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News Report

MONTHLY SUMMARY

Ejecuciones on track to exceed 2010 numbers • Government targets regional and splinter organizations • Mexican army discovers underground drug lab in Sinaloa • Major marijuana seizure reportedly targets Sinaloa cartel • Precursor chemicals seized in Querétaro and Veracruz • Over 400 inmates escaped from prison in Tamaulipas in 15 months due to internal corruption • United States and Mexico attend Bi-national Conference on Reducing Drug Demand • Tijuana signs social pact against drug violence and drug use • Project Delirium adds 221 arrests targeting La Familia Michoacana • Union leader faces allegations of corruption and misuse of funds • PGR has opened investigations into their own staff • IFAI signs public information agreements with federal groups • Evaluation of DF web portals finds many lack transparency • IFAI seeks information from National Institute of Migration, PEMEX • State government administrations come under greater scrutiny • Mexico approves historic changes on human rights • Femicide moves forward to be defined as a specific crime • Federal procedural criminal code is ready to be discussed by Congress • Implementation of oral trials lagging • Program to prevent kidnapping approved amidst a string of kidnappings throughout Mexico • Four men found guilty in the 2010 Ciudad Juárez massacre • NSJP implementation in Baja California sees success while facing obstacles • 195 municipal police begin training on new Accusatorial Penal System • New statistical method introduced in Guanajuato judicial system

LAW AND ORDER

CARTEL-RELATED VIOLENCE

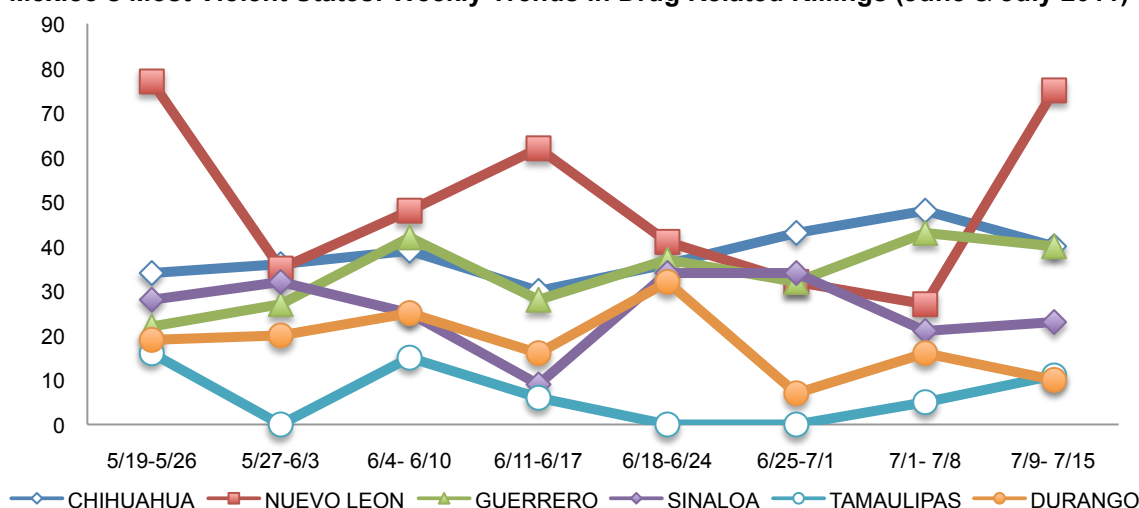
Ejecuciones on track to exceed 2010 numbers, spiking in key states after state and local elections

As of July 25, the Mexico City-based newspaper *Reforma* has documented 7,443 killings associated with drug trafficking groups. In recent weeks, the rate of killings documented by *Reforma* declined from an

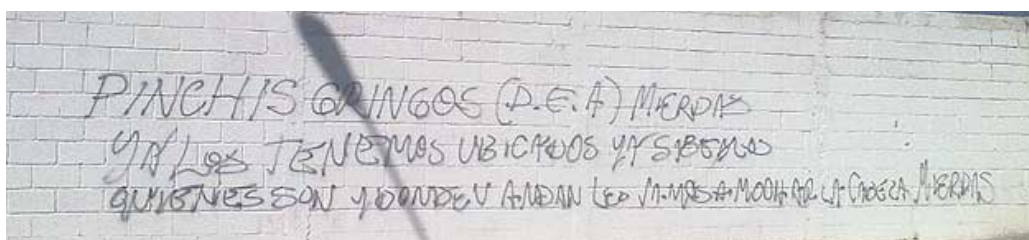
average of more than 272 per week in June to around 255 per week in the first three weeks of July. Still, the total number of killings so far in 2011 constitutes an increase of more than 20% compared to the same time last year, and remains on track to exceed the record levels of drug-related violence set in 2010. Projecting forward at current rates, the number of homicides will likely exceed 13,000 and could reach nearly 14,000 deaths this year, compared to the 11,583 *Reforma* identified last year. *Reforma*'s tallies are typically lower than those of the Mexican government, which counted 15,273 last year; however, more than halfway through 2011, official figures have not been released yet for this year.

Reforma's data suggest that the same general trends seen in 2010 have continued in 2011. Violence remains geographically concentrated, though new conflict areas have emerged. By late July, nearly 60% of the violence was concentrated in just six out of 32 states: Chihuahua (1,175), Nuevo León (948), Guerrero (875), Sinaloa (783), Durango (711), and Tamaulipas (559). In these states, violence had appeared to die down somewhat with the approach and convocation of state and local elections in early July, but sparked back up again soon after.

Mexico's Most Violent States: Weekly Trends in Drug Related Killings (June & July 2011)



While the northern border state of Chihuahua has the country's highest rate of drug killings, violence there has declined significantly in relative terms in recent months. To be sure, Chihuahua experienced several noteworthy incidences of violence over the last few weeks. On July 1, an anonymous *narcomensaje*, or "narco-message," was painted on a school wall in Ciudad Juárez insulting and threatening to decapitate U.S. Drug Enforcement Administration (DEA) agents. In the town of Guadalupe, where its sole police officer Ericka Gandara disappeared on December 23, 2010, a decapitated head appeared in front of the town hall on July 5. In Ciudad Juárez, separate messages addressed to Chihuahua's governor Cesar Duarte accused state officials of protecting the Sinaloa cartel. Also, on July 20, the *El Paso Times* reported that U.S. citizen Jorge Dieppa, a 57-year old court interpreter and lecturer at the University of Texas-El Paso, was kidnapped and killed in Ciudad Juárez. On July 25, a 40-minute shootout around 9:00pm at the prison, or Centro de Readaptación Social (Cereso), based in Juárez, left 17 dead, including one woman, before the military, federal, and local police were able to restore order. In the aftermath, media reports claimed that the prison violence was preceded by a drug-fueled prison orgy that included minors.



Source: Blogdelnarco.com

Not discounting the tragedy of the state's recent developments, the total of 1,124 drug-related killings identified by *Reforma* in the state of Chihuahua by the third week of July was a third lower than the same time last year. Still, the rate of violence in Chihuahua has declined significantly in relation to several other states, which have also seen significant increases in recent months. Whereas in 2008 and 2009 Chihuahua accounted for approximately 32% of all drug related killings nationwide, by *Reforma's* count, its share declined to 27.5% in 2010 and 15.8% so far in 2011. Meanwhile, at mid-year, several other states have nearly doubled their absolute number of killings. Thus, despite the declining rate of killings in Chihuahua, this has been more than compensated by increases in violence elsewhere.

