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TRANS-BORDER INSTITUTE

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September 2011  
News Report

## MONTHLY SUMMARY

*Ejecuciones down nationwide over past two months • 35 bodies dumped by freeway in Veracruz • Severed heads found outside of elementary school in Acapulco • “El Güicho” recaptured • PRI political figure, deputy director of police killed in Guadalajara • Guerrero Congressman disappeared, found dead along with his driver • Teachers in Acapulco strike to demand safer schools • Debate over number of “ni-ni’s” ensues as OECD releases new report • New U.S. Ambassador to Mexico Earl Anthony Wayne lays out bilateral strategy • Investigations in Monterrey point to possible police involvement, corruption in mayor’s office • Dozens of members of Nuevo León town’s police force under criminal investigation • Several officials implicated in coordinated prison break in Veracruz • Reports expose lack of state legislative transparency • Jailed son of Sinaloa cartel kingpin claims U.S. government offered him immunity for information • Human rights activists call foul over Veracruz anti-terrorism legislation • Two journalists killed in DF, femicide suspected • Social media editor murdered in Nuevo Laredo • Mexico to prosecute some members of criminal organizations as terrorists • New federal agency created to aid victims of crime • INEGI study shows low confidence in public servants, worsening public security perceptions • Arrests made in ABC daycare fire investigation as child services law passes Congress • Trainings held for new judicial penal system in Tabasco; oral trials to begin in 2012 • New “Fuerza Civil” police force begins operation • State level constitutional reforms under review in Oaxaca •*

## LAW AND ORDER

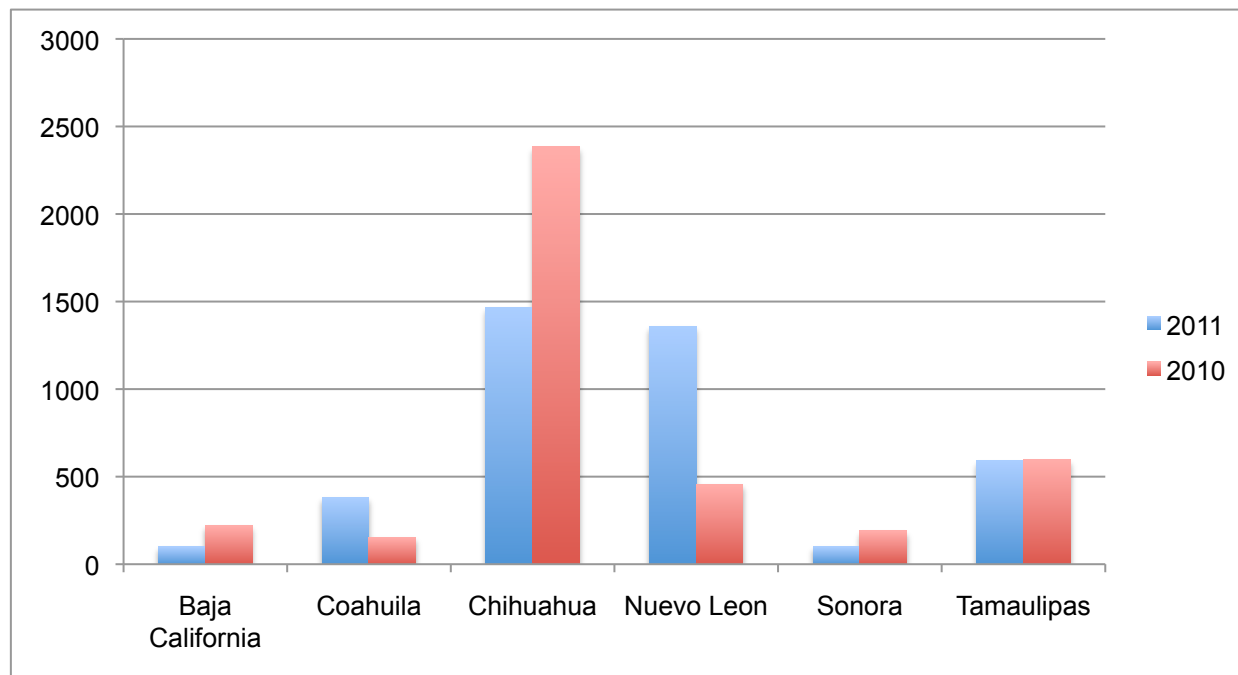
### CARTEL-RELATED VIOLENCE

#### ***Ejecuciones down nationwide over past two months, including in key states***

According to *Grupo Reforma’s* running tally on cartel-related killings, or *ejecuciones*, the weekly average for such homicides for 2011 as of September 23 was 251 nationwide. While the current weekly rate for 2011 remains on track to top 13,000, or over 2,200 beyond the 2010 total of 10,829, the weekly rates have

slowed over the past eight weeks, and during the current reporting period, particularly. During the past eight weeks, the nationwide *ejecuciones* rate fell to just over 232.8 per week, while the four-week rate was just over 227. This compares to a 2010 rate of 222 weekly cartel-related killings.

### Ejecuciones in Border States as of September 23 (2010, 2011)



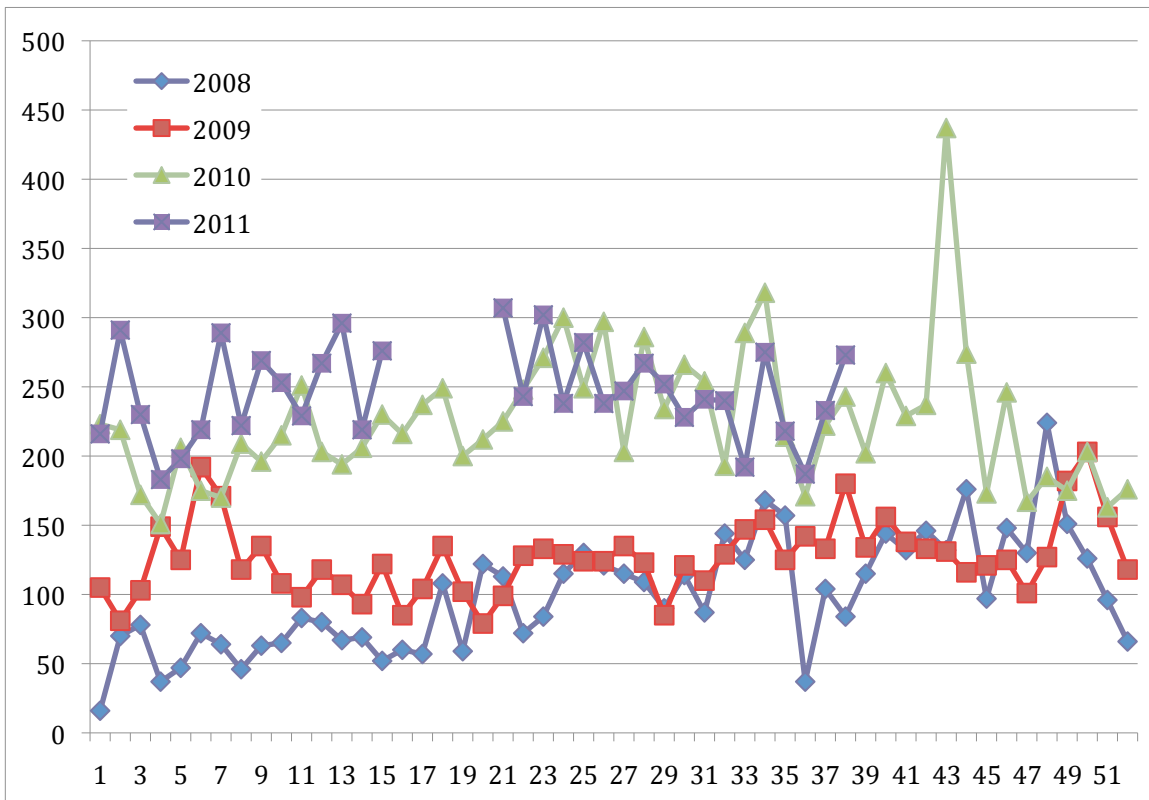
As of September 23, there had been 9,530 *ejecuciones* recorded nationwide, with 4,001, or 42% accounted for in the border states of Baja California, Chihuahua, Coahuila, Nuevo León, Sonora, and Tamaulipas. As in 2009 and 2010, Chihuahua this year has accounted for the most cartel-related killings, with 1,468, although that state is 38% below its total at the same point last year. Nuevo León continues to account for a disproportionate share of the increase over last year, with 1,359 *ejecuciones*, representing a 192% jump over the same point in 2010, and a nearly 123% increase over the entirety of 2010. Nevertheless, Nuevo León has also seen a decline in recent weeks, down to 25.5 *ejecuciones* per week during the current reporting period, as compared with 35.7 for all of 2011. Chihuahua, meanwhile, has remained relatively stable at around 38 per week.

