

JUSTICE IN MEXICO

TRANS-BORDER INSTITUTE, USD



News Report
April 2008

The reporting period witnessed another major security deployment, this time in response to escalated violence in Chihuahua. According to Reforma newspaper's running tally, as of April 18 drug-related slayings in that state had reached 250, comprising over 25 percent of the national total. The deployments have resulted in numerous claims of human rights abuse, drawing condemnation from human rights organizations. In other Order-related news, court proceedings for four suspects in the February bomb blast near the Mexico City police headquarters move forward as cartel involvement in the attack appears increasingly likely. Elsewhere the assassination of a police chief in Cancún and the attempted assassination of a police chief in Tijuana both appear to be in retaliation for police operations against drug cartels. In the arena of accountability, international organizations advocating press freedom are demanding an investigation into the killing of two radio broadcasters in Oaxaca, and two groups of soldiers in Sinaloa will face charges in federal court, one for an unprovoked attack on civilians early this month, the other for aiding drug cartels. Meanwhile, states begin approving the federal justice reform package amidst lingering concerns over the feasibility of implementation.

RED DE JUSTICIA

Justice in Mexico Project hosts major conference on justice reform in Mexico

Thanks to the generous support it receives from The William and Flora Hewlett Foundation, the *Justice in Mexico Project* hosted the major conference, "Justice in Mexico: Evaluating National and Local Initiatives," which was held Monday, April 21, 2008, at the University of San Diego. Cosponsors included: Open Society Justice Initiative; Baker & McKenzie Abogados, S.C.; the Consulate General of Mexico in San Diego; the United States Consulate General in Tijuana; the National Center for State Courts; the Center for Development Research (Centro de Investigación para el Desarrollo, A.C., CIDAC); the Due Process of Law Foundation; and the Judicial Research Institute of the National Autonomous University of Mexico (Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México, IJ-UNAM). Valuable support came from the schools of Law and of Arts and Sciences of the University of San Diego. The conference addressed trends in federal- and state-level justice reform in Mexico, focusing on the recently passed package of constitutional reforms and the challenges associated with their implementation at the state level. *Red de Justicia* members from Aguascalientes, Baja California, Chihuahua, Coahuila, Jalisco, Nuevo León, Oaxaca, and Zacatecas provided insight into the status of state-level initiatives and their harmonization with the federal reform package, which requires approval from a simple majority of the Mexican statehouses before it can go into effect.

Significant conclusions drawn from the conference included the following: the continuing importance of civil society participation in properly implementing, effectively monitoring, and sustaining reforms; the need to better train and equip Mexican practitioners to implement adversarial courtroom procedures; and the need to instill a deep-seated presumption of innocence throughout the judicial system, for the reforms' chief aim – a transition from a mainly “presumed guilty” justice system to a “presumed innocent” one – to stick. A conference report will be forthcoming. For more information on the conference, please go to: www.justiceinmexico.org.

ORDER

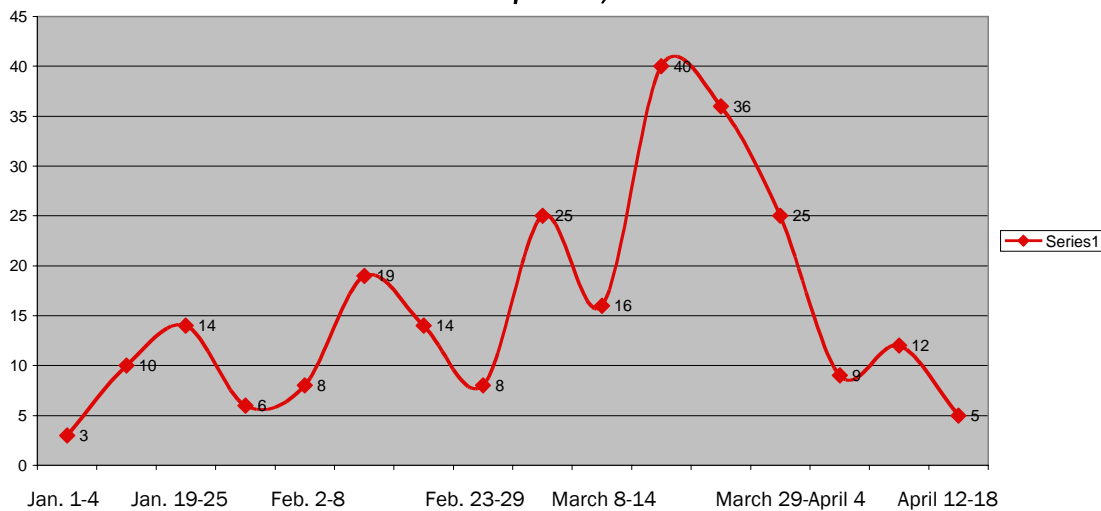
DRUG TRAFFICKING

2,000 troops, 500 federal police deployed to Chihuahua in response to continued cartel violence

In response to a continued wave of violence in Chihuahua that has claimed the lives of over 200 people so far this year, the Secretary of Defense (Sedena) deployed over 2000 soldiers and 500 federal police officers to Ciudad Juárez and other troubled areas of the state.

