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TRANS-BORDER INSTITUTE

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News Report

## MONTHLY SUMMARY

*Ejecuciones up in 2011 over 2012 with greater distribution among states • Three alleged top Sinaloa cartel operatives captured during past month • Benjamin Arellano Félix pleads guilty in U.S. court • Prison brawl in Tamaulipas leaves 31 dead, 13 wounded • Auto thefts reach a new high in 2011 • Collusion blamed for millions in losses for Mexico's public health authority • Allegations of corruption surround recently completed Estela de Luz monument • PRI commits to eliminating illicit funds from its political campaigns • "Advanced Electronic Signature" signed into law • IFAI demands information from the PGR regarding women processed for illegal abortions • Evidence of spying surfaces in Mexico's Chamber of Deputies • Murder impunity at 90% in some parts of Mexico • Former president of Mexico goes to court for alleged actions in the massacre of Acteal • Guerrero enforces zero tolerance policy on human rights violations • Mexico denies Human Rights Watch allegations • Mexican firefighters not considered public security • Progress and concern in Oaxaca's implementation of constitutional reforms • Michoacán begins dual judicial reform trainings • Police begin new training program in Coahuila*

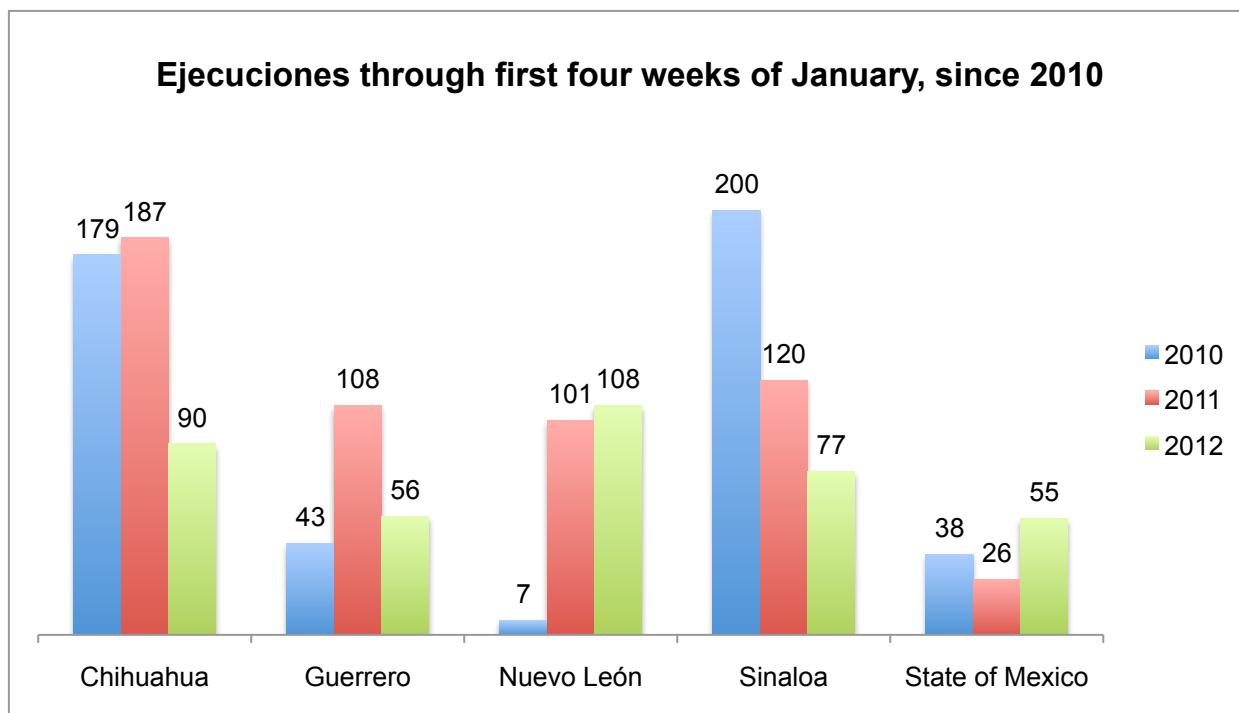
## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### ***Ejecuciones up in 2011 over 2012 with greater distribution among states***

Cartel-related killings are off to a slower start so far this year than last according to *Grupo Reforma's* running tally of such violence, with 721 *ejecuciones* as of January 27, as compared to 920 at the same point in 2011. The most notable contrast to last year is the emergence of Nuevo León as the state with the highest weekly rate of *ejecuciones*, eclipsing Chihuahua, which had held the dubious distinction since 2008. So far in 2012, Nuevo León has amassed 108 *ejecuciones*, as compared with Chihuahua's 90. The

next states to follow are Sinaloa, Guerrero, the State of Mexico (Edomex), and Durango, with 77, 56, 55, and 44, respectively. Coahuila and Jalisco follow, with 43 apiece. Over the past eight weeks, Nuevo León has outpaced Chihuahua in cartel-related killings, 224 to 179. This is in stark contrast to past years – in 2010, when Nuevo León began to see the violent effects of the emerging war between the Gulf cartel and their former enforcement wing the Zetas, Chihuahua amassed 3,185 *ejecuciones*, as compared with Nuevo León's 610. In 2009, Nuevo León had just 99. Last year, while Chihuahua saw its total of *ejecuciones* drop by nearly 40% to 1,940, Nuevo León saw its total nearly triple, to 1,789.

