

JUSTICE IN MEXICO

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News Report
May 2008

The U.S. Congress finally gave the go-ahead for the Mérida Initiative military-aid package, approving US\$350 million for Mexico and US\$150 million for Caribbean nations to fight organized crime. Cartel-related violence continued at high levels throughout Mexico, with the violence particularly prominent in Sinaloa, Chihuahua, and Baja California. The monthly reporting period was also characterized by the killings of top police officials in Mexico City and reinforced troop deployments to Sinaloa, where the state's dominant cartel appeared to be undergoing a split between rival factions. A landmark package of constitutional reforms to overhaul the Mexican justice system won sufficient approval from the statehouses, and discussion now turns toward the logistical, financial, and practical costs of implementation.

ORDER

DRUG TRAFFICKING

Calderón administration confronts cartels with troop deployments in face of heightened cartel violence

Heightened cartel violence has continued throughout the months of April and May, with attacks on high-ranking police officers, and in the case of Sinaloa, a police station. The Calderón administration has continued its aggressive policy of deploying soldiers and federal troops to troubled areas, and despite the heightened military presence and continued reports of human rights abuses at the hands of the military, public opinion of Calderón remains relatively positive, with an April approval rating of 62 percent, with only 25 percent of respondents expressing disapproval of the administration, according to an Ipsos-Bimsa nationwide survey.

According to national daily *Reforma's* running tally of *ejecuciones*, 1,245 people have been killed in cartel-related violence this year as of May 16. In response to the outbreak of violence, the administration ordered the extraordinary deployment of roughly 4,000 soldiers and federal police to Baja California, Chihuahua, and Sinaloa. The Calderón administration continues to issue strong rhetoric against the nation's drug cartels. A number of Calderón's cabinet members have made a clear point of dismissing concerns that criminal groups pose a threat to rule of law in Mexico. At a news conference to report on the progress, achievements and future of a joint police-military detail in Chihuahua, Interior Minister Juan Camilo Mouriño said, "In the fight there is for us no defeat. No criminal group is stronger than the State."

Cartel-related killings over the past several weeks have been most pronounced in Sinaloa and along the border, particularly in Baja California and Chihuahua. *Reforma* reported a sharp decrease in cartel-related slayings after the onset of military operations in Ciudad Juárez, Chih., in late March, though that six-week period of relative tranquility ended during the week of May 3 through May 9, when the state saw a total of 26 *ejecuciones*. Both Baja California and Sinaloa have seen high-profile cartel-on-cartel violence, and Durango saw its deadliest confrontation between presumed drug gangs on May 20, when eight died in an hours-long gun battle. Baja California and Sinaloa, along with the Federal District and Chihuahua, have also been scenes of continued attacks against law enforcement officials. On May 10 Chihuahua witnessed the murder of its 18th police officer since a list of policemen's names was found at a statue commemorating fallen officers in Ciudad Juárez in January.

Members of Calderón's cabinet point to the escalation in violence as a sign that their policy of confronting the cartels head-on is working. At a news conference in May following closed-door meetings between Baja California political, business, and civic leaders to address the growing concern of kidnappings in that state, Interior Minister Mouriño said that "the violence, the wars between criminal groups, the killings, are symptoms that organized crime has grown weaker."

SOURCES:

Dibble, Sandra. "Top officials vow to go after kidnappers." *San Diego Union Tribune* 10 May 2008.
Salmón Aguilera, Alejandro. "Refuerzan Operativo Conjunto Chihuahua." *El Diario* 10 May 2008.
"Identifican a muertos por balacera entre sicarios en Durango." *La Crónica de Hoy* 21 May 2008.

Assassinations of high-profile police officials unnerve Federal District

Four high-ranking police officers were assassinated in the Federal District over the course of a week, further raising concerns that Mexico's "drug war" between security forces and drug cartels is escalating in the nation's capital. The highest ranking of these police victims, Edgar Millán Gómez, was serving as coordinator of regional security for the Federal Preventive Police (PFP). Millán had been instrumental in organizing anti-narcotics operations in recent months, most notably in January of this year when PFP agents apprehended Alfredo Beltrán ("El Mochomo") in Sinaloa. He was ambushed by several armed men as he entered his apartment building with his two bodyguards in the early morning of May 9. He is the highest-ranking police officer to be assassinated in Mexico since Calderón began his campaign against the drug cartels in December 2006.

The coordinator for the Anti-Drugs Division of the Federal Police announced at a press conference shortly after Millán's murder that the killing had been orchestrated by the Sinaloa cartel with the help of an agent in the Federal Police. Although six individuals including the Federal Police agent have been arrested in connection with the crime, no evidence has been made public that concretely links the slaying to the Sinaloa cartel. The string of assassinations on police officers, Millán's in particular, have further raised concerns of cartel activity in the Federal District and infiltration into public security agencies. Federal officials have been reticent in recent months to acknowledge cartel activity in the capital, most notably in the case of the bombing attempt in February on an SSP officer, after which a long debate ensued between the local and federal Attorney General Offices (PGE and PGR, respectively) over whether the Sinaloa cartel was involved. The investigation still being carried out by the PGE indicates that it was.