The operation has thus far been concentrated primarily in Juárez, where that city's mayor, José Reyes Ferríz, has indicated that the Army presence will remain for at least six months. Reyes Ferríz insists that the city has seen improvements in security since the arrival of the troops and federal police at the end of March, though Sedena has yet to release official comprehensive results. According to *Reforma's* running tally, the state had seen 250 cartel-related slayings as of April 18, up from 147 for the entire year of 2007, and comprising over one quarter of such slayings nationwide for 2008. Growing official concern in the United States over heightened border violence, Tony Garza welcomed news of the operation, and the U.S. State Department's updated Mexico travel alert issued April 15 stopped short of advising U.S. citizens against travel to Mexico's border regions. However, it does urge U.S. citizens to “be especially alert to safety and security concerns when visiting the border region.” Reyes Ferríz continues to insist that security has improved in Juárez. Executions seem to have trailed off since the onset of the operation. Over the four weeks prior to the operation, *Reforma* reported an average of 25 a week, as compared to 26 registered over the first three weeks of the operation:

**Cartel-related slayings in Chihuahua state,
Jan. 1-April 18, 2008**



The military has established checkpoints throughout the city to enhance security, and is performing reconnaissance and patrols. Much of the operation, however, has focused on officers in Juárez's municipal police forces, who are suspected of having ties to members of the Juárez and Sinaloa cartels. The turf battle between those two cartels has been blamed for Chihuahua's escalating violence. On March 28, hours after the

planned operation was announced, four Juárez municipal police agents resigned, one with 15 years of service. Days after the operation began, 45 agents were detained in the state Attorney General's Office by the military, which had signaled them out for suspected links to drug cartels. Reyes Ferríz has assured the public that cleansing and professionalizing local police forces is a primary objective of the operation. Agents of the Federal Secretary of Public Security (SSP) have also begun a large-scale campaign to test the integrity of the 1,600 municipal SSP officers in the city. The measures will include lie detector tests, and psychological and drug tests. The tests will also be applied to agents in the Department of Transportation.

Sedena has warned the public that under increased pressure the cartels will resort to new methods in order to protect their interests. On April 9, it announced that it had obtained information that members of the Juárez cartel are posing as soldiers and engaging in searches of homes, businesses and nightclubs in an attempt to turn public opinion against the operation. The announcement came on the heels of several complaints by citizens and the National Commission for Human Rights accusing soldiers of human rights abuses. Uniforms resembling those of the military and police have been found in several recent drug and arms seizures in Chihuahua and Baja California.

Chihuahua's Sec. of Public Security Javier Torres Cardona echoed Reyes Ferríz's claim that crime had diminished in Juárez due to the operation, but warned that cartels under pressure will likely turn to common crimes such as robberies and auto theft to sustain necessary resources. These types of crime are on the rise in Chihuahua, though there is little if any direct evidence that they are being perpetrated by elements of organized crime. Torres Cardona also announced a "new phase" in the operation that will focus on southern municipalities, where he said cartel members are fleeing to escape pressure in Juárez.

SOURCES:

- "Renuncian cuatro agentes municipales en Ciudad Juárez." *La Crónica de Hoy* 28 March 2008.
Blancas Madrigal, Daniel. "9 ejecuciones aun con Operativo Chihuahua." *La Crónica de Hoy* 5 April 2008.
Bustamante, Angélica. "Ejército permanecerá seis meses en Juárez." *El Mexicano* 8 April 2008.
de Dios Olivas, Juan. "Preparan nueva fase en operativo conjunto." *El Diario* 9 April 2008.
"Aplicarán pruebas de confianza a 600 polimunicipales en la primera fase." *El Diario* 10 April 2008.
"Tropas del Ejército mexicano detienen a 8 personas durante un sepelio en Chihuahua." *Secretaría de Defensa Nacional* 11 April 2008: Press Release.
Travel Alert. *U.S. Department of State Bureau of Consular Affairs* 15 April 2008. Website: http://travel.state.gov/travel/cis_pa_tw/pa/pa_3028.html

Cartels may be using new, public methods for recruiting

Classified advertisements in Chihuahua papers and a possible Zeta recruitment banner hung over a thoroughfare in Nuevo Laredo, Tamaulipas may signal new, audacious means by drug cartels and affiliated groups to recruit members.