	2006	2007	2008	2009	2010	2011
Chihuahua	130	148	1,649	2,082	3,185	1,175
Nuevo León	50	107	78	99	610	1,001
Guerrero	186	253	287	638	984	917
Sinaloa	350	346	680	767	2,028	810
Durango	64	130	268	637	777	722
Tamaulipas	181	89	110	49	725	560
Rest of Mexico	1,159	1,207	2,081	2,315	3,274	2,258
Total	2,120	2,280	5,153	6,587	11,583	7,443

In particular, violence has increased greatly in Nuevo León, due to the ongoing conflict between members of the Gulf Cartel and their former-allies, the Zetas, in and around the northern industrial city of Monterrey. On June 15, 32 people were killed in 12 separate incidents throughout the city, followed on June 28 by the assassination of Germán Pérez, the police chief of a Monterrey suburb called Santa Catarina. Pérez was attacked by a group of gunmen that stormed his office and escaped without resistance from police. The day before Pérez's killing, three officers were arrested on charges of collaborating with the Zeta cartel, and seven more were arrested after his death for their possible involvement in the assassination. The next week, on July 8, the violence continued with a late-night massacre that reportedly killed over 20 people—among them 18 employees—in a Monterrey nightclub known as Sabino Gordo. Jorge Domene Zambrano, public security spokesperson for the state of Nuevo León, indicated that the club is a center for drug sales operated by traffickers and dealers, including a cocaine dealer identified as “El Botellero.” Authorities indicated that the attack was likely orchestrated by a rival drug gang.

Elsewhere, numerous killings concentrated in the resort city of Acapulco and outlying areas, such as Zihuatanejo and Petatlán, placed the Pacific state of Guerrero nearly on par with Chihuahua in recent weeks. In the face of this violence, on July 25, Acapulco's Public Security Secretary (Secretaría de Seguridad Pública) Lt. Col. Héctor Paulino Vargas López tendered his resignation citing health reasons. Vargas was replaced by the director of the city's rural preventive police, Manuel Paz Espinoza. Acapulco's violence has been attributed to a three-way contest among the remnants of the Beltrán Leyva organization, La Familia Michoacana, and the Sinaloa cartel, which are all vying to control drug smuggling and other organized crime activities in this key corridor.

Related clashes contributed to on-going violence in the Pacific coastal state of Sinaloa. On July 2, two decapitated bodies were left at the offices of the *Noroeste* and *El Debate* newspapers in Mazatlán, Sinaloa, accompanied by notes allegedly written by the Beltrán Leyva and Los Zetas criminal organizations and directed toward Sinaloa Governor Mario López Valdez and Mazatlán Mayor Alejandro Higuera Osuna. Both *narcomensajes* issued similar threats: retaliation against Governor López and Mayor Higuera if the so-called “Elite Police,” a special unit of the police force, are allowed to return to the municipality, claiming that these special police units have been responsible for killing innocent people. On July 15, ten “elite” state police returning to the state capital, Culiacán, after promoting a “Safe Commerce” program in the port city of Los Mochis—where police were attacked just hours before—were ambushed and killed at a fake highway checkpoint near the town of Guasave. Hundreds of rounds from AK-47s, R-15, and G-3 type weapons were found at the scene. The ten police officers killed reportedly included Ortiz Francisco Cárdenas Castillo, Guillermo Guadalupe Orduño, Raúl Alberto Mendoza Arredondo, Óscar Ulises Ortega Hernández, Andrés Leonardo Rubio Beltrán, Efraín Salas Torres, Víctor Alfonso Sánchez Ibarra, Norberto Santiago Valencia, Raúl Saucedo Burgos, and Francisco Torres López, all of whom

served as escorts of State Secretary of Public Security Francisco Manuel Córdova Celaya, who had returned safely to the capital via helicopter. In addition, a 29-year-old vendor for a tortilla company, named Álvaro Gallardo, was caught in the crossfire while driving toward Los Mochis. Amid ample local media coverage of these events, on July 21, the son of the editor of *El Debate de Culiacán* was assassinated.

Commenting on Mexico's recent violence in the July 14 edition of *Foreign Policy*, Malcom Beith argues that Mexico suffers from an image problem, and that even "nation-branding" experts like Simon Anholt have found it difficult to shed the image of a "troubled" country. According to Beith's interviews with Technical Secretary of the Council for National Security (Secretario Técnico del Consejo de Seguridad Nacional) Alejandro Poiré and other government spokespersons, "Mexico's economy is growing, tourism is rebounding, security in some parts of the country has never been better, and the middle class is continuing to expand. So the key question going into 2012 is: Can anyone put back together Mexico's broken image, both on the world stage and at home?" Commentator Ana María Salazar, however, criticized efforts to paint Mexico as a "normal" country by comparison to places where violence is more severe, such as Brazil, Colombia, and Venezuela. According to Salazar: "Mexico is not a normal country and these horrific acts of violence cannot be considered a 'normal' and natural consequence of a strategy of confronting organized crime groups that, it must be said, are among the most violent in the world. It seems like the government, the private sector, the church, the business class, and civil society itself do not want to recognize that Mexico is a country at war."

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ORGANIZED CRIME ARRESTS

Government targets regional and splinter organizations

Following major arrests targeting high-ranking cartel operatives reported by the Justice in Mexico Project, authorities announced the detention of mid-level operatives of regional and splinter organizations that continue to vie for control over key drug corridors.

On July 3, federal police detained Jesús Enrique Rejón Aguilar, alias "Z-7" and "El Mamito," who is the presumed leader and one of the founders of the organized crime group, Los Zetas. He is one of the most wanted men by both Mexican and American authorities, so much so that the U.S. Drug Enforcement Agency (DEA) was offering a reward of \$5 million dollars for his arrest. Los Zetas is known to be one of the bloodiest and most violent of all of the cartels that operate in Mexico. Rejón was allegedly the third person in command of Zetas, behind Heriberto "El Lazca" Lazcano and Miguel Ángel "Z-40" Treviño. Rejón was detained in Atizapán de Zaragoza in the state of Mexico while traveling with a police officer who offered him protection during a visit to Rejón's mother's house in his native Campeche.



Jesús Rejón Aguilar
Source:
www.europaplus.tv

According to media reports, Rejón joined the Mexican army in 1993, but three years later defected to join the Zapatista Army of National Liberation (EZLN). After three years with EZLN, he quit in 1999 to form Los Zetas with 14 other soldiers, which originally operated as the military arm of the Gulf Cartel but later split to form its own organization. Ramón Pequeño, the chief of the Intelligence Division of the Federal Police, indicated that Rejón is believed to have had a part in the February 2011 assassination of Jaime Zapata, a U.S. Immigration and Customs Enforcements (ICE) agent, among a number of other high profile crimes.

The death of La Familia Michoacana founder Nazario Moreno González in December 2010 and the arrest



Source:
Oaxaca Entre Lineas

of José de Jesús "El Chango" (The Monkey) Méndez Vargas in June 2011 had contributed to the emergence of new splinter groups that are attempting to carve out their own territories. Among them, a group calling themselves the Knights Templar, was reportedly founded by a former-school teacher named Servando Gómez and produces methamphetamine with precursor chemicals from China. On July 13, the Knights Templar suffered the arrest of 39-year old Javier "El Chivo" Beltrán Arco (pictured left), alleged to be the top hit man for the organization. Beltrán Arco was arrested in the town of Apatzingan, about 150km from Mexico City, along with 30-year old Esteban "El Tobo" Alvarez Quiroz and 20-year old Heriberto "El Cachito" Roman González, three AK-47 assault rifles and nearly one kilo of methamphetamine.

On the Monday following a Sinaloa police ambush, Technical Secretary of the Council for National Security (Secretario Técnico del Consejo de Seguridad Nacional) Alejandro Poiré reported that most Mexicans support President Felipe Calderón's military campaign against drug trafficking organizations. "As human beings, we are disgusted by the violence that endangers our tranquility. Therefore, the government will combat it firmly," added Poiré.

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DRUG SEIZURES

Mexican army discovers underground drug lab in Sinaloa

The Mexican Ministry of Defense (Secretaría de la Defensa Nacional, Sedena) indicated on June 28 that the Mexican army discovered a drug lab in northeastern Sinaloa, near Culiacán, used to prepare methamphetamine and fully equipped with two underground levels, a metal structure, an elevator, and a ventilation system. On Sunday, June 26, soldiers patrolling the area found the lab "hidden in the bushes." One level consisted of a room and a kitchen, while the bottom floor was a two-room, 10 x 12 meter cellar that stored organic synthesis reactors used to produce the drug.



