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News Report

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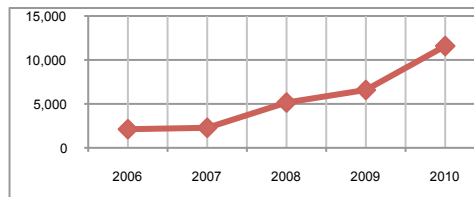
LAW AND ORDER

CARTEL-RELATED VIOLENCE

Relative calm at the end of 2010 gives way to elevated violence in first three weeks of 2011

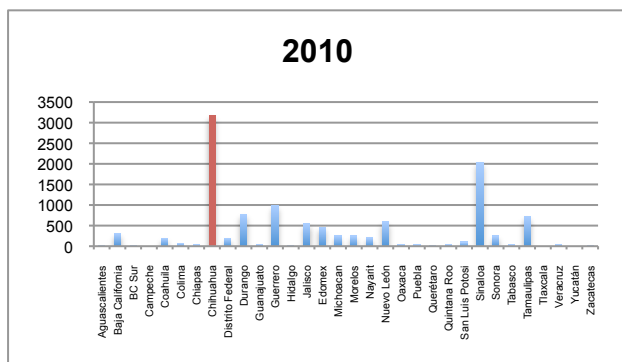
According to data compiled by Grupo Reforma, there was a nationwide total of 11,583 cartel-related homicides, or *ejecuciones*, in Mexico in 2010, surpassing 2009 by over 75%. 45% of the total *ejecuciones*

were shared by the states of Chihuahua and Sinaloa, which ended the year with 3185 and 2028, respectively. Perhaps the most striking increase over 2009 occurred in the northern border states of Tamaulipas and Nuevo León, where a violent break between the Gulf cartel and the Zetas criminal organization last year has led to a bloody battle over influence in the region. Collectively, the two states saw an eight-fold increase over 2009. In all, 25,600 people were killed in cartel-related violence between January 2007, shortly after President Calderón took power, and December 2010, according to *Reforma*.



The final four weeks of the year saw the lowest number of *ejecuciones* of any such period in 2010, with 717, although the first three weeks of 2011 averaged 245 such killings per week, 20 more than 2010 as a whole, and 41 more than during the same period of 2010. Chihuahua, unsurprisingly, leads among Mexican states in 2011, with 145, followed by Sinaloa, Guerrero, Nuevo León, and Durango, which have 98, 94, 78, and 66 *ejecuciones*, respectively. Northern border-states account for just over 36% of the total during that time, as compared to 45% for 2010. This is largely due to the low total for Tamaulipas, which has only recorded 6 *ejecuciones* during 2011, as compared to 725 in 2010.

Chihuahua



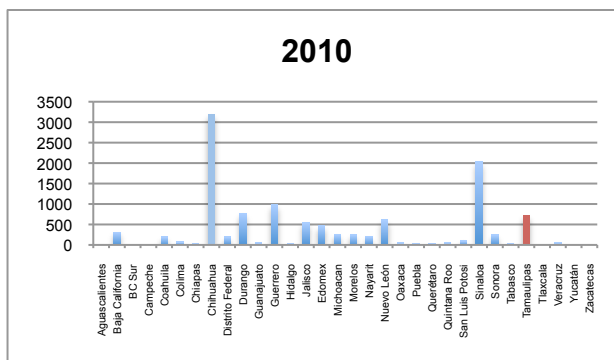
Chihuahua – and Ciudad Juárez in particular – saw in 2010 a number of “turning points” in the levels and nature of cartel related violence, as pointed out in a report by the University of New Mexico’s Frontera NorteSur. The state finished 2010 with 3185 *ejecuciones*, a 53% rise over 2009. January 2010 saw the massacre of 14 youths at a house party in the Villas de Salvarcar neighborhood in Ciudad Juárez, and was followed by several other mass-killings of young people at other Chihuahua locations. Drug rehabilitation centers also became common targets of dramatic attacks, leading

authorities to believe that some were being used as recruitment centers, making them targets for rival drug gangs. In what appears to be the second reprisal attack against a new wave of women police chiefs in several small Chihuahua towns, Érika Gándara, chief of police of Guadalupe Distrito Bravos, a town to the south of Ciudad Juárez, disappeared from her home two days before Christmas. Against the counsel of her uncle, the mayor of the town, she took a prominent public stance, at one point posing for a photo in her office alongside a semi-automatic rifle. In November, Hermila García, who was appointed police chief of Meoqui, Chihuahua, was killed after only a month on the job. Marisol Valles, the police chief of Práxedes Guerrero, Chihuahua, has remained in her position since November of last year, but has taken a gentler stance, maintaining that her job is to address more minor infractions, leaving more serious crimes to state and federal police. Residents of small Chihuahua towns, though, say that major crimes are rarely if ever investigated, and that police and military presence is nearly nonexistent. Several Chihuahua towns finding themselves along disputed drug trafficking routes have become scenes of intense turf battles which have left some largely deserted, with burned-out buildings and residents fearing to venture outside after dark.

Tamaulipas

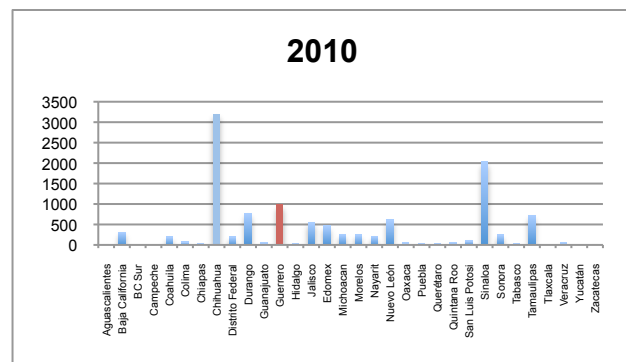
Despite an anomalously low number of *ejecuciones* for the first three weeks of 2011 following a drastic rise in violence in 2010 sparked by turf battles between the Gulf cartel and the Zetas criminal organization, Tamaulipas drew much attention when a missionary from the U.S. was fatally shot after she and her husband drove through an illegal roadblock on January 26. The husband of Nancy Davis, who was not harmed in the attack, drove 70 miles to the U.S. border following the shooting, crossing in the opposite lane against traffic. Davis was transported to a hospital in McAllen, Texas, where she died. Mexican authorities have speculated that the gunmen were likely interested in the couple’s heavy-duty Chevrolet

pickup truck, the type of vehicle favored by cartels. The couple had done missionary work in northern Mexico for over three decades, where they maintained a second home. Nancy's husband, Sam, said the attack occurred near the town of San Fernando, where in August 72 Central and South American migrants were killed in the largest massacre of Mexico's four-year-old drug war, presumably by the Zetas criminal gang. U.S. authorities have said that the investigation is primarily in the hands of Mexican law enforcement, though it is unclear how far an investigation will go in a state where large swaths are under the control of the cartels. While this incident, as well as the killing last month of another U.S. citizen on a lake near the border occurred on Mexican soil, it has led to calls on the U.S. side for increased border security. A spokesperson for Texas Governor Rick Perry said that the killing was a reminder that "the federal government has not done nearly enough to secure the border."



Guerrero

With an average of just over 30 *ejecuciones* per week for the first three weeks of 2011, Guerrero is outpacing its 2010 weekly average by 11. The violent clash between rival drug cartels in Guerrero state was punctuated January 8 with the killings of 27 people in less than 24 hours in the tourist city of Acapulco, the majority attributed to Joaquín “El Chapo” Guzmán’s Sinaloa cartel. In the largest mass-beheading in recent memory, 14 decapitated bodies appeared at an Acapulco shopping mall along with another intact, accompanied by a message signed “El Chapo’s men,” in apparent retaliation for rival gang members attempting to extort residents of the troubled beach town. Mass beheadings as a show of intimidation have largely arisen since 2008, when 12 decapitated bodies were discovered outside the Yucatán state capital of Mérida. Later that year, nine headless bodies appeared in Guerrero’s capital, Chilpancingo. Also killed on January 8 were two police officers, along with six people shot dead and left in a taxi. Four others were killed in other parts of the city. Two police officers were also wounded when an armed commando attacked a municipal police station in the south of the city.



Police Reform

In response to elevated levels of violence, states are working with the federal government to implement reforms to their police forces in order to address the ever-evolving challenges. Nuevo León police forces will integrate armed forces personnel into their ranks in response to the deteriorating public security situation there, according to the state’s public security spokesman Jorge Domene Zambrano. The spokesman read a statement to the press saying that the move comes as part of the Coordinated Northeast Operation (Operación Coordinada Noreste), signed last November, and which allocated more troop deployments to the northeastern states of Nuevo León and Tamaulipas. The Sinaloa State Police (Policía Estatal) will receive 100 million pesos (roughly \$8.2 million U.S.) from the federal government for restructuring, according to statements made by Interior Minister Francisco Blake Mora at a public security forum there. He said that the new state police force will include 400 officers originating from various forces, and will be paid a monthly salary of 20,000 pesos (roughly \$1640 U.S.), as well as be provided with life insurance policies of 1 million pesos. The fund will also go toward building housing developments for them in five Sinaloa cities.

