

JUSTICE IN MEXICO

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Cartel-related slayings for the first two months of the year trended at levels not seen since June 2007, with approximately 250 “ejecuciones” recorded for both January and February. Chihuahua and Baja California, respectively, currently lead all states in Reforma newspaper’s tally of drug killings and account for a combined 33-percent share of drug killings nationwide. Higher levels of violence in the two states are attributed by analysts to intercartel warfare, the continuing disintegration (and attendant breakdown in discipline) of the Arellano-Félix cartel, and a state policy of confrontation that has led to deadly gun battles between government forces and suspected criminals in recent months. In other justice-related developments, the Mexican Congress completed passage of a package of constitutional reforms to the criminal justice system, handing off the legislation to the 32 statehouses.

RED DE JUSTICIA

Chihuahua forum spotlights justice-reform advances, challenges in one of Mexico’s most progressive states

The Justice in Mexico Project, in conjunction with the Chihuahua State Supreme Court and the Center for Research and Development (Centro de Investigación para el Desarrollo, A.C., CIDAC), hosted the bi-national forum, “La reforma penal en México: Experiencias en el Estado de Chihuahua y su perspectiva nacional,” in Chihuahua City on Thursday, March 6. The forum formed part of the Project’s Red de Justicia working-group meeting series.



The forum brought together academic researchers and judicial-system actors to discuss implementation of recent criminal justice reforms in Chihuahua. A principal conclusion was that alternative sentencing and conflict-resolution provisions were swiftly erasing a chronic backlog that had afflicted the courts for years. However panelists concluded that the incipient reforms have yet to win the full trust of both citizens and politicians, especially with regard to controversial pretrial-detention alternatives (early release). Also speakers wondered whether reforms could be successfully put into practice in Ciudad Juárez, a large border city that suffers higher incidence of violent crime than the state capital. The state’s reformed criminal code is going into effect on a staggered, district-by-district basis with the Morelos district, encompassing Chihuahua City, the first to begin implementation in January 2007. The Bravos district, covering Juárez, began implementation in January 2008.

ORDER

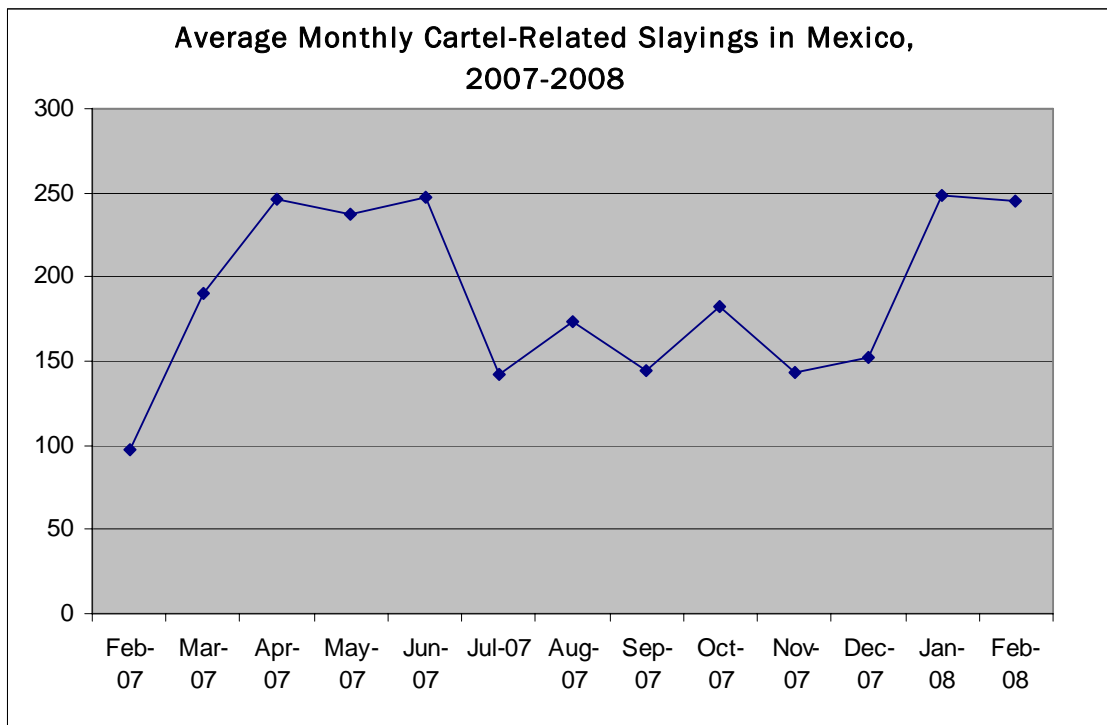
DRUG TRAFFICKING

Cartel-related slayings spike to highs not seen since first-half '07; deaths averaging ~250/month so far in '08

Cartel-related slayings, known as “ejecuciones” or “narcoejecuciones” in the Mexican press, have spiked to highs not seen since June 2007, according to *Reforma* newspaper’s running tally of the slayings. The killings, defined as homicides attributed to the drug trade whose victims may include bystanders, law enforcement officers, and traffickers, reached 248 in January and 245 in February of this year, more than 50-percent greater than the monthly average of 156 for July 2007-December 2007. States accounting for more than 10 percent of the 493 killings tallied nationwide in the first two months of 2008 were Baja California (56 deaths); Chihuahua (107 deaths); and the State of Mexico (50 deaths). Sinaloa (26 deaths); Michoacán (46 deaths); and Guerrero (27 deaths) featured prominently in the murder count as well.

Not necessarily a portent of a nationwide outbreak, the spike in press-reported *ejecuciones* is highly localized to increased killings in Chihuahua and Baja California, both border states whose combined share of the national total stood at a solid 33 percent on Feb. 29. Nineteen states reported fewer killings for January-February 2008 versus January-February 2007, while 13 reported higher-than-average killings, according to a *Justice in Mexico Project* calculation. Nevertheless the current trend is worrisome. If it holds for the rest of the year, it would imply 2,958 total slayings, a 29.7-percent over the 2,280 reported *ejecuciones* in 2007. See *graphs below and on succeeding pages*.