While Guerrero, which is at 1,256 *ejecuciones* as of September 23, had already surpassed its 2010 total by more than 27%, continues at its rate of around 33 *ejecuciones* per week for 2011. Another troubled state, Durango, which borders Sinaloa to the east and Chihuahua to the south to form what is known as the “golden triangle,” has dropped to 7.25 cartel killings per week during the current reporting period and 9.25 over the past eight weeks, as compared with 21 for 2011 thus far. The Pacific states of Colima, Nayarit, Jalisco, and Sinaloa, have also seen a decrease in cartel-related killings over the past eight weeks, and the most recent four weeks in particular. Those states combined averaged 18.5 weekly *ejecuciones* during the current reporting period, as compared with 21 for the first 38 weeks of 2011.

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## Number of Weekly Ejecuciones, January 2008 to September 2011



(Please note the missing data from March and April 2011 due to a lack of data collection.)

### 35 bodies dumped by freeway in Veracruz

The port city of Veracruz was the scene of a gruesome scene on September 20, when a busy road was strewn with 35 bodies during rush hour in an apparent act of public retaliation. The bodies were dumped in broad daylight under a bridge in the municipality of Boca del Rio in the metropolitan area of the tourist port of Veracruz, near the city's biggest shopping mall. Motorists during the 5 p.m. rush hour were immobilized as two trucks in the main avenue dumped the corpses as gunmen stood guard and pointed their weapons at civilians in their cars. Alongside the bodies, a banner was hung with a message directed against the criminal organization Los Zetas and their "collaborators," saying that the group responsible for the dumping was "settling accounts." The "narco-message" was signed by the organization called the New People (Gente Nueva). Motorists caught in the scene quickly posted warnings on Twitter that masked gunmen in military uniforms were blocking Manuel Avila Camacho Boulevard. "They don't seem to be soldiers or police," one tweet read. Another said, "Don't go through that area, there is danger."

The prosecutor in the state of Veracruz, Reynaldo Escobar Pérez, announced the following day that all of the dead had been identified, which included 12 women, two minors ages 15 and 17, and a member of the inter-municipal Veracruz-Boca del Rio police unit, reported *El Universal*. "We have determined that almost all have criminal records linked to organized crime involving such activities as kidnapping, extortion, murder, drug dealing, or auto theft," said Escobar. "We see that there was torture, and sadism in the execution of these people," he added, referencing that the victims had bound hands and feet with their heads covered in plastic black bags. Authorities said they were killed just hours before the public display, since none of the bodies showed any signs of decomposition. It was also reported that this murder could be related to the escape of 32 prisoners on September 19 in three prisons in the state, of which 14 were

recaptured. Authorities, however, have not confirmed a link between the events in Veracruz. Some reports have suggested that some of the victims could be street dealers, who often find themselves as easy targets of rival drug gangs seeking to settle scores.

The killings are the second instance of mass-casualties in less than a month after an arson that left 52 dead at a casino on August 25 in Monterrey. In the state of Veracruz, the main drug cartels vying for territory and control are Los Zetas, the Gulf cartel, and La Familia Michoacana. Juan Marcos Gutierrez, the Secretary of Government of the Interior Ministry (Gobierno de la Secretaría de Gobernación, SEGOB), suggested that the murders were a result of the struggle between these organized crime groups. "This is something that can calm the population," he said in a telephone interview with *Milenio Television*. "This is not about civilians. These are people involved in illicit business, in drug sales." He advised that Veracruz would reinforce security operations following this incident.

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### Severed heads found outside of elementary school in Acapulco

On Tuesday, September 27, five decapitated heads were found outside of an elementary school in Acapulco. Pedestrians noticed the heads, which were bundled in a bloodied sack, lying on the ground in front of the Benito Juárez Elementary School in the Garita neighborhood of town. Along with the heads, all of which were male, authorities found handwritten messages threatening drug traffickers in the area. The victims were taken to the Forensic Medical Services of Acapulco (Servicio Médico Forense, Semefo), where authorities will work to identify the remains.

The incident comes on the heels of recent violence in Acapulco, where just a day before the September 27 finding, five charred and decapitated bodies were discovered in a truck close to Garita. It is still unclear if the bodies and the heads belong to the same victims as their sex has yet to be identified because the burns were so severe. Additional violence erupted in Acapulco, also on September 26, when 13 people were killed and four injured in various incidents throughout the city, reported *Excélsior*.

After the discovery of the five heads, municipal, state, and federal police were called into the area for heightened security, with the timing coinciding with mass protests in Acapulco as local teachers have been striking for more secure schools and work environments (see article below). In response to the increase in violence in general, Guerrero Attorney General (Procurador de Justicia de Guerrero) Alberto López Rosas stated that the violence will only continue as criminal organizations continue "re-acclimating and regrouping after recent detentions and arrests" of gang and cartel members by authorities in the area. He added, "We are going to fully prepare ourselves to confront this new wave of violence; there will not be a break and we are going to work to successfully calm the cities."

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## HIGH-PROFILE ARRESTS

### "El Güicho," a high-ranking member of the Sinaloa cartel, recaptured

On Tuesday, September 6, Mexican authorities recaptured one of the most wanted men in Baja California. Héctor Eduardo Guajardo Hernández, 33, known as 'el Güicho', a high-ranking associate of the Sinaloa cartel leader, Joaquín "El Chapo" Guzmán Loera, was found and arrested in Zapopan in the state of

Jalisco by federal police. According to the Secretary of Public Security (Secretaría de Seguridad Pública, SSP), Guajardo was originally arrested last May in Mexicali following a shootout and high-speed chase involving Baja California's State Preventative Police (Policía Estatal Preventiva, PEP) and transported to a hospital in Mexico City after sustaining bullet wounds. On July 27, 2011, Guajardo escaped the hospital secured by federal police and fled to Jalisco where he allegedly continued smuggling operations in Tepatitlan and Guadalajara.

The SSP reports that the man known as 'el Güicho' in the Sinaloa Cartel has been accused of transporting cocaine from Colombia to Mexico and the United States, and controlled all operations of the Sinaloa cartel in Baja California, northern Mexico, and the cities of Mazatlán, Mexicali, Puerto Penasco, and Tijuana. State prosecutors allege that 'el Güicho' is also responsible for 43 other crimes including an October 2010 massacre at a drug rehabilitation center, and is reported to be responsible for at least 465 murders in the Baja California area. Authorities say that Guajardo began as a member of the Arellano Félix drug cartel and later joined the group headed by Sinaloa cartel associate Teodoro García Simental, 'el Teo'. After the arrest of García Simental, 'el Güicho' reportedly became the leader of the Sinaloa cartel's Baja California operations. Guajardo is currently in the custody of the Office of Special Investigations on Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia- SIEDO) in Mexico City.

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## POLITICALLY MOTIVATED CRIMES

### **PRI political figure, deputy director of police killed in Guadalajara**

Guadalajara witnessed another apparently politically-motivated execution during the first week of September when Javier García Morales, 58, an Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) politician and deputy director of Lagos de Moreno police force was assassinated late Monday September 5, in the Providencia neighborhood of Guadalajara, Jalisco. García had stepped down from his Hummer and was walking to a meeting at a café in the Guadalajara suburb when an unidentified masked gunman rode up on a motorcycle and shot him four times in the head. García Morales was the son of Javier García Paniagua, a former secretary of agrarian reform in the administration of Jose Lopez Portillo, former national leader of PRI, and once a serious contender for the presidency. García Morales was also the grandson of General Marcelino García Barragan, who served as Secretary of Defense during the Gustavo Díaz Ordaz presidency.

On a visit to Guadalajara, President Felipe Calderón expressed his condolences for the killing, "I regret the deplorable events that occurred yesterday in Guadalajara with the murder of García Morales, an important Jalisco chief operating officer." The President offered his support in the investigation and sent his condolences to the family. Calderón further emphasized that if his administration had not pushed the fight against drug traffickers and drug-related violence, "today Mexico, would be governed by criminals." When interviewed, Jalisco Attorney General (Procurador General de Jalisco) Tomas Coronado Olmos refused to speculate on a motive for the crime, but said he would not discard any line of investigation.

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## Guerrero Congressman disappeared on September 4 found dead along with his driver

The bodies of Guerrero Federal Deputy Moisés Villanueva de la Luz and his driver were found on September 17 with bullet wounds to the head, according to a report from the state forensic authorities (Servicio Médico Forense). The bodies were found in an advanced state of decay in the Huamuxtitlán municipality. Villanueva's wife initially expressed doubt that her husband was one of them, although she acknowledged that the clothing found on one of the cadavers belonged to him. The deputy disappeared on September 4, while on a tour visiting his constituencies. A Guerrero native, Villanueva de la Luz served on the Commission on Population, Borders and Migration Affairs, and Agrarian Reform in the lower house of the Mexican Congress. Villanueva de la Luz and his driver had last been seen when they left Deputy Javier Morales Prieto's birthday party in Tlapa, a town in his southern state, bound for the central city of Puebla.