Source: Univisión.com

According to *El Universal*, following the discovery, "soldiers seized 260 kilos of methamphetamine, 180 liters of liquid methamphetamine, 145 liters of acetic anhydride, 610 liters of alcohol, 330 liters of toluene, 360 kilos of sodium rayon, 300 kilos of tartaric acid, 450 kilos of caustic soda, and 20 kilos of mercury chloride." *El Universal* also reported that "six organic synthesis reactors with different storage capacities, five metal condensers, six tanks of gas, eleven burners, a metal press, a scale, and other synthetic drug manufacturing equipment" were also taken from the laboratory. Sedena did not mention who the facilities

belonged to, but some reports note that the Sinaloa cartel may be connected.

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Major marijuana seizure reportedly targets Sinaloa cartel operations in Rosario, Baja California

On Tuesday, July 12, military personnel discovered what is believed to be the largest known marijuana plantation in Mexico's history. The Secretary of National Defense (Secretaría de la Defensa Nacional, Sedena) reported that Sinaloa cartel head Joaquín "El Chapo" Guzmán owned the plantation. The plantation was located just over 250 miles south of the U.S. border in the desert of Rosario, Baja California.

According to Brigade General Alfonso Duarte Múgica, the seizure prevented about 120 tons of marijuana from reaching the U.S. market. Authorities estimated the value at \$160 million, but this is quite likely a significant over-estimate. At a rate of \$400 per pound, the wholesale price that Mexican drug traffickers typically obtain for marijuana, the Justice in Mexico Project calculates that the roughly 240,000 pounds of marijuana would more likely yield around \$96 million wholesale. According to a recent study by the Rand Corporation, total proceeds that Mexican drug trafficking organizations receive from marijuana amount to between \$1-2 billion annually. Thus, whatever calculations used, this was a major bust.



Mexican soldiers burning the marijuana found in Rosario.
Source: Los Angeles Times

The military unit that found the plantation, which consisted of about 30 soldiers, entered into what they initially believed to be a tomato field. According to military Commander Landeros Briseno, as the soldiers walked further into the plantation they interrupted roughly 100 laborers, who were in the middle of a meal and who began immediately fleeing to the hills. The military was able to capture two people at the plantation and another 56 people at the checkpoints set up around the area.

In addition to the vast amount of marijuana, boxes of highly toxic fertilizers were also found. About 200 soldiers are now burning the marijuana, which authorities say, could take up to a month due to the size of the plantation. President Felipe Calderón has formally congratulated Secretary of National Defense (Secretaría de la Defensa Nacional) Guillermo Galván Galván for the discovery and seizure. As reported by *Impacto*, President Calderón described the success as a "major blow to organized crime."

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Precursor chemicals seized in Querétaro and Veracruz

Mexican authorities struck major blows to traffickers of precursors chemicals used in the production of the synthetic stimulant methamphetamine, or "crystal meth," during a series of seizures in the central Mexican state of Querétaro, on June 15, July 6, July 18, and July 20. In the July 20 raid, army soldiers found a warehouse containing 925 metric tons of precursors used in making the synthetic drug.

This seizure reportedly found hundreds of white 25 kilo sized packets (equivalent to 55 pounds) and blue 53-gallon drums, amounting to a total of 787 tons of the chemical phenylacetamide and 52.5 tons of tartaric acid. Estimates reported by *Reuters* suggest that the chemicals could have been used to produce

approximately 350 doses. Multiple media reports indicated that this was the largest seizure of precursor chemicals on record, and significantly larger than a previous bust of 200 tons of precursor chemicals seized in Manzanillo, Colima in 2010.

A few days later, on Sunday, July 24, the Secretariat of the Navy (Secretario de Marina, Semar) announced the seizure of 60 tones of phenyl ethyl acetate, a chemical used as a precursor in the production of designer drugs. The drugs were seized at the port of Veracruz in three containers that arrived on July 13 on a ship named "Rita Sibum" arriving from Huangpu, China via Kingston, Jamaica and registered under the flag of Antigua and Barbuda.

SOURCES

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PRISON BREAK

Over 400 inmates escaped from prison in Tamaulipas in 15 months due to internal corruption

Citing the corruption of prison authorities in Tamaulipas and their "avoidance of systematic control measures," the Mexican federal government stated on Friday, July 15, that more than 400 inmates have escaped from five prisons in the state of Tamaulipas between January 2010 and March 2011. Over these 15 months, the Interior Ministry (Secretaría de Gobernación, SEGOB) reported that 84 incidents occurred in five different locations.

The announcement was made in the context of the most recent escape on July 15, when 59 inmates fled from the Sanctions Enforcement Center in Nuevo Laredo, during which 7 inmates were killed in the attempt. As reported in *La Crónica de Hoy*, two prison breaks also occurred in May 2011 in Reynosa, Tamaulipas, during which 14 prisoners escaped from each of the penitentiaries. In December 2010, a prison in Nuevo Laredo, Tamaulipas had 141 inmates escape, while another 85 and 12 escaped from a Reynosa prison in September and July 2010, respectively, and 41 successfully fled from a Matamoros prison in March 2010.

The federal government indicated that the increasing number of prison breaks is "unacceptable" and has demanded a thorough investigation that will "bring justice to the public servants who have betrayed their public service duties." At the same time, SEGOB officials added that "these events are not only threatening the safety of [Mexican] communities, they are also generating impunity and undermining the work of authorities committed to their work." As such, the government announced that the Mexican army and the Federal Police will strengthen surveillance outside of the prison, and that they will assist in locating and re-arresting the 59 prisoners who escaped in the most recent incident.

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DRUG DEMAND REDUCTION

United States and Mexico attend Bi-national Conference on Reducing Drug Demand

The United States and Mexico hosted its Ninth Bi-national Conference on Reducing Drug Demand (Novena Conferencia Binacional sobre la Reducción de la Demanda de Drogas) in which they have made plans to create a new group that will be responsible for reducing drug consumption. Both countries also signed an agreement to exchange scientific information on the subject as research and findings become more available. David K. Mineta, the Deputy Director of Demand Reduction of the Office of National Drug Control Policy, remarked on the importance of this step as it is the most significant collaboration on drug

demand reduction between the two countries to date.

The bi-national group has agreed to treat drug addiction as a health issue instead of as criminal conduct. Mexico's commissioner of the Council Against Addiction (Consejo Nacional contra las Adicciones, CONADIC), Carlos Tena Tamayo, has expressed how he hopes that this change in view will "help overcome moral obstacles that stigmatize drug consumers and make it difficult for them to recover." The group hopes that increased prevention and treatment efforts will ultimately lead to lower overall drug consumption rates as there will be fewer first-time users and as the risk of relapse decreases with increased medical and health treatment for addicts.

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Tijuana signs social pact against drug violence and drug use

The Tijuana chapter of the National Chamber of Transformation Industries (*Cámara Nacional de la Industria de la Transformación de Tijuana*, Canacinttra-Tijuana), along with various civic organizations, signed a pact on Monday, June 27, to reduce both drug-related violence and drug use in Tijuana in the state of Baja California. The agreement is known as the "Tijuana Letter" (*Carta Tijuana: Tijuana, te quiero libre de violencia*).

While Tijuana has seen a dramatic decline in drug related killings since 2009, "Carta Tijuana" seeks to continue diminishing cartel violence and drug abuse by emphasizing values and education. Karim Chalita, the president of the Tijuana chapter of the National Chamber of Commerce (*Cámara Nacional de Comercio de Tijuana*, Canaco), emphasized the need to "free" Tijuana from the drug-related violence that has taken a toll on innocent civilians. Chalita noted that an entire generation has been lost to the violence, whether they have been killed or "locked up in the prison of impunity and loss of hope, whose bars are fear and crime."

Drug use among youth, not just the violence that affects them, was also a major point behind the letter's drafting. Tijuana Mayor Carlos Bustamante pledged his support for the pact, as he pronounced it to be a sign of the "willingness of citizens to protect their patrimony." Among those in attendance at the signing were Mayor Bustamante, Chalita of Canaco, local businessmen, artists, academics, and religious leaders.

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U.S.-MEXICO COOPERATION

Project Delirium adds 221 arrests targeting La Familia Michoacana

Only July 21, the U.S. department of Justice announced the most recent results of a multi-agency effort to dismantle Mexican organized crime groups operating in the United States. The operation, labeled "Project Delirium," has reportedly arrested 1,985 alleged operatives of the La Familia Michoacana drug trafficking organization since the law enforcement project began nearly two years ago.