Assassinations of Mayors

2010 was also marked by attacks against small-town mayors in states across the nation, something that has continued into 2011. With the assassination of Luis Jiménez Mata on January 13, a total of three Mexican mayors were murdered within the first two weeks of the year, continuing a recent spate of targeted assassinations against mayors across Mexico. Jiménez Mata was the mayor of Santiago Amoltepec, in the southern state of Oaxaca. Just three days earlier, the mayor of Temoac, Morelos was killed with a bullet to the head. The previous Friday the mayor of Zaragoza, in the northern state of Coahuila, was found dead after he went missing two days earlier. In 2010, a total of 14 Mexican mayors were assassinated across nine different states.

In response to a request emanating from the Federation of Municipalities of Mexico (Federación de Municipios de México) that the Calderón administration do more to stop the killing of mayors throughout Mexico, the Interior Ministry said that public security is the responsibility of the three levels of government. It added that local governments, through the National Security, Justice and Legality Accord (Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad) took on the responsibility of professionalizing and certifying their public security forces and justice sectors. The Interior Ministry also said in its statement that since many of the crimes against mayors in recent months are classified as “fuero común,” they fall under local jurisdiction, and responsibility falls on corresponding investigators. According to the Federation of Municipalities, 23 mayors have been assassinated during President Calderón’s administration.

SOURCES:

- “Acribillan a un alcalde en el sur de México, el tercero en lo que va de 2011.” *Europa Press* Jan. 13, 2011.
“Del fuero común, una parte de ejecuciones a ediles: SG.” *La Jornada* Jan. 15, 2011.
Riccardi, Nicholas and Tracy Wilkinson. “Mexican drug cartels suspected in American missionary’s slaying.” *Los Angeles Times* Jan. 28, 2011.
Archibold, Randal C. “Bit by Bit, a Mexican Police Force Is Eradicated.” *The New York Times* Jan. 11, 2011.
“Militares asumirán funciones de seguridad en NL.” *Proceso* Jan. 28, 2011.
Flores, Sergio. “27 deaths, including 14 decapitated, rock Acapulco.” *Associated Press* Jan. 9, 2011.
“A Positive Spin on Mexico Violence.” *Frontera NorteSur* Jan. 17, 2011.
“Destinarán 100 MDP para nueva Policía en Sinaloa.” *El Informador* Jan. 29, 2011.

Car bomb explodes in Hidalgo, killing a police officer and wounding others

On January 22, a car bomb exploded in Tula de Allende, Hidalgo, killing Grupo Delta Investigation Unit Commander Víctor Peña Pérez, and wounding a female police officer and another agent of the Grupo Delta unit. The explosion occurred on the state Tula-El Carmen highway, near a gas station, which luckily did not ignite. Police agents told the press that the death of the police officer was calculated, as police received a report of the abandoned Volkswagen Bora, with two bodies inside. The officers involved in the explosion arrived at the scene to investigate, and the car exploded when officer Pérez opened one of the car doors. Other agents at the scene managed to escape the explosion unharmed. A “narco-message” was reportedly found scrawled on the windshield of the vehicle, attributing the attack to the Zetas and a dispute with state police, and in which 10 officers’ names were listed. Despite the Army arriving at the scene quickly and cordoning off the area, no suspects were arrested. Hidalgo, along with the neighboring central states of Querétaro, Puebla, and Tlaxcala, has been relatively untouched by the cartel-related violence that has affected many of the Pacific and border states.

In another attack apparently targeted at police, a car bomb exploded outside police headquarters in Zuazua, Nuevo León in December, injuring one and destroying several nearby vehicles. A letter was sent shortly after to several media outlets, signed by the Gulf and Sinaloa cartels, warning that 11 more car bombs awaited for “Zetas police” kidnappers. The note read “all citizens know that kidnappings are committed by the Nuevo León state police, and in some cases, with their help.” No more such attacks have followed, however.

SOURCES:

- “Amenazan con detonar 11 coches más en NL.” *Reforma* Dec. 17, 2010.
“Auto bomba: muere comandante.” *El Sol de Hidalgo*. Jan. 23, 2011.

ORGANIZED CRIME STRATEGY

Two high-profile detentions made in one day

Mexican authorities are touting two recent apprehensions of high-profile criminals, as part of its now four-year frontal assault against Mexican criminal organizations. Targeting cartel kingpins has been at the center of the Calderón administration's strategy, claiming that successfully doing so breaks them up into smaller, more manageable parts. Some security experts, though, argue that the strategy has spread organized crime influence around at the local level, but has not weakened it overall.

On January 18, authorities in the Bosques de Las Lomas neighborhood of the Federal District arrested José Jorge Balderas Garza, "El JJ," believed to be responsible for the gunshot to the head suffered by Paraguayan soccer player Salvador Cabañas in a Mexico City bar bathroom January 25 of last year. Cabañas survived the attack. Balderas Garza is believed to have operated as head of finances for the Beltrán Leyva breakaway group led by Edgar Valdez Villarreal, "La Barbie," Valdez was himself arrested last August in the State of Mexico. Balderas Garza is currently in the custody of the Federal District Attorney General's Office (Procuraduría General de Justicia del Distrito Federal, PGJDF), and as of January 21 had refused to make any statements regarding the attack against Cabañas. He reportedly said on the day of his arrest by federal police that his bodyguard, Francisco Barrueto, was the one responsible for the shooting. On January 25 – exactly one year after Salvador Cabañas was shot – President Calderón called his Paraguayan counterpart, Fernando Lugo Méndez, to inform him that Balderas was in the custody of Mexican authorities.

Also on January 18, in Villa de Etla, Oaxaca, security forces arrested Flavio Mendez Santiago, "El Amarillo," believed to be one of the founding members of the Zetas criminal organization, once the enforcement arm of the Gulf cartel. Four days following Méndez's arrest, a federal judge authorized an *arraigo* – a 40-day detention period pending organized crime charges – which the federal Attorney General's Office (Procuraduría General de la República, PGR) said will give it time to build its case against him. The PGR also said that Méndez has made statements to its organized crime division regarding the operations of Valdez Villarreal in central Mexico.

SOURCES:

"El JJ se niega a declarar sobre el caso Cabañas." *Proceso* Jan. 21, 2011.
Blancas Madrigal I, Daniel. "Conceden arraigo de 40 días contra El Amarillo, fundador de Los Zetas." *La Crónica de Hoy* Jan. 22, 2011.
Ramos Pérez, Jorge. "FCH informa a Lugo sobre captura de El JJ." *El Universal* Jan. 25, 2011.

Officials report La Familia virtually disbanded after loss of key leaders

During a press conference following the arrest of La Familia Michoacana leader Francisco López Villanueva, Federal Police official Luis Cárdenas said that the organization, once in control of the majority of criminal enterprise in the state of Michoacán, has "been completely dismembered," and has disintegrated into small criminal gangs that operate independent of central leadership, and commit robberies to keep afloat. La Familia has suffered recent arrests and killings of several high-ranking operatives, most notably that of cartel boss Nazario Moreno, killed by police during a shootout on December 9. Banners hung across roads in Michoacán denied that La Familia affiliates are engaging in robberies, blaming them on the Federal Police, against whom the organization has carried out sustained attacks, as well as a media campaign aimed at discrediting the agency.

López Villanueva, who was arrested on December 30 in a joint operation between the Federal Police, Army, and Navy, was a La Familia lieutenant in charge of La Mira and Guacamayas, and previously a member of the Zetas criminal organization, once allies with La Familia. He is unusual among La Familia leaders in that he is a native of Guerrero; the group has made a point of integrating itself with Michoacán natives. López is also believed to be responsible for some of the bank robberies attributed to La Familia in late December.

On Monday, January 24, notices appeared in several Michoacán newspapers announcing that the La Familia organization had dissolved. While the Mexican government's security spokesman Alejandro Poiré would not confirm the veracity of the claims, he did reiterate that the group was in a state of decline due to the recent arrests it has suffered at the hands of the federal government. The notices showed up in communities known to have been strongholds of La Familia, including Apatzingán, where in December a shootout between gang members and federal police left 11 dead.

SOURCES:

Castillo, Eduardo. "Mexico cites breakdown in La Familia cartel." *Associated Press* Dec. 31, 2010.
"La Familia, desorganizada y sin dinero PF." *El Universal* Dec. 31, 2010.
"Cae El Bigotes, jefe de plaza de La Familia." *El Universal* Dec. 31, 2010.
"Gobierno no dará tregua a 'La Familia': Poiré." *El Economista* Jan. 25, 2011.