Villanueva de la Luz  
Source: Guerrero Noticias

The case was originally not deemed a kidnapping because the captors never contacted Villanueva de la Luz's family demanding a ransom, which is common in political kidnappings. In response to Villanueva's disappearance, state leader of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) Efrén Leyva Acevedo said, "We hope that those responsible for this disappearance get in contact with the family, which so far has not happened." Leaders of the PRI had planned to hold another press conference on September 13 to publicly announce the disappearance of Villanueva and his driver, but chose to instead quietly open an investigation through the Attorney General's Office (Procuraduría General de la República, PGR). The Office of Special Investigations on Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia, SIEDO) later took up the lead as the main office investigating the disappearance.

Following the alleged kidnapping, the congressman's car was found abandoned, though the vehicle did not show any signs of force or violence. According to police reports, Leyva Acevedo said that Villanueva de la Luz never left the state of Guerrero and possibly not even Tlapa de Comonfort. Salgado remarked that the kidnapping of the congressman is "clear evidence that violence does not distinguish stands of political parties, social classes or religions... We want (him) back soon, safe and sound with his family, like many in Guerrero that currently are being sought by their families, who have suffered kidnappings." The same day Villanueva de la Luz went missing, nine people were executed in two municipalities of Guerrero, seven of them in Acapulco and two in Tecpan de Galeana.

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## PUBLIC SAFETY

### Teachers in Acapulco go on strike to demand safer schools

Members of the National Union of Education Workers (Sindicato Nacional de Trabajadores de la Educación, SNTE) have taken to the streets of Acapulco, Guerrero over the past month to demand increased security and more safety in and around their schools, as well as a decrease in the amount of robberies, extortions, and kidnappings occurring on or in connection with those employed on school campuses. Teachers took action in August after various elementary schools in Acapulco received blankets scribbled with warnings that teachers were to surrender 50% of their monthly pay beginning in the month of October in order to escape harassment from drug cartels and organized crime groups. After this initial incident, fliers were anonymously circulated requesting that the person responsible for overseeing

teachers' salaries was to submit a list indicating salary information and was to highlight those who made the most per month. Teachers began striking in protest of these acts and, on August 25, a select number of schools closed down indefinitely, petitioning to all three levels of government to increase safety in schools. Teachers' unions to date say that their safety demands have not been met.

By September 15, over 500 schools had joined the strike, including more than 3,000 teachers. Guerrero Governor Aguirre has told the public that "I can almost assure you that on Monday [September 19] everyone will be back in their classrooms," reminding the press that they took measures to install alarm systems in schools and have increased the number of federal, state, and municipal security patrolling the city in order to calm teachers' concerns. Those leading the strike, however, were not convinced. Abel Casarrubias, a spokesperson for the Section 14 Commission of Delegations for the SNTE told *Milenio*, "We only met with the general secretary of the government, Humberto Salgado Gómez, but we did not come up with an agreement. He also has promised nothing; we opted for leaving the meeting."



Teachers strike in Acapulco for increased security. Source: New York Times

Since August, teachers have continued to hold periodic strikes and claim that schools will not resume until the government meets their demands for stepped-up security measures. In a press release, the SNTE members asked for citizen support for their cause because, "like us [teachers], they [citizens] are suffering the consequences of insecurity, which is not only an issue in Acapulco, but throughout the state. What we are experiencing is terrifying. We know that government makes an effort with school alarms and the checkpoints, but it is not enough," said a delegation representative in *Milenio*. The protesting has largely occurred in front of the Convention Center in downtown Acapulco.

Pointing out that teacher extortion is not a problem limited to Guerrero, the general secretary of the SNTE, Juan Díaz de la Torre, said that teachers from at least ten states, including Guerrero, are victims of extortion by criminal groups. Díaz said that the alleged criminals steal teachers' checks, and then demand that they pay a portion in exchange for handing them over. Acknowledging that checks can be cancelled and reissued, Díaz clarified that aside from demands for payment, teachers have received threats, and in some cases received physical attacks within the schools. "We believe that there are not protections in place in some states, not only for the safety for our colleagues but in some cases for free transit, colleagues who cannot arrive at their communities and centers of work, not to mention colleagues who have been literally assaulted within the schools," said SNTE Secretary Díaz de la Torre.

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#### Debate over number of "ni-ni's" ensues as OECD releases new report

The most recent economic report released by the Organization for Economic Cooperation and Development (OECD), called the OECD Economic Outlook, cites that there are over seven million ni-ni's nationwide, 38% of which are women, though some sources put the former number as high as ten million. Ni-ni's are young people generally between 15 and 29 years old that neither work nor study ("ni estudian, ni trabajan").

The ramifications of having such a large demographic of youth without access to a legitimate economy has created what some analysts consider to be dire circumstances. In areas like Ciudad Juárez, the growing number of young people without employment or pursuing an education has translated into easy

recruitment for drug cartels. The relationship between the lack of opportunity and poverty has also increased the enticement for youth to join the ranks of the drug cartels. The increase in ni-ni's has been described by the Pulitzer Center for Crisis Reporting as "a crisis that threatens to engulf an entire generation," one that has often been labeled as "Generation Narco".

The largest concentration of ni-ni's is in Ciudad Juárez. Ni-ni's as young as 13 are recruited from schools or the streets by drug cartels that use them as hit men or drug mules. Youth are offered sometimes as little as \$100 for each murder or about \$1,000 per trip to smuggle drugs over the border. Sandra Ramírez, a social worker in the Juárez slums, confirmed, "It is only them [the cartels] that are coming to these kids and offering them anything. They offer them money, cell phones and guns to protect themselves. You think these kids are going to refuse? They have nothing to lose. They only see the day to day. They know they could die and they say so. But they don't care. Because they have lived this way all their lives." A 2010 *Time* report cited 120,000 Juárez residents as ni-ni's, most of which fell between the ages of 13 and 24. According to the OECD report released on September 2, 2011, the amount of ni-ni's looks to increase with the overall rising rate of unemployment in Mexico.

Despite the reportedly growing number of ni-ni's by the OECD, the Secretary of Public Education (Secretaría de Educación, SEP) and the Secretary of Labor and Social Prevision (Secretaría del Trabajo y Previsión Social, STPS) negate this assertion and instead claim that the number of ni-ni's has in fact decreased by 20 to 35% in the past few decades. The Mexican news agency *Notimex*, while recognizing the number of ni-ni's is still large, points out that SEP and STPS report that most ni-ni's (84%) seeking work already have had past employment experience. Additionally, they argue that 78% of the total ni-ni population are women, not 38% as suggested by OECD, and many of them are married with children, meaning they are not necessarily looking for school or work at this time. In response to the ni-ni crisis, the two organizations support the "necessity of driving forward the reform to the Federal Labor Law (Ley Federal del Trabajo) to create access for this population to adequate employment," as cited in *Notimex*.

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## U.S.-MEXICO RELATIONS

### New U.S. Ambassador to Mexico Earl Anthony Wayne lays out bilateral strategy



After presenting his letter of credentials to President Felipe Calderón on September 13 at a ceremony at Los Pinos in Mexico City, the new U.S. Ambassador to Mexico, Earl Anthony Wayne, expressed his hopes for a new level of bilateral cooperation between the two countries. "The work is in both directions," he said in a press conference following the ceremony, "and our efforts of cooperation to offer security to our communities on both sides of the border remains as a central focus of our shared agenda, by means of the Mérida Initiative." Wayne, 60, took his oath of office before U.S. Secretary of State Hillary Clinton in Washington D.C. on September 6.

Wayne also emphasized that bilateral relations between the United States and Mexico go far beyond matters of security, despite the current anxiety caused by continuing cartel-related violence. He pointed out the over \$1 billion in commerce that cross the U.S.-Mexico border each day, along with nearly a million documented citizens from both countries. Wayne takes the position of ambassador to Mexico following the resignation of Carlos Pascual earlier this year, who left amidst controversy over statements he made criticizing the Mexican security forces, which were made public by Wiki-leaks.

Wayne is a 36-year diplomat with experience in Asia, Europe and Latin America, and holds Masters degrees from Stanford, Princeton, and Harvard. He was known as the “rock and roll ambassador,” for using popular U.S. bands visiting Argentina as opportunities to reach out to the younger population. Most recently, Wayne served as second in command at the U.S. embassy in Afghanistan. Asked whether his experience in Afghanistan will translate to addressing matters of security in Mexico, he said that Mexico “could not be more different from Afghanistan in so many ways,” but acknowledged the public security challenges facing Mexico and the anxiety they cause the general population.