Analysts attribute the rise in Baja California killings to several factors, including heightened fragmentation and discipline-breakdown within Tijuana’s once-dominant Arellano-Félix cartel, as well as a state policy of confrontation that has led to several lethal gun battles between government forces and suspected criminals in Tijuana in recent months. In Chihuahua analysts cite a turf battle between warring cartels as the chief impetus behind the increase in killings, which have been concentrated in the border city of Ciudad Juárez.

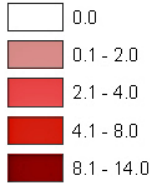


Source: Reforma newspaper

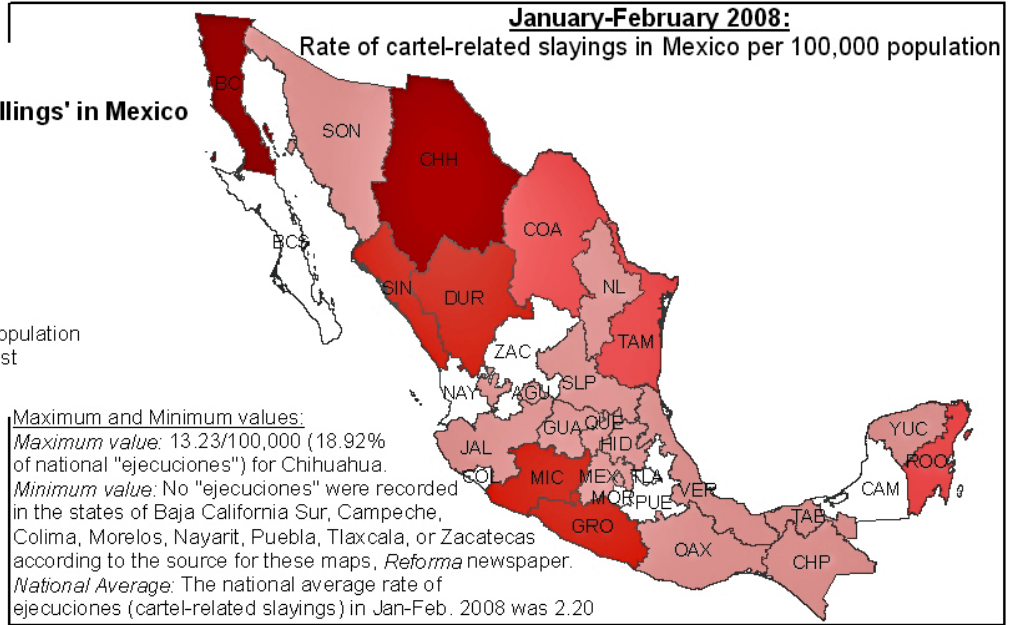
'Drug Killings' in Mexico

Legend

Rate of 'Drug Killings' in Mexico

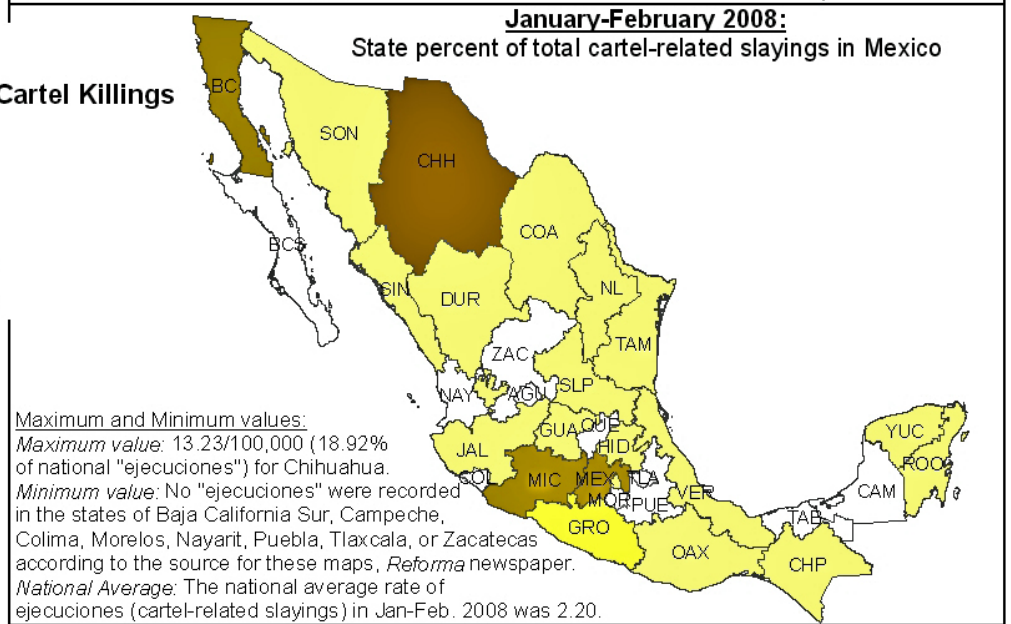
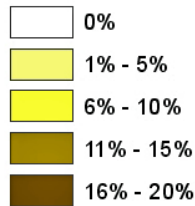


* Based on 2007 population estimates - the latest available year.

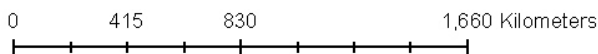


Legend

% of National Cartel Killings



Source: State population figures for 2007 obtained from Consejo Nacional de Población (Conapo). State and national totals of cartel-related slayings in Mexico ("ejecuciones" and "narcoejecuciones") obtained from data provided by *Reforma* newspaper.



Maps produced by Theresa Firestone
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Heightened levels of violence in Baja California coincide with high-profile detentions



Baja California state, and Tijuana in particular, has seen levels of violence during the first two and a half months of 2008 that far exceed the corresponding period for 2007. Mexico City newspaper *Reforma* has recorded 76 cartel-related slayings for the state so far this year, nearly half of the 154 recorded for the entire year of 2007.