The most recent round of activities began on June 1 and included the arrest of 221 suspects, as well as the seizure of \$770,499 in U.S. currency, 118 kilograms of cocaine, 635 pounds of methamphetamine, and 24 pounds of heroin. During the full 20 months of its operation, Project Delirium has resulted in the arrests of 1,985 individuals and seizures of over \$60 million (USD), over 3 tons of cocaine, nearly 1.4 tons of methamphetamine, 1,005 pounds of heroin, and over 7.4 tons of marijuana, all of which reportedly target the La Familia Michoacana that suffered simultaneous arrests of high-ranking members of its organization south of the border.

Underscoring the threat presented by La Familia Michoacana on both sides of the border, Deputy Attorney General James Cole announced, "Through coordinated and strategic efforts like Project Delirium, we are disrupting the operations of Mexican drug cartels in the United States and Mexico... The arrests and seizures we are announcing today have stripped La Familia of its manpower, its deadly product and its profit, and helped make communities large and small safer."

John Morton, director of U.S. Immigration and Customs Enforcement (ICE), stated, "law enforcement officials here in the U.S., in Mexico and all around the world are cooperating at unprecedented levels. There is a willingness - like never before - to work hand-in-hand to fight the cartels, the criminal enterprises and the violent gangs that threaten the peace and security of people on both sides of the border." A Justice Department press release cited the specific participation of U.S. Customs and Border Protection, the U.S. Drug Enforcement Agency, the U.S. Federal Bureau of Investigation, U.S. Immigrations and Customs Enforcement, the U.S. Internal Revenue Service, the U.S. Marshals Service, the Office of International Affairs, and the Mexican Secretariat of Public Security.

In recent years, the National Drug Intelligence Center has identified Mexican drug trafficking activities in 270 U.S. cities, prompting recommendations in a recent Council on Foreign Relations report for U.S. law enforcement to develop and implement a coordinated, nationwide interagency strategy for identifying, investigating, and disrupting the retail distribution networks that support Mexican drug trafficking organizations. Project Delirium involved arrests and federal drug charges in Alabama, California, Colorado, Georgia, Kansas, Michigan, Minnesota, Missouri, New Mexico, North Carolina, Tennessee, Texas, and Washington, D.C.

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TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Union leader faces allegations of corruption and misuse of funds

Elba Esther Gordillo, the head of Mexico's National Education Workers Union (Sindicato Nacional de Trabajadores de la Educación, SNTE), is facing allegations of attempted extortion from a former ally. The incident has placed the spotlight on the continued power of unions in Mexico – particularly of the one run by Gordillo – while raising questions over the ability to reform education in light of historical ties between government and unions. The case is also leading to calls for audits of a number of other agencies whose members may have had connections with Gordillo and who benefitted from her suspected connections with Mexican presidents. Named allies of Gordillo have included the head of the National Lottery system (Lotería Nacional para la Asistencia Pública) and the government workers' social security system (Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, ISSSTE) during the administration of Mexican president Felipe Calderón, according to news reports.



Elba Esther Gordillo
Source: terra.com/mx

Gordillo, with her position and connections, reportedly has far reach. Union members, including her son-in-law, are said to hold senior positions in the country's education agency and state governments. Crossover relationships between unions and the government were cultivated during the long-standing administrations of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI). However, it has also proven difficult for the current ruling National Action Party (Partido Acción Nacional, PAN) to ignore union power, and now the administration of PAN

President Calderón is facing criticism for failing to reign in its own members as part of their efforts to create a more open and democratic society.

The initial extortion allegations against Gordillo come from Miguel Ángel Yunes, a former ally of Gordillo's who previously oversaw ISSSTE. Yunes told Mexican media that he had met with Gordillo at a San Diego hotel in 2007 where she allegedly demanded that his agency give \$1.7 million (U.S.D.) a month to assist in financing the New Alliance Party (Partido Nueva Alianza, PNA), which is a political party formed by many of Gordillo's allies. Gordillo denounced the allegations that are now being aired four years later. Yunes himself got his previous job as head of the social security agency ISSSTE after Gordillo said she struck a deal with President Calderón. She alleged that during the 2006 election she agreed to support the president if he would place some of her allies in certain administration posts. Calderón has said that he did appoint some of her allies to posts and that Gordillo agreed to support his education reform plans. He also noted that the conversation she referred to happened after the election, not before. Specifically, as reported in the *Associated Press* and based on a *Televisa* interview, Calderón said, "It was an agreement for the quality of education involving, among other things, that as president I would respect positions or profiles that she had recognized or that had been negotiated from the previous administration." For her part, Gordillo calls the "arrangement" with Calderón "just plain politics." In addition to extortion allegations, the source of her wealth and her operating style has also come into serious question as some have aired suspicion over the origination of her finances. In 2008, according to *The Guardian*, she was captured on camera allegedly offering union leaders luxury sport utility vehicles, like Hummers, in exchange for their loyalty. She has also gained attention for supposedly buying a dozen luxury properties and wearing expensive clothing, raising questions about the source of her wealth. In response, Gordillo has claimed that some of the money comes from inheritance.

Meanwhile, Gordillo has accused Yunes of misuse of funds as PRI members have called for investigations into ISSSTE's expenditures. They are asking for the Secretary of the Public Function (Secretaría de Función Pública, SFP) to conduct an audit of the agency to determine the use of about \$700 million (U.S.D.) and, if necessary, formally proceed with a complaint in the Mexican Attorney General's office (Procuraduría General de la República, PGR). PRI deputy Antonio Benítez said that there have been a number of irregularities that have been identified as misuse of funds in the ISSSTE that merit further attention. PAN Senator Alejandro Zapata Perogordo said that an investigation into Yunes' administration is fair, but that the focus on Yunes may be more political in nature since the PRI elected officials have not asked for similar investigations into apparent misuse of funds among other political and administration figures from their own party.

The recent attention on Gordillo's alleged activities seems to suggest that the PAN has been unable or unwilling to break up the union stronghold that developed during the 71 years the PRI was in power. The PRI developed a supportive relationship with the unions as a way of encouraging their support for elections that assisted in keeping the party in power for decades until the PAN won the presidential elections in 2000 with candidate Vicente Fox. Gordillo has overseen the 1.5 million-member teachers union since 1989, and had been one of the most powerful figures in the PRI. Gordillo was expelled from the party in 2006 for her actions in supporting other party candidates and her involvement in the formation of the New Alliance Party.

Other names have come up in regards to Gordillo's power to win appointments. The director of the National Lottery, Benjamin González Roaro, responded that the decision to name him to his current post came from President Calderón and not from any kind of "agreement" or due to his connections with Gordillo. "He called me when I was completing my term in the Chamber of Deputies and he kindly offered me to be director of the organization," González was quoted as saying. González also said that he was never part of any meetings where Gordillo asked for money from Yunes for the start up of the New Alliance Party. For his part, González spoke favorably about Gordillo, calling her a person who has backed education reforms. Gordillo has also been able to tap into the support of teachers throughout Mexico. A *Reuters* report on her leadership notes that she has fought against government efforts to weaken unions, decentralize education, and give parents a larger role in the education system. This has taken place despite criticism that Mexico's education system needs a major overhaul. Mexico's education-based unions, for example, have faced accusations of selling posts to teachers as well as misuse of government

funds. Other critics argue that the lack of education reform is hurting education outcomes. In a study from April 2011 looking at reading and math skills worldwide, Mexico placed in the bottom third, coming in 48 out of 65 countries.

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PGR has opened investigations into their own staff

In recent months, the Mexican Attorney General's office (Procuraduría General de la República, PGR) has opened investigations into hundreds of agency members who have performed poorly in a series of tests designed to detect possible corruption and lack of trustworthiness. Many of the investigations are expected to result in firings.

Almost 700 people are thought to be under investigation, primarily being targeted for failing to pass lie detector and other psychological tests. The investigations were started about three months ago, according to Mexico's Federal Attorney General Marisela Morales Ibáñez. Some media reports, however, have pinned the number of targeted staff and officials at 424. The mass purge would be the second of its kind in about a year, according to news reports. Last year, 3,200 federal police were let go, which equated to about 10% of the entire force.