Wayne’s arrival in Mexico comes at a defining moment for the future of bilateral relations between the two nations as U.S. Republican lawmakers and the State Department are in disagreement over the effectiveness of the current strategies of bilateral security cooperation. Connie Mack (R-FL), the president of the U.S. House of Representatives Subcommittee for the Western Hemisphere, called the Mérida Initiative a failure that has unsuccessful in achieving its stated goals, calling for a “counterinsurgency strategy” for taking on the Mexican drug cartels. Michael McCaul (R-TX), who introduced a bill in July to end what he considers to be wasteful spending in the program, seconded Mack’s sentiments. For his part, at a press briefing near the transfer of three Blackhawk helicopters to Mexico this month, spokesman for the U.S. Department of State Mark Toner said that “[The Mérida Initiative] has brought better coordination and cooperation, both intelligence-sharing and also capabilities-building mechanisms between law enforcement in the U.S. and law enforcement in Mexico.” A total of 14 helicopters have now been transferred to Mexico as part of the Mérida Initiative, a 3-year, \$1.4 billion aid package agreed upon by presidents Felipe Calderón and George W. Bush in late 2007. Aid has not flowed as projected under the Mérida Initiative, however, with only \$480 million distributed since it went into effect in 2008, according to the Foreign Ministry. Foreign Affairs Minister Patricia Espinosa said that President Barack Obama and Secretary of State Hillary Clinton have both pledged to hand over \$500 million in materiel and training as part of the initiative. Full financing of the program is expected next year. Nonetheless, as of a year ago only about 9% of funds promised to Mexico and Central America had been disbursed due to a lack of staff and funding in the agencies involved, according to a 2010 U.S. Government Accountability Office report.

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## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Investigations into August casino attack in Monterrey point to possible police involvement, corruption in mayor’s office**

State and federal investigators are trying to piece together the perpetrators and motives behind the August 25 attack on Casino Royale in Nuevo León’s capital of Monterrey, in which 52 people were killed and dozens more injured. Thus far, investigations have focused on the likely involvement of the Zetas criminal organization, and possible corruption in the Monterrey mayor’s office involving extortion and money laundering activities in the city’s growing number of casinos. In all, 18 people have been implicated in carrying out the attack.

According to *El Universal*, Mexico’s Senate has urged authorities to provide “immediate supervision” for



The Monterrey Casino Royale attack on August 25 left 52 dead. Source: examiner.com

casinos nationwide. Possibly in response, the Interior Ministry (Secretaría de Gobernación, SEGOB) ordered the 27 businesses that operate gambling houses in Mexico to hand over documents to verify the legality of their operations. Throughout Mexico, the businesses facing audit oversee 561 current and planned establishments, of which 318 are in operation. According to SEGOB, in September alone it has issued 59 inspection orders, of which 24 have been carried out, resulting in 6 closures. The remaining 35 were not realized because they were either closed at the time of inspection or had already been shuttered by local authorities.

Shortly following the arrest in early September of five alleged members of the Zetas criminal organization who have admitted to helping to carry out the attack, the Mexican Attorney General's office (Procuraduría General de la República, PGR) reported that a sixth arrest had been made of a Nuevo León state police officer alleged to have been part of the Zetas group who admitted to starting the inferno. Miguel Ángel Barraza-Escamilla, the active police agent, was captured by surveillance cameras pulling up to the Casino Royale in a white Volkswagen Bora, identified as one of the cars used in the attack, immediately prior to the blaze. He was also seen at the gas station with the group of Zetas. In addition to the casino massacre, Barraza-Escamilla is alleged to have been involved in the kidnapping of a U.S. resident and having accepted a \$30,000 drug runner pay off in April 2006. Intelligence gathered by the Federal Ministry of Public Security (Secretaría de Seguridad Pública, SSP) in the past few weeks found that Barraza-Escamilla had been active with Los Zetas since 2006. Corruption has reportedly saturated the Nuevo León police since the state's relative stability was disturbed last year when it found itself in the middle of a turf battle between the Gulf cartel and its former enforcement arm, the Zetas. As Mexico's northern financial hub, Monterrey has been an epicenter of the fighting, and drug gangs have worked to infiltrate the force at a time of particular instability as state and local officials are attempting to implement reforms according to new federal guidelines. In the case of the Monterrey casino attack, authorities speculate that unpaid protection money was the alleged motive for the arson.

Since the attack, allegations of corruption in the administration of Monterrey Mayor Fernando Larrazabal have circulated in the press, and his political future appears to be in the hands of either the federal or state National Action Party (Partido de Acción Nacional, PAN) leadership. An employee in the mayor's office was detained along with two other individuals implicated in the Casino Royale attack, leading to promises by Larrazabal that he will put into place control mechanisms to ensure that corruption is weeded out of his office. Nevertheless, the PAN leadership is moving forward with investigation into Larrazabal's administration.



**Mayor Larrazabal's administration is accused of corruption in connection to the Casino Royale attacks.**  
Source: Los Angeles Times

The PAN's State Executive Committee (Comité Ejecutivo Estatal, CEE) and the National Executive Committee (Comité Ejecutivo Nacional, CEN) have the power to revoke his political rights, effectively removing him from office. Larrazabal requested that the matter be transferred from the CEE to the CEN, claiming that he wanted to alleviate any fears that his admitted influence within the CEE might play a role in any outcome favorable to him. Larrazabal claims to have documents and other information that will absolve him of any alleged wrongdoing. Meanwhile, however, Nuevo León CEE member Rebeca Clouthier expressed concern that Larrazabal's case was being turned into a "game of ping pong," in which the responsibility for overseeing the inquest into the mayor changes from one entity to another, losing valuable time needed to carry

out the proceedings. Clouthier pointed out that PAN bylaws allow just a 40-day period in which to bring proceedings against an official. She recalled the case of former mayor Alberto Madero, who was removed from office following a PAN proceeding against him, but was reinstated after a federal elections tribunal determined that the party had not complied with the time requirements. According to Salvador Abascal Carranza, a member of the CEN, the majority of the committee is in favor of Larrazabal's expulsion. On September 23, the PAN Order Committee (Comisión de Orden) in Nuevo León announced that it would assume control of Larrazabal's inquest. Committee President Hiram de León Rodríguez said that the hearing has been set for October 12.

Allegations of corruption extend beyond Larrazabal's office to his family. The mayor has qualified as "speculation" accusations in the media leveled against his brother of accepting large sums of money from a Monterrey casino. Jonas Larrazabal has been accused of extorting Monterrey gambling houses. He was arrested in early September as he left the Nuevo León Justice Palace, where he had gone to deny the allegations against him. He was transferred to the offices of the state Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE), where he is currently under *arraigo*, a 40-day detention period pending criminal charges.

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#### Dozens of members of Nuevo León town's police force under criminal investigation

Nuevo León's Attorney General's Office (Procuraduría General de Justicia del Estado de Nuevo León) announced on September 16 that 44 municipal police officers from Santa Catarina, Nuevo León had been subjected to *arraigo*, a 40-day detention period pending organized crime charges. The 44 officers are part of the 113 members of the Santa Catarina police force, all of whom are currently under investigation for involvement in organized crime.

The municipal police force of Santa Catarina, part of the Monterrey metropolitan zone, comprises a total of 250 officers. The Nuevo León's Public Prosecutor's Office (Fiscalía General) announced on September 15 the investigation into the 113 officers, resulting from an alleged Zetas cartel member who said that his group had received protection from Santa Catarina police officers. Initial media reports said that over 200 police and transit officers from Santa Catarina had been detained during a shift change on September 14 in a joint operation comprising soldiers, federal police, and members of Nuevo León's State Agency of Investigations (Agencia Estatal de Investigaciones). Nuevo León newspaper *El Porvenir* reported that federal police had assumed control of public security functions in the municipality. Those of the estimated 200 to 250 agents determined to be in need of further investigation were taken to the State Police Academy (Academia Estatal de Policía) to undergo examinations, upon which 44 were subjected to *arraigo*.

The Santa Catarina investigation comes within the context of the Nuevo León government's efforts to clean its police forces of corrupt officers in building its new corporation known as the Civil Force (Fuerza Civil), a process recently set in motion. Public Security spokesman Jorge Domene placed the operation in a larger, nationwide police force cleansing program. "The operation complies with the confidence control evaluation process, the last of which we did in a similar form in the municipality of Juárez [Chihuahua]; now it's Santa Catarina's turn," he said on September 15.

Nuevo León has over the past year and a half entered a period of violence after experiencing relative calm during the first four years of President Calderón's military-led campaign against Mexico's drug trafficking organizations. The cartel-related violence in the state was punctuated late last month when a criminal group presumably allied with the Zetas cartel set fire to the Casino Royale in Monterrey, killing 52 people. A police officer has been arrested in connection with that attack.

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### Several officials implicated in coordinated prison break in Veracruz

Veracruz Attorney General Reynaldo Escobar announced the detention of the directors and sub-directors of the three prisons from which 32 inmates escaped in an apparently coordinated break on September 19. Four of those remain in custody and are under investigation for their possible involvement in the escape, while two remain at large. In addition, the night shift guards at all three prisons are also under investigation.