In Ciudad Juárez, Chihuahua, reports from parents of missing children began an investigation that eventually led to the discovery of the classified ads recruiting youths to transport drugs across the border. The ads offer no more information than a telephone number and the requirement of a current passport and visa. When law enforcement officials compared information with their counterparts across the border, they found that some of the missing children were incarcerated in the United States on charges of drug trafficking. A federal police official maintains that the recruits are not aware of the nature of their work.

In Nuevo Laredo, Tamaulipas, a giant banner appeared across a thoroughfare reading: "Operative group 'The Zetas' wants you, soldier or ex-soldier. We offer a good salary, food and benefits for your family. Don't suffer any more mistreatment and don't go hungry." It is not clear whether the banner was hung by Zetas, though *El Universal's* Jose Luis Pineyro doubts that it is an earnest attempt at recruitment. However, assuming that the banner and the classified ads represent a trend, Pineyro says that these measures are likely meant to publicly challenge the authority and effectiveness the federal government in its battle with drug cartels.

Largely comprised of ex-soldiers, the Zetas seem to have had few problems recruiting new members. Though they can't agree on which agency was responsible for the seizure, the army and the Public Security Secretary both reported the capture of five Zeta members early April in Nuevo Laredo with US\$6 million. The criminal

organization's financial resources coupled with a high desertion rate in the Mexican army certainly contribute favorably to recruitment. While Sedena reported a decreased number of deserters in 2007 (17,000 compared to an average of 30,000 annually between 2002 and 2006), possibly due to a corresponding salary increase, the number is still alarming. The problem was underscored April 4 in the northern municipality of Villaldama, Nuevo Leon when two soldiers on what local and national press has characterized as a drunken massacre shot to death three state police and a civilian before being shot and killed by police officers. The two soldiers had recently deserted with their weapons from a nearby army base.

SOURCES:

Jiménez, Benito. "Baja deserción en el Ejército." *El Norte* 19 Feb. 2008.
"Detienen a "Zetas" con US6 millones." *El Economista* 3 April 2008.
González, María de la Luz. "Con anuncios, narco recluta estudiantes." *El Universal* 3 April 2008.
Granados Chapa, Miguel Ángel. "Militares, contra todos." *Mural* 6 April 2008.
Castillo, Eduardo. "Mexican Cartel Recruiting Hitmen." *The Associated Press* 15 April 2008.

Chief of Public Security in Cancún executed, apparently in retaliation for a police operation days earlier

The body of Elías Martínez Góngora, commander of the tactical group of Cancún's municipal police force, was found March 29 near Cancún's cathedral. The body showed signs of torture, and displayed a taunting message bearing his police code name. Officials believe the execution was carried out by the Zetas, the Gulf cartel's enforcement arm.

Martínez Góngora had been involved in an operation targeting presumed Zeta members earlier in the month, for which officials believe his assassination was carried out in retaliation. One suspect died and another was wounded in that confrontation. The commander was also under investigation for suspected involvement with both the Gulf Cartel and a ring of Cuban immigrant traffickers. There were rumors within police circles immediately after his disappearance that he had been apprehended by agents of the Attorney General's Office of Investigations for Organized Crime and transferred to Mexico City. However, colleagues of Martínez Góngora report witnessing him receive a call on his cell phone roughly an hour before his disappearance after which he became agitated and immediately drove off. Two hours later, the police received reports of ten armed men in two trucks intercepting a car and kidnapping the driver. The car was later identified as that of Martínez Góngora.

Amidst official reports of increasing crimes related to drug trafficking and of corruption within local law enforcement agencies, Quintana Roo's Gov. Félix González Canto confirmed the arrival of agents of the Federal Attorney General's Office. In the same statement he dismissed the need to deploying soldiers to the state.

SOURCES:

"Hallan muerto a comandante de policía municipal de Cancún." *El Universal* 29 March 2008.
"Afirma PGJ de Cancún que los zetas ejecutaron al Comandante Hierro." *Milenio* 30 March 2008.

Attempt on Tijuana municipal police chief leaves two gunmen dead

The shootout that followed the assassination attempt, which took place on April 12 in a working-class neighborhood in Tijuana, claimed the lives of only the assailants, who managed to fire dozens of shots and throw a grenade at the home of police chief Jesús Alberto Hurtado Estrada before he and his bodyguard were able to fend them off. The incident also left eight wounded, including three children. Both suspects have been identified by Baja California authorities as members of the Arellano Félix cartel. One of them has also been identified by U.S. law enforcement officials as a member of a Barrio Logan, San Diego street gang with ties to the Arellano Felix cartel dating back at least 15 years.