A particularly intense wave, spanning March 4 and 5, claimed the lives of 10 people, 5 of whom were found together, and ranged in age from 14 to 23. Alberto Capella, Tijuana's secretary of public safety, has linked the murders to the victims' suspected gang involvement. The bodies of the youths, all shot execution-style, were found shortly after a seven-hour gunfight between military elements and suspected members of a kidnapping ring which resulted in the death of one of the suspects and the release of a kidnapping victim, the son of a prominent Tijuana businessman being held at the residence.

The increase in violence is likely attributable to a more aggressive stance by the Calderón administration and the military in their battle against Mexico's drug cartels, and possibly indicative of elements of an increasingly fractured Arellano Felix cartel vying for turf control.

In operations realized throughout the border region, at least 30 presumed members of the Tijuana-based Arellano Felix cartel have been detained since Feb. 21, two of whom believed to be high-ranking operatives. According to a Secretary of Defense news release, on Feb. 21 eight suspected cartel members were captured by military elements in Ciudad Juárez in the state of Chihuahua following a citizen complaint that the group was perpetrating kidnappings, and the trafficking and sale of drugs. Along with the eight individuals, six firearms, over 1,000 rounds of ammunition, four vehicles, and 77 Motorola radios were seized.

The following day, 18 more presumed Arellano Felix members were detained in Tijuana, also in response to a citizen complaint. An Army spokesman linked several of the men to specific violent crimes, including kidnappings and murders of police officers. Of the 18, five were released shortly after for lack of evidence against them, and the remaining 13 were released from a federal prison ten days later by judicial order for the same reason. Upon release, they were immediately taken into custody by agents of the Attorney General's Office (PGR) and moved to a detention center in Mexico City. Reacting to the events, Baja California Gov. José Osuna Millán called on public prosecutors to present better cases. The incident highlights repeated calls from authorities and legal experts for professionalizing Mexico's security forces.

On a more successful note for Mexican law enforcement elements, two high-ranking officials of the Arellano Felix cartel were apprehended by authorities in mid-March. Gustavo Rivera Martinez, "El Gus," a U.S. resident and suspected financial manager and coordinator of money laundering activities for the cartel, was apprehended March 12 in Baja California Sur. Law enforcement authorities on both sides of the border have lauded the capture as a major blow to organized crime in the region. Rivera Martinez, for whom the U.S. government had set a US\$2 million bounty, is expected to be extradited to the United States in short order. On March 15 federal police agents detained Saul Montes de Oca Morlett, known as "El Ciego," in San Felipe, Baja California. Montes de Oca Morlett is wanted by the U.S. Drug Enforcement Agency as well as Mexican authorities for running a cell of the Arellano Felix cartel, as well as coordinating shipments of drugs across the border, and kidnappings. Like Rivera Martinez, Montes de Oca Morlett is expected to be extradited to the United States.

SOURCES:

- "Caen 8 en Juárez ligados a los Arellano." *Reforma* 21 Feb. 2008.
"Personal military detiene a 8 integrantes de la organización delictiva de los 'Arellano Félix' y/o 'La Línea' en Cd. Juárez, Chih." *Sedena*. News Release 21 Feb. 2008.
"Caen 18 sicarios de Arellano Félix." *El Diario* 23 Feb. 2008.
"Arraiga PGR a 13 sicarios de los Arellano que un juez liberó por 'falta de pruebas.'" *La Crónica de Hoy* 4 March 2008.
Dibble, Sandra. "Bodies discovered in rural area of city." *The San Diego Union-Tribune* 5 March 2008.
"Cae operador financiero de los Arellano." *Reforma* 12 March 2008.
Otero, Silvia. "Detienen a presunto jefe operativo del Cártel de Tijuana." *El Universal* 16 March 2008.

Eldest of Arellano Felix brothers released from U.S. prison

The eldest of the Arellano Felix brothers, Francisco Rafael Arellano Félix, was released from a Brownsville, Texas, prison in early March and returned to Ciudad Juárez, Chihuahua. Arellano Félix was the first Mexican drug lord to be extradited to the United States in September 2006 after serving a decade-long sentence in Matamoros, Tamaulipas. Last October, he was sentenced in San Diego to six years in U.S. prison on cocaine charges from a 1980 drug bust, but released early as a result of good conduct and the sentence he had already served in Mexico. An official from the Mexican Attorney General's Office said that Arellano Félix faces no pending charges in Mexico. Justice Department spokeswoman Laura Sweeney said the deportation "reflects the conclusion of a cooperative effort between the United States and Mexico to ensure that he faced justice for crimes committed on both sides of the border."

The 59-year-old returns to Mexico at a time when the organization he once helped to lead finds itself fractured, and having faced off with military elements in two shootouts in the past few months. The Catholic Church said they were surprised by the release of the eldest Arellano. A high ecclesiastical official said the Church is analyzing the position they will assume regarding Arellano Felix's release, as allegations have swirled for years that cartel hitmen were involved in the assassination of Cardinal Juan Jesús Posadas Ocampo in 1993 in Guadalajara.

SOURCES:

García, Gustavo Castillo. "EU deja en libertad y repatria a México al narcotraficante Rafael Arellano Félix." *La Jornada* 5 Mar 2008.
"Arellano Felix brother deported to Mexico." *San Diego Union Tribune* 6 Mar 2008.
"Iglesia Católica "sorprendida" por liberación." *AnsaLatina.com* 6 Mar 2008

Military operations continue in the border state of Tamaulipas; Secretary of National Defense reports on accomplishments of operations in Tamaulipas and Michoacán

Mexico's Secretary of Defense (Sedena) announced that between Feb. 26 and 29, over 2,000 troops were deployed to reinforce the operation "Nuevo León-Tamaulipas" in the cities of Nuevo Laredo, Reynosa, and Matamoros. In a mixed news release shortly after the deployments, Sedena responded to allegations of human rights abuses and summarized its achievements to date since the operation began in late 2006, which include drug seizures and eradication, weapons seizures, and arrests.



These accomplishments include the seizure of over 12 metric tons of cocaine, seven kilograms of opium gum, 14 kilograms of methamphetamines, 959 vehicles, destruction of 5,257 square meters of marijuana, three plantations of opium poppies, and the seizure of 2,834 arms of varying calibers and 444 grenades. In addition, 808 national citizens and seven foreign nationals have been detained.