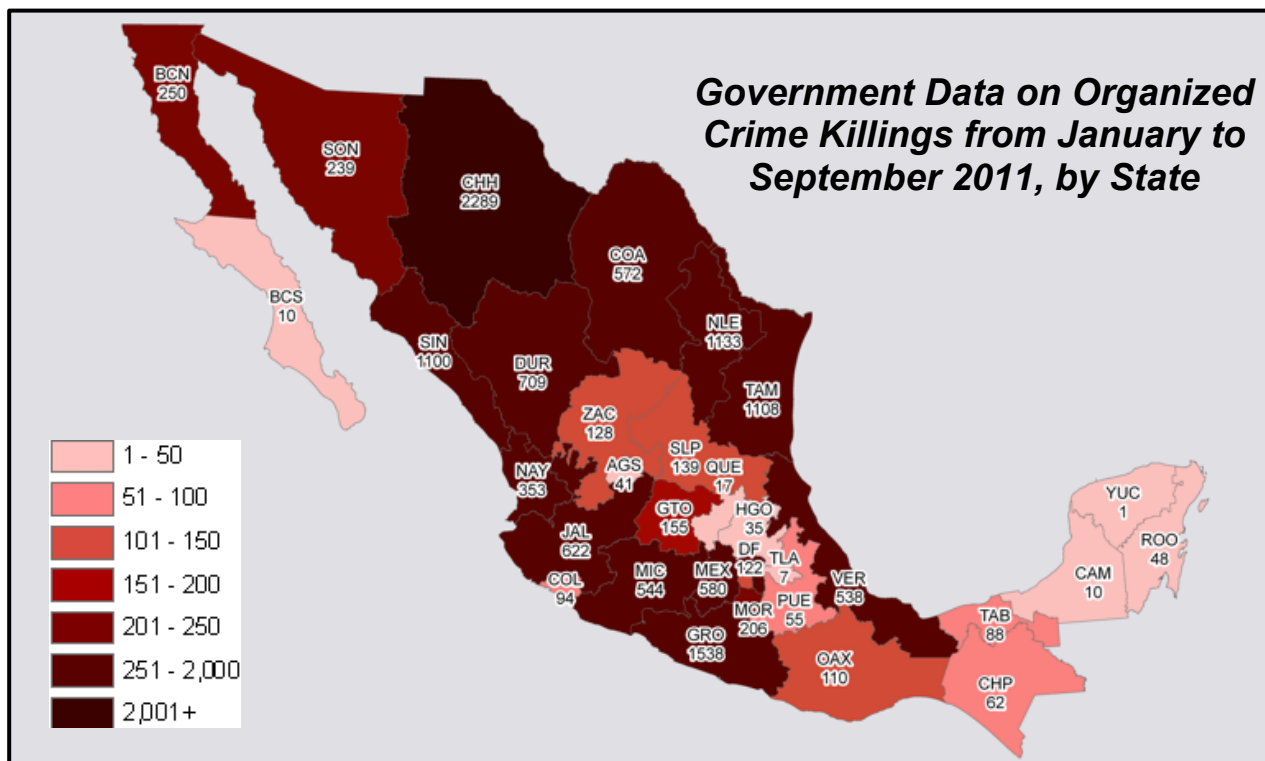


In related news, the Mexican non-governmental organization Citizens' Council for Public Safety and Justice (Consejo Ciudadano para la Seguridad Pública y la Justicia Penal) earlier this month released the 2011 list of the 50 most violent cities in the world. 12 Mexican cities were included, while five were in the top ten, including Acapulco, Ciudad Juárez, Torreón, and the cities of Chihuahua and Durango. Monterrey and Veracruz have been added to lists released past years, while Tijuana, Matamoros, and Reynosa were dropped from the list. After being ranked number one amongst the 50 most violent urban centers in the world for the past three years, Ciudad Juárez fell to second place behind San Pedro Sula, Honduras. During 2011, 159 homicides took place in San Pedro Sula for every 100,000 inhabitants, with Ciudad Juárez trailing by just 11 homicides with 148 assassinations for every 100,000 inhabitants.

There was also a wider distribution of *ejecuciones* among states in 2011 than in 2010. While in 2010, three states – Chihuahua, Sinaloa, and Tamaulipas – alone accounted for over a half of the nationwide total, in 2011 the top three states, with Nuevo León replacing Tamaulipas, accounted for just over 41%. There was also a slight decline – from just under 46% in 2010 to just under 43% in 2011 – in the six border states' share of nationwide *ejecuciones*. This decline was almost entirely due to the aforementioned reduction in violence in Chihuahua, but was nearly negated by sharp increases in Nuevo León and Coahuila, a state that suffered 595 *ejecuciones*, up nearly three-fold from 199 in 2010. Cartel fracturing and resulting in-fighting – particularly in the Beltrán Leyva cartel following the death of Arturo Beltrán Leyva in December 2009 – has continued to contribute to an escalation of violence in Pacific and central states, most notably Guerrero, which has seen increases in its *ejecuciones* of around 50% over the past two years, amassing 984 in 2010 and 1,536 in 2011. The epicenter of violence in that southern Pacific state has been in the resort city of Acapulco, which has seen its tourism industry decimated by large-scale, public acts of violence by warring cartel splinter groups. Jalisco has seen a similar surge over the past year. In November, 26 bodies were found bound and gagged in Guadalajara, casualties of what security

experts believe is an escalating battle between the Zetas and the Sinaloa drug cartel for control of Mexico's second-largest city, previously relatively unaffected by cartel violence. The surges in these two states have more than offset a 30% decline in *ejecuciones* in Sinaloa, which was the most violent Pacific state in 2010 and 2009, eclipsed in 2011 by Guerrero.

The Trans-Border Institute bases its analysis of cartel-related homicides on data gathered by *Grupo Reforma*, given the longevity of their data – dating back to 2006 – as well as the transparency of their methodology for determining which homicides were organized crime-related, and the relative absence until recently of official, government-released figures. This month, however, Mexico's Attorney General's Office (Procuraduría General de la República, PGR) released an official report on cartel-related homicides, stating that 12,903 homicides between January and September of 2011 were linked to organized crime, up 11% from 2010. These numbers are substantially higher than those of *Reforma*, which had only tallied 9,742 *ejecuciones* as of September 30. According to the PGR data, the most violent city, as has been the case since 2008, was Ciudad Juárez, which had 1,206 cartel-related killings during the first nine months of 2011. Acapulco was next with 795, followed by Torreón, the city of Chihuahua, and Monterrey with 476, 402, and 399, respectively. The report indicates the top six states as Chihuahua, with 2,276 homicides; Guerrero, with 1,533; Tamaulipas, with 1,153; Sinaloa, with 1,100; Durango, with 710; Veracruz, with 538; and Baja California, with 250. Aside from all of these states with the exception of Sinaloa reflecting substantially higher totals than in *Reforma's* calculations, the largest discrepancies are the absence of Nuevo León from the PGR's top six, as well as its calculations for Tamaulipas and Veracruz, more than double those of *Reforma*. According to the PGR, 70% of homicides linked to organized crime occurred in just eight states.



The government's official death toll resulting from fighting between criminal organizations and security forces since President Calderón initiated the military-led campaign against the cartels in December 2006 reached 47,515 as of September 2011. The government statistics for cartel-related homicides through September of last year were released just days after the Calderón administration announced that the 2011 figures would be kept under lock and key due for national security interests. The government explained

that the data compiled by the working group assembled by the national security cabinet in 2007 for the purpose of tracking narco-homicides had not yet been finalized or verified with individual states, and that premature release of the data could “provoke confusion or misunderstandings among citizens.” It remains unclear when the remaining 2011 data will be released.

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## ANTI-CARTEL EFFORTS

### Three alleged top Sinaloa cartel operatives captured during past month

The Mexican government has claimed several major victories against the powerful Sinaloa cartel based out of the northern Pacific state that shares its name, with the capture of three alleged top operatives this month.



EDUARDO ÁVILA OJEDA

Source: Zona Franca

The Mexican Ministry of Public Security (Secretaría de Seguridad Pública, SSP) announced January 20 the capture of Eduardo Ávila Ojeda, 34, in Culiacán, Sinaloa in northern Mexico. Ávila, known as “el Lalo,” is allegedly one of the Sinaloa cartel’s top arms smugglers. The SSP called Ávila “one of the main introducers to the country of firearms, cartridges and explosives.” The agency also reported that Ávila’s capture was the result of intelligence gathered from the December arrest of Ramiro Rivera Rendon, “el Ramy,” also of the Sinaloa cartel. The capture was relatively quiet for an alleged high profile arms trafficker for the Sinaloa cartel. After the capture, Ávila was transferred to Mexico City and handed over to the Attorney General’s Office (Procuraduría General de la República, PGR). The news of the top Sinaloa cartel’s arms trafficker came at the same time that the U.S. Department of Justice and its Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) continued to endure criticism for the much-maligned “Fast and Furious” anti-weapons trafficking operation. On January 19, an Arizona federal prosecutor subpoenaed to testify before the U.S. Congress about the program claimed Fifth Amendment protections to keep from testifying. The “Fast and Furious” program has been decried, most

notably by Republican lawmakers led by Representative John Issa, for allowing “gun walking” to Mexico and supplying an estimated 2,000 firearms to Mexican cartels, including ak-47 assault rifles. Since the break of the scandal in March 2011, Mexican President Felipe Calderón has stepped up his claim that the weapons used by drug traffickers overwhelmingly come from the United States through illegal trafficking.

Just three days prior to Ávila’s arrest, the Mexican Army (Secretaría de la Defensa Nacional, Sedena) announced that José Sánchez Villalobos, the alleged financial operator of Joaquín “El Chapo” Guzmán’s Sinaloa Cartel, had been arrested. Sánchez Villalobos, who was captured in Guadalajara, Jalisco, has been linked to a confiscation of money by authorities on November 18 in Tijuana that amounted to \$15,300,000 (USD). Following the seizure, a warrant was issued for his capture. A U.S. court had also issued a warrant for his arrest on charges of distributing cocaine. Sedena stated that Sánchez Villalobos changed his identity to Óscar Hernández González in an attempt to escape the authorities. The Army has since transferred Sánchez Villalobos into the custody of a public prosecutor from the PGR’s organized crime division (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, Siedo).