The prisons involved in the triple break were the Duport Ostión facility in Coatzacoalcos from which 12 inmates escaped, La Toma facility in Amatlán de los Reyes from which 16 escaped, and the Morelos facility in Cosamaloapan from which four escaped. 14 of the 32 inmates that escaped were recaptured hours later. 15 of those who escaped were serving sentences for federal crimes, while the remaining 17 were in for "common" crimes.

The day following the escape, Veracruz Director of Prevention and Social Rehabilitation (Prevención y Readaptación Social) Víctor Flores Hernández resigned from his position. The same day, it was announced that Remigio Ortiz Olivares would replace Flores Hernández as the director of the Veracruz state prison system. Ortiz Olivares previously served as director of the Veracruz Investigations Agency (Agencia Veracruzana de Investigaciones) and assistant state public security secretary.

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## TRANSPARENCY

### Reports expose lack of state legislative transparency

This month, *Reforma* reported on the failure of Mexican states to adequately report on the activities of their respective congresses, including budgets, compensation, attendance, and voting records. *Reforma* cited an investigation by the media group *Enfoque*, which visited the Internet sites of the chambers of deputies of all 31 states and the Legislative Assembly of the Federal District (Asamblea Legislativa del Distrito Federal) in order to determine the level of accessibility to the public of information regarding the management of public resources and the legislators' activities. In many cases, pertinent information is available to the public online, but would require more navigating and sifting through legislative reports than most ordinary citizens would be willing to do.

In all, the 32 local governments will have allocated nearly 10 billion pesos (just over \$74 million USD), while 28 do not provide detailed information as to how their portion of that total was spent. Likewise, there lacks clear information as to the total compensation garnered by state legislators, or resumes detailing their trajectories toward their respective state congresses. Khemvirg Puente, a political science professor at the National Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM) and the author of a 2010 study on state legislative transparency, is cited as saying that "In Mexico, the very legislators made the rules according to what they previously agreed to make public, but that's not necessarily the level of transparency that a democratic system requires."

In the area of budget transparency, while 24 of the state congresses published their overall budgets for 2011, they did so in a general way, with only four states – Campeche, Morelos, Nuevo León and San Luis Potosí – presenting detailed information about how their budgets were allocated. In a similar form, while 30

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states publish the salaries paid to their legislators, only 11 account for additional forms of compensation, including travel allowances, telephone expenditures, and other transportation costs.

The study also found deficiencies in states' reporting on the professional trajectories and legislative activities of their representatives. Only eight states publish the resumes of all of their legislators, while six have made such information public, but only for select representatives. Easy access to records of attendance to legislative sessions is also limited to a minority of states, with only 13 offering such information. Four more make legislative attendance available, but an inquiring individual would have to read through the reports from each legislative session in order to discover it. 14 states have no online means whatsoever for their citizens to know the attendance records of their state representatives. Similarly, only six state legislatures make it possible for individuals to easily look up which initiatives were presented by which legislators. 18 states have made this information accessible, but only by navigating through the initiatives themselves. Individual voting records are also limited in their accessibility to just seven state congresses. Four states – Guanajuato, Hidalgo, San Luis Potosí and Tlaxcala – lack any contact information for their lawmakers.

In his 2010 study of Mexican state legislatures, aforementioned UNAM professor Khemvirg Puente found that none of them met his established baseline for minimum transparency, which was based on 10 variables, including the disclosure of electoral and party information, legislative process, oversight committees, administrative transparency, among others. Those coming closest to the minimum baseline were the Federal District, the State of Mexico, and Guanajuato, while Baja California Sur, Chiapas, Querétaro, and Tlaxcala found themselves at the bottom of the list.

The *Reforma* report, which was picked up by other national newspapers including *El Diario*, came just two days before the Mexican government signed on to the international "Open Government Partnership," a multilateral initiative comprising a steering committee composed of eight nations– Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom, and the United States– as well as African, Latin American, U.S., and international civil society organizations. According to a White House press release, the initiative "supports national efforts to promote transparency, fight corruption, strengthen accountability, and empower citizens," in order to "undertake meaningful new steps as part of a concrete action plan, developed and implemented in close consultation with their citizens." The accord follows an initiative that the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) presented to the Senate seeking to augment the powers of the Federal Institution of Access to Information (Instituto Federal de Acceso a la Información, IFAI). On the state level, legislatures are currently debating laws involving government transparency in Jalisco, Nuevo León, and Puebla, but all but the latter seem to be bogged down in partisan wrangling.

In related news, a study by the Mexican Institute for Competitiveness (Instituto Mexicano para la Competitividad, IMCO) titled "General Evaluation of the Legislative Quality of Public Expenditures (Evaluación General de la Calidad Legislativa de Compras Públicas)," found that the legal systems states use in the acquisition of goods and services allow for easy corruption and price fixing. For its part, the federal government oversight entity, the Secretary of Public Function (Secretaría de la Función Pública) acknowledged that reforms are needed to strengthen the processes for selecting providers of goods and services, and committed to working with the states to bolster their corresponding laws and give transparency to public spending. 31 of the 32 states, including the Federal District, failed IMCO's assessment. Juan Pardinas, IMCO general director, said that every state government except for Sinaloa, which scored 61 of a possible 100 points on IMCO's quality scale, depends on a legal framework for public expenditures that fails to comply with international norms in not allowing for competition or transparency. The study reveals a heavy dependence on federal entities to fulfill state governments' contracts, which amount to more than 60 billion pesos, or 7% of Mexico's GDP. Pardina said that Mexico's oil company Pemex, the federal health insurance agency (Instituto Mexicano del Seguro Social, IMSS), the Federal Electricity Company (Comisión Federal de Electricidad, CFE) and the Federal Social Security Agency (Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, ISSSTE) along with other federal government agencies account for nearly 80% of goods and services purchased by the states. José Ángel Gurría, secretary of the Organization for Cooperation and Economic Development (Organización y el Desarrollo Económico, OCDE), added that public expenditures by the states carry a particular risk due

to the large amounts of money involved in each process, along with the current means of interaction between public and private sectors, which he argues ultimately lead to higher public expenditures.

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### **Jailed son of Sinaloa cartel kingpin claims U.S. government offered him immunity for information**

Vicente Zambada Niebla, the son of Sinaloa cartel kingpin Ismael "El Mayo" Zambada imprisoned in Chicago on drug trafficking charges, claims that the prosecutor assigned to his case offered him immunity in exchange for information about rival drug cartels. He also said that the U.S. Drug Enforcement Agency (DEA) allowed his organization to move drugs into U.S. cities, including Chicago, in exchange for information. Zambada alleges that Sinaloa cartel member and attorney Humberto Loya Castro was also providing information to the DEA.

U.S. federal prosecutors have denied Zambada's allegations, but did acknowledge that they have enlisted the help of a fugitive member of Zambada's organization, who appears to be Loya Castro. Zambada is



Vicente Zambada Niebla is being held in Chicago on drug trafficking charges.  
Source: [impreso.milenio.com](http://impreso.milenio.com)

currently being held in a downtown Chicago lockup awaiting his trial scheduled for early next year, in which he will face charges for allegedly smuggling tons of narcotics into the U.S. between 2005 and 2008. He is being held under the strictest security measures, which he complained about in recent court filings. Authorities responded that the conditions are appropriate given the high risk of Zambada attempting to flee, as well as possible assassination attempts against him by rivals. Zambada admittedly had climbed to the top of his family's operations before he was arrested by the Mexican military last year and extradited to the United States to stand trial.

While prosecutors deny making deals with Zambada or his alleged accomplices, prosecution filings suggest that DEA officials did overstep their authority during the investigation leading up to Zambada's arrest. Prosecution filings from as recent as September 9 confirm that the DEA used Loya

Castro as a collaborator, and seem to suggest that the agency met privately with Zambada when Loya Castro brought him to a hotel room to meet with agents. The most recent prosecution filing said that the DEA had the authority to meet privately with Loya Castro, but was not authorized to hold similar meetings with Zambada. It was in a court filing last month that Zambada claimed that officials guaranteed that a pending indictment against him in Washington, D.C. would be dismissed in exchange for information about rival cartels. The prosecution's extraordinary decision to make public the documents confirming the informant status of Loya Castro appears to have been in response to Zambada's allegations. The filing shows no promise of immunity for Zambada or anyone else.

In addition to his claims of the immunity offering, Zambada has alleged in-court documents that the Sinaloa cartel was tied to the Bureau of Alcohol, Tobacco and Firearms' maligned Fast and Furious program, which is currently the subject a congressional inquiry, and for which acting ATF Director Kenneth Melson was reassigned and replaced with U.S. Attorney in Minnesota B. Todd Jones. Federal prosecutors have characterized these claims as "meritless," pointing out that Zambada had been in U.S. custody for months before the Fast and Furious investigation began.