In what it characterizes as evidence of "severe damage" caused to criminal organizations in Michoacán, Sedena also reported in a press release on the accomplishments of operations in that state. These include the seizure of over 12 metric tons of marijuana, nearly 1.7 kilograms of marijuana seeds, 40 liters of ephedrine, 14 kilograms of cocaine, 464 vehicles, destruction of 3,674 hectares of marijuana, seven hectares of opium poppies, and the seizure of 885 arms of varying calibers and 104 grenades. In addition, 613 national citizens have been detained.

As in the news release on Tamaulipas, Sedena also addressed allegations of human rights abuses in Michoacán, insisting that adequate means of reporting abuses exist within the department, and that citizens continue to do so.

SOURCES:

"Comunicado de prensa No. 048." *Sedena* 9 March 2008. Press release: http://www.sedena.gob.mx/index.php?id_art=1228.
"Comunicado de prensa No. 050." *Sedena* 10 March 2008. Press release: http://www.sedena.gob.mx/index.php?id_art=1230.

Seven killed, one badly wounded, in attack on law firm in Guadalajara

On the afternoon of March 13, at least four assailants entered a law firm in Guadalajara, Jalisco, and shot to death six men, five of whom were attorneys. Two more, both women and employees of the firm, were wounded; one later died. Some speculate that the killings are linked to the Sinaloa cartel.

Closed-circuit television in the office captured the incident, in which one of the assailants, presumably in charge of the group, asks one of the victims, whom he calls “Tony,” about a yellow pistol and cash before the executions are carried out. “Tony” was presumably attorney José Antonio Rangel Romo, who let the assailants in and evidently knew them.

Jalisco’s attorney general, Tomás Coronado, has yet to make a statement as to possible motives for the attacks, although a source from his office repeated a claim that the firm had handled defense cases for Sinaloa cartel leader Joaquín “El Chapo” Guzmán’s son, Ivan Archibaldo Guzmán Salazar, as well as for former Mexican Army Gen. Jesús Gutiérrez Rebollo. On Feb. 5 of this year, Guzmán Salazar was sentenced to five years in prison on charges related to involvement in organized crime, and fined MX\$46,000.

SOURCES:

“Asesinan a cinco hombres y una mujer en un despacho de abogados en Guadalajara.” *La Jornada* 14 March 2008.
“Defendían en bufete a hijo de ‘El Chapo.’” *El Norte* 14 March 2008.
“Revela video reclamo antes de multiejecución.” *Reforma* 15 March 2008.



Investigation into botched Mexico City bombing looks toward Sinaloa cartel

After having first denied that the failed Feb. 15 bombing in Mexico City was linked to drug cartels, the capital’s attorney general Rodolfo Félix is now saying that the Sinaloa cartel was behind the attack. The target for the bombing was reportedly Mexico City Public Security Secretary (SSP) chief Julio César Sánchez Amaya, but the bomb exploded prematurely, killing only the man charged with delivering it, known as “El Pipen.”

Félix has pointed to an individual known as “El Patrón” as being responsible for orchestrating the attack. His identity is still unknown. Police arrested and have been questioning El Pipen’s suspected accomplice, who was severely burned in the explosion. In addition, they have arrested several others suspected of being involved in the attack. The planning for the attempted assassination is believed to have been centered in Sinaloa, though the bomb was assembled in an abandoned home in the state of Mexico, according to two women claiming to be involved with conspirators in the attack, who issued statements to Mexico City’s Attorney General’s Office.

SOURCE:

Barrera Diaz, Cynthis. “Mexico City bomb query moves closer to drug cartel.” *Reuters* 4 March 2008.

Escalating violence in Chihuahua suggests cartel turf battles; heightens concerns over “spillover” of cartel presence into the United States

A wave of violence in Chihuahua, and Ciudad Juárez in particular, has pushed reported cartel-related slayings in the state up to 163 for the year as of March 14, comprising just over a quarter of the national total. The wave began in mid-January, when U.S. Immigration and Customs Enforcement (ICE) detained Saulo Reyes Gamboa, former operations director for Juárez’s Secretary of Public Security (SSP) on charges of bribing a U.S. customs agent in order to allow several shipments of marijuana to cross the border. Immediately following his arrest, authorities confiscated 447 kilograms of marijuana from a home in nearby Horizon, Texas, and arrested the resident there, a woman who agents claim was responsible for storing shipments that Reyes arranged to be smuggled across the border.

The day after Reyes was detained, two municipal police officers were found dead. By Feb. 11, at least 13 more had fallen, and a state police chief survived more than a dozen gunshot wounds sustained in a failed assassination attempt. All of these attacks are considered by authorities in both Juárez and bordering El Paso to be in retaliation for Reyes’ arrest. More recently, during a spate of nine people executed in Chihuahua during a 48 hour period, two police officers were killed – one, the second commander of the State Investigation Agency in Juárez, was gunned down in Mexico City while on vacation. The other, a lieutenant in Juárez’s SSP,

was included in a list of “targets” found with two of the victims in early February. John Riley, special agent of the U.S. Drug Enforcement Agency (DEA) in charge of the El Paso office, has characterized the violence, particularly the targeting of police officers, as unprecedented.

Police officers have not been alone as victims. At least two reporters have fled to neighboring El Paso, Texas, after receiving death threats, and local newspaper editors have modified their approach to covering organized crime in order to protect their reporters. Alfredo Quijano, editor of the daily *Norte de Ciudad de Juárez* has told reporters to report “dead bodies and not investigations.”