Baja California's attorney general Rommel Moreno Manjarrez said the assailants were involved in the April 9 attack on the Centenario police station, of which Hurtado Estrada is the chief. According to reports at the scene, that attack was initiated when three masked men entered the building and demanded that a sub-chief accompany them to an unnamed location to apologize to an organized crime boss. The three men were instead

arrested, and before backup could arrive several more masked men parked in front of the building and opened fire, emptying more than 200 rounds of ammunition. Nobody was harmed in the attack.

These incidents lend weight to recent claims by analysts and law enforcement officials that elements of organized crime in Baja California are reacting violently to recent efforts by the newly elected governor José Guadalupe Osuna Millán to “cleanse” the state’s police force, which has long been notorious for its perceived corruption.

SOURCE:

Cordero, Manuel. “Sicarios de los Arellano, los 2 muertos en la Centenario.” *El Sol de Tijuana* 14 April 2008.
Isackson, Amy. “San Diego Gangs Tied to Organized Crime Groups in Tijuana.” *KPBS News* 15 April 2008. website:
<http://www.kpbs.org/news/local/id=11421>.

Four suspects in February’s Mexico City bombing will face trial

A federal judge has found sufficient evidence to try two men and two women for their suspected involvement in the Feb. 15 assassination attempt on a Federal District Secretary of Public Security (SSPDF) chief that killed only the man delivering the bomb. The four individuals face charges of involvement in organized crime and attacks on public peace. The judge is also in the process of determining the legal course for a fifth suspect.

The SSPDF has claimed since the early stages of the investigation that the plan for the bombing originated with the Sinaloa cartel, while the Federal Attorney General’s Office has maintained that the bombing was not consistent with the usual methods or sophistication of Mexico’s drug cartels. There are three outstanding arrest orders from the SSPDF for individuals suspected of involvement in the attack.

SOURCES:

Gómez, Francisco. “SSP: hay pruebas para atribuir bomba a narco.” *El Universal* 28 March 2008.
“Dictan formal prisión a implicados en estallido de Chapultepec.” *La Jornada* 16 April 2008.

POLICE RESTRUCTURING

Process of restructuring Federal Police completed

The Secretary of Public Security (SSP) has concluded revamping the nation’s federal police forces. The new design incorporates the Federal Agency of Investigation (AFI) and the Federal Preventive Police (PFP) into one body, known as the Federal Police and comprised of six total divisions. The corporation’s operations will be based in police intelligence.

The appointed coordinators of the six divisions have all undergone extensive integrity examinations, in some cases with assistance from the U.S. Drug Enforcement Agency (DEA). The new Federal Police department will include 30,000 officers. A national oversight center has also been established to assure the integrity of all of the department’s agents.

The new law enforcement body is 18 months in the making, during which time the planned number of agents rose from 20,182 to 30,214. It will be comprised of two sectors: one for central operations and another to oversee its 34 regional police stations.

As the restructuring comes to a completion, U.S. and Mexican authorities still await approval in Congress of the first installment of the US\$1.5 billion three year aid package to Mexico known as the Merida Initiative. One of the central stated goals for the initiative is the modernization of Mexico’s police forces in their battle with organized crime. A principle concern of some U.S. legislators is perceived rampant corruption in Mexico’s law enforcement bodies. Sen. Harry Reid speculated in February that Congress could vote on the initiative in early summer.

Source:

de la Luz González. “Concluye reestructura de la Policía Federal.” *El Universal* 4 April 2008.

Military intelligence officer appointed head of Baja California's ministerial police

General Florencio Raúl Cuevas Salgado served four years in the military's Secret Intelligence unit, which Baja state governor José Guadalupe Osuna Millán said will be essential as his government works to modernize its crackdown on organized crime. Cuevas Salgado says that the state's ministerial police unit, soon to be known as the Specialized Investigations Agency, will not only incorporate scientific investigative methods, but will also function to discipline errant police agents.

Cuevas Salgado is not the first military officer to transition to Baja California's police force. Last December, career military official and former commander of the Federal Preventive Police (PFP) Justo Buenaventura Jaimes Villarreal was appointed head of the state Preventive Police (PEP).

SOURCES:

Fierros, Rosa María Méndez. "Asume general Dirección de la Policía Ministerial de BC." *El Universal* 27 Mar 2008.
"El general Florencio Raúl Cuevas Salgado a Dirección de la Policía Ministerial de B.C." *Dossier* 28 Mar 2008.

ACCOUNTABILITY

MILITARY OPERATIONS

Military detentions under 'Operación Conjunto Juárez' raise concerns among human rights advocates

"Operation Chihuahua," the joint military/federal police effort centered in Ciudad Juárez and launched late March, has come under intense criticism by José Luis Soberanes, president of the National Commission for Human Rights, who claims that his organization has been denied rightful access to detainees.