Mass layoffs due to investigations into corruption and lack of trustworthiness are not unusual in Mexico. According to the *Wall Street Journal*, this month the state of Oaxaca fired roughly a quarter of its state police force, totaling almost 500 officials, because they failed to pass lie detector tests. Last year, in the city of Torreón, Coahuila, almost the entire police force was fired after an investigation found them to be allegedly linked to local drug trafficking gangs. Reports additionally noted that 100 members of the PGR were detained this month for their alleged involvement in a fraud scheme to obtain loans at reduced prices to purchase property through a federal agency.

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TRANSPARENCY

IFAI signs public information agreements with federal groups

As part of an ongoing attempt to work with government agencies to improve access to public information, Mexico's Federal Institute for Information Access (Instituto Federal de Acceso a la Información Pública, IFAI) signed a number of agreements over the past month to uphold standards of transparency and openness. IFAI, which was created by the Access to Information Law (Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental), is known for increasing transparency throughout Mexico by allowing its citizens to request investigations when a governmental agency's actions are called into question. Its mission is to publicize government information and to guarantee citizens' right to that information. It also serves to resolve disputes between agencies, like Pemex, and individuals who want access to government information.



Source:
vanquardia.com

In July, the head of the Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito Público, SHCP), Ernesto Cordero, and IFAI president Jaqueline Peshard signed an agreement in

Mexico City's National Palace to promote the culture of budget transparency in states and municipalities. Afterward, Peschard called the agreement "a concrete effort," while Cordero noted that increased budgetary transparency provides strategic results since it gives a way to document how effective government projects are. During the event, a web page was introduced that provides an access point for budget information to civilians. Cordero said that budgetary transparency

Also in July, the head of the Secretary of Public Education (Secretaría de Educación Pública, SEP), Alonso Lujambio, signed an agreement with IFAI to increase public access to information regarding the education system and expenditures. Lujambio stated, "the culture of transparency through evaluation and accountability is a daily practice that benefits education quality," and that more than 90,000 postings for teachers in the primary education levels have been handed out through an open process. Peschard, meanwhile, noted that the SEP has the second highest number of requests for information among federal entities with 31,000 requests since 2003. More than 24,000 of those were filed during President Felipe Calderón's current administration.

In June, the Federal Commission of Telecommunications (Comisión Federal de Telecomunicaciones, Cofetel) also signed an agreement with the IFAI that calls for greater collaboration between the two groups in the form of training Cofetel personnel in issues of transparency and how to protect personal information. The agreement stems from several controversial cases regarding public information that Cofetel has been involved in. In one case, Cofetel denied the release of tapes related to a discussion over a contract involving Cofetel, a discussion that IFAI believed to be public information. The tapes were later said to have "disappeared." As a result, IFAI presented a formal complaint before the Secretary of Public Function (Secretaría de Función Pública, SFP) in January.

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Evaluation of DF web portals finds many lack transparency

Just 30% of web pages belonging to agencies in the Federal District obtained "satisfactory" transparency ratings from the Institute for Access to Public Information of the Federal District (Instituto Federal de Acceso a la Información Pública del Distrito Federal, Infodf).

The Infodf evaluation was conducted between March and June of 2011. The study included 21 branches of the central Federal District government, 16 boroughs, 55 separate organizations, two institutes of the Legislature, two institutes of the judicial branch, and 7 more autonomous groups. Of the total 103 entities that were evaluated, 71 had serious gaps in transparency, while 32 scored 'satisfactory' ratings. A total of 1,022 criteria were looked at on each site.

Some of the lowest scores were obtained by the Gustavo A. Madero, Álvaro Obregón, and Tlalpan boroughs, according to *Proceso*, along with the Institute of Higher Education (Instituto de Educación Media Superior) and the local Secretary of Economic Development (Secretaría de Desarrollo Económico). Among the highest scores came from the Federal District's Auditor's office (Contraloría General del Distrito Federal), the Secretary of Finances (Secretaría de Finanzas), Public Health Services (Servicios de Salud Pública), and the Iztapalapa borough.

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IFAI seeks information from National Institute of Migration, PEMEX

The Federal Institute for Access to Information (Instituto Federal de Acceso a la Información Pública, IFAI), which is Mexico's public information watchdog group, supported efforts to increase access to public

information in two separate cases involving the National Institute of Migration (Instituto Nacional de Migración, INM) and the Petroleum Workers' Union of Mexico (Sindicato de Trabajadores Petroleros de la República Mexicana, STPRM). In one of the cases, INM was ordered to provide documents related to its accountability efforts according to parameters set by the National Program of Accountability, Transparency and Anti-Corruption 2008-2012 (Programa Nacional de Rendición de Cuentas, Transparencia y Combate a la Corrupción). IFAI also continued to back a request to find out how much money was received by the STPRM from the parent company, Mexican Petroleum (Petroleos Mexicanos, PEMEX).



The information being sought from the National Institute of Migration pertained to records detailing the migration agency's accountability obligations during the years 2007-2009, in particular any annual summaries of accountability details. The migration agency had initially responded to IFAI that they were not required to release the information since there was no

recent administrative outline that detailed how this information should be handled. They did admit that the information had been available through the previous administration's National Plan of Development. However, IFAI commissioner María Elena Pérez-Jaén said that the most recent National Plan of Development does establish the basis for making the information available. The determination clears the way for additional documents to be provided in relation to how the agency is conforming to accountability through the National Program of Accountability, Transparency and Anti-Corruption 2008-2012. According to IFAI, that document makes it obligatory for dependencies and entities of the Public Federal Administration to make available to the society the actions, advances, and results obtained in relation to use of public funds.

In addition, a judge dismissed an effort by the PEMEX union to prevent the release of information over how much money was received by the union from PEMEX during certain years in the decade of 2000. The judge in the Federal District court determined the information should be public, supporting an earlier determination by the Federal Institute for Access to Information. The information being sought pertains to money received during 2000 and 2007, during which PEMEX has failed to provide from 2001 to 2004. They had reserved that information because, according to them, it was considered private due to a pending judicial process related to a former PEMEX director who had been sanctioned.



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ACCOUNTABILITY

State government administrations come under greater scrutiny

A month after Mexican authorities detained former Chiapas governor Pablo Salazar Mendiguchía in connection with the misuse or disappearance of approximately 104,000,000 pesos (almost \$9 million U.S.D.) from the state during his 2000 to 2006 administration, a state audit of previous Guerrero governor administrations has revealed discrepancies in funds that could lead to more serious investigations throughout the state. In the case of Chiapas, Salazar is appealing the decision of a judge that found enough evidence to move the judicial proceedings forward. Salazar could face as much as 20 years in prison, though his attorney has said the charges are unfounded and stem from political motivations and rivals.

Meanwhile, a state audit into two previous Guerrero government administrations has found a number of discrepancies and possible misuse of funds that added up to more than 10.4 billion pesos from 2000 to 2011 (roughly \$890 million U.S.D.). Of that total, 6.1 billion pesos (\$523 million U.S.D.) were accounted for

in the general budget, and an additional \$2 billion (\$172 million U.S.D) from the payroll. The audit, prompted by the state auditor (Contralor General del Estado) Julio César Hernández Martínez, focused on the education, health, and several other state government departments from 2000 to 2011, although the majority of the discrepancies seemed to come from the budgets of the State Education and State Health departments. The audit was done over two months with the collaboration of the Price Waterhouse office in Mexico City. In response, the Guerrero Department of Education (Secretaría de Educación de Guerrero) announced an immediate audit of 50 randomly selected educational institutions. The extensive review will last five to six weeks, and will look at all financial and administrative areas in schools from different regions within the state. Of the 50 random audits, 15 will occur in schools in Acapulco, 15 in Iguala, 10 in Chilpancingo, and the remaining 10 in Tixtla and Mochitlan.

In addition, Hernández said that the Federal Senior Auditor (Auditoría Superior de la Federación) and the Secretary of Public Function (Secretaría de la Función Pública, SFP) are conducting separate audits into 10 former administrators who worked with previous Guerrero governors René Juárez Cisneros and Zeferino Torreblanca Galindo, the latter whose administration ended this year. Those audits are focusing on the use of federal funds in different parts of the Guerrero government. Hernández said the majority of the irregularities appeared to have been under the administration of Torreblanca, from 2005 to 2011. Among the findings from the audit included the purchase of a helicopter and light aircraft that apparently came from health department funds, though the items did not appear to be for the health department's direct use.