Millán's killing also kindled debate in the U.S. between supporters and opponents of the Merida Initiative, the US\$1.4 billion three-year plan proposed by Pres. Bush to aid in strengthening Mexico's security forces. Advocates of the plan indicate that the increased targeting of high-ranking officers by cartels reflects their reach and tenacity, and threat to national security and public safety on both sides of the border. Opponents point to the apparent police involvement in the assassination as a reminder of the corruption rampant in Mexico's police forces, and warn against equipping them before first assuring that acceptable accountability measures have been implemented.

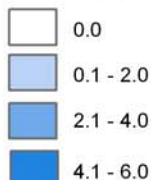
SOURCES:

"Apoyará GDF investigación de homicidio de mando policiaco." *El Universal* 8 May 2008.
Iloff, Laurence. "Mexico's police chief third official killed in capital this week." *The Dallas Morning News* 9 May 2008.
de la Luz González, María. "Si traicionaron a Edgar Millán." *El Universal* 12 May 2008.
Méndez, Alfredo. "La PGR, sin pruebas de que los Beltrán Leyva hayan asesinado a Édgar Millán." *Milenio* 14 May 2008.

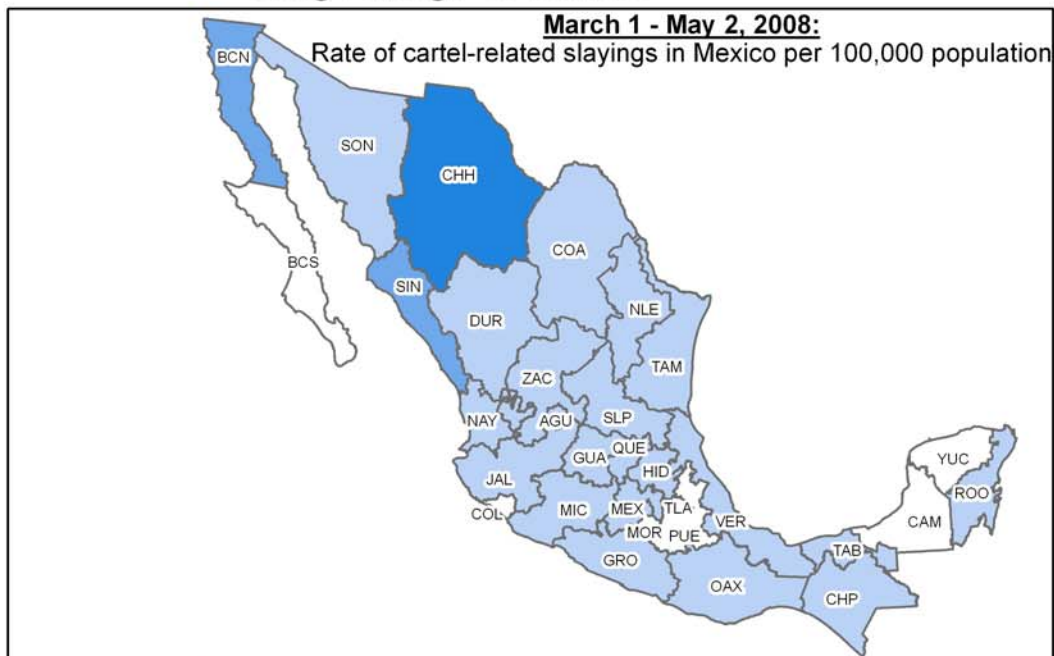
'Drug Killings' in Mexico

Legend

Rate of 'Drug Killings' in Mexico*

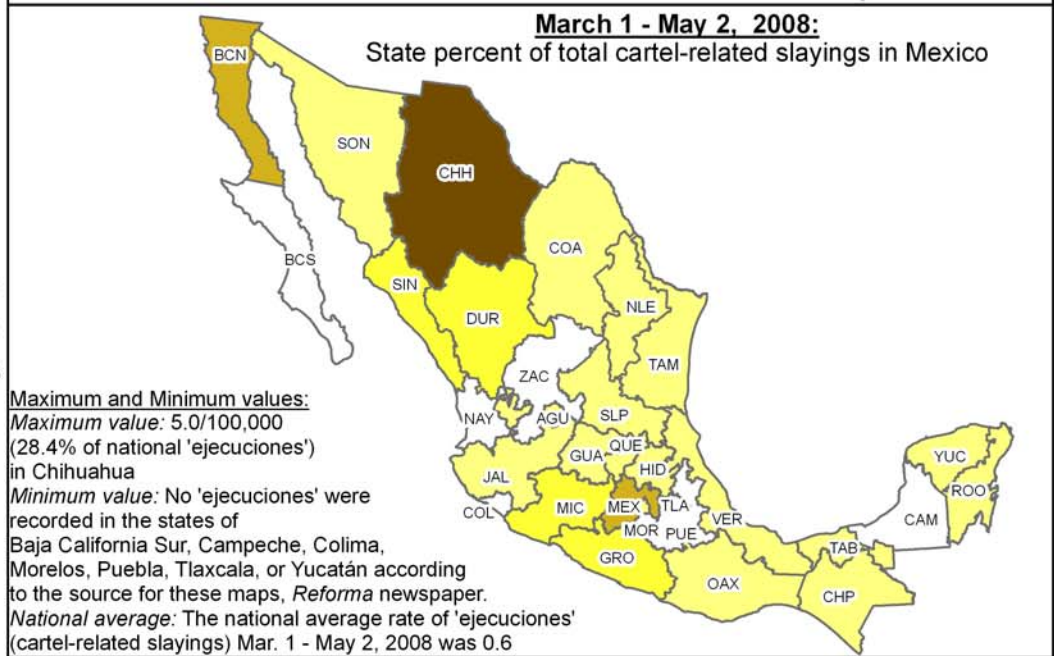
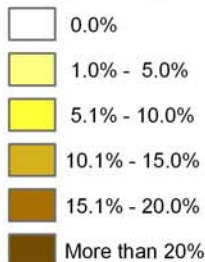


* Based on 2007 population estimates - the latest available year.