Late last month on December 23, Mexican authorities claimed yet another substantial victory against the Sinaloa cartel upon capturing its alleged top lieutenant, Felipe Cabrera Sarabia, alias “The Engineer.” Like Ávila, Cabrera was arrested by Army Special Forces in the city of Culiacán. At a press conference held December 26, chief Army spokesman General Ricardo Trevilla revealed that this capture would “affect the structure and leadership of the Sinaloa cartel.” The cartel, which is one of the most influential and established narco-trafficking organizations in Mexico, contributes to the transportation of major quantities of cocaine, marijuana, and synthetic drugs into the United States from Mexico and Colombia. Defense officials believe Cabrera ran operations for the Sinaloa cartel in the northern state of Durango and in part of the northern state of Chihuahua, as well as being head of security for Joaquín Guzmán. Guzmán, who has made Forbes magazine’s list of the world’s billionaires for the past two years, currently has a \$5 million bounty set by the U.S. government. His whereabouts remain unknown since his 2001 escape from prison in a laundry cart, and authorities have not yet revealed if Cabrera’s arrest has led them any closer to his capture.



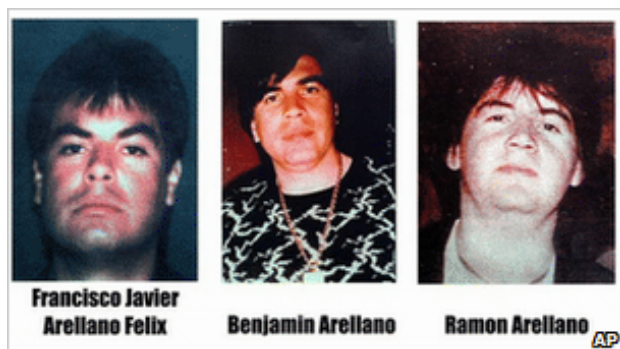
**Felipe Cabrera Sarabia.**  
Source: Reuters

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#### Benjamin Arellano Félix pleads guilty in U.S. court

Benjamin Arellano Félix, the former leader of the Tijuana cartel in northern Mexico, pleaded guilty in a U.S. federal court in San Diego on January 4 to charges of racketeering and conspiracy to launder money. The plea deal results in a maximum of 25 years in prison and the forfeiture of \$100 million in assets after federal prosecutors agreed to drop other charges that would have netted Arellano Félix a 140-year prison term.



Source: Associated Press

Federal prosecutors would not comment on why they agreed to a plea bargain giving Arellano Felix a far shorter prison term than others in his organization have received, though U.S. Attorney Laura Duffy did tout the guilty plea as “a cap on a 25-year pursuit by federal law enforcement of Arellano and the drug organization he led along with his brothers.” Arellano’s attorney, Anthony Colombo, Jr. speculated that the relatively short sentence agreed to by prosecutors is likely due to their reliance on testimony from witnesses serving sentences resulting from their own plea deals, which included cooperation agreements with federal prosecutors. Colombo said that those testimonies could be compromised as a result. Benjamin

Arellano Félix was considered to be the brains and financial boss of the Tijuana cartel and admitted in court to having led the organization that distributed drugs into the United States and sending the profits back to Mexico. He is scheduled to be sentenced in the same federal court on April 2.

The Tijuana cartel, also known as the Arellano Félix cartel, came to power in the late 1980s, but it was not until 2002 that Benjamin was arrested. In 2007, he was sentenced in Mexico to 22 years in prison for charges of drug trafficking and organized crime. Prior to his recent conviction, he had been under an indictment from the United States since 2003, stating that he was the principal leader and organizer for the Tijuana cartel since 1986, and noting that the cartel was responsible for the torture and murder of victims from both the United States and Mexico resulting from its operation of smuggling marijuana and Colombian cocaine across the U.S.-Mexico border. In April 2011, Arellano Félix was extradited from Mexico to the United States to face charges related to drug trafficking, money laundering, and racketeering. He is one of the highest profile kingpins to face prosecution in the United States to date. Other members of the cartel to face justice in the United States are brother Francisco Javier, who is currently serving a life sentence after his guilty plea in 2007 to racketeering and money laundering charges, as well as Jesús “Chuy” Labra Avilés, formerly the group’s financial chief, who is serving a 40-year sentence following his 2009 guilty plea to charges of conspiracy to distribute cocaine and marijuana.

The Tijuana cartel was headed by the seven Arellano Félix brothers and, between the 1990s until early 2000s, it controlled the flow of marijuana, cocaine, and other drugs into the states from Tijuana and Mexicali, both in the state of Baja California. The cartel began to lose its influence and stronghold of the border shortly after Benjamin was taken into custody in 2002. Its prominence also suffered from the death of his brother, Ramón, who was the cartel’s top enforcer, when he was killed in a shootout with Mexican authorities a month before his brother’s arrest. In recent years, the Tijuana cartel has been challenged by the Sinaloa cartel for territorial control, a battle that the Sinaloa cartel appears to have largely won. Although the cartel has been weakened in past years, Mexican authorities say that remnants of the organization still operate in the region, led by a nephew of the Arellanos, Fernando Sánchez Arellano. 43 members of Sánchez’s organization were indicted in a San Diego federal court last year, and nearly half of them are scheduled for trial in February. The *San Diego Union Tribune* quoted Trans-Border Institute Director David Shirk as saying that while Benjamin Arellano Félix’s capture and conviction are significant, it has made no measurable impact on the flow of drugs into the United States, and ultimately the weakening of the Arellano-Félix cartel has helped the Sinaloa cartel to make inroads into the Tijuana region.

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## PRISON SECURITY

### **Prison brawl in Tamaulipas leaves 31 dead, 13 wounded**

A prison brawl in Altamira, Tamaulipas led to the deaths of 31 inmates and left 13 injured on January 4. While deadly prison riots in Mexico are not uncommon, these casualties are particularly high. The fight allegedly took place between inmates who are members of the Zeta and Gulf cartels, which continue to battle over control over the northeast border region of Mexico, where Tamaulipas lies. The riot apparently broke out as a result of a dispute over control over illegal activities within the prison. Inmates used homemade weapons in the brawl, including makeshift knives, clubs, and stones, as reported in the *Washington Post*. The 13 injured were taken into custody for questioning.

Tamaulipas has been the site of particularly high levels of prison violence over the past year, most of which authorities attribute to inter-cartel disputes within the prisons. On October 15, 2011, 20 inmates died and 12 were injured as a result of a riot in a Matamoros prison. In May, at least seven prisoners were killed and 59 escaped following a riot in a correctional facility in Nuevo Laredo. Nationwide, 124 inmates have died in prison riots in the past year, with the highest casualties in Tamaulipas, Durango, Nuevo León and Chihuahua, four of the states most affected by cartel-related violence.

As is always the case following prison riots in Mexico, Altamira prison authorities pointed to overcrowding as the principle cause of the deadly riot. The Altamira prison reportedly has the capacity to hold 2,000 inmates, but is currently housing upwards of 3,000 prisoners, many of which are being held for federal drug related charges. Prison overcrowding has been a widely reported problem in Mexico for years. In October 2011, nearly 550 prisoners were transferred from Baja California prisons to the Islas Marías to relieve overcrowding in federal penitentiaries. In addition, 37 inmates were moved from a Guanajuato state prison to Islas Marías in October, along with 126 in August, and 700 in June, from various states. Since the recent Tamaulipas dispute, the Altamira penal authorities have been accused of not allowing clear means of communication between the jail and those outside the prison.