Debate heats up over effectiveness of Calderón's counter-drug strategy

With no end in sight to cartel-related violence in Mexico, resulting calls for a drastic change in strategy, and the fourth year of President Felipe Calderón's six-year term having drawn to a close, the administration has undertaken a public relations campaign promoting the strategy of targeting cartel capos. In an interview on national television, administration spokesman Alejandro Poiré indicated that of 37 wanted cartel bosses, 17 have been captured or killed, including leaders from all of Mexico's major drug cartels. Poiré specifically pointed to arrests made in since December 2010 of top leaders of the Beltrán Leyva, Gulf, La Familia and Nacho Coronel criminal organizations, all of which have reportedly fragmented into isolated cells vying for survival.

For his part, President Calderón is also trying to challenge the perception that the drug war is harming Mexico's economy. At the inauguration of Mexico's annual National Tourism Convention President Calderón downplayed the effect of narco-violence on the nation's tourism industry, saying that "99.9% of national [and] foreign visitors can have a pleasant stay." He added that Mexico saw 10% growth in the tourism sector in 2010, although the World Tourism Organization reported on January 17 that tourism activity in Mexico dropped by as much as 50% in 2010. Currently, the United States, Canada, and most recently Spain have issued alerts advising citizens of the dangers of traveling in Mexico. At the same presentation, a video was projected advocating for his campaign "Let us speak and act well for Mexico," which seeks to promote a clean image of the country. Calderón himself has chastised the media for only publishing negative news. U.S. drug czar Gil Kerlikowske echoed this sentiment in an interview with a Colombian news outlet prior a visit to that nation, stressing that Mexico had made significant, recent advances in its fight against organized crime.

Nevertheless, if the number of people killed as a result of Mexico's drug war is a metric for success, the data are troubling. In his interview, Poiré refused to comment on a graph presented to him demonstrating that states receiving troop deployments have also experienced escalations in cartel-related killings, saying only that the case of Baja California – which in 2010 suffered just over half the number of *ejecuciones* as in 2008 – showed that the government's strategy can work. However, prominent public security analyst Edgardo Buscaglia estimates that, despite the federal government's efforts to dismantle criminal organizations, drug cartels control 73% of Mexican soil, through the influence they have gained in government at the local level. He says that this figure is up from 31% in 2001. In its 19th annual "Conflict Barometer," the Heidelberg Institute for International Conflict Research upgraded Mexico's conflict status from "country in crisis" to "country at war," putting it in the company of Afghanistan, Sudan, Iraq, and Somalia.

SOURCES:

Santa María Gómez, Arturo. "Lástima de País." *Noroeste* Dec. 31, 2010.
Rodríguez García, Arturo. "Minimiza Calderón daño en sector turismo por violencia." *Proceso* Jan. 25, 2011.
"Conflict Barometer." *Heidelberg Institute for International Conflict Research*. 2011.

Cartoonists unite to launch the “Ya basta de sangre” campaign



A prominent group of graphic humorists has united to launch a campaign against the government's organized crime strategy. Images with the slogans “No + sangre” (No more blood) and “Basta de sangre” (Enough blood) have appeared in several leading national newspapers, including *Reforma*, *El Universal*, and *La Jornada*, with the hopes of rallying the public to stand up against the violence that has steadily

increased since President Calderón began his campaign against the drug cartels in December 2006. Eduardo del Río “Ríus”, one of the cartoonists involved in the campaign, said that it is an attempt to encourage people to break their silence, adding “I don't think that there is anybody who is content with the situation we're living. But many people stay quiet and say 'we cannot do anything, there is no way our voice can be heard.'” The cartoonists are encouraging people to use the images, freely as a form of protest. The images have been well received in social networks such as Facebook and Twitter where thousands of users display them as their profile pictures.

After the beginning of *Ya basta de sangre* in January 10, a group of respected cartoonists who joined Ríus have strongly promoted the campaign, including: José Hernández, Rafaél Barajas “Fisgón” and Antonio Helguera. Many journalists, writers, artists have joined with such prominent figures as Elena Poniatowska and Fernando del Paso to support the campaign. Poniatowska called for an open support of this effort posting the images through the internet and with banners placed in the walls of our houses, “the more you talk, you say and divulge, the more we are going to help the campaign”, she said. In addition to artists, intellectuals and journalists, some politicians have shown their support for the campaign as well.



While Felipe Calderón has not expressed his opinion about *Ya basta de sangre*, important politicians close to the President have disqualified the civil society protest. Javier Lozano Alarcón, Secretary of Labor, called the campaign launched by Ríus ‘absurd’ and considered it ‘irresponsible’ to bring into question the strategy of Calderón. I do not think such campaigns are right. If we organize we must do it better than the crime, but in favor of public peace and support those who are fighting bravely and responsibly, as no president in this country had done, dixit Lozano. Besides of that, well-recognized journalists such as Ciro Gómez Leyva y Carlos Marín, without openly disqualifying the campaign, have suggested that it calls for impunity for criminals.

The group of cartoonists continues to defend the campaign as a call for people to express themselves, to express their condemnation of all those involved in the blood shell, they see criminals doing their work well, but not the authorities. Cartoonist Hernández, one of the most active supporters, published on his Twitter account that *Ya basta de sangre* is not a temporary campaign, but a permanent conviction.

SOURCES:

- “Caricaturistas mexicanos lanzan una campaña de repudio a la violencia en el país.” *Agencia EFE* Jan. 10, 2011.
- Crúz Vargas, Juan Carlos, “‘Absurda’ la campaña ¡Basta de sangre!: Lozano.” *Proceso*, Jan. 12, 2011.
- “Críticos desvirtúan #yabastadesangre por deshonestidad: Hernández.” *SDP Noticias*, Jan. 13, 2011.
- Mateos, Mónica et. al. “Aplauden intelectuales la campaña “¡Basta de sangre!”.” *La Jornada*, Jan. 11, 2011.

PRISON SECURITY

15 prisoners escape Chihuahua state penitentiary

On the morning of January 17, 14 prisoners escaped from the Aquiles Serdán state prison in Chihuahua – 15 kilometers from the capital city – through a hole in the prison wall. The escape followed an exchange of gunfire between prisoners and guards, after which the prisoners escaped through the hole in the prison wall, whose origin has not been determined. It was originally reported that it was opened with grenades planted by armed men outside, but that has not been officially confirmed. The state prosecutor also

originally reported the number of escaped prisoners as 12, but later revised its tally. In operations immediately following the escape, police arrested three men who presumably aided in the escape, including the father of one of the inmates; as well as five of the escaped prisoners. While the prison is considered a medium security facility, the majority of the prisoners it houses are members of the Aztecas, Mexicles and Artistas Asesinos gangs, transferred from Ciudad Juárez jails to the state facility due to the nature of their offenses.

In its response to the prison break, state police arrested eight prison guards for their alleged complicity in the escape of the 15 prisoners. A judge ruled that the detention of the eight guards was legal, and the men are currently in preventive detention. For his part, Governor César Duarte said that although he is troubled by the prison break, he is not concerned about grave deficiencies in Chihuahua's prison system. He pointed out that Chihuahua has not seen the widespread, large scale prison breaks that have occurred in other states such as Durango and Tamaulipas. Nevertheless, he echoed the concerns of governors from those states that holding dangerous, federal criminals in state prisons is inherently risky, as they are constantly seeking the means to escape, and have many resources at their disposal with which to do so.

SOURCES:

Villalpando, Rubén. "Comando tira malla de penal en chihuahua 14 se fugan y recapturan 4." *La Jornada* Jan. 17, 2011.
"Califican legal la detención de ocho custodios del Cereso de Aquiles Serdán." *El Diario* Jan. 21, 2011.

WEAPONS TRAFFICKING

20 indicted for alleged involvement in gun smuggling ring

Federal authorities on January 25 indicted 20 men suspected of buying an estimated 700 weapons in Arizona with the intent of selling them to Mexican criminal organizations, principally the Sinaloa cartel. Some of the weapons involved are AK-47s, one of the cartels' preferred weapons. The arrests began in the morning of January 25, and came as the latest effort on the part of U.S. authorities to dismantle a gun smuggling network contributing to the estimated 60,000 weapons seized in Mexico and traced back to U.S. gun sellers. The case involves "straw buyers," individuals able to qualify for gun purchases who certify that the weapons are for their own use, but then turn the weapons over to drug cartels.

The arrests led some U.S. officials to call for stricter gun control laws, a position strongly opposed by the powerful Washington gun lobby and many in Congress. Dennis Burke, U.S. attorney in Arizona, said that, "[t]he massive size of this operation sadly exemplifies the magnitude of the problem: Mexican drug lords go shopping for war weapons in Arizona." Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) officials pointed at the case as an indication that long-barreled rifles need to be included in the requirement that gun sellers report multiple weapons sales to the same purchaser, a proposal that the National Rifle Association has characterized as an overreach of federal authority. Licensed gun dealers are not included in the indictment, but they do name several Arizona dealers that legally supplied large numbers of weapons to individual buyers. Last month, the *Washington Post* published the results of year-long investigation into gun sales in the United States that identified the 12 dealers with the most guns seized in Mexico traced back to them. All are located near the southern border in the states of Texas, Arizona, and California. While Texas houses the majority of the outlets, numbers one and three on the list – Lone Wolf Trading Co. and J&G Sales – are located in Arizona.