"[Military personnel] have impeded visitors from this commission from entering installations of Sedena where they have detained various [municipal police] agents. They haven't even allowed the state attorney general to enter." Soberanes' public statements regarding alleged human rights abuses by the military seem to have become broader in their criticism of Pres. Calderón's use of the military to address public security concerns, likely in part due to this operation's coincidence with a conflict in Sinaloa in which soldiers shot and killed several civilians: "for months I have called on Felipe Calderón to bring order to the military. I don't know what he needs: now there are more dead and wounded, and the complaints against the military grow daily, and more in these days of the operation that they are undergoing in this city in the north of the country." Soberanes suggested the possibility of going before Congress to present the issue should it not be sufficiently addressed by the Calderón administration. The complaints are reportedly being investigated by Sedena's Office of Human Rights.

The incident that has drawn the most fire by CNDH and the press alike occurred on April 1 when soldiers entered the state Attorney General's Office and detained 45 agents for suspected links to cartels. The agents were turned over to the Federal Attorney General's Office, and 22 of them were released the same evening for lack of evidence against them. Eleven complaints were registered with CNDH, alleging cruel and degrading treatment, arbitrary detention, illegal detainment, and solitary confinement. The Federal Attorney General's Office has announced an investigation into the incident, of which it claims it was not aware until the detainees were turned over to them.

SOURCES:

Ballinas, Víctor. "Condena CNDH operative military en Juárez." *La Jornada* 3 April 2008.
"Investiga Sedena supuesta negativa a visitadores de CNDH en Juárez." *Milenio* 3 April 2008.
"Libres, 22 policías que estaban "a resguardo." *Milenio* 4 April 2008.

Five soldiers indicted for aiding Sinaloa cartel

A federal judge announced the indictment of five soldiers commissioned in Sinaloa for allegedly supplying information to Héctor, Arturo, and Alfredo Beltrán Leyva, whom the Mexican and U.S. governments identify as principal directors of Joaquín “El Chapo” Guzmán’s Sinaloa cartel.

The soldiers were detained Jan. 30 of this year, nine days after the capture of Alfredo Beltrán Leyva in Culiacán, Sinaloa, and turned over to the attorney general’s Office of Special Investigations for Organized Crime. Their names had been found in documents seized from the Sinaloa cartel. The men have also been identified by an ex-soldier as having offered information to the Beltrán Leyva brothers detailing planned activity of troops of the ninth military zone, to which they belonged and active in anti-narcotics operations in the “Golden Triangle,” the tri-border area of Sinaloa, Durango, and Chihuahua.

The men, one of whom is a major, will be tried in the seventh district federal court in Jalisco for charges of involvement in organized crime and crimes against public health.

SOURCE:

“Inicia proceso contra militares ligados a Cártel de Sinaloa.” *El Universal* 3 April 2008.

Four soldiers, one officer will face trial after shootout kills four civilians in Sinaloa

A military judge in Mazatlán, Sinaloa has indicted an Army officer and four soldiers for their participation in a deadly shooting March 26 in Badiraguato municipality, Sinaloa. Four civilians and two soldiers were killed during the incident, which the soldiers claim they initiated after the Hummer driven by the civilians failed to stop when ordered. The incident also left three wounded – two soldiers and a civilian. Two of the surviving suspects were arrested and handed over to the Federal Attorney General’s Office, accused of arms possession and firing on soldiers, but were released 48 hours later after residue tests indicated that neither had fired a weapon.

The Secretary of National Defense (Sedena) announced the indictment shortly after the National Commission for Human Rights (CNDH) determined that all of the dead, including the two soldiers, were killed by military fire. The commission also found no evidence that would have given the soldiers cause to detain the Hummer. This is the second recorded incident during the past year of the military firing on civilians in the mountainous region of Sinaloa. The first occurred in June 2007 when soldiers fired on a family in the town of La Joya de Los Martínez, leaving five dead, including women and children.

SOURCES:

Valdez, Eduardo. “Dan revés a Ejército.” *Noroeste* 30 March 2008.

“El juez military adscrito a la III region military dicta auto de formal prisión a 5 militares.” *Secretaria de Defensa Nacional* 11 April 2008: Press Release.

Aranda, Jesús. “Formal prisión a 4 militares que dispararon contra civiles.” *La Jornada* 12 April 2008.