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## AUTO THEFTS

### Auto thefts reach a new high in 2011

The Mexican Association of Insurance Institutions (Asociación Mexicana de Instituciones de Seguros, AMIS) announced that 2011 marked a new record for auto thefts reported throughout Mexico. General director of AMIS, Recaredo Arias Jiménez, announced that last year, 85,510 insured vehicles were reported stolen, a 3% increase over the 79,731 vehicles reported stolen in 2010. Although this represents a new high, the overall increase over 2010 was lower than the 18% increase in 2010 from 2009. In all, though, Mexico has seen a drastic increase in auto theft in recent years, with 2011 nearly doubling the cases reported in 2005. The most commonly stolen cars for 2011 were the Nissan Tsuru (14,506), Nissan pick-up trucks (3,662), and the Volkswagen Jetta (2,767).

According to the AMIS, the state with the most reported car thefts was the state of Mexico (Edomex) at 17,672. Nuevo León and the Federal District came in second and third on the list with 13,589 and 11,451 thefts, respectively. However, Edomex experienced a modest increase in car thefts over the previous year at 3.1%, while the Federal District experienced a 19% reduction compared to last year. The number of thefts in these three states combined constituted 50% of car thefts reported nationwide. The states of Coahuila, Sinaloa, Nuevo León, Tamaulipas, and Veracruz, which are all among the states most affected by cartel-related violence in recent months, experienced the highest annual increases in thefts compared to 2010, particularly Nuevo León with an increase of 35.2%. Violent car thefts also became more common this year and rose drastically in the northeastern states of Sinaloa and Zacatecas, where they constituted up to 70% of general car theft crimes.

Arias Jiménez stated that this upcoming year, Mexico should experience a decrease in the number of car thefts, projecting that with a record number of auto thefts in 2011, we should see a "situation of correction" in 2012. Meanwhile a relatively low percentage of stolen cars are recovered, however the success rate is improving. Last year saw a 20% improvement over 2010 in recovery rate, in which over 33,000 stolen cars were returned to their owners. Nevertheless, says Arias, recovery rates nationwide are at just 41%. As a result, car insurance companies are estimated to pay approximately \$9 billion in reparations to insured clients who are victims of such crimes.

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## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Collusion blamed for millions in losses for Mexico's public health authority**

José Ángel Gurría, the general secretary of the Organization for Economic Cooperation and Development (Organización para la Cooperación y el Desarrollo Económicos, OCDE), said that ending corruption and collusion in Mexico's Social Services Institute (Instituto Mexicano del Seguro Social, IMSS) would save that agency up to 36% of its current expenditures. Gurría's statements came as he handed over a report his organization completed on corruption in the IMSS, in which 70 recommendations are detailed urging changes in how the agency handles its expenditures.

Among the deficiencies that the report outlines is a weak regulatory structure within the IMSS that does not provide for imposing strong sanctions when contracts go unfulfilled, which necessitates emergency expenditures that raise overall operating costs. OCDE also recommended that IMSS open its contracts to foreign bidders in order to increase competition and lower costs. Gurría, a former secretary of the Treasury (Secretaría de Hacienda) emphasized that when "billions and billions of dollars" are at stake, the IMSS needs personnel "of excellence."



Source: [altonivel.com.mx](http://altonivel.com.mx)

For his part, Daniel Karam, who heads the IMSS, insisted that the processes of public expenditures in his agency have improved in recent years, which he says has saved the agency 46 billion pesos. He did not discount the OCDE study, but clarified that it only "tells us where we are stopped and the path that must be followed from here out." The potential for waste and misuse of funds is substantial in the IMSS, the largest public health provider in Latin America, and the second largest recipient of public funds in Mexico.

As the *Economist* details, the IMSS is the first government entity to adhere to guidelines set out by the OCDE to reduce corruption and collusion and increase transparency in public expenditures, resulting in the 46 billion pesos in savings cited by Karam. Pemex and the Federal Electricity Commission (Comisión Federal de Electricidad, CFE) have also reportedly begun applying the guidelines, and the government of the State of Mexico (Edomex) and Mexico's social security administration (Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, ISSSTE) have also committed to the measures.

In related news, a Mexico City circuit court backed up a finding by Mexico's anti-monopoly authority, the Federal Competency Commission (Comisión Federal de Competencia, CFC), that there was sufficient evidence to determine that the pharmaceutical companies Cryopharma and Probiomed colluded with various other companies to raise the medications they distribute to the IMSS, in violation of the Federal Law of Economic Competition (Ley Federal de Competencia Económica). The alleged acts of collusion occurred between 2003 and 2006. Each company has been fined 21.5 million pesos as a result of the circuit court judge's ruling. The other companies involved are Eli Lilly and Company-Mexico, Laboratorios Pisa, Fresenius Kabi, and Baxter.

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#### **Allegations of corruption surround recently completed Estela de Luz monument**

Pablo Escudero, president of the government accountability committee (Comisión de la Función Pública) in Mexico's Chamber of Deputies, has alleged that irregularities in the construction of the Estela de Luz (Pillar of Light) monument in the Federal District amounted to 420 million pesos. Escudero cited a study



Despite allegations of corruption, the Estela de Luz monument (seen above) was inaugurated in celebration on January 7, 2012, 16 months behind schedule.  
Source: Conexión Total

carried out by the College of Engineers (Colegio de Ingenieros) that details delays and cost overruns in the project.

The monument, conceived and designed to commemorate the bicentennial of Mexico's independence from Spain, has caused widespread outrage over its higher than expected price tag of more than 1 billion pesos and the perceived corruption surrounding its construction, garnering it the moniker "the monument to corruption." Its projected cost was under 400 million pesos, by comparison, or well under half of the final cost of the monument, which by some accounts is still not finished, a claim that the College of Engineers has dismissed.

The monument was also completed a year and four months after its scheduled date. According to the College of Engineers report, the project was started over a month and a half after its scheduled date of April 30, 2009, a delay that the report's authors blame on the Bicentennial Committee and the project's trusteeship (fideicomiso). At the same time, however, the report has praised the design and structural integrity of the monument, saying that they "were

realized in accordance with vanguard professional structural engineering practices, and in adherence with metropolitan building codes."

There have been some sanctions handed down as a result of the irregularities surrounding the Estela de Luz monument. On December 13, the government accountability office (Secretaría de la Función Pública, SFP) banned Agustín Castro Benítez, former director of the contracting firm III Servicios, from occupying any position in the federal government for 12 years. The SFP handed down similar sanctions of one year to former III Servicios administrators Ricardo Morales and Rubén Arenal. Nonetheless, details as to the precise irregularities are not expected to be made public until February 20.

For its part, the Permanent Committee (Comisión Permanente) of the Chamber of Deputies has issued an order for the Public Education Ministry (Secretaría de Educación Pública) and the Attorney General's Office (Procuraduría General de la República) to submit a report as to ongoing investigations into the planning and construction of the monument. Diva Hadamira Gastelum, a deputy from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), reacted to President Felipe Calderón's statement that the monument was a symbol for the nation's unity, saying, "the facts denote that [it] unfortunately is a clear example of the opacity, corruption, and impunity that prevails in this [administration]." While the measure was initiated by the PRI, members of the president's National Action Party (Partido de Acción Nacional, PAN) have also backed it, expressing confidence that the government is responding appropriately to the claims of waste and corruption surrounding the monument, and stressing the importance of government transparency.

