justice system. The celebration was fueled in part by the release of a study conducted on the implementation and impact of the NSJP after a one-year period. According to *El Informador*, the

study found that in the past year under the new system, there have been 1,756 oral hearings; 155 oral trials; 16,355 investigations launched by the ministerial police; 6,293 investigation folders opened; 155 sentences executed; and 11,772 resolved issues registered with the State's Alternative Justice System (Sistema Estatal de Justicia Alternativa).

Despite the successes touted by government officials, the difficulties of changing to a new judicial system were also recognized. "The first year has been a great learning period; it has not been easy or simple. The NSPJ advances and is here to stay, however it requires some to adjust more profoundly than others," stated Osuna. Looking forward, he continued saying that the new judicial system "requires that we accelerate the changes and get rid of the backlog... We need to convince the critics of the benefits of its results." He also pointed to the need to better coordinate among entities involved in the judicial system, as well as to continue professionalizing public servants.

Among those in attendance at the Mexicali celebration were federal, state, and local officials, soldiers, judges, businessmen, and citizens. Also in attendance were the president of the Baja California Supreme Court (Tribunal Superior de Justicia del Estado), María Esther Rentería Ibarra; the current president of Baja California's Congress (Congreso del Estado), Carlos Murguía Mejía; and under secretary of Judicial Topics and Human Rights for the Interior Ministry (Asuntos Jurídicos y Derechos Humanos de la Secretaría de Gobernación), Felipe de Jesús Zamora Castro, who was present on behalf of President Felipe Calderón.

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STATE OF MEXICO

State and local police units receive training from Colombian police



Continuing with Mexico's efforts to professionalize police forces throughout the country, both state and municipal police in the State of Mexico (Estado de México, Edomex) are receiving training from the Colombian National Police (Policía Nacional de Colombia). 130 Edomex police units are currently enrolled in the one-month long course called the Command of Urban and Rural Operations and Crowd Control (Comando de Operaciones Urbanas y Rurales y Control de Multitudes), which is being overseen by the State Security Agency (Agencia de Seguridad Estatal, ASE) at its facilities in Toluca.

The training focuses specifically on teaching police how to effectively do their job, which includes control of crowds, demonstrations, protests, etc., while first and foremost respecting the human rights and dignity of the people with whom they interact. According to Toluca Mayor Indalecio Ríos Velázquez, Colombian police have been brought in for this specific training because they are "a world renowned force" fit to teach the course that is "characterized by learning how to manage social demands and ensure that [police] forces maintain sensibility during developing situations while respecting individual rights." According to *El Diario de Toluca*, the course is made up of a number of workshops hosted by Colombian police on topics including human rights, command of special operations, crowd control, judicial framework, first responders, theft, and kidnapping. Although the program is in its third year, this is the first time municipal police have enrolled in the training, *El Diario* reported.

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