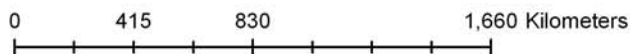


Legend

% of National 'Drug 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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Wave of violence in Sinaloa leads to a reinforcement of soldiers and federal agents in Culiacán and Navolato

Sinaloa has suffered a particularly brutal wave of cartel violence over recent weeks, which has claimed over 40 lives, including four federal agents, 12 municipal police, and most recently Edgar Guzmán, the son of Sinaloa cartel leader Joaquín “El Chapo” Guzmán. Public statements from government officials have been scarce, though Mexican news outlets attribute the violence to a re-articulation of alliances between rival gangs operating in the state.

The May 9 death of Edgar Guzmán in a hail of bullets lends credence to these claims. Guzmán was reportedly gunned down in a shopping mall parking lot in northern Culiacán, Sinaloa, where 50 AK-47 casings were found. Also killed was Arturo Meza Cázares, son of Blanca Margarita Cázares Salazar, who has been identified by the U.S. Drug Enforcement Agency as a top money launderer for the Sinaloa cartel, also known as the Federation.

The brazen attack came at the end of an especially bloody week for Sinaloa, and Culiacán in particular, in which four agents of the Federal Preventive Police were assassinated roughly 15 kilometers outside the city, and two more municipal police were also executed. Mexican media have cited anonymous government officials as stating that the attacks against Sinaloa cartel members are a result of a new alliance between a faction of the Sinaloa cartel led by the Beltrán Leyva brothers and the Juárez cartel (and a concurrent split of the former from Joaquín Guzmán) in the interest of controlling trade routes increasingly under pressure from military operations. The media have also cited federal officials who claim that the reported split between the Beltrán Leyva brothers and Joaquín “El Chapo” Guzmán is more personal in nature, resulting from the January arrest of Alfredo Beltrán (“El Mochomo”) in January of this year. The Beltrán Leyva brothers reportedly blame El Chapo for the arrest. Both claims are supported by the recent appearance in Culiacán of three “narco-posters” bearing the name of Arturo Beltrán and honoring “El Mochomo,” with messages openly threatening military and police forces. These are oddly reminiscent of similar posters hung over thoroughfares in Nuevo Laredo, Tamaulipas in April of this year, attributed to the Zetas of the Gulf cartel.

The recent spate of violence in Sinaloa led to an announcement by interior minister Juan Camilo Mouriño during a session of the security cabinet that 800 soldiers will be deployed to the state to reinforce troops from the ninth military zone. This follows the deployment in late April of 400 soldiers to Culiacán. Troop presence has come under intense scrutiny by human rights organizations since four men were gunned down by soldiers in the Badiraguato municipality in March, apparently unprovoked. A spokesman for the human rights advocacy group Centro de Derechos Humanos Miguel Agustín Pro announced that the organization will present the case to the Interamerican Commission on Human Rights. Hours after the operation Culiacán-Navolato was announced, a ministerial police base in Navolato was attacked by a group of at least 40 armed men, killing one civilian and leaving a ministerial police officer wounded.

SOURCES:

“Ola de narcoejecuciones; sube violencia en Sinaloa.” *El Economista* 4 May 2008.

“Mensaje en mantas.” *Milenio* 5 May 2008.

“La ola de violencia se intensifica en Sinaloa.” *El Siglo de Durango* 10 May 2008.

Castillo, Gustavo and Javier Valdez. “En Sinaloa, guerra interna entre *narcos* desgaja a *La Federación*.” *La Jornada* 13 May 2008.

“Atacan base de Policía en Sinaloa.” *Reforma* 14 May 2008.

Shootout between rival factions of Arellano Felix cartel raises concern over police involvement, public security

A shootout in Tijuana between rival factions of the Arellano Felix cartel in late April left 15 dead, and prompted the deployment of hundreds of federal agents to the border city. Unnamed federal intelligence sources reported to the Mexican media that the battle was fought between groups led by Jorge Briceño López (“El Cholo”), and Eduardo García Simental (“El Teo”). Some speculate that Briceño blames García for the execution of ex-judicial police officer Carlos Acosta Ibarra (“El Big Boy”), killed on April 24. García managed to escape from the presumed attempt on his life. As with recent cartel violence in Sinaloa, however, officials have refrained from publicly offering details as to specific perpetrators and motives.