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## TRANSPARENCY

### **PRI commits to eliminating illicit funds from its political campaigns**

The Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) has presented a group of initiatives it says are meant to ensure that none of its candidates for the upcoming federal, state, and local elections is financed with money originating from criminal organizations. The plan includes a proposal to create an “interdisciplinary commission” to oversee the financing of the PRI’s political campaigns, and a commitment to subject campaigns to random audits, and to report party candidates found to have accepted illicit funds. The commission would be comprised of PRI representatives from the finance, juridical, electoral, and budget offices.



The proposal was presented by the PRI’s national director, Pedro Joaquín Coldwell, and submitted on January 18 to the party’s National Political Council (Consejo Político Nacional). Raúl Cervantes, juridical director for the PRI, said that the measures are a renewal of a similar pact between the major parties and the Federal Election Institute (Instituto Federal de Elecciones, IFE) in 2009, and expressed hope that the other parties would take similar steps in the lead-up to this year’s elections.

The proposal also promises enhanced cooperation with the IFE, committing to audit 25 district-level campaigns not otherwise monitored by the elections’ authority, to ensure that its primary candidates are not under investigation of any type, and to otherwise coordinate with the IFE, the federal Attorney General’s Office (Procuraduría General de la República, PGR), and the Office of the Special Prosecutor for Attention to Electoral Crimes (Fiscalía Especializada para la Atención de Delitos Electorales, Fepade).

Former ministers of the Federal District Electoral Institute and the IFE have applauded the move by the PRI to make its political campaigns more transparent and accountable. Eduard Huchim May, who directed the Federal District’s electoral authority, said that these measures are needed, as the state has not yet taken sufficient actions to ensure that illicit resources do not infiltrate campaigns. He also said that such an interdisciplinary committee with a mandate to coordinate with Fepade is unprecedented. For his part, Arturo Sánchez, former minister of the IFE, characterized the measures as “positive,” though clarifying that other parties had taken similar measures in the past.

Not everybody has been so quick to praise the PRI’s initiative to block “narco-candidates,” however. Jesús Zambrano, president of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), characterized the measure as “incongruous,” pointing out that the PRI took no such measures to ensure a clean election in November of last year when the its candidate, Fausto Vallejo, was elected governor. The PRI staunchly defended Vallejo against claims by opposing parties that his campaign approached Mexican boxer Juan Manuel Márquez to wear shorts displaying the PRI logo in a title bout against Manny Pacquiao on November 12, the day before the election. Millions of Mexicans were reported to have tuned in for the fight, which Márquez lost by decision. On January 16, a Michoacán electoral court validated the election results, finding that the PRI could not be faulted with the promotion, and defending it as free expression. Márquez has said that he himself made the decision to display the logo as a PRI supporter. The court also rejected claims of possible criminal involvement in the election results.

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### **“Advanced Electronic Signature” signed into law**

This month, the federal government has passed a law that seeks to regulate the use of what has been deemed the “advanced electronic signature (firma electrónica avanzada, FIEL),” which will mandate the participation of all federal offices in their communications, juridical acts, and services beginning on July 4 of this year. According to the law, electronic documents and correspondences bearing the advanced electronic signature are ascribed the same legal recognition as signed documents, and government agencies falling under the law have until May to make the electronic signature available to citizens. The FIEL is housed under the auspices of Mexico’s tax authority (Servicio de Administración Tributaria, SAT), which has reported some success with the system already, and that was launched in 2011 with the participation of several state and federal government agencies.



Source: [funcionpublica.gob.mx](http://funcionpublica.gob.mx)

The secretary of the government oversight agency (Secretaría de la Función Pública, SFP), Rafael Morgan, has touted the new electronic signature law, saying that it “certifies digital signature[s] and related services,” and will favor “administrative efficiency, along with diminishing spaces for corruption and ensuring certainty, principally juridical, to documents signed electronically that arise from the interaction between the federal government and the citizenry.” The electronic signature system will be applied to as many as 230 bureaucratic processes, which Morgan said would make possible the safe and secure completion of

these transactions by citizens via Internet from the comfort and convenience of their homes. Morgan also touted the savings that the new law would provide by streamlining government transactions. He cited savings of 40 billion pesos by Mexico’s Social Services Institute (Instituto Mexicano del Seguro Social, IMSS) from a similar electronic signature used for correspondence between that agency and businesses and service providers competing for government contracts.

One of the greatest benefits cited is the projected decrease in need for trips to government offices, and a resulting diminished need for material, financial, and human resources dedicated to correspondence between citizens and their local, state, and federal governments. Morgan also noted that a standardized, regulated electronic signature would help to ensure confidentiality and limit the distribution of unauthorized messages, data, and documents. The SFP estimates that by the end of this year the service will be available to 30 million Mexicans, which will lead to savings of 100 million pesos annually for the Mexican government. The SAT reported that in 2011 there were 4 million registrations with the program, of which 77% were individual citizens (“personas físicas”), and 23% were businesses and corporations (“personas morales”). The SAT has also signed 15 agreements with states – Veracruz and the Federal District, specifically, and government offices, including the Federal Tribunal of Fiscal and Administrative Justice (Tribunal Federal de Justicia Fiscal y Administrativa, TFJFA) and the Foreign Ministry (Secretaría de Relaciones Exteriores, SRE).

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### **IFAI demands information from the PGR regarding women processed for illegal abortions**

Mexico’s Federal Institute for Access to Information and Protection of Data (Instituto Federal de Acceso a la Información y Protección de Datos, IFAI) has ordered the Attorney General’s Office (Procuraduría General de la República, PGR) to hand over information regarding Mexico’s most wanted criminals, as well as information as to the number of individuals prosecuted and sentenced to prison for abortion, which is illegal throughout Mexico with the exception of the Federal District. The PGR has resisted the orders by

IFAI, claiming either a nonexistence of the requested information, or the potential for harming ongoing criminal investigations.

On December 27 of last year, the IFAI determined that the PGR did not adequately respond to a citizen's request regarding the number of people who have been processed for the crime of abortion, and ordered the agency to hand over the information. Even though abortion is categorized as a federal crime, the PGR



responded that the individual would have to contact each state attorney general's office, as well as that of the Federal District. This response prompted a complaint filing to IFAI Commissioner María Elena Pérez, who determined that the PGR did not consult its own Special Prosecutor's Office for Attention to Federal Crimes (Subprocuraduría Especializada en Atención de Delitos Federales), whose responsibility it is to process federal crimes. Pérez also found that the PGR, as part of its own 2010 review, documented 19 preliminary investigations related to human trafficking and mistreatment of women, some of which were related to crimes of abortion. She pointed out that this is public information that the PGR failed to provide upon request.

Last April, legal specialist and faculty member in the law program at the Autonomous University of Mexico, Antonio Sánchez Barroso, insisted that in all of Mexico there are no women serving prison terms for the crime of abortion, and that defendants found guilty of this crime can post bail and go free. Meanwhile, in Guerrero, an indigenous woman known only as Virginia was, for the second time, indicted for infanticide ("homicidio en razón de parentesco,") despite her claims that she had suffered a spontaneous abortion. Guerrero, unlike many other states, has not reformed its local constitution to "protect life from conception" and allows for abortions in cases of rape and incest, but nevertheless appears willing and capable of bringing charges against women for infanticide with apparently dubious evidence against them, as has been documented in other Mexican states. Between 2010 and 2011, Guanajuato and Baja California were highlighted for leveling particularly harsh prison sentences of up to 25 years against dozens of women for infanticide who, like Virginia, claimed to have suffered spontaneous abortions.