HUMAN RIGHTS



Courtesy, IJ- UNAM

Mexican jurist appointed to U.N. Human rights Advisory Committee

The United Nations Human Rights Commission appointed Mexican legal scholar Héctor Fix Fierro to its Advisory Committee. Director of the Institute of Judicial Research of the Autonomous University of Mexico, Fix Fierro was one of 17 international human rights specialists chosen based on his academic and juridical experience. The Mexican government applauded the appointment, believing his participation will benefit in the institutional consolidation of the Human Rights Advisory Committee, created last year.

SOURCES:

“Eligen a jurista mexicano como asesor de derechos humanos de la ONU.” *El Porvenir* 28 Mar 2008.
“El Consejo de Derechos Humanos de la ONU elige al jurista mexicano, Héctor Fix Fierro, como miembro de su comité asesor.” *Sala de Relaciones Exteriores* 26 Mar 2008.

Violence against Central American migrants prompts creation of special prosecution body in Chiapas

Increased reports of violence against Central American migrants in southern Mexico, and continued protest by human rights organizations, church officials, and recent migrant abuse scandals, resulted in the creation of a special prosecution board in Chiapas.

Migrants crossing Mexico en route to the United States find themselves at the mercy of gangs such as the violent Mara Salvatrucha, criminal organizations like the Zetas, corrupt police officers, federal agencies, and now the military. In late March, a group of Central American migrants arriving by train to the community of Las Palmas, Oaxaca, were attacked by officials of the Instituto Nacional de Migración (INM) and naval officers. Reports further indicate that at least one woman was sexually abused when officials searched homes in the community for illegal migrants. According to witnesses, uniformed military personnel subjected migrants to unprovoked beatings. The Secretary of the Navy and INM denied having any knowledge of these allegations, and said they would conduct their own investigation.

National Commission for Human Rights (CNDH) president José Luis Soberanes was presented with this and other complaints by human rights organizations and church officials at the forum "*Immigration, Human Rights and Security in the Southern Border: Challenges and Opportunities*" in Tapachula, where Chiapas governor Juan Sabines announced the creation of the special prosecution board to attend to reports of abuse against migrants in the southern state. The CNDH is already investigating reports of migrant labor violations in Chiapas, where workers are reportedly subjected to extreme and inadequate labor conditions. The commission has registered more than 1,300 complaints of abuse against migrants in the last three years.

The CNDH has warned about the increasing presence and danger of "maras" or gangs. An investigation begun in 2004 indicates that in 1996 the maras were isolated to the state of Chiapas. Their presence has now expanded into 24 states outside the southern region, including the Federal District, Baja California, Tamaulipas, and Nuevo León. Guillermo Garduza, director of Casa Migrante Santa Faustina Kovalska, in Coatzacoalcos, Veracruz, reports that the Mara Salvatrucha and the Zetas operate just 50 meters away from the facility, not hesitating to break in to kidnap migrants. Ransoms ranging from 500-5000 dollars are then demanded of families in the United States. 20 to 60 kidnappings are reported daily, as are reports of torture, rape, death and organ trafficking. At least 200 cells are believed to engage in illicit activities such as robbery, homicide, kidnappings, document falsification, and drug trafficking, many of such actions directed towards migrants in the southern states. The commission accuses the Calderón administration of neglecting this issue amidst its campaign against drug cartels.

SOURCES:

- Peters, María de Jesús. "'Zetas' y 'maras', terror de migrantes." *El Universal* 3 Mar 2008.
CGCP/055/08. *Comisión Nacional de Derechos Humanos* 4 April 2008.
Mandujano, Isaín. "Plantea CNDH reformar el marco legal sobre migración." *Proceso* 5 April 2008.
Peters, María de Jesús. "Denuncian paliza contra migrantes." *El Universal* 5 April 2008.
CGCP/057/08. *Comisión Nacional de Derechos Humanos* 7 April 2008.
Sierra, Jorge Luis. "Fuerza militar contra los migrantes." *El Universal* 11 April 2008.
CGCP/032/08. *Comisión Nacional de Derechos Humanos* 24 Feb 2008.
Alcántera, Lilliana. "Alerta CNDH sobre incremento de maras en México." 2 April 2008.

PRESS FREEDOM

Murder of radio announcers in Oaxaca draws condemnation from indigenous organizations

Felicitas Martínez Sánchez, 20, and Teresa Bautista Merino, 24, were journalists for La Voz que Rompe el Silencio, a radio station launched January of this year by the Triqui indigenous community of San Juan Copala of southern Oaxaca one year after the Triquis were granted administrative autonomy. Three others including a child were wounded in the April 7 ambush. While the motive for the killings has not yet been established by authorities, there is much speculation that the women were killed in direct response to their reporting, which advocated the cause of the Triquis' demands for autonomy and cultural rights. Officials reported finding 20 shell casings at the scene resembling those of AK-47 assault rifles.