The investigation being carried out by the federal Attorney General's Office (PGR) into the incident points to both police and military involvement in the confrontation. Baja California's Attorney General's Office (PGJE) determined that four of the dead were police officers – two were ministerial police and two belonged to the Tijuana municipal police force. Abandoned at the scene of the shootout was a white pickup truck with a decal from the PGJE. Also found on the scene were several bulletproof vests. Ballistics tests performed by the PGJE on the more than 1,500 spent bullet casings revealed connections between some of the guns used and the recent killings of two border agents, the killing of a police officer in 2006, and an assassination attempt on the Playas de Rosarito police chief late last year. Of the five injured gunmen transferred to Mexico City, one was identified as a soldier with the Second Military Zone, which patrols Baja California.

While law enforcement officials continue to insist that anti-cartel measures are working, Tijuana citizens and news outlets have stepped up criticism that authorities are failing in keeping the public safe. Gunmen injured in the shootout were taken to several local hospitals, where security was greatly enforced. The presence of the cartel members caused unease among hospital employees, who were reminded of an incident last spring when armed men entered the city's general hospital to liberate an injured cartel member killing two in the process. Doctors have been at the forefront of recent public demonstrations demanding an end to the violence. At least 118 people have been abducted in 2008 as cartels have stepped up kidnappings for money. Taxis have also been targets, with between 30 and 40 attacks on taxi drivers over the past month. Tijuana's Dept. of Transportation announced the first four armored taxis of planned total of 300 that will circulate under the newly formed company Taxi Seguro.

SOURCES:

- "Balacera entre narcos deja 13 muertos en Tijuana." *Milenio* 27 April 2008.
Ovalle, Fausto. "Investigan si agentes participaron en enfrentamiento." *La Crónica de Baja California* 27 April 2008.
Heras, Antonio, Andrés T. Morales, Ulises Gutiérrez. "Se eleva a 15 el número de muertos en BC." *La Jornada* 28 April 2008.
"Hospitals, discos, schools on front line as Tijuana drug gangs battle in the streets." *Associated Press* 29 April 2008.
"Circularán taxis blindados en Tijuana." *El Universal* 8 May 2008.
Isaacson, Amy. *KPBS Radio Local* news story. 21 May 2008.

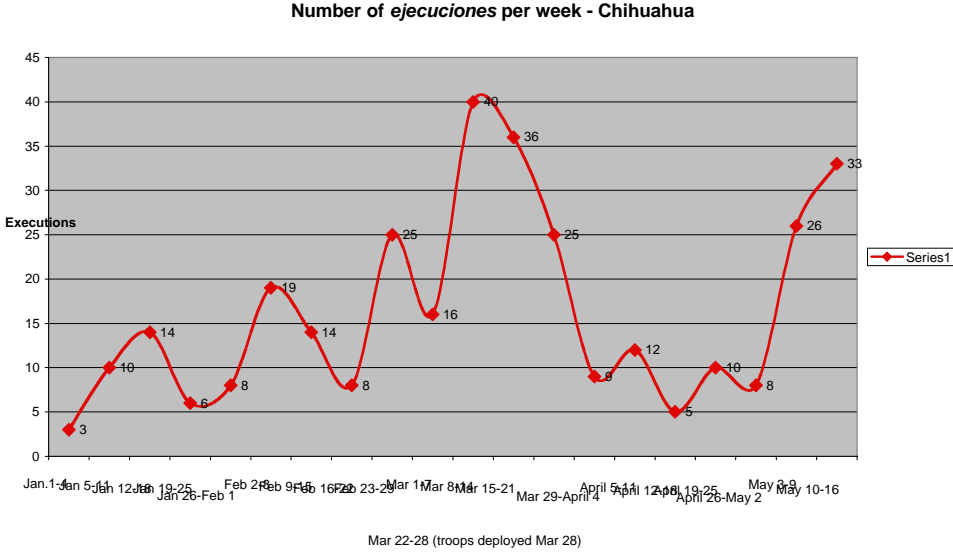
Retired military officer appointed chief of police for Ciudad Juárez

Roberto Orduña Cruz, retired Army second lieutenant, was appointed chief of police for Ciudad Juárez after acting chief Guillermo Prieto Quintana stepped down in the wake of 18 murdered municipal police officers during 2008, including the killing on May 10 of director of operations Juan Antonio Román García. The announcement also came on the Monday after Ciudad Juárez played host to a week of heightened cartel violence after several weeks of relative peace, which has been attributed to the May 13 arrest of Pedro Sánchez, "El Tigre," of the Juárez cartel. Ciudad Juárez's mayor, José Reyes Ferriz, said that Orduña's presence will strengthen the coordination between the municipal police and the Army in carrying out Operation Chihuahua, which began in late March with the arrival to the city of 2,000 soldiers and 500 federal police.

Orduña Cruz brings to the post extensive experience in intelligence, having served as an officer in the Federal Military Judicial Police, and also as Intelligence Director for the Federal Attorney General's Office. He also attended courses in narcotics detection and anti-terrorism operations offered by the U.S. Drug Enforcement Agency and Federal Bureau of Investigation. He follows a trend of military officers appointed to high-ranking police posts set in Baja California, where ex-Army intelligence officer Florencio Raúl Cuevas was appointed in April to lead that state's ministerial police, and career military official and former commander of the Federal Preventive Police (PFP) Justo Buenaventura Jaimes Villarreal was appointed in December of 2007 as head of the state Preventive Police.