The recent upsurge in violence in Chihuahua has raised concerns that the Juárez cartel, considered by many experts in recent years to be largely incapacitated, is in fact quite functional, and defending its access to trade routes through the lucrative Juárez-El Paso corridor. DEA agent Riley warned that the Juárez cartel is “stronger than ever.” He attributes the cartel’s resurgence to rampant municipal police corruption and to the failure of Vicente Fox to send troops to Juárez during his tenure. Indeed, the violence subsided for a time when Pres. Calderón deployed dozens of troops to patrol Juárez’s streets in late February of this year, but the scale of the violence raises questions as to the capacity of the Calderón administration to battle drug trafficking on a national level without overextending the military. Juárez is drawing unfavorable comparisons to Nuevo Laredo, Tamaulipas, which has been a historic battleground for trade routes, and a key site for troop deployments since late 2006. Cartel-related slayings dropped in that state to 89 in 2007 from 181 in 2006; 30 had been registered for 2008 as of March 14.

A reminder of the presence and brutality of the Juárez cartel came with the discovery in late February and early March of at least 42 human remains, all but three of which are men, buried at two properties – one in Ciudad Juárez and the other in the city of Chihuahua. Both properties have since been traced back to members of the Juárez cartel. At the Ciudad Juárez site, at which 36 bodies were found in 16 separate “narco-graves,” authorities also seized 1.8 metric tons of marijuana and detained two men in charge of guarding the home. To date, none of the bodies have been identified, and DNA tests are being performed in an attempt to match them with family members of missing persons who have come forward.

Residents and law enforcement officials in bordering El Paso have been eyeing the developments in Juárez with concern. While El Paso’s police spokesman Javier Sambrano continues to emphasize that El Paso is the second safest city of its size (roughly 700,000 residents) in the nation, other law enforcement officials insist that its relationship with Juárez as a bi-national urban area cannot be ignored. Robert Almonte, director of the Texas Narcotics Officers Association emphasized this point when asked about rumors of kidnappings in his city. “It would be naïve to say that nothing is happening... We’re a border area, but we’re one area. Do Mexican cartels have a presence in El Paso? The answer is yes, absolutely yes.”

SOURCES:

- Corchado, Alfredo. “Many worried Juárez’s bloody drug war spilling into U.S.” *Dallas Morning News* 28 Feb. 2008.
Esquivel, J. Jesus. “El cártel de Juárez ‘más fuerte que nunca.’” *Periódico AM* 17 March 2008.
Cano, Luis Carlos, Ulixes Zamarroni and Yovana Gaxiola. “Acribillan a dos mandos policiacos en Chihuahua.” *El Universal* 16 March 2008.
Herrera, Rolando. “Suma Juárez 33 osamentas; Ubican 14 ‘narcofosas.’” *El Norte* 14 March 2008.
“El MP federal determina concluir las excavaciones; se hallaron 36 osamentas.” *Milenio* 16 March 2008.

Chihuahua farm leader assassinated

Armando Villarreal Martha, the leader of the farm workers’ advocacy group *Agrodinámica Nacional* in Chihuahua was gunned down on March 14 while traveling in a pickup truck in the rural town of Nuevo Casas Grandes with his son, who was unhurt in the attack. The attack was reminiscent of many cartel-related assassinations; Villarreal and his son were ambushed by a vehicle carrying armed masked men in military style clothing. Villarreal had led an ongoing struggle against the Federal Electrical Commission (CFE) in Chihuahua in the interest of reducing energy tariffs for peasants in the state. He was also involved in protests against the North American Free Trade Agreement (NAFTA) in January.

The attack has drawn condemnation from peasant rights advocates who worked alongside Villarreal, state and federal legislators, and the local church. Agricultural and labor unions joined in to demand an immediate and

thorough investigation and to denounce the government's inability to stem violence in the country. Max Correa, director of the peasant organization Central Campesina Independiente (CCC) expressed concern that these acts put into doubt the safety of all peasant leaders that have mobilized against NAFTA and other contentious issues involving the interests of Mexican farmers.

Villarreal had long been a controversial figure, having been imprisoned for more than a year in 2002-2003 on charges stemming from his activism. His contentious history with local and federal authorities has led some of those for whom he advocated to call his death a "crime of the State." Speaking at Villarreal's funeral on March 16, Carlos Chavez, director of a national agriculture advocacy group, said, "This is an assault by the State against Armando and a means of frightening all of us. They used many strategies with him: they tried to buy him, negotiate, they threw him in jail. This assassination is the last recourse of the government to silence him."

SOURCES:

"Asesinan a líder campesino en Chihuahua." *Reforma* 14 March 2008.

"Farm Leader Assassinated." *FNS News* 15 March 2008.

Olivas, Juan de Dios. "Investigaciones no avanzan." *El Diario* 16 March 2008.

ACCOUNTABILITY

CORRUPTION

Allegations against Secretary of Governance Mouriño may prove to be a liability for Calderón

Since the end of February, members of the PRD, led by former Mexico City governor Andres Manuel Lopez Obrador, have produced seven documents that they claim put into question the integrity of the recently appointed interior minister Juan Camilo Mouriño. The documents in question are contracts that Mouriño signed between 2000 and 2003 as legal representative of his family's trucking business. Obrador and his supporters claim the documents present evidence that Mouriño abused his powers to steer lucrative contracts from Pemex, Mexico's state oil monopoly, in the direction of his family's business. At the time, he served as chairman of the energy committee in the house of deputies and later as assistant secretary of energy. During part of that time he was assistant to Pres. Calderón, then energy minister. Congress and the attorney general have initiated an investigation into the matter.

For his part, Mouriño denies ever having used his power for personal gain. His defenders have characterized the allegations as a carefully premeditated retaliation on the part of López Obrador against Mouriño, who also acted as campaign manager for Calderón in the bitterly contested 2006 presidential election in which he narrowly defeated López Obrador. Nonetheless, the negative press coverage of Mouriño could prove to be a liability for Calderón, who is in the middle of an effort to push a reform of the nation's energy sector through congress, which includes a contentious provision of allowing foreign investment in Pemex.

SOURCES:

McKinley, James C. Jr. "Political Ally of Mexican President Embroiled in Scandal." *The New York Times* 15 March 2008.

Mercado, Patricia. "Crisis política para Calderón." *BBC Mundo* 18 March 2008.