The arrests came the same day that President Barack Obama delivered his State of the Union address to Congress and the nation, and ten days after an assassination attempt in Tucson against Rep. Gabrielle Giffords of Arizona left her critically wounded and six others dead, including a federal judge. Nevertheless, the president made no mention of gun control legislation in his speech. Gun control advocates have urged the president to reinstate the assault weapons ban allowed to expire by President George W. Bush during his first term, but thus far the Obama administration has not moved to do so. Federal legislation restricting the sale of assault weapons seems even less likely, given the strong gains made by Republicans in November's midterm elections.

SOURCES:

Murphy, Kim. "20 arrested in gun smuggling case." *Los Angeles Times* Jan. 25, 2011.
"EE.UU.: Destacan en Arizona magnitud de tráfico de armas." *Prensa Latina* Jan. 26, 2011.

TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Investigator estimates 73 percent of Mexico's cities influenced by organized crime.

Approximately 73 percent of Mexico's cities are believed to be "captured or under the control" of organized crime, according to a Mexican professor involved in a United Nations study. The report, which has been forwarded to the Mexican Senate, notes that in 2001 organized crime was believed to control about 34 percent of the country's cities, and by 2004 an estimated 42 percent of Mexican cities were believed to have been taken over by organized crime.

The exact definition of organized crime and the extent of its control appear to be defined broadly, and it is not limited to drug-related activities. The investigation was based in part from judicial system documents from the *Poder Judicial*. In an interview with *El Universal*, Edgardo Buscaglia, a professor with the Autonomous Technological Institute of Mexico (Instituto Tecnológico Autónomo de México, ITAM), said that the data shows that "organized crime (...) has taken over the local institutions."

The report was originally put together in 2008 by Buscaglia as part of an overall analysis of criminal activities in 107 countries, according to *Milenio*. At that time, the study found evidence of black market activity, child prostitution, human trafficking and drug-related activities in 63 of 100 Mexican cities, apparently with the complicity of certain authorities.

Buscaglia believes that in 2011 the situation will get even worse: "There is nothing to indicate that the situation will get better due to the levels of political infiltration which continues to increase." He referred to military intelligence sources that allege between 55 percent and 65 percent of the political campaigns in Mexico have been infiltrated by criminal groups that are pumping money into the campaign process.

Meanwhile, the Primary Archdiocese of the Federal District started an anti-corruption campaign to try and prevent politicians from attempting to bribe parish church leaders for support. The campaign will include discussions on the origins, causes and effects of corruption. Jose Aguilar Garcia, who oversees the Commission of Justice and Peace in the Federal District churches, said that priests need to be very attentive to the activities of political parties and other public figures who wish to use churches for their own political means: "The corruption has been converted into a political, social and economic phenomenon that infiltrates all the actions of the society, and because of this, our work is to warn others of the signs of corruption to prevent that this happens in our area," he was quoted as saying in *El Sol de Mexico*.

In addition to the government and political infiltration, an estimated 78 percent of the economic sector is believed to have been infiltrated by organized crime, including businesses involved in construction, the auto industry and supermarkets, according to *Milenio*. *Milenio* also recently highlighted United Nations findings on the state of Nuevo León, which was identified as facing particularly great obstacles in crime prevention, combating corruption and organized crime. That report concluded that the state lacks a reliable system to track and follow-up on crimes, and that a large number of crimes are never reported.

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Mexican government looking at corruption in Migration Agency

Mexico's National Institute of Migration (Instituto Nacional de Migración, INM) is undergoing a "diagnostic" study to determine whether there have been unnecessary "omissions, oversight and possible criminal acts" in regards to several recent events involving attacks on migrants, according to federal official speaking to Mexican media on condition of anonymity.

The attention is apparently spurred by several recent events in which the immigration agency came under scrutiny. These include the killing of 72 immigrants in Tamaulipas, which was attributed to the "Zetas" criminal group. This has led to staff changes in the immigration agency, but the INM came under the spotlight again with the kidnapping of more than 50 Central Americans in December. Omar Heredia, who oversaw the INM in Oaxaca until recently, is being investigated in connection with the kidnappings, according to *Milenio*.

In Oaxaca, the coordinator of a shelter for migrants called "Hermanos en el Camino" provided testimony before an agency at the Attorney General's Office (Procuraduría General de la República, PGR) that investigates organized crime (known by the acronym SIEDO) in respect to the kidnappings. The coordinator, Alejandro Solalinde Guerra, claimed the kidnappings were due to the corruption and complicity of state authorities with organized crime. He did not specifically name the INM in news reports though he alleged the complicity of police and public servants. According to Solalinde, he received a "visit" from a person who demanded that he turn over the migrants who had escaped and was then warned him that his life now had a price. After receiving a call from the wife of Mexican President Felipe Calderón, who urged him to accept protection, Solalinde agreed to accept additional security. Four federal agents were reportedly protecting him.

According to the *Associated Press*, the Mexican government was planning a purge of their agency in connection with these and other events that have resulted in serious harm against immigrants. However, *Excelsior* reported that a legal loophole is preventing the agency from being able to fire immigration officials involved in suspicious activities, even though some have been found to have been involved in criminal acts and other corrupt activities. A newly created *Centro de Evaluación y Control de Confianza* is intended to address the situation through a certification process as well as background checks and drug tests on immigration agency workers and candidates. However the powers ascribed to the Center apparently have been weakened due to legal oversight since the code hasn't been formally published and it needs to be formally evaluated and approved by a national accreditation organization, according to *Excelsior*.

The administration of Felipe Calderón was reportedly considering the removal of high-ranking administrators. The majority of the immigration "irregularities" came from the states of Hidalgo, Coahuila, Oaxaca, San Luis Potosi and Tamaulipas, as well as the Federal District where it had recently been found that a foreigner had been trafficking drugs from an immigration office. Two immigration agents had also been detained in connection with the trafficking of Chinese immigrants. According to media reports, the INM is one of 10 federal agencies that have the most complaints before the National Commission of Human Rights (Comisión Nacional de Derechos Humanos, CNDH) in regards to violations of individual rights. The *Associated Press* reported that between January and October of 2010, the CNDH received 5,815 complaints for violations of human rights and of this total 344 were against the immigration agency.

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Agriculture government official accused of bribery

An agriculture government official was detained in the state of Puebla by the Mexican Attorney General's office (PGR) for allegedly demanding 100,000 pesos (\$8,000 USD) in order to process paperwork, according to the Secretary of Public Function (Secretaría de la Función Pública, SFP). The case stems

from a person who was asked to pay the money in exchange for obtaining financial assistance through the Secretary of Agriculture and Livestock (Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación, SAGARPA). The person reported the attempted bribe to federal officials and worked with them to capture the official when the money exchange was to be made at a local restaurant. At that point, the person was to provide a portion of the money as an “advance.” Instead, authorities arrested SAGARPA District Chief Amado Lopez Lopez, who was turned over to the Federal Attorney General’s office in Puebla. The official posted bond and was temporarily released while the case moves forward. However, the official was formally suspended from his post until the case is resolved.

The Secretary of Public Function, Salvador Vega Casillas, recently spoke about corruption in government agencies and the need to combat it by changing societal attitudes. “There are too many years of corruption that has been perfected to such a degree that simply wanting to change it is not enough,” he was reported as saying in *El Sol de Mexico*. The SFP is tasked with preventing corruption and combating corruption. Vega said that in 2010 his agency has recovered 3,500,000,000 pesos and that they have initiated more than 28,000 sanctions and of this number more than 3,494 have resulted in suspensions of government workers due to particularly serious accusations of corruption.

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Extortion of Mexican-American visitors in December

The Mexican Customs Agency (Aduana) was facing criticism in connection with a number of reported bribery cases in December, the time of year when Mexican Americans travel south of the border in gift-filled cars to spend the holidays with friends and families.

Almost a million so-called *paisanos* reportedly travelled through Mexico during the holiday period. The government regularly embarks on an educational campaign to inform visitors of their rights and to prevent the likelihood that border officials demand bribes from them. Several legislators with the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) claimed that the Paisano Program campaign is obsolete and does not appear to be working in light of continued allegations of corruption. According to their estimates, visitors who come during the holiday period pay almost 1 billion pesos in bribes. And yet the official count of 400 complaints of extortion severely underestimate the problem and may be closer to 90 percent of all visitors being forced to pay a bribe, according to PRI Congressman Arturo Zamora Jimenez. Federal deputy Cristabel Zamora of Nuevo Laredo, also of the PRI, estimated that 99 percent of the visitors who pass through Mexico actually prefer to pay the bribes rather than file a complaint.