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ACCESS TO JUSTICE

HUMAN RIGHTS REFORMS AND LEGISLATION

Mexico approves historic changes on human rights

On Tuesday, July 12, Mexico's Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) ruled that cases of human rights violations by military personnel hereinafter will be held in civilian courts instead of in specialized military courts. The Supreme Court decision came after reviewing a decision in 2009 by the Inter-American Court of Human Rights (IACHR) regarding Mexico's report on the alleged military involvement in the forced disappearance of Rosendo Radilla in 1974. During this case, the IACHR determined that article 57 of Mexico's Military Code of Justice (Código de Justicia Militar), which ensures that military personnel could only be tried in military courts, was in violation of international human rights codes. The SCJN also found that the decision of the IACHR in the Radilla case obliged the Mexican Court to rule that all federal and local judges may directly interpret the Constitution and treaties in the cases they try, a topic long discussed but forbidden under Mexican Law. Over all, the resolution of the Supreme Court focused on the capacity of federal and local judges to interpret and apply the constitutional and conventional laws; declared that the resolutions of the IACHR are mandatory for Mexican authorities to follow; limited military jurisdiction in matters of human rights violations; and granted power to the Supreme Court to resolve conflicts of jurisdiction between civil and military authorities in such cases.



The IACHR, the highest jurisdictional authority under the Inter-American System of Human Rights, was created by virtue of Article 33 of the American Convention of Human Rights, also known as the Pact of San José. The Court was recognized as a competent body to deal with all matters relating to the

obligations arising from the implementation of the Convention, but was not fully instituted until the entry into force of the Pact of San José in 1979. The Court, located in San José, Costa Rica, has jurisdiction over all cases concerning the interpretation and application of the provisions of the Pact of San José, but only the States that have expressly accepted its contentious jurisdiction are subject to the Court's rulings. Mexico deposited its instrument of ratification (or accession) to the IACHR on March 24, 1981, but its contentious jurisdiction was not accepted until December 16, 1998. The Radilla case was the fourth case the IACHR decided against Mexico since its inception in 1979.

The decision of the Supreme Court in the Radilla case converges with relevant changes made to Mexican Law in recent months to become one of the most substantial contributions to the field of human rights since the inclusion of social rights in the Mexican Constitution of 1917. One of the most important changes agreed upon recently was the amendment that modifies 11 articles of the Constitution in order to bring Mexico into compliance with international laws and treaties it previously signed on; elevates to a constitutional level all of the human rights protected by international treaties that Mexico has ratified; grants power to the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) to investigate serious violations of human rights and bring them before Mexico's Supreme Court; gives CNDH the power to challenge the constitutionality of federal and local laws in violation of human rights while increasing and strengthening the organization's autonomy; mandates that citizens elect the presidents of human rights commissions; obliges all the authorities to prevent, investigate, punish, and redress violations of human rights; and creates a catalogue of rights that cannot be suspended in any case, including rights to life, humane treatment of children, and the principle of legality and retroactivity. Following the decree signed on June 9, 2011, with the above mentioned reforms, President Calderón also approved reforms on July 13 aimed at combating human trafficking that require those accused of committing the crime to be imprisoned during trials, and that guarantee anonymity of victims who report the crime. As President Calderón announced these changes regarding human trafficking, he gave Mexico's Congress 180 days to approve a new nationwide human trafficking law that will reform and streamline how authorities handle such cases throughout the country.

All the above-mentioned changes came after important modifications to the legal figure of *amparo*, arguably the most important contribution of Mexico to the theory and practice of law in the world, and especially influential in Latin America. *Amparo* is a legal "writ of protection" that provides an injunction blocking government actions that would encroach on an individual's constitutional rights. Under the new amendment, all rights contained in international treaties signed by Mexico can be invoked by individuals at the *amparo* trial; a mandatory status has been given to the Supreme Court's general declarations on the constitutionality of laws and regulations; and *amparo* protection can now be granted to any citizen when the violation is the result of an omission or lack of action by an authority. It also incorporates and upholds the concept of legitimate interest, meaning that any citizen can request *amparo* without having an individual gripe against authority. The concept of legitimate interest is generally understood as the empowerment of those individuals who are not holders of an individual right, but that still have an interest in the violation of any right infringed upon by an act of authority. Therefore, the modifications to *amparo* recognize the legitimacy of any citizen who, despite lacking a subjective right, demonstrates a sufficient interest against the legality of certain acts of authority. The reform also amended the so-called "Otero Effect," one of the most important features of the original *amparo* figure, which originally only protected the parties involved. Hereinafter the effect of the resolutions will be *erga omnes*, which is to say that they will be for all citizens, not just the contested party. It also proposes that the suspension, another traditional feature of *amparo*, may be denied when it is used to evade the law itself. Judges must now also establish the necessary measures to comply with the *amparo* decisions, and contemplate sanctions, such as separation of their position or criminal record, for the authorities that refused to comply with those decisions. In addition, it creates a forum for all circuit judge presidents so that collegiate courts of the same circuit can jointly solve the contradictions of decisions among them and release the Supreme Court of this obligation.

With these constitutional changes and the decision of the Supreme Court, Mexico joins other Western Hemisphere nations, such as Peru and Colombia, which have shown serious efforts to achieve real and advanced legal systems for protection of human rights. Taken collectively, the military-related human rights reforms, human trafficking changes, and amendments to the figure of *amparo*, are by far the biggest

package of human rights reforms ever approved in Mexico and, along with the 2008 judicial reform, set the basis for a more protective and equal justice system that is more effective against violations committed by authorities.

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Femicide moves forward to be defined as a specific crime



Source:

www.transparencia.df.gob.mx

The issue of femicide, which is the targeting and killing of women based on their sex and which has been a growing problem in Mexico for years, is becoming more readily defined as a crime in a number of states' criminal codes around Mexico. The Legislative Assembly of the Federal District (Asamblea Legislativa del Distrito Federal, ALDF) recently approved reforms that focus on the prevention and punishment of femicide by further defining and criminalizing the act. Over 200 women have been the victims of femicide in the DF in the past two years alone, prompting calls from civic organizations for governmental action. On June 26, Amnesty International submitted a request to the ALDF pleading that femicide be given higher priority than it has been in the past, as little has been done to pursue assailants, which creates a pattern of impunity. The ALDF approved proposed reforms on June 29 with a unanimous 51-0 vote in favor of the

amendments. Not only will the Penal Code (Código Penal) be addressed, but also the Law on Access of Women to a Life Free of Violence (Ley de Acceso de las Mujeres a una Vida Libre de Violencia). The reforms will make femicide punishable with between 20 to 60 years in prison for the assailant, with special consideration for sentencing given to multiple offence aggressors, harassment charges, scarring left on the victims, and whether or not the body was abandoned. These reforms will also establish specific protocol for handling femicide, including the creation of a carefully maintained database that will include information on unidentified victims. The Federal District joins other states that have already defined femicides in their criminal code, such as Morelos, the State of Mexico, and Tamaulipas.

Some other states are taking similar steps as the DF. San Luis Potosí, a state that used to accept honor killings, which was when a man was allowed to murder his wife for her infidelity, also reformed its criminal code and defined femicide as a crime, taking a big step on the issue of protection and punishment of domestic violence in the state. Meanwhile, plans are underway in Baja California to create a special office to investigate and prosecute femicides under the State Attorney General's Office (Procuraduría General de Justicia del Estado de Baja California, PGJE), after the State Congress warned about the growing violence against women, specifically in the capital of Mexicali. Legislators and civil organizations had also proposed to define femicide as a crime in Jalisco, an initiative supported by the State Commission on Human Rights (Comisión Estatal de Derechos Humanos de Jalisco, CEDHJ), who argued that the State Attorney General's Office (Procuraduría General de Justicia del Estado de Jalisco, PGJE) denied to make public information about homicides of women considering it classified. Civic organizations in Oaxaca are pushing for similar reforms in its state.