SOURCES:

- Justice in Mexico Project*. News Report April 2008.
"Velará nuevo titular de SSPM por integridad de subordinados." *El Diario* 19 May 2008.
"Nombran a alto mando militar retirado nuevo jefe policial de Ciudad Juárez." *Terra España* 19 May 2008.



Over 2 tons of pseudoephedrine seized at Mexico City airport

Federal police seized 2.4 metric tons of pseudoephedrine, the precursor substance for methamphetamine, at Mexico City’s international airport on May 16. The shipments reportedly originated in India and Holland, and were found in the airport facilities of the company Mexico Cargo Handling, which reportedly offers storage to an unnamed French airline. The seizure was the largest of the year so far, slightly outweighing a seizure in February of 2.3 tons, also confiscated at the airport.

The trafficking of methamphetamines across the border into the United States has been a growing concern since 2002, when increased law enforcement pressure on domestic U.S. operations began to push production down to Mexico. Seizures at the U.S.-Mexico border increased by over 70 percent between 2002 and 2004, and Pres. Calderón took the drastic step last year of banning the precursor substance outright, which is commonly found in decongestants.

SOURCES:

U.S. Drug Enforcement Administration. Website: <http://149.101.1.32/dea/concern/meth.html>.
 “Llega pseudoefedrina de India y Holanda.” *El Diario* 18 May 2008.

INSURGENT GROUPS

Federal government enters mediated dialogues with the EPR

Interior Ministry officials characterized a second round of meetings with a mediating committee acting as proxy for the Popular Revolutionary Army, or Ejército Popular Revolucionario (EPR) as “positive and productive.” The EPR had announced in late April that it would resume operations, but shortly after offered a truce on the condition of a mediated dialogue with the government.

Participating in the dialogues were Interior Ministry Under Secretary Abraham González Uyeda and members of the mediation committee, which included former Archbishop Samuel Ruiz García of San Cristóbal de las Casas, left-leaning federal Sen. Rosario Ibarra de Piedra, writer Carlos Montemayor, journalist Miguel Ángel Granados Chapa, and academic Enrique González Ruiz. Montemayor, spokesperson for the committee, said that the meetings seek positive responses from the Calderón administration, as well as from the EPR, which is

demanding that two members be released from government custody.

The EPR claims that Mexican authorities illegally detained Edmundo Reyes Amaya and Gabriel Alberto Cruz Sánchez a year ago. The leftist guerrilla movement assumed responsibility for explosions last September at natural gas pipelines in southern Gulf Coast Veracruz state, for pipeline explosions in July in central Querétaro and Guanajuato, and for explosive devices planted at a bank and department store in Oaxaca in August. The detonations were part of a campaign to free from government custody soldiers they consider political prisoners.

SOURCES:

“Gobierno y EPR avanzan.” *Univision* 21 May 2008.
Delgado, Alvaro. “‘Productivo’, el encuentro con mediadores del EPR: Gobernación.” *Proceso* 20 May 2008.
“Explosions in pipelines at Veracruz state.” *Justice in Mexico News Report* October 2007.

U.S.-MEXICO RELATIONS

U.S. Congress approves a slightly scaled-back aid package for Mexico

The U.S. Senate approved an aid package known as the Merida Initiative that will apportion US\$350 million to Mexico and US\$100 million to countries in Central America and the Caribbean for 2008 to help those countries in the struggle against organized crime and drug trafficking. The measure was attached to a supplementary spending package to fund the wars in Iraq and Afghanistan. Mexico’s allocation falls US\$150 million short of President Bush’s original proposal, though some House members’ reservations regarding Mexican police corruption and border security led some to speculate that the initiative would fail entirely.

The initiative was passed by the House Committee on Foreign Affairs on May 14, which voted to include the Dominican Republic and Haiti as recipients of the estimated US\$61 million to be paid to Central American countries in the first year of the initiative’s implementation. Members of Congress have expressed concern since the initiative was first made public over the prospect of apportioning money to Mexico’s notoriously corrupt state and municipal police forces with no clear measures of accountability. An amendment proposed by Rep. Tom Tancredo, R-Colo., seeking to make the aid money contingent on a presidential certification that the U.S.-Mexican border was secure, was defeated in the House Foreign Affairs committee. Other members of Congress object to the perceived secrecy under which the initiative was originally drafted, and also to the initiative’s being attached to the war-spending bill.

The Mérida Initiative has been opposed by a wide array of political and civic figures in the United States. The AFL-CIO has urged Congress to reject the measure unless it includes strict human rights conditions. In a letter sent on April 30 to Reps. Howard Berman, D-Calif., and William Delahunt, D-Mass., the labor organization recognized the importance of fighting drug trafficking, but cited ongoing labor abuses in Mexico that the group insists must be addressed, and questioned the effectiveness of proposed measures such as supplying Mexican security forces with eight military helicopters. Larry Cox, executive director of Amnesty International, expressed similar concern over what he fears is a plan to hand over “a blank check for Mexican security forces that have been implicated in crimes like rape and torture.”