HUMAN RIGHTS

Defense Secretary Galván reports on allegations of human rights abuses; National Committee for Human Rights demands temporary precautions

Since its creation early this year, the Secretary of National Defense's (Sedena) office of human rights has accumulated 57 complaints, according to a statement made by defense secretary Guillermo Galván Galván to the national defense committee of the house of deputies in early March. Without giving specifics, Galván assured deputies that Sedena has committed to fulfilling 7 recommendations stemming from the 57 complaints of human rights violations to date. He went on to urge the legislative powers to approve the

pending Military Justice Code, which would include measures to increase sanctions leveled against military deserters who become involved with paramilitary groups like the Gulf cartel's Zetas, centered in Tamaulipas.

In response to complaints registered on March 4 of human rights abuses at the hands of the military in Tamaulipas involving illegal searches, cruel and degrading treatment, arbitrary detention, and damage to or loss of property, the National Commission for Human Rights (CNDH) requested that Sedena's director of human rights, general Jaime Antonio Lopez Portillo, elaborate cautionary measures to be taken in the interest of preventing such violations in the future. In a press release on March 12, CNDH reported demands it had made to Sedena, which included a general request to respect the human rights of individuals affected by operations in Tamaulipas, and also to put any individuals detained for suspected "flagrant" crimes at the disposition of the Federal Public Prosecutor's Office, as is mandated by Mexico's constitution. Sedena accepted CNDH's recommendation for the cautionary measures, which will carry a term of 30 days.

SOURCES:

Gómez, Ricardo. "Sedena recibe 57 quejas sobre derechos humanos." *El Universal* 4 March 2008.
"La Secretaría de la Defensa Nacional, informa los resultados obtenidos durante la presente administración, en operación de alto impacto
"Nuevo León-Tamaulipas." *Sedena* 9 March 2008. Press release: http://www.sedena.gob.mx/index.php?id_art=1228.
Aranda, Jesús. "Indaga el Ejército presuntos delitos de militares durante operativos." *La Jornada* 10 March 2008.
"Comunicado 041." *CNDH* 8 March 2008. Press release: <http://www.cndh.org.mx/comsoc/compre/compre.asp>.
"Acepta Sedena recomendación de CNDH." *El Universal* 18 March 2008.

Attorney general's office leads DF in complaints registered by women

The National Commission for Human Rights for the Federal district (CNDHDF) president Emilio Alcaez Icaza informed that women continue to be the most vulnerable group in society, prone to physical, cultural, sexual, and psychological violence, adding to the already prevalent discrimination in institutions such as those in charge of procuring justice. In presenting the Commission's annual report on violence against women, the ombudsman made a call to authorities to create relevant mechanisms and to eradicate in institutions the idea that women are second-class citizens. Alcaez Icaza reported that more than 52.8 percent of complaints received by his office in 2007 were registered by women, with the Federal District's Attorney General's Office the target of the biggest share, 42 percent, which largely consisted of discrimination and abuse of authority.

SOURCES:

Yanez, Israel. "Es en la Procuraduría capitalina donde más se discrimina a la mujer: CDHDF". *La Cronica de Hoy* 7 Mar 2008.
"Presenta Ichmujer iniciativa de la Ley para la Igualdad entre Hombres y Mujeres." *Masnoticias.net* 3 Mar 2008.

TRANSPARENCY

Legislators in Querétaro vote to bestow responsibility for monitoring government transparency to state's Commission for Human Rights; Quintana Roo may follow suit

Querétaro's house of deputies voted on March 12 in favor of integrating the state's office of the Federal Institute for Access to Public Information (IFAI) into the state's office of the Commission for Human Rights (CEDH). The only dissenting vote came from PRD deputy Consolación Loyola Pérez, who characterized the measure as an "act of judicial and political barbarity, an attack on the institutions that the Mexican people have built to combat corruption, inadequate management of public resources, and discretionary use of public power."

Querétaro's Commission of Government Information (CEIG), IFAI's office in the state, fought the measure on constitutional grounds. Miguel Servin del Bosque, president of CEIG, pointed to what he sees as legal contradictions in the proposed integration. "Article 6 of the constitution speaks of a specialized entity that issues responses... with legal weight – and article 102 speaks of a Human Rights Commission that handles complaints, and their resolutions have no [legal weight]; there's a contradiction here," he said. CEIG maintains that the integration of the two bodies will only serve to create a hybrid with the effect of hindering access to information.

According to Raul Solis, director of Locallis, a citizens' group advocating government transparency in Quintana Roo, similar measures are underway to dispel IFAI from that state. Solis worries that this is the beginning of a national trend. "We are gathering people from other states that run the same risk that this come to pass in their states."

Those in favor of the integration characterize CEIG as a bureaucratic entity that does little to increase the public's access to information. In a comparative study conducted by IFAI of its state entities in December 2007, Querétaro came in last among Mexican states in access to public information. The study included 19 simulated requests for information from local public offices, with CEIG failing to respond to a single one with the documents requested. Indeed, it does seem that few have stepped forward to defend CEIG's right to continue in its assigned tasks except for the organization itself.

SOURCES:

- Mendoza, Cain. "Es deficiente la CEIG: Marco Antonio León." *El Corregidor de Querétaro* 7 March 2008.
Paniagua, Fernando. "Exigen en Querétaro mantener apertura; Protestan comisionados de Información contra fusión con la CEDH." *El Norte* 7 March 2008.
Paniagua, Fernando. "Afirma que peligra transparencia en QR." *El Norte* 7 March 2008.
Juan Ciudadano. "El fin de los IFAls." *Reforma* 10 March 2008.
Paniagua, Fernando. "Aprueban desaparecer IFAI-Querétaro." *Mural* 12 March 2008.