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JUDICIAL REFORM AND ORAL TRIALS

Federal procedural criminal code is ready to be discussed by Congress

The federal government is preparing the Federal Procedural Criminal Code project (Código Procesal Penal Federal) for presentation at the next session of the Congress, announced Felipe Borrego, the federal government's technical secretary to implement the new criminal justice system, (Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal, SETEC). The Coordination Council (Consejo de Coordinación), which is composed of one representative from the Senate, deputies, executive branch, and judicial branch, has already approved the new code and Borrego claimed that it has achieved a broad consensus among experts and society.

In March 2008, the Mexican Congress approved a major constitutional reform changing the Mexican criminal justice system to adopt features of the accusatorial model and modifying both the roles of key players and the judicial framework. This reform followed ones approved earlier by other states (i.e. Chihuahua and Nuevo León, among others) and established that the whole country will have to implement the new system by 2016. The new system introduces an abbreviated and less formalized investigation phase, oral trials, and adversarial procedures, all of which will be video recorded; creates alternative dispute solution mechanisms; enhances protection of the rights of the accused (i.e., the presumption of innocence, due process, and an adequate legal defense); and addresses the role of police departments in criminal investigations.

Although no crimes in particular are included and classified in the Federal Procedural Criminal Code, it does regulate the process that sets the standard for police to follow during their investigations, and for judges, defenders, prosecutors and all courts during trials in order to reach a final decision and execution of the sentence. In its text, the code incorporates all the features of the new judicial reforms, including the figure of "juez de control," which is a judge specifically used in the evidentiary phase who authorizes precautionary measures. The "juez de control," for example, determines whether a defendant is eligible for bail, or whether intrusive and invasive investigations are allowed to move forward. Borrego noted that the *flagrante delicto* standard, which means someone is caught in the act of committing a crime, has not and will not change under the reforms.

The approval of the new code, considered the cornerstone of the penal reforms, is not only vital to the success of the reforms at the federal level, but will also constitute an important guide for the states in the approval or modification of their own codes. One of the biggest problems in Mexico regarding the implementation of the new penal system at this point is that there is a lack of a concrete model of justice for other states to turn to when making the transition to the new system. As Chief Justice of the Federal District (Presidente del Tribunal Superior de Justicia y del Consejo de la Judicatura del Distrito Federal) Edgar Elías Azar argued, the states are training judges on a law that does not yet exist.

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Implementation of oral trials lagging, only seven states meeting requirements

Three years after the entry into force of the constitutional reforms and with five years left to complete the nationwide change, only seven of the 32 states have initiated the process and practice of the adversarial system and oral trials, while the remaining 26 have lagged in modifying and reforming their laws, reorganizing their institutions, and training their staff, which was documented in the report titled Progress in the Implementation of the Penal Reform (Avances en la implementación de la reforma penal), written by the Center for Social Research and Public Opinion of the Chamber of Deputies (Centro de Estudios Sociales y de Opinión Pública de la Cámara de Diputados, CESOP). The analysis warns that the application of adversarial justice system remains "in the initial stages of planning in two-thirds of the states," a sign that the implementation of oral trials are indeed delayed.

So far Baja California, Chihuahua (the most advanced state), Durango, Mexico State, Morelos, Oaxaca, and Zacatecas have already implemented the reforms and oral trials are now operating in at least one of each state's regions, while 14 other states- Campeche, Chiapas, Colima, Distrito Federal, Guerrero, Jalisco, Michoacán, Nuevo León, Querétaro, San Luis Potosí, Sonora, Tabasco, Tamaulipas, and Tlaxcala- remain in the planning stage. Hidalgo, Guanajuato, Puebla, and Yucatán are awaiting the entry into force of the legal adjustments and present developments prior to the implementation of oral trials, but Aguascalientes, Baja California Sur, Coahuila, Nayarit, Quintana Roo, Sinaloa, and Veracruz are just in the initial stage of the transformation of the justice system. Despite this lag, some of the most delayed states have been addressing changes to move forward with the reform. Quintana Roo has started to train judges before the implementation of the new system, which is set to begin on the first day of 2012, while Yucatán authorities presented a proposal for all states to allocate a fixed budget to its respective state judiciary, which would strengthen the financial autonomy of the judicial institutions with the hope of allowing for an easier and more efficient implementation.

The CESOP report warned, however, that the most marked setback is in Aguascalientes, where there is hardly a political agreement between the local authorities to push for constitutional changes. The state, however, just created a commission on the implementation of the new system and has been showing some progress, as evidenced by reforms passed in June that will help create positions for execution and sentencing judges. Aguascalientes also plans to address the laws involving the Execution of Penal Sentences (Ejecución de Sentencias Penales), the State System of Public Security (Sistema Estatal de Seguridad Pública), the Institute of Public Security (Instituto de Seguridad Pública), and the Judicial Organization of the State (Orgánica del Poder Judicial del Estado de Aguascalientes). The changes are intended to make the state's judiciary the only authority in charge of dealing with penal sanctions, a task that formerly lied with the Executive branch, but that will now be the responsibility of execution judges. Despite the advances, some officials have spoken out and expressed concern that the implementation of the reforms and the transition to the new judicial system will be quite difficult, and resources may not be ready to handle the changes.

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KIDNAPPING

Program to prevent kidnapping approved amidst a string of kidnappings throughout Mexico



**Mexican President Calderón
speaking at the National Security
Conference on June 30, 2011.
Source: presidencia.gob.mx**

A new federal program called the National Program to Prevent and Sanction Kidnappings (Programa Nacional para Prevenir y Sancionar el Secuestro), which is designed to combat kidnappings in Mexico, was approved on June 30. Attorney General Marisela Morales announced the program at the 30th session of the National Security Conference (Sesión del Consejo Nacional de Seguridad), during which she described the seven main principles that provide the base for the program. According to *Milenio*, the main components seek to create professional unity among forces to target and disrupt criminal organizations; create a database of information on kidnappers that will assist in tracking and targeting suspects; increase citizen participation in preventing kidnapping and increasing the number of police officers responsible

specifically for dealing with kidnapping; create guidelines to combat and deal with kidnapping; establish a nationwide policy for kidnappers to be imprisoned in maximum security facilities; reassert the country's goal to continue fighting impunity; and provide the victims of kidnapping and their families with protection.

The program, which the Attorney General's Office (Procuraduría General de la República, PGR) will implement and oversee, addresses a growing problem in Mexico. Kidnapping has become a popular source of revenue for organized crime groups and gangs, which often target migrants because of their vulnerability and few resources while traveling. As the *Los Angeles Times* writes, cartels and criminal groups "try to extort money from the immigrants' families or force [migrants] to work as drug mules or in other tasks." There have been a number of such cases recently despite the federal government's approval of the prevention program, which has yet to be implemented. At the end of June, 60 Central American migrants traveling north via train from Oaxaca were allegedly kidnapped after three truckloads of gunmen stopped the train and forced 60 of the passengers into their vehicles. Both the National Human Rights Commission of Mexico (Comisión Nacional de Derechos Humanos, CNDH) and the PGR are investigating the case, which was reported to authorities by Roman Catholic Priest Alejandro Solalinde, the director of the Oaxacan based Brothers Along the Road (Hermanos en el Camino) migrant shelter where a number of the train's passengers fled after escaping from their capturers. On July 6, an attempted kidnap of migrants staying at the 72 Migrants Shelter (72 Hogar Refugio para Personas Migrantes) in Tenosique, Tabasco failed after the migrants housed inside were able to flee the shelter out the back door. According to Amnesty International, the shelter's director had been warned the night before of the kidnapping by a man claiming to be from Honduras and seeking assistance. On July 10, 20 hostages being held in Monterrey, Nuevo León were freed after 11 days in captivity when the Mexican military staged an operation in the middle of the night. During the operation, soldiers captured one man armed with two long-range weapons, and transferred him to the State Attorney General's Office of Nuevo León (Procuraduría de Justicia de Nuevo León) for further investigation. It was not reported whether the hostages in this incident were Mexican citizens or migrants passing through the border state. Most recently, 12 migrants, who were kidnapped over two months ago by alleged organized crime members, were rescued by Federal Police officers in the northern state of Tamaulipas despite having been originally kidnapped in the southern state of Chiapas. Of the ten men and two women rescued on July 24, eight are Central American, three Brazilian, and one Iranian.