The recent round of criticisms may have political undertones. Oscar Arce Paniagua, a Congressman with the National Action Party (Partido Acción Nacional, PAN) agreed that problems continue but also said the majority of the cases are taking place in areas governed by the PRI. He identified the state of Mexico as having the highest number of complaints of extortion from visitors.

The General Administration section of the Customs Agency announced they are sanctioning certain offices in Tamaulipas and Nuevo Laredo that had been requiring additional paperwork for some autos in December. The paperwork was being done as a way of extracting additional money from the visitors, and it delayed a number of people who reported that they had to spend Christmas or the New Years in the border for the supposedly necessary paperwork. Also, in December, an immigration official assigned to Ojinaga, Chihuahua was forced out of his post after allegedly being involved in extorting a visitor by forcing him to pay additional fees.

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Studies highlight corruption's impact on Mexico's businesses and economy

Several studies released in January evaluated the impact of corruption on Mexico's businesses and economy. According to one released by the Global Financial Integrity program, Mexico ranked third among 10 developing economies that had the highest amount of illicit "financial outflows" between the years 2000 and 2008. The report, "*Flujos financieros ilícitos provenientes de países en desarrollo 2000-2008*," was conducted by the Global Financial Integrity program, which is part of the Center for International Policy. A total of \$416 billion of illicit money flowed out of Mexico during this time frame, according to the report. China topped the list with \$2.18 trillion and Russia, with \$427 billion. Global Financial Integrity defines illicit financial flows as "the movement of money that is illegally earned, transferred or utilized (...) through illegal activities such as corruption, transactions involving contraband goods, criminal activities and efforts to shelter wealth from a country's tax authorities."

A blog post by one of the study's authors, Karly Curcio, notes that the estimate for Mexico is artificially low because it does not capture cash-only transactions. Such cash-only transactions can be related to smuggling-related activities. In evaluating the implication of Mexico's figures, Curcio wrote that the flow of illicit money out of Mexico could be about \$46.26 billion each year even though the country received on average just \$212 million each year over the past eight years for development assistance programs. An overview of the report by the Financial Task Force notes the discrepancy between "financial outflows" and Mexico's pressing needs: "This makes it unclear how countries like Mexico address their development needs when such a large amount of money pour out of their economies each year."

In a separate global study on economic freedom by the Heritage Foundation (and in collaboration with *The Wall Street Journal*), Mexico fell in its rankings compared to the previous year. The country's freedom score was 67.8 in the most recent 2011 Index, a decline of .5 points from the previous year. The score places Mexico in 48th place, a decline from 41st place in 2010. The study includes assessments of more than 180 countries around the world. A summary of the study, published on the Heritage Foundation website, noted that the change is due to declines in "freedom from corruption" and fiscal freedom. According to the study: "The judicial system is slow to resolve cases and vulnerable to corruption. Drug-gang violence has trimmed an estimated 1.2 percentage points from Mexico's GDP." The Index ranks countries on a scale of 0 to 100 with 100 representing the maximum economic freedom as defined by "governments that allow labor, capital and goods to move freely, and refrain from coercion or constraint of liberty beyond the extent necessary to protect and maintain liberty itself."

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ACCOUNTABILITY

Ethics and accountability training for Federal District functionaries

A total of 6,447 public servants in the Federal District received training on the laws of access to information, ethics and transparency during the second half of 2010, according to the president of the Institute for Access to Public Information in the Federal District.

The training is an ambitious program to reach public functionaries in the numerous branches of government. Oscar Guerra Ford, president of the Institute, said that a total of 60,000 public servants have received the training since the program started. Of that number 49,000 took the courses through the Internet and the rest in classrooms. The topics included information on the laws that protect access to information as well as legislation that requires the protection of personal information.

In 2010, an estimated 100,000 request for public information were filed within the Federal District, and each request has an average of four questions, according to Guerra. The numbers of appeals increased significantly over the past year, as well a process known as “recurso de revisión” when the petitioner finds that the government response fails to address the question or if the answer is considered ambiguous or partial. The number of appeals in 2010 totaled 1,877, which represented an increase of about 50 percent from the previous year. An evaluation by the Institute found that 84 percent of the appeals requests were determined in favor of the petitioners, which means that the government agencies were required to turn over information to the petitioner.

On the federal level, a total of 120,228 requests for information were filed through the Federal Institute of Access to Information for information regarding federal agencies and divisions. This represents an increase of 2 percent from the previous year. The numbers include petitions filed for information related to 20 federal agencies and branches, such as Social Security, Education, and Health.

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Former Oaxaca government facing scrutiny for public works projects

The state of Oaxaca’s auditing branch is investigating the administration of former Governor Ulises Ruiz Ortiz for ‘inconsistencies’ in the use and documentation of state funds. A state infrastructure agency found that 90 public works projects had irregularities and in some cases fully funded projects had never been completed

The audit is being headed by Perla Woorlich Fernandez, the State Secretariat of Oversight and Transparency, and it has included a team of more than 100 people as well as an outside consultant. Among the most serious omissions found so far, according to Woorlich, include the issuing of checks without supporting documents, the existence of public works project that do not include technical documentation and the apparent misuse of funds.

Oaxaca’s new governor, Gabino Cué, said that a number of public works projects did not follow the proper bidding process and that certain companies seemed to have received much of the work. In addition, certain projects were allegedly started but not concluded, even though they had been reported as completed. There were also fiscal discrepancies in budget reports, according to the findings. Among the documentation problems encountered involved contracts for the infrastructure and maintenance of two projects located in the municipality of Tlalixtac de Cabrera and San Bartolo Coyotepec, which both lie in the suburbs of the state capital of Oaxaca.

Ruiz responded by saying his administration has undergone thorough audits prior to his departure, and that these previous investigations had not yielded any findings of misuse of funds. The current audit has allegedly focused on the Secretariats of Finance, Public Works, Administration and also the department of Public Relations. Oaxaca’s new governor, Cué, said that they do not plan on conducting a ‘witch-hunt’ against the former administration and downplayed speculations over the breadth of the alleged irregularities, but he did say the investigation is expected to include administrative sanction and possibly criminal charges against former government officials under the administration of Ruiz. Cué, the first governor from a party different than the PRI, was elected with the aid of a coalition of political parties including the National Action Party (PAN) and took office Dec. 1.

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TRANSPARENCY

Mexico's transparency issues spotlighted in two recent studies

A lack of transparency contributed to the low ranking of a number of federal agencies in a recent assessment that tracks how efficient the agencies are in achieving their goals. The various branches of the federal executive branch achieved on average a score of 37 out of 100 possible points, according to the Center of Economic Studies of the Private Sector (Centro de Estudios Económicos del Sector Privado, CEESP).

A lack of transparency and the economic crisis are among the reasons why more advances were not made by the agencies, according to the study which evaluated data from 2006 to 2009. The Center is a part of the *Consejo Coordinador Empresarial*, which has a goal of improving the productiveness of the public administration by measuring quantifiable goals and results. The study found that 17 of the 19 federal agencies evaluated failed to demonstrate advances in their goals and expectations. Among those were the Secretaries of Foreign Relations, Agrarian Reform and Public Function, with any advances during this time period.

The study found that among the government branches that showed the most advances in meeting their goals were the Secretaries of Energy and National Defense. Other agencies that received scores were: Secretary of Public Security (8.6); Secretary of Energy (23); Secretary of Tourism (32.7); Secretary of Education (40.4); Attorney Generals Office (44.9).

In a separate study, Mexico fell in the rankings of a transparency index prepared by the Center for the Openness and Development in Latin America (CADAL). According to those findings, Mexico now ranks 65th place among 169 countries. Mexico fell five places in comparison to the previous year. The CADAS study - "*Democracia, Mercado y Transparencia 2010*" - evaluates transparency in the management of political liberties and of the free market. Mexico scored .555 in the study and New Zealand obtained the highest points with .914. Among the countries that ranked higher than Mexico were Uruguay, Samoa and Trinidad and Tobago.

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IFAI raises concerns about identity card for minors

The Federal Institute for Access to Information and Identity Protection (IFAI) had expressed some concerns about the government's "excessive" collection of biometric data to create a national identity card for children, but ultimately announced support for the card.

The card program is part of Mexico's effort to create a more comprehensive database of the country's residents. The information to be documented through the card registration process include name, birth date, photo, fingerprints and an iris scan.

IFAI president Jacqueline Peschard acknowledged the identity card will be helpful in preventing the kidnapping of children, or cases in which children are transported across state lines without parental consent. Airlines, in particular, will be able to ask for the document to assure the children are not being transported illegally. The Mexican government announced Jan. 12 the first phase of the national identity card data collection process, in which government workers plan to obtain biometric data from children at their schools. The project, most likely to collect biometric data from the iris, was to start in the states of

Baja California, Colima, Chiapas, Guanajuato, Jalisco and Nuevo Leon.