PRESS FREEDOM

Veracruz photographer reports being abused by federal police

Photographer for the Veracruz daily *Notiver* Gabriel Hüge Córdoba was detained and assaulted by elements of the Federal Preventive Police (PFP) upon attempting to cover a fatal car accident in Veracruz in which a PFP agent was killed. Upon failing to leave the scene as ordered by agents, Hüge was handcuffed, hit in the back with a rifle butt, and pushed into the back of a pickup truck. He reported being held face down on the bed of the vehicle, driven around the city for several hours, and repeatedly kicked. He claims that PFP members told him that he was being punished for his negative coverage of the agency in the local media. Hüge was charged with insulting authorities, and his equipment was confiscated. He says he was warned by a PFP agent that police "would make sure that the next time he didn't feel any pain at all." The PFP has since withdrawn the charges against Hüge, and Hüge has withdrawn a complaint against the agency, in accordance with an agreement reached between the PFP and *Notiver*. For its part, the PFP says it will investigate the events in question, and will take disciplinary measures against offending agents as is appropriate.

SOURCES:

- "Mexico: Federal police detain, assault photographer in Veracruz." *Committee to Protect Journalists* 25 Feb 2008.
"Se retira la denuncia contra el reportero Hüge Córdoba, acusado de 'ultraje.'" *PRNoticias* 5 March 2008.

ACCESS TO JUSTICE

JUSTICE REFORM

Justice reforms pass both chambers of Congress after some controversial provisions removed; amendments await approval by states

After returning from winter recess, Mexico's justice reform bill was passed, first by the house of deputies on Feb. 27, and then by the senate on March 7. Although it continued to meet with resistance from some senators of the PRD who continue to oppose provisions affording increased power to law enforcement agencies, the bill met with widespread consensus, ultimately garnering 95 percent of the vote between both houses. This is likely due to the removal of a controversial paragraph granting police authority to enter homes without a warrant in cases of "flagrancy" or when individuals' safety is perceived to be in danger.

While the articles in the bill granting increased power to police have received much attention in recent months due to their controversial nature, those that seek to reform the nation's judicial process by moving from an

inquisitorial to an accusatorial system by implementing oral trials, presumption of innocence, and judges who are responsible for assuring legality and adherence to human rights throughout the trial process, have garnered more or less unanimous support from legislators and civil society alike. The reforms, it is hoped, will restore public faith in the justice system making it more fair, efficient, and professional.

Aforementioned law enforcement provisions of the reforms continue to draw concern from human rights advocates, most notably from Jose Luis Soberanes, president of the National Commission of Human Rights (CNDH). While he acknowledges the important step by congress of denying police unwarranted searches, he worries that a provision that amends the constitution to allow for detentions of up to 80 days without formal charges is a step in the wrong direction. According to Human Rights Watch, it will be the longest such period of detention allowed in any democracy in the western hemisphere. Other aspects of the bill that remain points of contention among civil society organizations are the possibility for pretrial detention in the case of certain crimes and what they see as a questionable definition of “organized crime.” Since the bill has passed, Soberanes hopes that concerns of his and other human rights groups will be addressed in secondary legislation. The bill will now need to be passed by a majority of Mexico’s 31 states in order to become law.

The Justice in Mexico Project will release a brief detailing the bill’s provisions as well as official and civil society responses in mid-April.

SOURCES:

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- “Aprobada en el Senado la reforma de justicia penal.” *El Diario de Yucatan* 7 March 2008.
- Corcoran, Patrick. “Corruption Could Be Undoing of Mexico’s Judicial Reforms.” *Mexidata.info* 17 March 2008.

MASS DETENTIONS

Operations against “narco-gangs” in Nuevo León come alongside allegations of illegal detentions at hands of military and state police

The Secretary of Public Security of Nuevo León, Aldo Fasci Zuazua, has signaled that elements of organized crime, in the interest of recruitment, have infiltrated street gangs in Monterrey and other cities in the state. In recent weeks, at least 5 recruits have reportedly been executed, evidently for failing to deliver sums of money corresponding to the quantities of drugs distributed to them. The announcement was followed shortly after by a large-scale detention in two lower-class neighborhoods in Monterrey including 70 minors, drawing harsh criticism from local human rights advocates.

Fasci Zuazua claims there are around 500 gangs between the northern and southern zones of Monterrey, and 500 more in the city’s center. He asserts that the gangs are principally consumers of cocaine, which makes them especially susceptible to the prospect of trafficking drugs in exchange for a cheaper product. State police report to have identified at least 20 street gangs involved in trafficking drugs in the northern and central zones of the city.

Three days after Fasci Zuazua’s statement, 381 presumed delinquents were detained by elements of the armed forces and state police in the northern and central zones of Monterrey, apparently in response to a failed assassination attempt against a commander of Public Security. Of the 381 detained, 70 were minors. 277 were released within hours of the operation for lack of evidence. In the end, formal charges of weapons and drug possession were filed against only four individuals. Sofía Peña, spokesperson for the Secretary of Security of Nuevo León, said that the majority were arrested for “being intoxicated, drinking in public, and creating disturbances.” Despite the low percentage of detainees formally charged, she said that this begins a “permanent” operation to clean up Monterrey’s more afflicted neighborhoods. On March 14, a second operation was conducted, again in the northern section of the city, although this time only by federal and local police. 236 were detained, 100 of whom were minors, and formal charges did not extend beyond public consumption of narcotics.

While some residents of the affected neighborhoods have expressed support for the operations, they drew immediate denunciations from human rights groups, who spoke out against what they considered to be arbitrary detentions leveled against the poorest and most vulnerable sectors of the population. Consuelo Morales Elizondo, director of human rights organization Ciudadanos en Apoyo a los Derechos Humanos de Nuevo León, criticized the operation saying that it “criminalizes the poor and youth,” and fails to address the root of the problem – rampant poverty and homelessness – which disproportionately affects minors.

Human rights advocates see the March 4 operation as a continuation of illegal and inhumane treatment of minors in Monterrey at the hands of authorities. A group of 10 mothers of adolescents detained by municipal police during an “operation” in an up-scale neighborhood in Monterrey have joined Morales Elizondo in criticizing authorities’ treatment of minors and demanding action be taken by the city’s mayor. The 12 youths were detained on Feb. 29 at around 11:00 p.m. after a party, many in the presence of their parents. They were then placed in a detention center with adults, a violation of international human rights conventions, according to Morales Elizondo. The children, several of whom are girls between 14 and 16 years of age, were not allowed to call their parents, and parents who arrived at the jail were not allowed to access their children until 5 in the morning, when they were released after a MEX\$500 fine was paid for each.