Virginia suffered a fall in her home in April of 2006, and was later transferred to a hospital in Puebla where doctors reported her to the authorities for illegally inducing an abortion. Without a warrant, authorities searched Virginia's home where they found the fetus. It was later determined that it had been aborted, although no necropsy was performed. According to Verónica Cruz Sánchez, director of the women's rights center Centro las Libres, the only evidence against Virginia is testimony of her own 4-year-old son, who Cruz Sánchez says likely does not speak Spanish, suggesting that his declaration of having witnessed his mother suffocate her newborn baby is likely not his own. She points to Virginia's own mother-in-law, who took custody of the boy, now 12, after Virginia was imprisoned, and who she says is likely retaliating against Virginia for infidelity to her son, who was living in the United States at the time.

Virginia was detained in 2009 and incarcerated in Tlapa, Guerrero, and seven months later was indicted, but still remains in prison, awaiting trial. In April 2011, Virginia was awarded an injunction through the efforts of the Guerrero Institute for Human Rights and other women's rights groups, as a result of numerous violations of her rights, including failure to provide her with a translator or a defense attorney who spoke her native language. The presiding judge ruled to uphold Virginia's indictment, and an effort for a second injunction is currently underway, which hopes to gain Virginia's freedom.

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## Evidence of spying surfaces in Mexico's Chamber of Deputies

Allegations have surfaced of unauthorized surveillance equipment installed in a number of offices in the Chamber of Deputies (Cámara de Diputados). The complaints reportedly surfaced when Guadalupe Acosta Naranjo, recently elected as president of the lower house's board of directors (Mesa Directiva), requested a test of his office's phone lines, where surveillance devices were found. Acosta's discovery led to similar searches in other congressional offices, resulting in the discovery of more surveillance equipment in the Mesa Directiva, as well as in the chamber's multi partisan committee (Junta de Coordinación Política). The principle concern is that information – sometimes personal and private – obtained through wiretaps could make lawmakers open to influence and blackmail by interested parties.

Armando Ríos Piter, the president of the Junta de Coordinación Política in the Chamber of Deputies, said that some of the surveillance apparatuses found in various offices in the lower house appear to have been there for years and have established an extensive reach into the house's telephone switchboard, as well as its computer network. Other equipment, according to preliminary reports, had been installed within the past few months. Deputy Acosta Naranjo, also said that there was evidence to suggest that the spying was "generalized, with many people involved." Ríos, among other deputies, has refused to speculate as to who may be responsible for planting the surveillance equipment, in order to not interfere with investigations into the matter,



Allegations of spying inside the Chamber of Deputies (pictured above) are being investigated by the Attorney General's Office. Source: CNN México

or to inflict any unwarranted or misguided political fallout. Nevertheless, he expressed surprise as to how the guilty parties were able to carry out the wiretappings, given that the building is well equipped with identification verification, as well as a network of security cameras that monitor movements throughout the chamber. For this reason, he said that any internal and external investigations must determine whether there was negligence or possible complacency on the part of building security.

Members of all four major parties denounced the illegal wiretappings, and demanded a thorough investigation into the matter. On January 24, the federal crimes division of Mexico's Attorney General's Office (Procuraduría General de la República, PGR) opened a preliminary investigation into the allegations. For its part, the Ministry of the Interior (Secretaría de Gobernación, Segob) was quick to condemn the reports of espionage in the lower chamber, and denied having participated in them. Nevertheless, speculation in the press, as well as some members of the opposition Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) has turned to government agencies, given the resources and influence that would presumably be needed to carry out an extensive spying operation in San Lázaro.

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### IMPUNITY

#### **Murder impunity at 90% in some parts of Mexico**

According to a new study on rule of law in Mexico, impunity runs rampant throughout the country. Guillermo Zepeda, a professor at Instituto Tecnológico y de Estudios Superiores de Occidente (ITESO), spoke with *Reforma* about his findings revealing the lack of official response to murders in Mexico. To combat the culture of acceptance to impunity, Zepeda authored a study to measure the level of impunity for murder in Mexico. According to this study, in 2010, 80% of homicides in Mexico went unpunished without trial or conviction. Zepeda also noted that in some homicide-heavy areas of Mexico, such as Chihuahua, Durango, Guerrero, and Sinaloa, the impunity statistics are even worse – averaging 90%. Zepeda's study redlined areas in Mexico where the likelihood of a murder being punished is minimal because of the high rate of homicides per-capita that strain the often limited human resources of local police departments. In Zepeda's study, Chihuahua's autopsy backlogs are blamed on overworked authorities with investigations so backed up by a constant workload that even the most basic documentation papers are not filed. The professor also noted that, in Chihuahua, there is a trend of murders occurring on weekends, which means that documentation is further slowed.

Zepeda's research reaffirms the common perception that Mexico is plagued by impunity. A former president of the National Commission on Human Rights (Comisión Nacional de Derechos Humanos, CNDH), Mireille Roccatti, was quoted in *El Informador* saying that in cases of *ejecuciones*, or cartel-related killings, the level of impunity is even greater than Zepeda's reports. Roccatti explained that sometimes there is not even enough information to begin investigating the homicides in situations where bodies are left where there are no witnesses, or when no single group claims the attack or murder.

Antonio Ortega, president of the Citizens' Council for Public Safety and Justice (Consejo Ciudadano para la Seguridad Pública y la Justicia Penal), likewise argues that the culture of impunity in Mexico is contributing to the escalating violence. "There is an increase in homicides because the law is not being applied; all we are seeing is how the ball is tossed from one [authority] to the other, and there is no commitment [to investigate]," he said. Murders, particularly related to organized crime, are indisputably on the rise. According to the Mexican Attorney General's Office (Procuraduría General de la República) the first nine months of 2011 resulted in a death toll of 12,903 people killed in drug-related violence, an 11% increase over 2010. For his part, President Calderón has publicly argued that the Mexican homicide rate, at 16 per 100,000 inhabitants, is "lower than Colombia, Brazil, and most Central American countries". As President Calderón settles into his final months in office, he has defended his policies as a choice that created "a legacy of enormous strength in security and justice institutions". Nevertheless, according to Ortega, Ciudad Juárez, with a homicide rate of 147 per 100,000 inhabitants makes it the second most violent city in the world, behind only San Pedro Sula, Honduras. 10 other Mexican cities have also been identified as among the 50 most violent cities in the world.

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## HUMAN RIGHTS

### Former president of Mexico goes to court for alleged actions in the massacre of Acteal



Former President  
Ernesto Zedillo. Source:  
Washington Post

Former President of Mexico Ernesto Zedillo Ponce de León (1994-2000) appeared in a Connecticut court on January 10 to face charges that he is responsible for crimes against humanity in the 1997 massacre in Acteal, Chiapas. The lawsuit was filed by the law firm Rafferty, Tenenholtz, Kobert, Bounds, & Hess, headquartered in Miami, Florida, on behalf of four women and six men, all survivors of the massacre now residing in the United States who are collectively seeking \$50 million in damages. Zedillo is being charged with “conspiring with then Attorney General Jorge Madrazo Cuellar to hide the role of the federal executive before and after the massacre of Acteal.” As international human rights organization Amnesty International found in 1998 following an investigation into the incident, “Compelling evidence shows that the authorities facilitated the arming of paramilitaries who carried out the killings and failed to intervene as the savage attack continued for hours.”

The Acteal massacre occurred in September of 1997, allegedly by paramilitaries acting with the support of Chiapas state authorities to suppress and attack indigenous populations in some of the communities that had been previously declared ‘liberated’ by the Zapatista National Liberation Army, which rose up following the 1994 signing of the North American Free Trade Agreement. The massacre lasted several hours as the state-sponsored paramilitaries killed 45 members of the indigenous community there, including children. Despite the events currently unfolding, immediately following the massacre, Zedillo condemned those responsible for the murders and ordered a full investigation of the incident, while promising to find and punish those responsible for the killings. The incident forced the resignation of then-Interior Minister Emilio Chuayfett and then-Chiapas Governor Julio César Ruiz Fierro. It was during this time that it is suspected that Zedillo and then-Attorney General Jorge Madrazo Cuellar hid the identities of those responsible for the killings.