While the IFAI has acknowledged the right of the government to require an identity card, they had expressed earlier concerns about the scope of the identity information. IFAI president Peschard had reportedly said that the use of both fingerprints and an iris scan would be particularly excessive for an identity card. The IFAI had previously raised concerns about the use of iris scans for a national identification card since no other government has collected such information on a such a scale. The Federal Electoral Institute (IFE) has also spoken out against the use of this kind of biometric data, arguing that the government already has a federal electoral card for identity purposes. The project would create an identity card for a total of 25.7 million minors, and it would reportedly cost more than 300 million pesos. The eventual goal is to expand the card program to adults.



Source: RENAPO.

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ACCESS TO JUSTICE

HUMAN RIGHTS

Human Rights Commission reports on 2010 abuse allegations

The National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) reported on allegations of human rights abuses made to the organization between January and October of last year, with the state of Michoacán and the cities of Ciudad Juárez and Tijuana standing out. Ciudad Juárez recorded 126 complaints, and Tijuana 71. Three Federal District delegations made the list of top offenders: Cuauhtémoc, with 53; Miguel Hidalgo, with 35; and Iztapalapa, with 25. Among institutions with the most complaints against them, the Army (Secretaría de la Defensa Nacional, Sedena) led with 1,282 with the most complaints in Ciudad Juárez. The Federal Police followed with 517, with the most allegations of abuse in Michoacán, where the La Familia Michoacana criminal organization has hit the Federal Police with armed attacks and a media campaign attempting to discredit the agency. Mexico’s Attorney General’s office (Procuraduría General de la República, PGR) followed with 469 complaints, the majority of which occurred in the Federal District and the State of Mexico. Within Michoacán, which had a total of 265 complaints, the cities of Morelia, Lázaro Cárdenas, Zitácuaro and Uruapan had the most. Chihuahua followed Michoacán with 240 complaints. The Federal District, Guerrero, and Baja California rounded out the list, with 191, 119, and 71 complaints, respectively.

The CNDH has expressed its frustration over agencies’ refusal to abide by its recommendations. The Mexican Navy has refused to abide by two recommendations issued by the CNDH in December 2010, both stemming from incidents the CNDH says involved arbitrary use of force resulting in the deaths of two civilians. Both incidents occurred in December 2009 in the state of Morelos. In both cases, the CNDH pointed to an excessive use of force, citing 53 bullet holes in the vehicle of the first victim, and more than 60 in that of the second. The agency determined that the Navy must pay reparations to the families of the victims, including providing them with medical and psychological treatment, a ruling the it says that the Navy has declined to abide by. The CNDH also said that it will pursue the case in front of the Navy’s Inspector General, the PGR, and the Special Prosecutor for Military Justice (Procuraduría General de Justicia Militar). It has also said that Navy officials have not been forthcoming in providing the commission with complete reports detailing the two incidents. Throughout 2010, the CNDH received 198 complaints against the Mexican Navy, principally for illegal searches, arbitrary detentions, cruel and inhumane treatment, torture, and wrongful death. The commission handed down six recommendations to the Navy, of which it says only two were fulfilled. According to recent federal legislation, agencies electing not to

follow CNDH recommendations must now appear before Congress to explain their positions, although the alleged abuses at hand occurred prior to the new legislation.

In his first annual report to Congress, CNDH President Raúl Plascencia told lawmakers that there is resistance among public service institutions to acknowledge that they have been complicit in human rights abuses. He said that the institutions most unwilling to accept responsibility for abuses are the Navy, the National Water Commission, the Public Security Secretariat, and Mexican Petroleum (Petróleos Mexicanos, Pemex), along with state and municipal governments. He told Congress that 111 innocents were killed in 2010 in confrontations between security forces and suspected cartel members, and urged lawmakers to push for resolution in those cases.

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Inter-American Court of Human Rights rules against Mexico in military torture case

The Inter-American Court of Human Rights (IACH) ruled that the Mexican state violated the rights of two residents of Petatlán, Guerrero by failing to investigate allegations of arbitrary detention and torture committed against them by the Mexican Army in 1999. The court ruled that the Mexican government must carry out a criminal investigation into the torture allegations, as well as pay reparations to the two claimants for damages, along with medical and psychological treatment they've received. It is likely that the two men will receive payment from the Mexican government. In November of last year, the Mexican Congress approved a reparations fund for victims of human rights abuses in response to four CIDH rulings from 2009 and 2010 that found that the Mexican government failed to investigate or compensate victims it determined had been subjected to human rights violations.

In 1998, Rodolfo Montiel and Teodoro Cabrera, along with other residents of Petatlán, Guerrero, organized to combat deforestation in the area being carried out by local *caciques*. They formed the Organization of Ecological Peasants of the Sierra de Petatlán and Coyuya de Catalán (Organización de Campesinos Ecologistas de la Sierra de Petatlán y Coyuya de Catalán, Ocesp). In 1999, the two were detained by the Mexican Army, and according to their testimonies, were tortured and forced to admit to drug and weapons charges. The following year, they were sentenced to six and ten years for the fabricated weapons and marijuana cultivation charges, and released from custody in 2001 by order of then-President Vicente Fox, although Fox did not officially recognize their innocence, or violations committed against them. Mexico's Attorney General's Office shelved the case the same year. The case reached the Inter-American Human Rights Commission in 2004, and the IACH in 2009.

Mexico has two months to meet the requirements of the sentence, which also states that the government must strengthen its detainee registry in order to avoid further abuses, as well as reform the Military Justice Code, requiring that military personnel alleged to have committed human rights violations be tried by civilian courts. The IACH decision reaffirms criticisms by Human Rights Watch (HRW) that a reform proposal sent by President Calderón to the Senate in October to reform the Military Justice Code is too narrow. In his proposal, Calderón calls for violations of torture, disappearances and rape to be tried in civilian courts, leaving other abuses – such as unwarranted entry, theft, and arbitrary detention – to be handled in military courts. HRW and the IACH have both emphasized that all alleged military abuses should be tried in civilian courts. This is not the first time the IACH has ruled that Mexico must reform its Military Justice Code; in December 2009 the court reached the same conclusion in its decision against the Mexican government in the case of the forced disappearance of Rosendo Radilla, and last year in the case of the rape of indigenous women Valentina Rosendo Cantú and Inés Fernández Ortega by Mexican soldiers. The Mexican government has yet to fulfill the requirement of the sentence from that case that it turn the rape allegations over to civilian authority – either Mexico's or the State of Guerrero's Attorney General's Office – within "a reasonable time period."

In related news, two soldiers from the Mexican Army will be tried in a civilian court, charged with killing an agent of the Security Guard Corps of the State of Mexico (Cuerpo de Guardias de Seguridad del Estado de México, Cusaem), and wounding another while they stood guard at a metro stop in the city of Naucalpan. The Army (Secretaría de la Defensa Nacional, Sedena) confirmed that the two soldiers, David Carrera Gómez, 23, and Abacú Cervantes Coella, 21, had been detained, and would face trial in a civilian court, as the crime they are alleged to have committed occurred while they were off-duty. There are two nearby military bases near where the officer was killed, and several incidents involving soldiers leaving the bases to visit bars and other nightspots. Early indications were that Carrera and Cervantes were intoxicated when they allegedly shot the security guard on January 20.

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IMMIGRANT RIGHTS

Kidnapping of 50 thru-migrants renews attention to abuses

Mexico's Attorney General's Office (Procuraduría General de la República, PGR) has opened an investigation into the kidnapping of 50 Central American migrants by the Zeta criminal organization in the state of Oaxaca in mid-December. A priest in charge of the Hermanos del Camino migrant house first reported the kidnapping. Initial reports by migrants claiming to have escaped the kidnapping said that armed men stopped a train on which they were traveling, and took some of the clandestine passengers by force. The Mexican government initially denied that the kidnapping had taken place, but international attention was sparked by the El Salvadoran government's insistence that Mexico investigate the incident, prompting officials to take action. 12 undocumented Central American migrants have testified at the PGR's organized crime investigation unit, on the basis of which the PGR has opened an investigation into the allegations. On December 26, the Oaxaca state police detained two presumed members of the El Salvadoran criminal gang "Mara Salvatrucha 13, (MS-13)" raising speculation that the group was responsible for the kidnapping. The incident has initiated an investigation on the part of the Salvadoran government, which has put pressure on President Calderón to act on the allegations. The Honduran and Guatemalan governments have also put pressure on the Mexican government to address the case. Last August, the bodies of 72 Central and South American migrants were found at a remote ranch controlled by the Zetas in the state of Tamaulipas, and this most recent incident has renewed national and international attention to the plight of migrants in Mexico.

The priest who first reported the kidnapping of the Central American migrants, Alejandro Solalinde Guerra, says that he has received numerous threats from individuals presumably connected with the kidnapping. Solalinde had previously reported abuses of migrants at the hands of criminal groups as well as agents of Mexico's immigration authorities, but said recently that he has never felt in such danger as he does now. Last year, the Inter-American Human Rights Commission gave recommendations to the Mexican government as to how to protect Solalinde.