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## ACCESS TO JUSTICE

### FREEDOM OF SPEECH

#### Human rights activists call foul over Veracruz anti-terrorism legislation

Users of social media mobilized to protest the arrest of two Twitter users in Veracruz after they were arrested on charges of terrorism after they allegedly spread false rumors about supposed attacks to be carried out by the Zetas criminal organization. Members of the Veracruz Twitterers' Contingent (Contingente Twitteros de Veracruz) demonstrated outside the office of Veracruz State Congressman Américo Zúñiga to demand the release of the individuals, and to protest any plans to legislate the content of the popular micro-blogging service. For his part, Zúñiga said that the messages had caused a public panic, and caused an 80% increase in traffic accidents that day as parents scrambled to find their children at school, adding that there should be a consequence for creating such a disruption to the public order.



Twitter users stood in support of the two charged Twitter account members, many by following the "Yo Soy TwitTerrorista" movement.  
Source: *El Economista*

Veracruz Attorney General Escobar Pérez defended the decision to prosecute the two Twitter users, dubbed *Twitterroristas*, citing article 311 of the Veracruz penal code, which states that anyone "using explosives, toxic substances, firearms or fire, flooding or *any other means* realizes acts against people, [property] or public services, that produce alarm, fear, terror in the population or in a group or sector [of the population], in order to perturb the public peace or try to diminish the authority of the state or pressure it to make a determination, they will be subjected to three to 30 years in prison, fined up to 750 days of salary and the suspension of political rights for up to five years," (emphasis added). In response to these statements, social media activists created the movement "Yo Soy TwitTerrorista," ("I Am a TwitTerrorist"), accusing the Veracruz government of trying to censor information that reveals the realities of violence and insecurity in Veracruz.

The Twitter users were released after spending 29 days in prison facing terrorism charges, but not before the passage of legislation in the Veracruz Congress that seeks to punish the deliberate spreading of false information through social networks. While the release of the two Twitter users and the passage of a law detailing sentencing guidelines for malicious users of social networks seems contradictory, Veracruz Governor Javier Duarte said, via his Twitter account, "With the existence of a new legislation that typifies the conduct of the two people who caused disturbances, the PGJE will desist in the penal action." On September 21, the Veracruz Congress approved an amendment to the state's penal code to include language clarifying that "Who, by any means, falsely affirms the existence of explosive apparatuses or others; of attacks with firearms; or of chemical, biological or toxic substances that can harm the health, causing a disturbance to the public order, will be subjected to between one and four years of prison and a fine of 500 to 1,000 days' salary," according to the degree of disturbance. The initiative passed along party lines, with all 33 members of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) voting in favor, and 14 members of the National Action Party (Partido Acción Nacional, PAN), the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), and the Citizens' Movement (Movimiento Ciudadano) party voting against.

Those opposed to the legislation urged lawmakers to postpone the vote until legal experts could weigh in on the matter. They added that aside from well-meaning users of social networks who unwittingly

disseminate false information, members of the press could also be charged under this law. Members of the PAN in the Veracruz legislature qualified the governor's quick proposal of the law as a clear acknowledgement that the Twitter users had been errantly charged with terrorism, and expressed concern that it is a step in the direction of authoritarianism. For its part, the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) said it would analyze the legislation, and would determine its constitutionality within 30 days. Recent changes to article 105 of the Mexican constitution attributed unprecedented powers to the CNDH to make such determinations, formerly under the jurisdiction of the Mexican Supreme Court.

It appears that Veracruz could act as a precedent for other states wishing to place controls on the use of social media to report on public security issues, a practice that has gained prominence in recent months as such services have become more widely disseminated, while at the same time media outlets in particularly troubled zones have curbed their crime reporting for fear of reprisals from criminal organizations. Similar legislation to that passed in Veracruz is being discussed in the Coahuila Congress, which is considering creating language addressing the misuse of social media in its existing legislation governing the dissemination of false threats that precipitate collective panic. Deputy Fernando Donato de las Fuentes Hernández said that the Coahuila Congress would analyze the Veracruz legislation to determine if it can be adapted to his state.

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#### Two journalists killed in DF, femicide suspected

On Thursday, September 1, the State Attorney General's Office of the Federal District (Procuraduría General de Justicia del Distrito Federal, PGJDF) announced the discovery of the bodies of two Mexican female journalists who are thought to have been murdered the night before on August 31. The journalists were identified as Marcela Yarce Viveros and Rocío González Trápaga, both in their mid-forties. Two joggers found the bodies in El Mirador Park in Ixtapalapa, a neighborhood in Mexico City. The PGJDF reported that the women were strangled to death with rope and then shot afterwards. Although their bodies were found naked, authorities have not stated if sexual assault or rape were involved.



Journalists Yarce (left) and González (right) were found murdered on September 1.  
Credit: AFP/Getty Images

Violence against journalists continues to be a growing problem in Mexico. Mexico's Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) reported that eight journalists, ten including Yarce and González, had been killed in Mexico in 2011. With the addition of murdered social media editor Maria Elizabeth Macias (see below), the number now stands at 11. CNDH announced that it has opened its own investigations into the killings, adding that "the aggression, threats, intimidation and persecution that media workers suffer inhibit and limit free speech," as printed by the *Associated Press*.

Not only have Yarce's and González's murders captured the attention of many because they were journalists, but also because both were female, which has led authorities to believe this was an incidence of femicide, or targeted killing of females based on gender alone. If authorities ultimately classify these homicides as femicides, anyone charged in relation to their deaths could face up to 60 years in prison for each victim. To date, no motives have been confirmed nor suspects apprehended, although fingerprints were allegedly pulled from the bodies. Both the PGJDF and CNDH investigations are ongoing.

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### Social media editor murdered in Nuevo Laredo, eleventh journalist killed this year in Mexico

The decapitated body of Maria Elizabeth Macias, 39, the editor of *Primera Hora*, a daily newspaper based in Nuevo Laredo in the northeastern state of Tamaulipas, was found early Saturday morning after she was allegedly kidnapped on Friday night. Macias's body was found next to a Christopher Columbus monument, the legs and trunk were thrown on the lawn, and the head in a pot, which also held a computer keyboard, mouse, cables, headphones and speakers, and the following message on a note: "Nuevo Laredo en Vivo and social networking sites, I'm The Laredo Girl, and I'm here because of my reports, and yours," the



Source: BBC News

message read. "For those who don't want to believe, this happened to me because of my actions, for trusting the army and the navy. Thank you for your attention, respectfully, Laredo Girl...ZZZZ." The letter "Z" refers to the Zetas cartel, which is notoriously known for its brutal beheading trademark. Tamaulipas has been at the center of a bloody turf war between the Zetas cartel and their rivals, the Gulf cartel, and Nuevo Laredo in particular has seen much of this violence in the past two years. The gruesome killing is the third this month, following other killings by a drug cartel for Internet activity. On September 14, a man and a woman were found hanging from an overpass in Nuevo Laredo with a similar

message threatening, "this is what will happen" to Internet reporters. They were the first retaliation for reporting on social networking activities of organized crime in the city.

An unnamed supervising editor of *Primera Hora* said the killing was not related to Macias' job at the paper, which, in the face of intimidation and threats by drug gangs, had stopped reporting on drug violence two years ago. With local newspapers being threatened for reporting on crime, many Mexicans have turned to social media and online forums like "Nuevo Laredo en Vivo" to report cartel activity. These sites include contact information for anonymous tips to the police and military and for Laredo residents to warn each other about drug cartel shootouts and roadblocks. It is believed that Macias's murder was a retaliation for her postings on an anti-crime website, "Nuevo Laredo en Vivo." Her murder has created fear that citizens can still be safe in the violent border city of Nuevo Laredo. The message found next to Macias' decapitated body referred to the nickname she purportedly used on the site, "La Nena de Laredo," or "Laredo Girl."

Despite Macias's death, Nuevo Laredo en Vivo community members have kept posting and reporting criminal activity, and have said that they will continue to do so. In response to the murder, a number of journalist and human rights groups have given statements channeling disdain for current government policy, which does not treat journalist's executions as a federal crime, and criticized the Calderón administration for its lack of support of citizen's right to freedom of expression without intimidation in both traditional newspapers that self-censor and online forums. "As Mexican citizens, including journalists and media, are increasingly turning to new technology in the face of rampant censorship, drug cartels are using violence to control information on the Internet," Carlos Lauria, the Americas senior program coordinator for the Committee to Protect Journalists, wrote in a statement. "The stability of Mexico's democracy will ultimately depend on the restoration of the media's ability to report the news without fear of reprisal."

Amnesty International Mexico has reported that, because of the growing number of journalist's deaths this year alone, there is a severe vulnerability of the people and that the government must take action against cartel strategies to intimidate social network users. Macias is the fourth woman journalist to be killed this year in Mexico, Reporters Without Borders said in a statement. "There seems to be no way out of this horror," it said. "The country is immersed in an all-out war...just writing the word 'narcos' or 'trafficking' can cost you your life. What will be left of freedom of information while the barbarity continues?"