Nonetheless, those in favor of the aid package point to a shared responsibility for stemming the flow of illicit materials across the U.S-Mexico border and note that in a globalizing world that security does not stop and start merely at national boundaries. Supporters in the U.S. government also note their country’s responsibility to prevent the illegal flow of weapons to Mexico. Recent incidents of weapons smuggling from the United States to Mexico have spotlighted the need to enact controls on illicit weapons purchases and transfers that end up in the arsenals of Mexican drug-trafficking organizations.

After the initiative moved through the House, the Senate Appropriations Committee approved spending of US\$350 million for Mexico and US\$100 million for Central American countries. Haiti and the Dominican Republic were not included in the draft. The Senate was expected to begin debate on the Iraq and Afghanistan spending bill on May 20.

SOURCES:

Bachelet, Pablo. "Labor groups oppose Mexican aid package." *Seattle Times* 10 May 2008.
Martin, Gary. "House approves Fort Sam funding, blocks cash for Iraq war." *San Antonio Express-News*. 16 May 2008.
"Va a debate proyecto de gastos que incluye Iniciativa Mérida." *El Financiero* 19 May 2008.

ACCOUNTABILITY

TRANSPARENCY

Federal public information agency finds chronic inefficiency in administration of government archives

The Federal Institute for Access to Public Information (IFAI) in an assessment of 240 federal offices found that due to a lack of trained personnel and finances and because of deficiencies in infrastructure there is a vast excess of archived documents throughout the federal information archives. The IFAI representative who presented the findings specifically pointed to a serious lack of availability of professional training in archival methods, pointing out that among those responsible for managing the archives fewer than one in five has professional training in the field, and just over half had previous related experience before entering their current positions.

Gloria del Carmen Muñoz León spokeswoman for the government anti-corruption office, acknowledged the risks inherent in such deficiencies, including economic costs as well as lending to the risk of corruption and abuse of power. "Poor control of the archives implies a lack of control over [government] processes," she said.

SOURCES:

Ochoa, Jorge Octavio. "Necesario que dependencias tengan control de archivos: IFAI." *El Universal* 19 May 2008.
Velasco, Elizabeth. "Detecta el IFAI "alto rezago" archivístico en la administración pública federal." *La Jornada* 20 May 2008.

CORRUPTION

Military general publicly accuses Baja police officers for offering protection to organized crime

Days after an extended shootout between cartels in Tijuana killed 15 people, Sergio Aponte Polito, commander of the Second Military Region which includes Baja California, submitted a letter to State Prosecutor Rommel Moreño Manjarrez implicating the involvement of several Baja California state and municipal police officers in organized crime. Aponte bases his accusations on public complaints and military investigations of crimes in the state. As commander in charge of military forces in the region, Aponte is responsible for coordinating investigations into cartel-related killings statewide.

In the detailed letter, Aponte accuses numerous federal, state and municipal police officers of involvement in cartel-related kidnappings and killings, as well as in offering protection to drug traffickers. Among the accused were Jesús Rodríguez, former chief of the anti-kidnapping task force for the state attorney general's office; and Sonia Navarro, former state assistant attorney general in Ensenada, who allegedly offered protection to members of the Arellano-Félix cartel. Shortly after the letter was reported in the media, Navarro filed a defamation complaint against Aponte, but later resigned her position as assessor for the attorney general's office.

While Gov. José Guadalupe Osuna Millán and other members of the National Action Party (PAN) in Baja California have urged calm and Osuna Millán has ordered state Attorney General Rommel Moreño Manjarrez to investigate the allegations, members of the Institutional Revolutionary Party (PRI) have demanded more decisive action. Aponte's allegations point to crimes committed during the current Osuna Millán administration and the previous administration, also of the PAN.

SOURCES:

Martínez, Julieta. "General recrimina a BC por corrupción policial." *El Universal* 24 April 2008.
Jiménez Vega, José. "Ordena Osuna a Rommel investigar la denuncia." *El Sol de Tijuana* 24 April 2008.

NGO *Transparencia Mexicana* releases annual report on corruption

The transparency advocacy group *Transparencia Mexicana* released in mid-April its annual report on corruption in Mexico, the National Index of Corruption and Good Governance 2007. The study consisted of data gathered from home surveys on the amount of bribes paid to public officials during 2007. The report, published biennially since 2001, measures corruption on a frequency scale of 0 to 100, with a higher number signifying a higher frequency of corruption. Mexico received a score of 10.0 for 2007, up from 10.1 in 2005 and 10.6 in 2001.

Among the report's findings were that in 2007, Mexicans spent MX\$27 billion on "acts of corruption," or an average of 8 percent of each Mexican family's annual income. Families in the lower economic echelon spent on average 18 percent of their 2007 income.

In comparison with 2005, 19 public entities reduced their incidences of corruption, but those gains were not sufficient to improve Mexico's overall score. The study found the State of Mexico, the Federal District, Tlaxcala, Puebla, and Morelos to have the highest rates of corruption in public services; Colima, Aguascalientes, Guanajuato, Nayarit and Michoacán had the lowest.

SOURCE:

"Mexico, estancado en sus niveles de corrupción: *Transparencia Mexicana*." *Transparencia Mexicana*. Press Release 15 April 2008.