Solalinde has become a figurehead in the region for the protection of migrants' rights as a result of his outspokenness in favor of migrants' rights, as well as the threats he has received from presumed criminal organizations. In the community of Chahuities, Oaxaca, located about 350 kilometers from the border with Guatemala, a group of citizens responding to Solalinde's calls for increased local, state, and federal government attention to the abuses committed against Central American through-migrants and calling itself *Paso a paso hacia la paz* (Step by step to peace), completed a march that began in Arriaga, Chiapas, escorted by around 100 state and federal police officers. Upon their arrival in the town on January 8, the demonstrators displayed signs welcoming migrants to the town, and offering their support. The newly elected governor of Oaxaca, Gabino Cué, visited the town, where he met with Solalinde, along with other local activists who urged him to do more to protect the rights of migrants. The group *Paso a*

paso hacia la paz has received the support of a number of state officials and legislators, who have expressed their commitment to protecting migrants' rights.

Rubén Beltrán, the sub-secretary for Latin America and the Caribbean for Mexico's State Department, met with Guatemalan and Salvadoran officials in mid January to discuss the exploitation of through-migrants by trans-national criminal organizations, where he argued that addressing the problem was a responsibility shared by all nations involved, urging a regional strategy to address the problem. The Mexican government has implored Central American governments to go after criminal organizations operating in their countries that draw their citizens into their organizations, sometimes through classified advertisements. In December, following the mass kidnapping, Guatemala, Honduras, and El Salvador – which form the so-called “northern triangle,” urged the Mexican government to put a stop to the kidnapping of undocumented migrants on its soil. Beltrán insisted that, “the crimes that are unfortunately happening [in Mexico] began outside Mexico. The [culprits], the organized crime cells, are in Honduras, El Salvador and Guatemala...in these countries there are classified advertisements that offer ‘travel to the United States, no walking, we guarantee four tries before a notary and a telephone.’” He emphasized that Mexican authorities are increasingly arresting Central Americans implicated in kidnapping and otherwise exploiting through-migrants on Mexican soil, referring to December's mass-kidnapping, as well as the massacre of 72 migrants in Tamaulipas last August.

Salvador Beltrán del Río, of Mexico's National Institute of Migration (Instituto Nacional de Migración), says that in 2010 alone Mexico repatriated 70,000 undocumented migrants, 95% of whom were Central Americans. A total of 140,000 migrants were apprehended during their transit through Mexico.

SOURCES:

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De Jesús Peters, Maria and Alberto López. “Caravana compromete a velar por migrantes.” *El Universal* Jan. 9, 2010.
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JUSTICE REFORM

Three Chihuahua oral trial judges seeking asylum in the United States

The three judges who exonerated the killer of Rubí Marisol, daughter of Marisela Escobedo, who herself was killed at a demonstration last month after over two years of investigating her daughter's kidnapping and murder, have said that they will seek asylum in the United States after confirming that they will be subjected to a political inquest. Marisela was shot to death outside the governmental palace in Chihuahua City on her fifth day of demonstrating for the apprehension of Sergio Rafael Barraza Bocanegra, Rubí's ex-boyfriend, who was exonerated in April of last year when the oral trial judges determined that the public prosecutor had not adequately demonstrated the cause of death. Barraza Bocanegra was later sentenced *in absentia* to 50 years in prison and a 40,000 peso fine, but as yet has not been apprehended. The day following Marisela's killing, the brother of her husband was murdered, and the family business was later burned down. Her children have requested asylum in the United States.

The three oral trials judges – Netzahualcóyotl Zúñiga, Catalina Ochoa and Rafael Boudib – claim in their defense that the proceedings against them are meant to obscure the failings of the public servants who they argue were the ones who botched the case against Barraza Bocanegra by failing to provide sufficient evidence against him to prove his guilt. Aside from seeking asylum in the United States to avoid persecution in Mexico, the three judges have said that they will bring their case before the Inter-American Court Human Rights (IACH). In a statement released by the three judges, they said that, “in order to shield the truly inept public servants (...) who did not know how or were not able to provide justifiable and sufficient evidence to condemn an accused felon, they are persecuting the judges, who did nothing other than to apply the law.” Amidst the fallout of the failed prosecution of Barraza Bocanegra and the death of Marisela Escobedo, the three judges will face administrative proceedings from Chihuahua's State Court (Supremo Tribunal de Justicia del Estado de Chihuahua, STJ) and Congress. Nevertheless, article 116 of the Mexican Constitution stipulates that the judicial branch has precedence in resolving citizen complaints against its functionaries, which could result in the Chihuahua congress having to drop its proceedings

against the judges. Meanwhile the judges requested an “amparo” to the federal justice in an attempt to stop the proceedings. They argue the unlawfulness of a *juicio político* against them according a decision of the Supreme Court of Justice (Suprema Corte de Justicia de la Nación, SCJN) seven years ago, establishing that such political trials against members of the judiciary in the states for actions arising from their roles are irrelevant because it violates the principle of separation of powers.

Maclovio Murillo, the attorney representing the three judges, is arguing that in cases such as this the names of public functionaries should remain in secret, saying that his clients have received threats as the story has played out in the press. Murillo himself has personally faced consequences for alleged judicial wrongdoing. In 2004, he was removed from his position as district court judge in Guerrero after it was determined that he wrongly sentenced two environmental activists to prison sentences of six years, eight months and ten years for cultivating marijuana. He was found to have downplayed evidence presented at the trial that the defendants’ confessions were a result of torture at the hands of the Mexican Army. The CIDH recently ordered the Mexican government to pay reparations to the two activists.

For its part, Chihuahua’s State Commission of Human Rights (Comisión Estatal de Derechos Humanos, CEDH) issued a complaint against municipal and state police as well as other former Ciudad Juárez officials for negligence in the investigation into Rubí Frayre’s murder. Included in the CEDH’s list of offending institutions is the now-defunct State Attorney General’s Office, which, through restructuring, merged last September with the state’s Public Security Secretariat to form the *Fiscalía General* in the hopes of streamlining law enforcement in the state, as well as creating an agency that could oversee the implementation of a unified police model.

SOURCES:

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- García, Carolina. “Angustiados, magistrados de caso Rubí por juicio.” *El Universal* Jan. 17, 2011.

AROUND THE STATES

TAMAULIPAS

Tamaulipas Gov. Torre Cantú appoints security cabinet, reaches out to journalists



When the governor-elect of Tamaulipas, Egidio Torre Cantú, announced his cabinet shortly before taking office on January 1, he surprised many with his choice of a retired general to head up the public security secretariat. Retired brigadier general Ubaldo Ayala Tinoco was previously part of Modelo Coahuila, which militarized the police forces in the northern state, and was also a consultant to Michoacán’s public security secretariat. He has also served as the director of the Federal Police training center in

San Luis Potosí.

As his choice for state attorney general, Torre Cantú announced that he would recommend for confirmation Bolívar Hernández Garza, who during the previous administration served as regional delegate for the state Attorney General’s Office in Reynosa. Hernández Garza comes from Camargo, one of the small towns comprising Tamaulipas’ “little border” region, an area particularly affected by the recent cartel violence in the state. The Tamaulipas congress confirmed Hernández on January 1.

The governor has also reached out to journalists in the state, promising that a restoration of public security in the state under his administration will once again allow them to freely practice their profession. Torre Cantú met with representatives from media outlets in the state on January 4, the state’s Day of the Journalist. Journalism in Tamaulipas has been particularly hard-hit in a country deemed by numerous international observers as one of the more dangerous countries in the world to practice journalism. Since the split in March 2010 between the Gulf cartel and the Zetas criminal organization, attacks on journalists have escalated in the state, with one beaten to death, six kidnapped, and many others fleeing the state.

There have been widespread reports of threats by criminal organizations, and resulting self-censorship, including times of media blackouts when widespread violence went virtually unreported in the local news.

SOURCES:

Hernández, Gabriela. "Egidio Torre nombra a un general titular de la SSP en Tamaulipas." *Proceso* Dec. 30, 2010.
Aguilar, Roberto. "Torre Cantú nombra a general titular de la SSP." *El Universal* Dec. 31, 2010.
"Asegura Torre Cantú que reporteros tendrán atención en su gobierno." *Notimex* Jan. 4, 2011.

COLIMA

Colima state lawmakers considering implementing life sentences for some crimes



Legislators from the PRI, Panal, PT and PAN parties of the Colima's state congress are backing an initiative currently under discussion that considers imposing life sentences for certain crimes of murder, kidnapping, and rape. Chihuahua implemented a similar law last November, and a convicted kidnapper was sentenced to life in prison last month.