The killings have rekindled calls to end impunity for violence against journalists and indigenous communities in Oaxaca and throughout Mexico. Carlos Beas Torres, program coordinator for the radio station, characterized the attack as “one more act of harassment and aggression against the struggle of the Triqui people for their autonomy, and a sign of the climate of brutal repression in Oaxaca with the complacency of the federal and state governments.” Reporters Without Borders and UNESCO have also issued harsh condemnations for the attack, and have demanded that Mexican authorities investigate the murders.

A week after the attacks, the state’s Attorney General’s Office had yet to initiate an investigation, prompting further international response from groups advocating human rights and press freedom. Members of the National Commission for Human Rights (CNDH) arrived in San Juan Copala April 16 to investigate the executions. Mexico’s World Association of Community Radio Broadcasters (AMARC) announced that representatives from Reporters Without Borders, UNESCO, and the Inter-American Press Society will visit Mexico to assess working conditions for reporters throughout the country.

SOURCES:

Vélez, Octavio, Carolina Gómez and Matilde Pérez U. “Repudian asesinato de dos locutoras de radio indígena.” *La Jornada* 10 April 2008.
“Condena Unesco muerte de dos periodistas mexicanas.” *Milenio* 11 April 2008.
“Indaga CNDH asesinato de dos locutores.” *La Jornada* 16 April 2008.

CORRUPTION

SFP investigating customs officers in Ciudad Juárez for suspected involvement in weapons trafficking

The SFP has begun an investigation of customs agents in Ciudad Juárez for allowing shipments of high-caliber weapons to cross the border from the United States. The agents under investigation are stationed at the San Jerónimo and Reforma Bridge border crossings.

The investigations come on the heels of two weapons seizures, most recently on March 26 near the San Jerónimo crossing. Two men were arrested transporting 13 assault rifles, four handguns, and 3000 rounds of ammunition. The SFP’s investigation will focus on supposed payments accepted by customs agents in exchange for bypassing routine auto searches.

The Ciudad Juárez daily *El Diario* first reported this story on March 29, and received immediate condemnation from José Márquez Padilla, a Chihuahua customs officer. Márquez Padilla dismissed as baseless *El Diario*’s assertions that customs agents could be complicit in the passage of arms across the border. In an editorial released immediately after Márquez Padilla’s response, *El Diario* insisted that all of the information they cited pertained to official sources and was obtained via requests made through the Federal Institute for Access to Information (IFAI).

Amidst continued concern over the flow of weapons from the United States into Mexico, a consortium of mayors from Mexican border cities meeting April 15-17 plans to submit a petition to Texas Rep. Sylvester Reyes supporting his proposal to bolster customs and migration agents along the border by 5,000.

SOURCES:

de Dios Olivas, Juan. “Investigan a personal de Aduana por tráfico de armas.” *El Diario* 29 March 2008.
“Aduana: curarse en salud.” *El Diario* 3 April 2008.
Castañón, Araly. “Pedirán alcaldes aumenten agentes en aduanas de EU.” *El Diario* 13 April 2008.

Puebla mayor facing trafficking charges in New York

The Drug Enforcement Agency (DEA) announced on April 2 that Rubén Gil, elected mayor of the town of Izúcar de Matamoros, Pueblo in November 2007, had arrived in New York to face drug trafficking charges. He was arrested in California in March of this year.

Gil, 41, and a co-defendant are accused of conspiring in a far-reaching trafficking network to transport and deliver cocaine to the New York metropolitan area in 2006 and 2007. Gil is also accused of using trucks belonging to his California based business “Gil Moving and Storage” before that to conduct similar operations. Months back his brother Eduardo served a nine-month sentence in the United States and was later deported to Mexico after the DEA seized 150 kilograms of cocaine being transported with company vehicles. U.S. Attorney Michael J. Garcia in New York said the arrest of Gil is the “result of extraordinary cooperation of international law-enforcement partners, and [their] commitment to investigate and prosecute narcotics traffickers”. If convicted, Gil faces a maximum sentence of life in prison.

SOURCE:

Mulvey, Erin. “Mexican Mayor Charged with Trafficking Multi-Kilogram Quantities of Cocaine Arrives in New York.” *Drug Enforcement Agency* 2 April 2008. Press Release.

ACCESS TO JUSTICE

JUSTICE REFORM

As state assemblies approve federal reforms, law schools warn students lacking in right clinical skills

Congresses in 10 Mexican states have voted in favor of implementing the justice reform package passed by the national Congress in March. The states include: Chihuahua, Coahuila, Durango, Sinaloa, Zacatecas, Veracruz, Oaxaca, Tabasco, Campeche, and Yucatán. Congresses of Nuevo Leon, Guanajuato and Baja California are all nearing approval of the reforms. While the pending changes to Mexico’s justice system have met with general approval, concerns linger among state legislators, experts and legal practitioners regarding the constitutionality of home searches, a perceived public security risk in reducing pretrial detention, and lack of training and infrastructure.