Morales considers these events to be a reflection of the government attempting to create a climate of safety, but in effect making society feel less secure. She has requested a meeting with the mayor and the municipal police chief, but as of yet has been denied access. If the issue is not resolved at the municipal or state level, Morales says she will take her grievance to the Inter-American Human Rights Commission.

SOURCES:

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Rodríguez García, Arturo. “Monterrey: en ‘macro operativo’ detienen a 381 personas y sólo 4 son consignadas.” *Proceso* 6 March 2008.
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Rodríguez García, Arturo. “CADHAC acusa de abusos a la policía de Monterrey.” *Proceso* 10 March 2008.
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AROUND THE STATES...

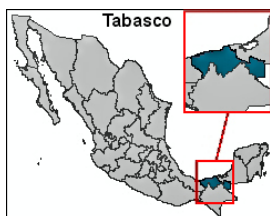
Chihuahua women’s group ICHMUJER presents gender equality law to state congress

The Chihuahua Institute for Women (ICHMUJER), alongside the state’s Commission for Human Rights, presented a proposal for the State Law for Equality between Men and Women before the State Congress’s Gender and Family Committee on March 3. The initiative seeks to regulate, protect, and guarantee gender equality through the elimination of all forms of public and private discrimination, direct or indirect, against women. A spokeswoman for ICHMUJER emphasized at the ceremony that the state is already an example for the nation in the arena of judicial reform, due to legislative advances in recent years. Chihuahua’s justice reform, widely considered to be one of the most advanced in Latin America, included Chihuahua’s State Law for the Right of Women to a Life Free of Violence, which the spokeswoman pointed to as a vanguard for Mexico.



SOURCE:

“Presenta Ichmujer iniciativa de la Ley para la Igualdad entre Hombres y Mujeres.” *La Red del Norte* 3 March 2008.



Tabasco congress fails to draft legislation to protect women against violence

Tabasco has failed to follow the lead of Campeche, Chihuahua, San Luis Potosí, Sinaloa and Tamaulipas in approving the Law for the Right of Women to a Life Free of Violence, announced Casilda Ruíz Agustín, president of the Legislative Committee

for Gender Equality. The law would sanction acts of violence against women, specifically domestic abuse. Ruíz Agustín attributes the failure to a lack of interest on the part of committee members to draft the legislation. Since December of 2007, the committee has not been able to convene due to members' failure to attend. The law was passed at the national level February of 2007, but stipulates that the states' local congresses must coordinate its implementation. Thus far only the five aforementioned states have succeeded in drafting legislation. PRD legislators presented a proposal for the law in April of 2007, but advancements stalled in December of that year, likely due to the devastating floods that hit the state during that month.

SOURCE:

Morales, Fernando. "Bloquea Congreso de Tabasco protección a mujeres." *El Heraldo de Tabasco* 3 March 2008.

Second degree in oral trials inaugurated in Durango

More than 100 attorneys will participate in the oral trials degree offered through a coordination between the Autonomous University of Chihuahua and the University Juárez of Durango State. The inaugural ceremony was presided over by Durango's magistrate president Apolonio Betancourt Ruíz, secretary general of the University Juárez Salvador Rodríguez Lugo, and Durango's attorney general Jesús Gutiérrez Vargas. The degree aims to develop skills in attorneys, law professors, and law students that will allow greater effectiveness in the penal system. Addressing perceived doubts as to the ability of oral trials to transform an antiquated justice system in the state, Rodríguez Lugo insisted that if implemented effectively they will provide increased transparency, access to information, and efficiency in the procurement of justice in Durango.

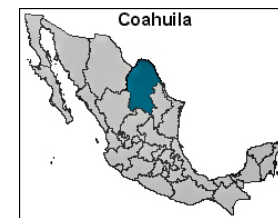


SOURCE:

Gaucín, Rosy. "Segundo Diplomado en Juicio Oral en la Universidad Juárez." *El Siglo de Durango* 10 March 2008.

Passage of federal justice reforms lays groundwork for reforms in Coahuila according to state's supreme court president

The passage of the justice reform bill in Mexico's congress has given Coahuila a "green light" for the passage of its own reforms, according to Gregorio Pérez Mata, president of the state's supreme court. He defends the delay on the part of state authorities to carry forth the reform process, which began originally in 2005 during the previous state administration.



"The state of Coahuila now finds itself with all of the conditions to begin the application of a substantive reform... Coahuila made a prudent decision to first wait to see the constitutional model in order to be able to begin, on a firm foundation, its own model." He added that states like Chihuahua, Nuevo León, and the State of Mexico, who have already implemented measures such as oral trials, will now have to adjust their legislation to align it with the general judicial framework.

Coahuila began its judicial reform process on April 18 2005 when representatives of the three branches of government signed a constitutional reform initiative. In August of 2006, the state cooperated with the British Council of Mexico to conduct mock oral trials. At that point, it was estimated that application of oral trials statewide would begin in 2008. However, in December 2007 the judicial and executive branches announced that the state would wait for justice reform legislation at the national level.

Pérez Mata insisted that the moment has arrived to work with executive and legislative branches to reinstate the reform process according to the demands of the federal constitution.

SOURCE:

Cárdenas, Lorenzo Carlos. "Entrarán ahora en sí a los juicios orales." *Palabra* 28 Feb. 2008

The Justice in Mexico Project researches justice-related reform developments in Mexico at the national and sub-national levels. Through its coordinating institution, the Trans-Border Institute (TBI) at the University of San Diego, the Project disseminates research organized under three broad categories: order, accountability, and access to justice.

As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments. An archive of these reports is available at <http://www.justiceinmexico.org>. Click on the news tab and then the news archive selection to access the archive.

Summaries for this report were compiled and edited by Cory Molzahn, TBI Research Associate, and Ruth Gómez, TBI Student Assistant. Robert Donnelly, Coordinator, Justice in Mexico Project, and David Shirk, Director, Justice in Mexico Project/Trans-Border Institute, provided editorial guidance.

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