Zedillo’s lawyers filed a motion to dispose of the recent lawsuit, which states that Zedillo, now director of the Center for the Study of Globalization at Yale University, was not responsible for the murder of the 45 people in Acteal and that, regardless, he has immunity since he was a former leader of a sovereign nation. The government of Mexico also asked for U.S. support for Zedillo’s appeal for immunity. However, a judge from Spain’s National Criminal Court (Juez de Audiencia Nacional), Baltasar Garzón Real, stated that he does not believe that sovereign immunity applies to “those people who are outside the exercise of power,” meaning Zedillo cannot use this caveat. The judge, a friend of Zedillo, is well known for his involvement in trying to bring former Chilean dictator Augusto Pinochet to trial for his state-sponsored violence against not only his own people, but also the alleged torture and murder of Spanish nationals residing in Chile at the time. That case, brought in 1998 by Garzón Real, is the case from which he drew his current opinion of the circumstances Zedillo faces.

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### Guerrero enforces zero tolerance policy on human rights violations

In response to last month’s Normalista protest in Guerrero, which resulted in the death of three student protesters, the Government of Guerrero has announced that it will enforce a “zero tolerance” policy against impunity in order to protect the human rights of its citizens. As events continue to unfold and information comes out about the deaths of the student protestors last month, Governor Ángel Aguirre Rivero confirmed that Guerrero will follow the recommendations made in the report handed down by the National

Commission on Human Rights' (Comisión Nacional de Derechos Humanos, CNDH) to the Guerrero government. According to *Milenio*, the government has promised to punish the state police officers and any other public officials that engaged in activities that violated the constitutional rights of the protestors and that allegedly led to the three deaths.

However, not all are satisfied with the recommendations made in the CNDH's report. Former State Attorney General Alberto López Rosas rejected the report, stating that it "does not contain any profound historic truth." In his opinion, as reported by *Proceso*, the report is based solely on "assumptions" and lacks any real facts. He is certain that the accused police officers were not responsible for the deaths of the protesters and that "tests" can be conducted to prove their innocence.

On December 12, students from "Normal Raúl Isidro Burgos" teacher training school in Ayotzinapa began publicly protesting for the selection of a new school director, lower entrance requirements, and better food in the cafeteria. Ministerial state police officers allegedly shot two students and physically abused some of the others they arrested. A third victim died two days later as a result of third degree burns suffered during the confrontation. Currently, 11 police officers have been detained after an investigation was initiated, and 20 federal police officers have given statements at the federal Attorney General's Office (Procuraduría General de la República, PGR) headquarters in Guerrero. In response to the deaths, over 500,000 protesters demonstrated in front of key government buildings on December 16. See page 16 of last month's Justice in Mexico Project's December News Report for more information on the incident.

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#### Mexico denies Human Rights Watch allegations

Mexico's Interior Ministry (Secretario de Gobernación, Segob) sent out a formal complaint to Human Rights Watch (HRW) stating that the accusations it makes about Mexico in its recent reports are untrue and "do not reflect the real status in Mexico." On January 21, HRW released its annual "World Report," which examines the status of human rights around the world. Over two months before, on November 9, 2011, HRW also published a 212-page report titled "Neither Rights Nor Security: Killings, Torture, and Disappearances in Mexico's 'War on Drugs.'" Between the two publications, HRW alleges that certain branches of the Mexican military have committed serious human rights violations against Mexican citizens during President Calderón's "war on drugs." They also provide statistics as to the number of complaints made by Mexican citizens and what kind of response the government has given in return. The reports further comment on the fact that these violators continue to enjoy impunity for their alleged actions, which undermines both justice and the rule of law throughout the country.



Director of the Americas division of Human Rights Watch José Miguel Vivanco presents the HRW report "Neither Rights Nor Security" back in November 2011. Source: *El Mundo*

Two days after the publication of the "World Report," the Mexican Federal Government reported that the Interior Ministry had sent a response to HRW regarding the accusations made in the November report highlighting the discrepancies in the publication. It was also pointed out that HRW neglected to include the Mexican government's response to the November report when it discussed the current state of Mexican human rights in the "World Report." In its defense, Segob reiterated that the Army (Secretaría de Defensa Nacional, Sedena) and Navy (Secretaría de Marina, Semar) both "put the security and the integrity of the people" above all else when fighting against narco-trafficking groups. Additionally, as *Grupo*

*Fórmula* reported, the Mexican government stressed the following points in its recent response to HRW: that the number of complaints registered with the National Commission on Human Rights (Comisión Nacional de Derechos Humanos, CNDH) does not reflect the actual number of human rights violations committed; that of the 6,065 complaints received against Sedena, only 98 (1.61%) of them were turned into recommendations, which have been adopted and consistently followed by Sedena; and that 17 out of the 800 (2.12%) complaints against Semar were adopted as recommendations. Thus, the government has tried to show the difference in the number of complaints of violations being filed versus the actual number of cases of human rights violations that have been proven.

At a recent press conference, the director of the Human Rights Watch's Americas division, José Miguel Vivanco, challenged Segob's response by asking them to prove their claim that the majority of the 47,000 deaths that have occurred as a result of narco-trafficking violence in Mexico are a direct result of crime and violence between the cartels themselves. Miguel Vivanco questioned how 90% of these crimes fall into this category when investigations are not properly conducted into these deaths. He added that he hopes the "next administration revises its security strategy" and is willing to "examine conducts and accept criticisms and suggestions" from international organizations.

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## PUBLIC SECTOR JOB SECURITY

### **Mexican firefighters not considered public security**

On January 25, the Supreme Court in Mexico (Suprema Corte de Justicia de la Nación, SCJN) established that firemen were not considered public security officers under Mexican law. Determining that firefighters' principal functions include fire prevention, emergency response and mitigation, risk and disaster relief, and assistance and protection of the population, the Supreme Court decided that their functions were not those of police and therefore should not be considered as security officers.

This decision is significant given a Constitutional reform in 2008 of paragraph B of article 123 that eliminated the principle that law enforcement agents have job security. The 2008 decision ultimately meant that any person considered to be public security could be removed from their position if they were not fulfilling their legal duties and requirements. As such, the January 25 case ruling has direct implications for firefighters' job stability as the past three years they have been subject to the 2008 Constitutional reforms.

In the recent case, however, which was brought by a fireman from the State of Mexico (Edomex), it was argued that firefighters were only involved in law enforcement and crime prevention in supportive roles rather than primary roles and, furthermore, assisted only when their presence was requested. As such, firefighters should not be considered as law enforcement agents. In its decision, the Court stated that the relationship between the fire department and the state is substantially different than that of law enforcement. The former does not have an administrative relationship with the state where as law enforcement does, but rather a regular work relationship, and thus, the limitations contemplated in the Constitution do not apply to them.

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## AROUND THE STATES

### OAXACA

#### Progress and concern in Oaxaca's implementation of constitutional reforms



For the first time since its state constitution was amended last year, Oaxaca has sworn in a Supreme Court President (Presidente del Tribunal Superior de Justicia del Estado) for a four-year term. Alfredo Lagunas Rivera was elected unanimously by the Supreme Court judges of his state. He will be eligible to run for election once more in 2016, as per amended Article 103 of the Oaxacan constitution.

The amendment was adopted as part of an overall constitutional reform package aimed at reducing political influence on the courts, and strengthening judicial autonomy. It is hoped that longer presidential terms will strengthen the judiciary's position in the balance of state powers, and bolster public confidence in it. Before the reforms, although Supreme Court presidential terms were technically one year long, in practice, they ran six years, because the candidate who enjoyed the state governor's support was elected and re-elected to the post.