Interior Minister Mouriño absolved of charges of wrongdoing during time as energy secretary

The commission appointed by Mexico's Congress in March of this year to investigate abuse of power charges brought by members of the Revolutionary Democratic Party (PRD) against Interior Minister Juan Camilo Mouriño has found that there is not enough evidence to prove that Mouriño abused his position as an undersecretary in the Energy Ministry during the administration of Pres. Vicente Fox. He had been accused of using the post to steer lucrative contracts to his family's trucking company Transportes Especializados Ivancar (TEISA).

In presenting the conclusions of the investigation, the commission's president, federal lawmaker Xavier López Adame indicated that the contracts in question fell within legal frameworks dating back to 1993. He added that Mouriño had no direct financial interest in TEISA between December 2000 and December 2003, the period during which the contracts in question were signed.

SOURCES:

"Liberan de responsabilidad a Mouriño en contratos de Pemex." *La Crónica de Hoy* 13 May 2008.
Gómez, Ricardo and Andrea Merlos. "Ratifica Comisión exoneración a Mouriño." *El Universal* 13 May 2008.

PRESS FREEDOM

Violence against journalists reported in Sinaloa, Oaxaca

Violence against journalists and perceived impunity for such acts continue to draw condemnation from national and international organizations to protect journalists. Mexico continues to be one of the most dangerous places for journalists in Latin America. According to the Impunity Index, a list of countries compiled by the Committee to Protect Journalists where governments have consistently failed to solve journalists' murders, Mexico is one of the 13 countries included with a rate of 0.068 unsolved journalists murdered per 1 million inhabitants over the past nine years. Seven murders of journalists during the same period remain unresolved. The majority of the countries on the index are established, peacetime democracies like Mexico, pointing to failures by the elected governments to protect journalists and to successfully prosecute violence against them.

In Culiacán, *El Debate* reporters Leo Espinoza, Geovanny Elizalde, and Torivio Bueno were violently confronted by federal police agents when they stopped to report on a roadside checkpoint stationed one block from *El Debate* headquarters. While the others managed to flee, Bueno was handcuffed, beaten, and forcefully taken on a ten-minute drive through the city, according to a report Bueno made to CPJ. *El Debate* has reported the incident to Sinaloa's human rights commission and federal law enforcement. A spokesperson for the federal police attributed the incident to error in judgment and said that the agents were upset about the death of several colleagues the past weekend.

In Oaxaca unidentified gunmen shot at the home of Melchor López. López is general director of the station *Radio Mixteca* based in Santiago Juchitán. *Radio Mixteca* covers cultural, education, and health issues in the Mixteca indigenous region. López and colleagues had been receiving anonymous threats in the lead-up to Oaxaca's October 2007 municipal election. López attributes the aggression to his station having broadcasted reports unfavorable to the PRI, refused to endorse any candidates, and reported on the case of Puebla small town mayor Rubén Gil, who is waiting to stand trial in New York on drug trafficking charges and is believed to have ties to Oaxacan politicians.

In other Oaxaca press freedom news, the federal Attorney General's Office (PGR) has finally announced that it will investigate last month's murders of Triqui community radio hosts Teresa Bautista and Felicitas Martínez were murdered in southern Oaxaca. The PGR has come under intense domestic and international criticism for not investigating the case based on their assertion that it had not been clear that the women were killed as a direct result of their broadcasting or indigenous heritage. A spokesman for the PGR stated that the case has finally attracted his office due to the previously undisclosed detail that AK-47 casings were found at the scene, which if used in the crime would constitute a federal offense. The PGR ordered on May 19 for the two women to be exhumed in order to extract the bullets from their bodies for verification.

"Getting Away with Murder." *Committee to Protect Journalists* 30 April 2008. "Radio director's home shot by unidentified gunmen". *Committee to Protect Journalists* 25 April 2008.

"Mexican federal police harass, detain reporters." *Committee to Protect Journalists* 7 May 2008.

"Exhumará la PGR los cuerpos de locutoras triquis." *El Proceso* 22 May 2008.

Méndez, Alfredo. "Justifica la PGR tardanza en atraer asesinato de dos triquis." *La Jornada* 20 May 2008.

ACCESS TO JUSTICE

JUSTICE REFORM

As justice reforms move through statehouses, discussion turns toward costs

According to the justice advocacy group Proderecho, Mexico's justice reform bill has been approved by 20 state Congresses, fulfilling the required majority for constitutional amendment. The reforms include special provisions for pursuing and prosecuting organized crime, as well as provisions to move from an inquisitorial, written trial procedure to an accusatorial, oral system in which the defense and prosecution deliver arguments directly to a panel of judges under a presumption of innocence. The objectives for the reforms are two-pronged, at once aiming to strengthen the state's ability to prosecute drug traffickers and organized criminals, and at the same time making the justice system more efficient, transparent, and equitable. Cesar Camacho, who led the effort to introduce a justice reform bill in the House of Deputies, announced at a recent conference on the recently passed justice reforms that Congress will allocate adequate budgets to the states, who will ultimately be responsible for their implementation. Several states are in the process of training officials who will be expected to carry forward the reforms, in many cases traveling to Chihuahua in order to benefit from the experiences of reforming the penal system in that state.