In instances of homicides, a life sentence could be imposed where the motive was revenge, when victims included police officers or other justice sector employees, when there are three or more victims, and when journalists were targeted in connection with their profession. Also included are crimes of murder involving decapitation, mutilation, burns, amputations, and/or the use of threatening messages directed at the public. Crimes of kidnapping that would merit a life sentence extend far beyond those of Chihuahua, and include those in which the assailant poses as a figure of authority; in which the assailant is in fact a public servant; when the victim is a minor, a woman, older than 60 years, or disabled; when the assailant is related to the victim; when the kidnapper employs minors in the commission of the crime; and when the victim suffers physical violence. The proposal has been turned over to commissions for analysis and debate.

The initiative has raised a debate in Colima between lawmakers wanting to take a tougher stance against organized crime in the state and human rights advocates, who argue that stiffer penalties do not result in lower crime rates. Roberto Chapula de la Mora, president of the State Human Rights Commission (Comisión Estatal de los Derechos Humanos, CEDH), urged lawmakers in favor of the initiative to take a closer look at its pros and cons, saying "if with life sentences we eliminated problems [threatening public security], criminal conduct, we would be in agreement, but if we don't attack the causes of those crimes, no matter how much we increase sentences the problem will continue, even if we apply a thousand years in prison."

Miguel García de la Mora, a judge in Colima's Supreme Court, disagreed with Chapula, stressing the severity with which the crimes the initiative addresses are committed. He added that the Supreme Court is obligated to abide by legislation handed down by the state's congress. Currently, Colima's penal code allows for sentences of 35-50 years for murder, 18-28 years for kidnapping, and up to 25 years for rape, but only in cases in which the victim is 14 years old or younger.

SOURCES:

"Presentan iniciativa para establecer cadena perpetua en Colima." *Milenio* Jan. 20, 2011.
Quiles, Alfredo. "Chocan por iniciativa de cadena perpetua." *El Universal* Jan. 23, 2011.

CHIHUAHUA

Chihuahua hands down first life sentence to 18-year-old kidnapper



A convicted kidnapper was sentenced to life in prison on December 21 of last year in Chihuahua, two months after an initiative proposed by Chihuahua Governor César Duarte Jáquez passed the state legislature establishing the possibility for such sentences for certain crimes of kidnapping and homicide. Alfredo Cruz Guzmán, 18, was convicted for his part in the kidnapping of a 43 year-old businessman, who was freed

last November 26 in Chihuahua City. Cruz will be denied the opportunity for a reduced or commuted sentence, despite pleading guilty in the hopes of leniency.

Two others, both minors, were also arrested in connection with the kidnapping. Cruz is a member of the kidnapping gang led by Érika Patricia Alonso Sandoval, “La Muñeca”. The group is also implicated in the kidnapping and murder of two other businessmen, one of whom was the cousin of a federal legislator. Both were killed, despite their families paying ransom for their release. In sweeps following the arrest of Cruz, the remaining members of the gang were arrested, including La Muñeca, who is still awaiting trial.

This is the first life sentence handed down in Chihuahua since the passage of the new law last October, and as such is also the first in Mexico’s history, as Carlos González, spokesman for the state’s Public Prosecutor’s Office (Fiscalía) pointed out. He also emphasized the quickness of the oral trial that yielded the sentence, which came less than a month after Cruz was arrested in Chihuahua City. The state government issued a statement characterizing the “special abbreviated proceeding” a “relevant event in the history of administration of justice” in Chihuahua.

The life sentence was applied due to the circumstances of the kidnapping, in which the victim’s pinkie fingers were amputated and sent to his family along with the ransom demand. The new law stipulates that a judge may only impose a life sentence when the kidnapping is accompanied by physical violence or when the victim dies as a result of violence or negligence on the part of his assailants. Chihuahua’s sentencing guidelines for such crimes surpass those of the federal government, which top out at 70 years.

SOURCES:

García Amaro, Juan José. “Primera cadena perpetua a plagiaro en Chihuahua.” *Milenio* Dec. 22, 2010.
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BAJA CALIFORNIA

Baja California woman sentenced to 23 years in prison for suffering abortion



Following the sentencing of a 21 year old woman to 23 years in prison for what she claims was a miscarriage, a group of women federal legislators is calling on the Baja California government to report on the number of women currently incarcerated for abortion and infanticide. Her conviction was based on Article 7 of the Baja California constitution, which prosecutors argued guarantees “the right to life from the moment in which an individual is conceived”.

Marixtel Calderón, an attorney with the Ibero-American Network for Human Rights (Red Iberoamericana Pro Derechos Humanos), said that the young woman, who has been in prison since 2008, learned of her sentence from the media before authorities relayed it to her directly. That group, along with the Federation of University Women of Baja California (Federación de Mujeres Universitarias de Baja California) and the National Coordination of Women for a Feminist Millennium (Coordinación Nacional de Mujeres por un Milenio Feminista) in a statement said that the sentence “is a clear violation of the principle of equality and non-discrimination, leaving the juridical status of women reduced to that of an incubator.” They also referenced the so-called Paulina Case in the Inter-American Commission Human Rights, about a 14 year-old girl named Paulina del Carmen Ramírez Jacinto who had been raped and impregnated and the state of Baja California denied her the access to a legal abortion contravening Mexican and International law. The case was later finished by a friendly agreement. Reproductive rights groups have since argued that the case provides broad protections for women’s reproductive rights, though the Mexican government has adhered to a more narrow interpretation.

Currently, 15 Mexican states have adopted modifications to their penal codes that criminalize women found to have intentionally aborted a pregnancy. These include the state of Guerrero, which drew international attention last September when it was revealed that 161 investigations were underway targeting women suspected of procuring elective abortions, with six serving sentences of up to 25 years in prison.

SOURCES:

Rangel Medina, Yunuhen. "Paulina, historia de un caso que puede repetirse." *Cimac Noticias* Feb. 2, 2009.
 Torres Ruiz, Gladis. "Piden censo de mujeres presas por abortar en BC." *Cimac Noticias* Jan. 26, 2011.
 Blancas Madrigal, Daniel. "Sentencian a joven a 23 años de prisión por abortar en BC." *La Crónica de Hoy* Jan. 27, 2011.

STATE OF MEXICO

State of Mexico receiving national attention for rising levels of femicides

A report released by the Autonomous University of the State of Mexico, titled "What is behind the femicides?" reveals that 55% of women murdered in the State of Mexico (Edomex) are killed by their partners. Investigators studied case files from the state Attorney General's Office from 2006-2007 in arriving at their results, which also demonstrate that the vast majority of victims lived in newly-developed and semi-urban zones with insufficient public services. Half of victims had just a primary or shortened secondary school education, while the same percentage fell between the ages of 16 and 40 years old. In all, there have been 922 femicides in Edomex over the past five years. 51% of femicides were centered in just 10 of Edomex's 125 municipalities, led by Ecatepec with 121, or roughly 13% of the total.

Of the 200 cases of women murdered in Edomex in 2010, the state Attorney General's Office lack lines of investigation, and have not even been positively identified by family members, according to Attorney General Alfredo Castillo Cervantes. He sustained, though, that with a 44.5% conviction rate for homicides, there is not a pattern of impunity in the state. Nevertheless, in June of last year, United Nations observer Patricia Olamendi argued that there was an urgent need to reform the state Attorney General's Office's special prosecutor in charge of femicides, which she said has shown great deficiencies in investigating such crimes. The agency assumed a new protocol last year as a result of an investigation that Olamendi carried out involving case files from 2008 and 2009, in which she found great investigative deficiencies, particularly in the preservation of crime scenes and evidence. For their part, last week legislators from the National Action Party and the Party of the Democratic Revolution asked Mexico's Interior Ministry to issue an alert for the escalating femicides in Edomex.

U.S. diplomatic cables released by anti-secrecy group Wikileaks and published January 28 in the Spanish newspaper *El País* reveal a concern that disputes between federal and state agencies contribute to impunity in cases of violence against women in Mexico. The cables also claim that 60% of women in Mexico have suffered domestic violence at some point in their lives. One of the cables, dated February 2010, says that a woman or girl is killed every six hours in Mexico. Another lamented the levels of discrimination that women face in the professional and political spheres. A document from 2008 alludes to disputes between state and federal agencies hindering the work of the Special Prosecutor for Violence against Women and Human Trafficking (Oficina de la Fiscalía Especializada para la Violencia contra la Mujer y el Tráfico de Personas, Fevimitra). Another document from 2010 refers to the Juárez femicides in particular, saying that the laws passed to protect women are lacking proper institutional support to uphold them. The cables also made reference to violence against women outside Ciudad Juárez, particularly the states of Guanajuato and Chiapas.

SOURCES:

Montaño, Teresa. "Ven fallas en fiscalía estatal de feminicidios." *El Universal* Jun. 28, 2010.
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 "Piden a Segob declarar alerta por feminicidios en Edomex." *W Radio* Jan. 27, 2011.
 "Impune, maltrato a las mujeres EU." *El Universal* Jan. 29, 2011.

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

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