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SENTENCING

Four men found guilty in the 2010 Ciudad Juárez massacre, oral trials used

Four men have been found guilty for their involvement in the January 30, 2010 Villa de Salvárcar massacre in Ciudad Juárez that took place last year in a residential neighborhood. A number of teenagers and young adults were celebrating a birthday when gunmen entered the house and opened fire with their high-powered weapons on the party's attendants, leaving 15 dead, 11 of which were minors, and 8 to 10 wounded. Oral trials for the defendants concluded on July 7 and four days later a Chihuahua court found suspects José Dolores Arroyo Chavarría, Juan Alfredo Soto Arias, Aldo Favio Hernández Lozano, and Heriberto Martínez all guilty of committing the massacre and sentenced each man to 240 years in prison. According to *El Universal*, the judge also ordered that they have to collectively pay 41,945 pesos (approximately 3,605 USD) in damages for each of the victims, 106,155 pesos (approximately 9,121 USD) for the victims' funeral expenses, and 86,000 pesos (approximately 7,392 USD) for four of the wounded students' hospital bills. There are also a number of other suspects being held and investigated for their connection to the killings. Israel Arzate will soon stand trial, said Public Prosecutor (Fiscal del Estado) Jorge González Nicolás, adding that two more men are being held by the Assistant Attorney General's

Office for Special Investigations on Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), although “their actual status is unknown.”

After a year and a half of investigations by Mexico’s Attorney General’s Office (Procuraduría General de la República, PGR), federal police, the army, and state investigators, the victims’ families say they now have something with which they can move forward. Said one of the witnesses called to testify during the trials, “We know this isn’t going to return life to normal, that nobody is going to bring the dead back, but at least we know that there is justice in this city.” The oral trials for the four convicted men began on June 20 and concluded almost three weeks later. According to *El Universal*, “the process began with the reading of statements and ended with the presentation of all evidence and witness testimonies.” The efficiency of the trials is a positive sign for Ciudad Juárez and Chihuahua. The state became the first entity in Mexico to implement the 2008 judicial reforms to the constitution, which aim to have all of Mexico transitioned by 2016 to a new penal system based on oral trials and increased transparency.

Despite the investigations and trials for four of the suspects concluding this month, leading up to the July 11 sentencing family and friends of the victims were not so optimistic about seeing real change in Ciudad Juárez. They criticized the government’s anti-drug campaign and policies both before and after the massacre, calling the efforts ineffective. A number of Juárez citizens claimed that the federal government’s “We Are All Juárez” (Todos Somos Juárez) plan implemented in 2010, for example, was not actually lowering crime rates in the city. However, the federal government recently reported a 60% drop in homicides in Ciudad Juárez from October 2010 to May 2011. As President Felipe Calderón said in May, “You remember days in which we saw as many as 30 homicides, eleven on average. Now it has been reduced to four or five homicides per day.”

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AROUND THE STATES

BAJA CALIFORNIA

NSJP implementation in Baja California sees success while facing obstacles



In Mexicali, Baja California, critics argue that State Prosecutor (Procurador del Estado) Rommel Moreno Manjarréz faces multiple challenges in implementing the state’s new criminal justice system (Nuevo Sistema de Justicia Penal, NSJP) while celebrating the reduction of specific crimes under the new system. Challenges cited include a lack of training for state officials and lawyers in a variety of positions associated with the NSJP, and inefficiencies of the system in combating certain types of crime. Speaking at a breakfast for members of the bar, State Bar Association president Orendain Ramírez called the system

“almost perfect,” yet he noted the need for more preparation, according to *La Crónica*. Moreno Manjarréz stated the remaining aspects of the NSJP were to be in place within 300 days and called for errors in the system to be fixed with a balance of civil society representatives and officials working together.

While some local business owners decry aspects of the NSJP that see certain crimes go unpunished, many see a reduction in high impact crime in the state. Juan José Alonso Llera, coordinator of the Citizen Networks and Business Liaison Office of the Attorney General of the State (Redes Ciudadanas y Enlace Empresarial de la Procuraduría General de Justicia del Estado, PGJE), in a recent forum in Monterrey,

Nuevo León, linked a reduction in crime to the success of implementing the NSJP in Baja California. At the same forum, Baja California was touted as a model for other states and the PGJE coordinator articulated that the NSJP has been successful based on three aspects: politics, an organized civil society, and specific attacks on high-impact crime. Alonso Llera added that the new system makes for better use of state resources. Moreno Manjarréz was also in attendance at the forum.

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JALISCO

195 municipal police begin training on new Accusatorial Penal System



The state of Jalisco recently took another step toward implementing the new judicial system, as mandated by the 2008 federal constitutional reforms. 195 members of the Zapotlán Public Security force (Seguridad Pública de Zapotlán) began courses on June 27 at the Central University of the South (Centro Universitario del Sur, CUSur) in Ciudad Guzmán, Guadalajara. The courses focus on training and preparation for the new Accusatorial Penal System (Sistema Penal Acusatorio), and are set to end in August 2011. The training is split into three blocks of courses, the first of which is "an understanding of the judicial system that underlies the new reforms"; the second being "the functioning of the municipal police within the context of the Accusatorial Penal System"; and the third section, as stated by José Cruz Guzmán Díaz, the instructor of one of the courses, focuses on human rights, "so that [the police] know up until what point they can act without it being an excess of violence, of police brutality." Additional topics covered include the gathering of evidence and the role of municipal police in the newly implemented oral trials.

As of July 6, 2011, police who complete the CUSur courses will now have the opportunity to strengthen their personal relations and improve their interactions with citizens, skills which Dr. Adolfo Espinoza de los Monteros Cárdenas argues will "contribute to restoring the tranquility of the population in these difficult times in which they live." Espinoza de los Monteros, along with the president of CUSur, Zapotlán el Grande mayor Anselmo A. Chávez, and a number of previously trained police units, signed an agreement on July 6 to further the training efforts by agreeing to create six more police courses that will focus specifically on improving public relations between municipal police and civilians. As Mayor Chávez followed up, "In these moments that are more difficult than the country is used to, we require personally trained personnel and we have the necessary elements to do it." According to the University of Guadalajara, this new focus in police training is part of the Subsidized Program for Municipal Public Security (Programa de Subsidio para la Seguridad Pública de los Municipios, SUBSEMUN), a program run by the Federal Government.

The training of the municipal police is a continuum of previous efforts made in Jalisco to prepare the state for the new judicial system. In December 2010, over 600 participants from various police units took a training course titled Police in the Accusatorial Penal System (La Policía en el Sistema Penal Acusatorio), which was held in 11 different regions throughout the state. The course focused on a number of topics similar to the current CUSur courses, including what the new judicial system would mean for police, how it would affect their role at a crime scene and when collecting evidence, and what police could expect from the implementation of oral trials in Jalisco, reported *Noticiaspv.com*.

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GUANAJUATO

New statistical method introduced in Guanajuato judicial system



The Department of Probability and Statistics Mathematics Research Center (Departamento de Probabilidad y Estadística del Centro de Investigación en Matemáticas, CIMAT) unveiled a new statistical method to be used in the Guanajuato judicial system. Miguel Nakamura Savoy, coordinator of CIMAT's Department of Probability and Statistics (Departamento de Probabilidad y Estadística), explained how the new mathematical simulation method uses a probability model that will ensure better administration and enforcement in the state's judicial branch, including the strategic use of courts and judges, the

estimation of trial length, and the anticipation of potential time-wasting problems in court cases. The method's use will provide a better service to society by maximizing public resources, said Nakamura Savoy.

Hinting at widespread use, Nakamura Savoy called the implementation of the new mathematical model a way to deliver justice more efficiently throughout Mexico; however, the program will first be piloted in Guanajuato. CIMAT, a mathematical think-tank and academic institution dedicated to research, is located in Guanajuato and often partners with the local government on research projects. Nakamura Savoy said the research model maps the trial process in four stages, from investigation to the intermediate phase to oral trials and finally to sentencing. Judicial authorities in Guanajuato will use the system to help make decisions in meeting demands in the oral trial stage of the local courts.

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Centro de Investigación en Matemáticas. <http://www.cimat.mx/>

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