The Inter-American Press Association (La Sociedad Interamericana de Prensa, SIP) said Monday that the government of President Calderón has no political will to end the violence faced by journalists in the country, to administer justice, and to ensure press freedom. "The lack of action and guarantees has created a clear culture of self-censorship that is eating away at journalism and the public's right to be informed." The president of SIP called out President Calderón's inaction, citing a 2010 meeting with SIP in which the Calderón promised to redouble efforts to ensure the safety of journalists and promote reform.

The National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) of Mexico reported that ten journalists had been killed in the country following the murders of two female journalists on August 31, meaning Macias is the eleventh killed this year in Mexico. CNDH also reports that at least 74 have been killed in total since 2000.

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## ORGANIZED CRIME PROSECUTION

### Mexico to prosecute some members of criminal organizations as terrorists

Drug traffickers and members of criminal organizations can now be prosecuted as terrorists in Mexico, according to a report by the *Associated Press* (AP). Following the deadly attack by the Zetas on the casino in Monterrey on August 25 that left over 50 people dead, President Felipe Calderón publicly labeled criminal organizations as "terrorists" for the first time. His statement contradicts stances of past governments and even his own, who have long rejected the term claiming that such criminal groups have no political aspirations. "It is evident that we are not facing common delinquents," continued Calderón. A few days later on August 30, a judge indicted two individuals for terrorism and sabotage after they used Twitter spread false information about cartel attacks (see story above).

Mexico's categorization of such criminal activity as terrorism has reignited the debate over how the United States and Mexico define the term. According to the *AP*, Mexican law considers any act that may cause fear or produce terror with the use of explosives, fire guns, or toxic chemicals as terrorism, whereby U.S. law includes the intent to influence the government or the public. Mexico's ambassador to the United States, Arturo Sarukhan, echoing the prior stance of the Calderón administration, has argued that, "Criminal organizations in Mexico have no political or ideological agenda, but rather only protect their illicit businesses." Additionally, he points out, no connection has been found between drug trafficking organizations in Mexico and members of Al Qaeda or other international terrorist groups. However, since 2007, the AP has documented at least 29 court cases in Mexico where the defendants were charged with terrorism. Defendants found guilty of terrorism or cyber-terrorism in Mexico can face up to 30 years in prison.

Andrew Selee, director of the Mexico Institute at the Woodrow Wilson International Center for Scholars in Washington, D.C., said that the Mexican government is likely turning to terrorism laws as efficient means to put members of organized crime groups behind bars, downplaying the notion that the government has truly altered its view of the nature of these organizations. "Mexico's use of anti-terrorism laws is an attempt to get convictions in an inefficient and ineffective judicial system, which desperately needs to be reformed. But it would be a mistake to think that organized crime groups are actually terrorists," he said.

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## IMPUNITY

### **New federal agency created to aid victims of crime**

President Calderón announced the creation of the Office for Attention to Victims of Crime (Procuraduría Social para la Atención a las Víctimas del Delito), which will be a decentralized agency of the federal Public Administration (Administración Pública). The announcement came during Calderón's fifth state-of-the-nation address on Friday, September 9, at the Museum of Anthropology and History in Mexico City. Calderón proclaimed that the office would work in "uniting and structuring all the actions currently being taken on behalf of the victims." In an effort to end what Calderón called "double victimization", the Social Care Office for Victims of Crime will provide the "clear answer to a very legitimate demand of society," which is that the judiciary and authority figures provide relief to suffering relatives of victims.



President Calderón recently announced the creation of the Office for Attention to Victims of Crime. Source: [presidencia.gob.mx](http://presidencia.gob.mx)

Sometime in October, the president is expected to name the head of the office, which will have a board consisting of cabinet members and four high-profile civil society representatives in the security and justice sectors. This body will also have the function of collecting information and developing diagnostics to improve support schemes and to decide victim assistance protocol. The new office will offer specialized medical and psychological care and legal support, supervise criminal trials to facilitate access to justice, and help with the search for missing persons. It will also provide free legal advice, assistance to families searching for missing persons, and access to financial support or grants for scholarships, compensation, or insurance, and will help facilitate victims' reintegration

back into everyday life. President Calderón expressed his faith that the office will meet the needs and priority concerns of those who have personally suffered a crime. He also added that the government would continue strengthening security and justice institutions by rebuilding the social fabric of society that has been destroyed by criminal activity in Mexico.

Despite the promises the Calderón administration has made on behalf of the new agency, prominent poet and peace activist Javier Sicilia criticized Calderón's announcement, arguing that the creation of the office was a temporary political ploy for Calderón to end his six-year term quietly without creating long-term institutional reform that would impact violence in Mexico. "It seems like he's glossing over the problem," the Mexican poet said, adding that the new prosecutor's office "would attend to victims of crime in general and not those left by the war this government has waged against drug trafficking and organized crime." Sicilia, who continues to be a strong critic of Calderón's militarized fight against drug trafficking that some sources estimate has resulted in nearly 50,000 deaths since 2006, also pointed out the lack of a clear budget for the new office. The office plans to receive allocations from related federal agencies and from resources seized and confiscated during drug busts and arrests, instead of from its own line. Human rights activist and priest Miguel Concha, who also supports Sicilia's effort to end the militarization of the fighting drug trafficking, also remarked that the creation of the office is "contradictory" because it is not a "responsive bid" to the victims hurt by the military strategy of the fight against organized crime.

Legal experts have also voiced their doubts as to the real potential of the office. Paulina Vega, a specialist in international human rights law, said that the new office is weaker for having been formed by presidential decree, pointing out that Mexico's next president could dissolve the office just as easily as it was created. Vega also said that many questions remain as to how services will be rendered, expressing her worries that victims of human rights violations will not be attended by the new office. Ana Lorena Delgadillo, from the Foundation for Justice and Democratic Rule of Law (Fundación para la Justicia y el Estado Democrático de Derecho), expressed concern that the office will generate re-victimization. She points out that the office will only attend to federal crimes, ignoring local crimes, pointing out that local authorities are ill-equipped to handle many of the "common" offenses committed by organized crime that the federal

authorities refuse to take up. Like Vega, Delgadillo added that not all victimization originates with organized crime, but are often human rights violations perpetrated by the Mexican state.

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### **INEGI study shows low confidence in public servants, worsening public security perceptions**

According to a poll carried out by the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI), the majority of Mexicans consider their judicial and law enforcement agencies to be largely ineffective, while their perceptions of public security in their states and communities have worsened. In INEGI's National Survey of Victimization and Perception of Security (Encuesta Nacional de Victimización y Percepción de Seguridad), they interviewed 78,179 households including individuals 18 years old and above, which was conducted between March 14 and April 22 of this year. The authors of the INEGI report clarify that the crimes they attempt to document and analyze are property and other violent crime classified as "fuero común," not including federal crimes involving homicide, organized crime, drug trafficking, weapons violations, and human smuggling, among others. The survey used January to December of 2010 as a reference period.

Of those surveyed, 32% responded that Mexican judges are "somewhat effective (algo efectivos)," while 36% qualified them as "not very effective (poco efectivos)." 17% responded that they are "not effective at all (nada efectivos)", while just 10% of respondents consider Mexican judges to be "very effective (muy efectivos)". Of those households surveyed, 36% reported that a member had been the victim of a crime in 2010. The study also documented a total of 22,714,967 crimes committed last year, amounting to 17,847,550 victims, or 24% of the population. Of the crimes cited, 40.6% involved an armed assailant, while 58.4% used another form of violence. Of those crimes committed, INEGI determined that nearly 21 million went unreported, amounting to 92% of total crimes committed in 2010. INEGI estimates that crime in Mexico including extortion, auto and home robbery, among other violations, amounted to personal losses of 210 billion pesos, equivalent to 1.53% of Mexico's GDP. The agency predicts that the situation will worsen in 2011 given the current public security situation.



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According to INEGI, 69.5% of those surveyed had a "perception of insecurity (percepción de inseguridad)" in their respective state, while 60.1% had a similar perception of their own municipality. This represents a narrowing gap between perceived national and local insecurity from last year, which measured at 65% and 54.4%, respectively for 2010, and 65.1% and 48.8% for 2009. When asked about particular agencies, the Navy garnered the highest marks of effectiveness (47% of respondents), as well as the lowest votes of ineffectiveness (2%). The Army followed close behind, with 43% and 3%, respectively. The federal police corporations garnered the next most responses of "very effective," with just 15%, while the remaining groups – judges, investigative police, state police, attorney general's offices, municipal police, and transit police – followed in descending order, with votes of "very effective" ranging from 11% down to 4%. All nine groups garnered responses of "somewhat effective" from between 28% and 40%.

The authors of the study lament that, despite the value of such a broad-based victimization survey, it cannot accurately provide a measure of all illegal acts committed nationwide, given that there are certain crimes such as domestic violence for which there are currently no reliable instruments to measure.