It is yet unclear whether these new reforms will succeed in abating external interference in the judicial process. Some fear that judges' votes for the presidency will remain subject to undue gubernatorial pressure. Others worry that state trial court judges continue to lack the protections necessary to issue any judicial opinion that may cut against powerful interests. In the past, judges have operated the threat of retaliatory actions, such as an undesired reassignment of duties, or work location, in such cases, and it is not certain that the reforms will fix this problem. These fears correspond with the findings of the Due Process Legal Foundation in a 2009 study on the Oaxaca judiciary.

Oaxaca's judicial branch also reaffirmed this month that it has allocated part of its 2012 budget to implementing the new accusatorial, adversarial justice system in the Costa region of the state. However, this year's half-billion peso (about \$36 million USD) judiciary budget, a 15 million peso (about \$1 million USD) increase over last year, was intended to implement the new system in not one but two regions of the state, Costa and Cuenca. Some state legislators, such as National Action Party's (Partido Acción Nacional, PAN) Luis de Guadalupe Martínez Ramírez, have voiced worry that, despite this budget increase, the judicial branch will again defer implementation in Cuenca, as they have done three times before. As long as Oaxaca continues to concurrently operate two different justice systems, the state remains vulnerable to legal uncertainties, administrative complications, and potential injustices to its citizens.

In other Oaxacan judicial reform news, last month members of one of Mexico's national bar associations, the *Barra Mexicana de Abogados*, graduated from a training course on criminal litigation in the new adversarial justice system. The American Bar Association's Rule of Law Initiative in Mexico taught the class, and USAID contributed funding. The course offered hands-on instruction in litigation ethics and strategy, witness questioning, and opening and closing arguments.

Oaxaca's judicial branch also inaugurated its Public Prison Hearings Program (Programa de Audiencias Públicas Penitenciarias) this month, in the Mixteca region of the state. The program seeks to uphold the human rights of incarcerated persons by sending judges and criminal justice experts to prison facilities to rule on petitions. The program aims to provide effective, efficient, and cost-free redress to prisoners, thus protecting their due process rights, and rights as prisoners. The first session of hearings resolved 65 matters. The program plans to visit all eight regions of the state in 2012.

In an attempt to advance the cause of transparent governance this month, state representative Flavio Sosa proposed an amendment to Article 37 of Oaxaca's constitution, which would require the state Executive Branch to release government information to legislators upon request. Currently, according to Sosa, state executive personnel control much public information in the state, and have discretion to

release it “whenever, however, and to whomever” they wish. “Access to public files by the members of this government is an essential tool for combating corruption,” he pointed out, and legislative representatives need access to public information, so as to “provide the best possible policy making for the citizenry.”

Finally, the first female president of Oaxaca’s State Electoral Tribunal (Tribunal Estatal Electoral del Poder Judicial de Oaxaca, TEE), Ana Mireya Santos López, delivered her first performance report to the state judicial branch this month. She spoke positively about the TEE’s 2011 activities, and emphasized the importance of enriching TEE personnel training on how to best operate in what is “the most ethnically and linguistically diverse” state in Mexico.

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## MICHOACÁN

### Michoacán begins dual judicial reform trainings



In October 2011, the pacific state of Michoacán formed a council (consejo) to implement the state’s new criminal justice system, which is part of President Calderón’s 2008 constitutional reforms that sought to reform rule of law in Mexico through changes to due process and increased judicial efficiency and transparency. Under the direction of its president, Alejandro González Gómez, the council has made steps towards implementation of the new system, notably by holding a forum this month called the Forum for Analysis, Strengthening, and Opportunities in the Code of Criminal Proceedings (Foro de Análisis,

Fortalezas, y Oportunidades del Código de Procedimientos Penales del Estado de Michoacán). In addition, a number of trainings addressing two of the main prongs of judicial reform – *amparo* and crime scene protocol – have been held state-wide in preparation for the adoption of Michoacán’s code of criminal procedure, which is set for February 2013.

*Amparo* is a court-ordered injunction unique to Latin America, and primarily Mexico. It protects individual’s rights from authorities who fail to do so, and therefore it is particularly important in the appeals process. In Michoacán, the new face of *amparo* is being hashed out in the legal system during the implementation of the constitutional reforms. At the end of January, Jesús Montejano Ramírez, the Attorney General for Michoacán (Procuraduría General de la Justicia del Estado, PGJE), conducted a twenty-hour course called “Criminal *Amparo*,” which was intended to instruct prosecutors and investigators on its concept and role in the legal and judicial system. Attorney General Montejano and guest speaker Professor Salvador Ortega González, a researcher from the National Institute of Penal Sciences (Instituto Nacional de Ciencias Penales, INACIPE), explained to the crowded classroom that *amparo* serves to protect the freedom and personal integrity during arrests and combats unconstitutional laws.

Crime scene training is also part of Michoacán’s new criminal justice reforms. As such, the council for the new criminal justice system held a five-day, 32-hour crime scene course that began on January 9. Those in attendance included police, prosecutors, judges, and public defenders, all of which were trained how to properly investigate a crime scene and preserve and present evidence. The course, which had 60 participants, was instructed by six U.S. experts and specialists who focused on issues including how to respond and preserve the crime scene, take forensic photography, investigate court testimony, and collect evidence, fingerprints, and DNA. As Ken Jones, one of the instructors who works in the Portland, Oregon Police Office commented, “the change to the new [criminal justice] system requires significant dedication,” quoted *Moreliactiva.com*. He went on to encourage the course participants to share the knowledge and

training they received with their colleagues.

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## COAHUILA

### Police begin new training program in Coahuila



On January 3, the city of Saltillo in the state of Coahuila began implementing the first stages of a new police-training program that focuses on educating current preventative police and traffic officers. "We want the police to gain the respect of the people, with noble actions, attitude, compromise and will," stated Jericó Abramo Masso, the mayor of Coahuila. He hopes that the program, called Crime Prevention (Prevención del Delito), will ultimately change the image in which the public perceives the police by having officers better serve the people. The coordinator of the program, Francisco Rojas, announced that

the training program will focus on protecting the safety of civilians, preventing crime, performing efficiently, and overall, treating the citizens in a professional manner. Experts from Central and South America will be sharing their knowledge on the matter throughout these upcoming courses. The government has allocated approximately 12 million pesos specifically for the program.

According to *El Siglo de Torreón*, every 15 days a group of 30 officers will be enrolled in the first stages of the program until all officers have completed the early stages. From there on, the officers will be grouped in units of 30 to be taught the next courses in the program. *Vanguardia* reported that the National System of Public Security (Sistema Nacional de Seguridad Pública, SNSP) trained 538 officers in such programs last year regarding basic knowledge of the functions of police forces. Statistics provided by *El Siglo* show that crime rates are expected to decrease by as much as 80% after all police are properly trained.

Noncompliance with the program will result in removal from one's position— a threat that has been made clear to all police officers in Saltillo with the hopes of ensuring compliance and ultimately strengthening police officers' training and capabilities.

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

**About the Report:** *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Research Associate Cory Molzahn, and edited by Kimberly Heinle, with research assistance from Octavio Rodríguez, Margaret Serrano, Anna Lizano, Sophia Carrillo, Felicia Gomez, Chelsea Jensen, Christopher Cabezas, and Stephanie Borrowdale. All maps and tables generated by TBI; unless otherwise noted, all photos obtained from Wikicommons. Any opinions expressed in attributions for this summary are those manifested in the media reports and op-ed pieces compiled herein, and not those of the University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to [transborder@sandiego.edu](mailto:transborder@sandiego.edu).*

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