It is hoped that the reforms will expedite the justice system in Mexico, and ameliorate the current situation of as many as 25 percent of detainees in the nation's prisons awaiting trial. Under the constitutional amendments, pretrial detention will be drastically limited, even in the case of organized crime, whereby an individual can only be held for 80 days pending charges. Early assessments of Chihuahua's reforms, already in effect in certain districts and to be implemented statewide July 1 of this year, have found that they have

succeeded in expediting the criminal justice system in that state, where 93 percent of cases brought under the new reforms have been settled out of court. Nationwide, there are roughly 94,000 citizens in prisons awaiting trial, up from 50,000 in 1997.

The constitutional reforms allow eight years for full implementation, and now that they have passed through Congress and await secondary legislation, cost and resource allocation have moved to the forefront of public discussion. Luis María Aguilar, head of the Federal Judiciary, estimates that the total costs of implementation in the federal courts alone will reach MX\$20 billion, roughly equivalent to the Justice Department's entire annual budget. He attributes these costs to the extensive infrastructure and personnel needs inherent in the reforms. Some experts, though, dispute this claim. Ana Laura Magaloni questions how Mexico's federal reforms will cost three times those of Chile. In that country, Magaloni points out, the majority of expenditures have gone toward developing infrastructure that Mexico already has, such as the Office of the Public Prosecutor. She adds that in 2007 Chile's federal courts handled ten times as many cases as those of Mexico, necessitating the training of far fewer federal judges than has been implied. In an editorial published in *Reforma* on April 26, refraining from presumptions as to the reason for the seemingly inflated budget predictions, Magaloni urged Congress to take care in allocating money for the reforms, and that they not allow the Judiciary Council to "turn the justice reform into a plunder."

SOURCES:

Herrera, Rolando. "Calculan costos de reforma penal." *El Norte* 24 April 2008.
Magaloni, Ana Laura. "El botín." *Reforma* 26 April 2008.
Francisco Sánchez, Jesús. "Colapsado el sistema de justicia: especialistas." *El Siglo de Durango* 29 April 2008.
Hernández, Fernando. "Habrà garantía presupuestal para cumplir con la Reforma Judicial." *El Heraldo de Tabasco* 15 May 2008.

AROUND THE STATES ...

Coahuila Congress passes justice reform authorizing pardoning of minor crimes

Coahuila's state Congress passed in mid May the Procurement of Justice Law, which allows for pardoning certain minor infractions in exchange for monetary penalties and/or community service. According to estimates by the state Attorney General's Office, roughly 80 percent of convictions in 2006 could have been resolved through mediation, in effect enhancing the justice system's ability to prosecute more serious crimes. Among the crimes that would be eligible for such resolution would be minor thefts, property damage, bribery (when not committed by a public servant), and drunk driving. The law was pushed through among some controversy. Francisco Javier Robledo Méndez, representing the state's attorneys, requested a stay of 60 days to allow more time for the legal community to review the elements and possible consequences of the measure.

SOURCE:

Reyes, José. "Entre polémica aprobarán hoy la reforma judicial." *Vanguardia* 13 May 2008.



Federal District prepares for justice reforms

Federal District officials in all branches of government are preparing for the implementation of justice reforms, and oral trials in particular. The Attorney General's Office (PGDF) has announced the creation of a courtroom in its facilities to perform "mock" oral trials in order to train PGDF personnel who will participate in such proceedings. Oral trials will begin in the Federal District in October with the new Adolescent Penal Justice System.

For its part, the Government of the Federal District is analyzing the FY2009 budgetary needs for implementing the reforms, and is prepared to allocate whatever funds necessary for their success, according to the Head of Government, Marcelo Ebrard. He expects to conclude the allocation process by September. Based on rough estimates according to infrastructure and training needs, Ebrard predicts that the budgetary requirements will necessitate some investment from private enterprise.

SOURCES:

"Recrearà la PGJDF juicios orales para capacitación." *El Financiero* 23 April 2008.

Morelos state prepares for oral trials

Five months before justice reforms are set to go into effect in Morelos, the first 10 oral trial judges have been named for that state. All ten have passed the qualifying exam and interview administered by the state judiciary, and passed a required drug test. They will now attend courses to be administered by the organization Proderecho in which they will be trained in the application of oral trials.



State Attorney General Francisco Coronato Rodríguez announced that 82 attorneys, clerks, and agents of the Attorney General's Office are in the midst of training ahead of the reforms' implementation. He also stated that 40 ministerial police officers are being trained in procedures adhering to the reforms, three of whom are receiving intensive training in Chihuahua in order to benefit from that state's unparalleled experience (among Mexican states) in justice reform implementation. In all, 13 police officials from seven divisions participated in a month-long training program in Chihuahua.

SOURCES:

Sánchez, Martín. "Capacitan a personal de PGJ sobre juicios orales." *El Sol de Cuernavaca* 4 May 2008.
Cuevas Villalobos, Elizabeth. "Aumentará capacitación sobre juicios orales: fiscal." *La Jornada Morelos* 20 May 2008.



Guerrero prepares for oral trials, expected to be implemented this year

Guerrero's attorney general Eduardo Murueta Urrutia announced that oral trial proceedings are set to begin in that state this year. He indicated that in addition to state-level secondary legislation his office will request of the Congress, 300 new ministerial investigative police agents will be contracted by the end of the year. The Attorney General's Office also plans to work with the National Institute for Penal Sciences and Mexican universities to design training courses.

SOURCE:

"Guerrero va por los orales." *Excelsior* 21 April 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.

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