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## PUBLIC SAFETY LEGISLATION

### Arrests made in ABC daycare fire investigation as child services law passes Congress

The Attorney General Office's Federal Ministerial Police (Policía Federal Ministerial) detained three former public servants in Sonora for alleged failings in the lead up to the 2009 ABC daycare fire in Hermosillo, Sonora, in which 49 children died. The three individuals are Jesús Davis Ozuna, former director of the office of Inspection and Vigilance (Inspección y Vigilancia) in Hermosillo; Fausto Salazar Gómez, former general director of the state's tax collection authority; and Jorge Luis Melchor Islas, former assistant director of Vehicle Control (Control Vehicular), also under the authority of the state's revenue authority (Secretaría de Hacienda). In a press release, Mexico's Attorney General's Office (Procuraduría General de la República, PGR) said that the three men face charges of homicide and causing bodily harm to the victims of the daycare fire.

The arrests came following the approval in the Mexican Congress of a law establishing safe practices for daycares nationwide in the hopes of averting similar disasters in the future. The law, called the General Law of Service Provisions for the Attention, Care, and Integral Infant Development (*Ley General de Prestación de Servicios para la Atención, Cuidado y Desarrollo Integral Infantil*), passed the Chamber of Deputies unanimously after a series of modifications by both congressional houses. Deliberations over the law began when President Calderón sent an initiative to the Mexican Senate in August of 2009 just three months after the ABC fire. Yolanda de la Torre Valdez, president of the Commission for Vulnerable Groups (Comisión de Grupos Vulnerables) in Congress' lower house, said that the law will bring about a "radical reorganization" that will see that daycare centers receive oversight from all three branches of government. It also requires all daycare facilities to be equipped with emergency exits, evacuation routes, fire extinguishers, smoke detectors, alarms, and emergency lighting systems, among other safety features. Centers will be subject to periodic inspections by the National Council of Service Provisions for the Attention, Care and Integral Infant Development, an office created by the law with the same name. The council will comprise officials from the federal education, health, and social services departments, and will fall under the authority of the Interior Ministry (Secretaría de Gobernación, SEGOB).

Julio César Márquez, spokesman for the group Movimiento 5 de Julio comprising parents of children killed and injured in the ABC fire, said that the day was very important "as the climax of our struggle, but with conflicted feelings." He also pointed out that the law was only the first step for his group, which now must see that the law is adopted and complied nationwide. In an interview with *Grupo Fórmula's* Ricardo Rocha, Márquez said that Movimiento 5 de Julio would also continue to see that all of those responsible for the ABC daycare fire are brought to justice.

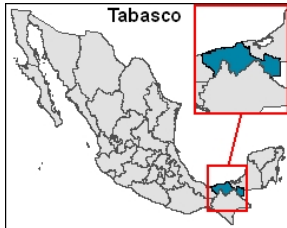
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## AROUND THE STATES

### TABASCO

#### Trainings held for new judicial penal system in Tabasco; oral trials to begin in 2012



The state of Tabasco, located in southeastern Mexico, is making strides towards the full implementation of the new penal justice system, as mandated by the federal government in 2008. A number of classes were held recently to train members of the judicial system on various aspects of the accusatorial system and oral trials. On August 30, over 200 officials and lawyers who work in the commercial law field were educated on how oral trials operate and function at a training in Villahermosa, the state capital. Participants were also informed of how the reforms to the Commercial Code would be interpreted under the new

system, were stressed the value of upholding citizens' rights throughout the judicial process, and were reminded of their duty to fulfill Article 17 of the constitution that states "justice will be swift and fast." Judges and magistrates from the Federal District led the course. The instructors noted the population's general growing trust in the judicial system largely as a result of the constitutional changes requiring the shift to the accusatorial system based on oral trials.

A second training was held in Macuspana, Tabasco in late September for 50 lawyers from the area. The course, which was taught by six judges from Chihuahua and Tabasco, focused on the legal cultural changes necessary in Mexican society for the new accusatorial system to function. This particular course was a continuation of previous classes that Tabasco has been running to educate and prepare judicial officials and staff for the upcoming changes. "We have not, nor will we, skimp out on efforts. We continue seeking a level of preparedness... because at the end of the day we are here to serve justice and serve the lawyers," said Rodolfo Campos Montejo, the president of the Tabasco Superior Court (Tribunal Superior de Justicia del Estado, TSJE). The training was well received in Macuspana, particularly by Mayor Alfonso Pérez Álvarez who noted the possibility of "having a peaceful society bound to the law and with prepared lawyers to strengthen the imparting and administering of justice." He also mentioned the beginning of another training in nearby Cárdenas that will focus on cases involving drug trafficking litigants.

According to the Tabasco judicial branch (Poder Judicial de Tabasco), its members and offices have been diligently working over the past few years to prepare for the launch of oral trials. In three years, over 7,800 lawyers, judges, magistrates, public defenders, and Public Ministry (Ministerio Público) officials, among others, have been through some sort of training for the new judicial system, as reported by *Rumbo Nuevo*. Some officials have suggested that oral trials may even be introduced as early as this December in a few municipalities, but that the state as a whole will be transitioned by the end of 2012.

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### NUEVO LEÓN

#### New "Fuerza Civil" police force begins operation



Nuevo León celebrated the beginning of its new "Fuerza Civil" (Civil Force) police unit, which took action on September 14. The force, which is part of the state Accredited Police System (Sistema de Policía Acreditada), was created to be perhaps the first police unit able to actually combat organized crime. 422 agents began this month, with an estimated 13,500 more to be added by 2014.

The structure of the Fuerza Civil police force is divided into three specialized units for intelligence, tactical analysis, and reaction, according to *Diario de*

*Yucatán*. Fuerza Civil is also unique and distinct from other notoriously corruptible police forces in Mexico in that it adheres to a rigorous recruiting, hiring, and training process. Nuevo León governor Rodrigo Medina de la Cruz spoke at the ceremony marking Nuevo León's new step forward, saying "Fuerza Civil is distinguished by the process of selecting honest, capable individuals with academic achievement ranging from high school diplomas to bachelor degrees. [They will be] subject to strict evaluations from confidence exams to psychometric, drug, medical, and socio-economic tests, among others." Additionally, police members from this force will receive higher salaries and better perks than units from other police forces, which is often cited as a reason for high levels of police corruption and involvement in illicit activities. Medina also highlighted the quality and caliber of the new hires, noting that there were 12,000 applicants for the 422 positions accepted. According to reports, the structural set-up and vetting process were created with the support of private institutions, local universities, and the Mexican Army.

Despite the excitement and optimism around the new police unit, Governor Medina, among others, recognized the long road ahead for Fuerza Civil, citing the difficulties in fully implementing a new force, the time it takes to do so, and the resources that will go into the next few years of recruiting and training. However, Medina reiterated the importance of transferring public security efforts back to citizen control, which is in line with the goal that Fuerza Civil units will ultimately replace the Mexican military in its current policing role. Medina concluded by saying, "I am proud to introduce the first unit of the Fuerza Civil, the new Nuevo León Police, with which we take the first step as a state, and as a republic, in this direction that is constitutionally, legally, and ethically correct."

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## OAXACA

### State level constitutional reforms under review in Oaxaca



The Superior Court of Justice in Oaxaca (Pleno del Tribunal Superior de Justicia del Estado, TSJE) began a review process of recent state-level constitutional reforms that target the continued transition to the new accusatorial penal system that utilizes oral trials. Those initiating the review hope to most adequately support and ease the implementation process for the various articles. The constitutional reforms, which were approved in April this year but reviewed during the TSJE's September 14 full session, largely relate to the incorporation of the Organic Law of the State Judicial System (Ley Orgánica del

Poder Judicial del Estado) into the functioning system. The findings from the review process will be presented to the members of the 61<sup>st</sup> Legislature Session in Oaxaca.

According to reports, some of the noted areas of the reforms under review include the budget reallocation for the judicial system reforms, the support and defense of human rights under the constitutional changes, and the mechanisms in place to increase social trust and legitimacy vis-à-vis the courts. Oaxacan Superior Court President Alfredo Lagunas Rivera, who spoke highly of similar state-level constitutional reforms in July when they passed, reiterated his support for the current changes despite their review, recognizing that they "constitute a significant step for the social life... of our community and demonstrates the capacity of different social groups to incentivize change and generate sensibility to interpret the cultural demands of a society that lacks justice," as stated in *Oaxaca Digital*.

Oaxaca has been considered one of the most advanced states in Mexico when it comes to implementing the national judicial reforms, which requires all states to transition to the accusatorial system and oral trials by 2016. Thus, the current analysis of the reforms can be seen more as a reassurance that the state is on the right track as opposed to concern that the reforms are lagging. Oaxaca is expected to complete the transition to the new penal system in all seven regions of its state by September 2012.

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