As the reforms moved through state Congresses, law school directors at three universities warned of a nationwide deficiency in preparing law students. Of the 123 law programs nationwide, only 40 are accredited under the nation’s three accrediting organizations. According to the National Association of Universities and Institutions of Higher Education (ANUIES), 30,000 law students are graduated each year in Mexico. Directors of law programs at UNAM, Tec de Monterrey and Panamerican University warn that a failure to guarantee the quality of the nation’s remaining institutions could derail the reform process. The federal reforms allow a year for states to work the reforms into their legal structure, and another seven for full implementation, though some estimate that it won’t take that long. José Antonio Lozano, director of the law program at the Panamerican University, says that according to an analysis performed in cooperation with other universities it will take at least three years to develop a certification program that falls in line with the changes in the reform. Jorge Cerdio, director of the certification program at Tec de Monterrey, pointed out that Guatemala’s 1999 justice reform, similar to Mexico’s, was derailed because of insufficiently trained practitioners. He contrasted Guatemala’s case with Chile’s, which prepared universities to train students in the new legal system, and introduced the system gradually so that all judges and defense attorneys could be adequately trained in the nation’s institutions.

SOURCES:

Libedinsky, Sofia. “The reform of the criminal justice system in Chile: from an inquisitorial to an adversarial oral system.” Paper presented at the 2nd European Forum on Access to Justice 24-26 Feb. 2005. Accessed at Open Society Justice Initiative: http://www.justiceinitiative.org/db/resource2?res_id=102833.
Proderecho. Website: <http://www.proderecho.com>.
“Se rezagan escuelas en juicios orales.” *Palabra* 14 April 2008.

AROUND THE STATES ...

Chihuahua's first three months of justice reform under examination; first acquittal resulting from an oral trial



In Chihuahua, the justice reform was passed with only one dissenting vote, which came from a legislator from the Revolutionary Democratic Party (PRD) who cited concerns over home searches being unconstitutional and in direct conflict with the presumption of innocence. Legislators of the Institutional Revolutionary Party (PRI) and the National Action Party (PAN) praised the reform as crucial in recovering a national climate of security and justice. The state's own reforms have been implemented in two districts, and are expected to go into effect statewide on July 1.

Having already widely implemented their own reforms, considered by many to be some of the most comprehensive in Latin America, Chihuahua is being examined for its successes and challenges. President of the state's Supreme Court Rodolfo Acosta Muñoz maintains that the three months since implementation of the reforms in the Bravos district encompassing Juárez have expedited the criminal justice process, citing the first two oral audiences held, which lasted 45 minutes and 16 minutes, respectively. However, he reiterated past statements that due to the specific nature of Chihuahua, and Ciudad Juárez in particular, presumption of innocence cannot be applied to all non-felony crimes. In a meeting of mayors and representatives from the three state branches of government, the Attorney General's Office, and the Fifth Military Zone all of the members expressed concern for what they perceive as rampant re-offenders.

In the state's seventh oral trial, the three-judge panel decided unanimously to acquit Roberto Carreón Navarrete, accused of triple homicide. One of the victims was a police officer. The case represents the state's first acquittal resulting from an oral trial, where the judges found too many contradictions in the prosecution's witness testimonies to convict the defendant. Carreón Navarrete, who spent 8 months in prison awaiting trial, has said he will sue the Public Prosecutor's Office for attorney fees and lost wages during his incarceration, and will also register an official complaint against two of the prosecutor's witnesses. The Office of the Public Prosecutor has said it will appeal the verdict, but the decision is expected to stand.

SOURCES:

Nava, Francisco. "Imposible, presumir inocencia de acusados de delitos no graves." *El Siglo de Durango* 30 March 2008.
Alvírez L., David. "Demandará a Procuraduría absuelto en juicio oral." *El Diario* 9 April 2008.

Veracruz statehouse OKs justice reforms, though their implementation is on hold indefinitely



In the final vote in Veracruz's Congress, only Sergio Vaca of the Convergencia Party went against the reforms. Echoing some officials in Chihuahua, his concerns are over the issue of presumption of innocence, which he claims will result in more criminals in the streets.

There are also concerns in Veracruz over the state's preparation for the new system. Reynaldo Madruga Picazo, president of the state's Supreme Court, announced that oral trials, due to go into effect April 1 of this year, have been postponed due to lack of infrastructure and personnel training. He noted that they are nearing the end of construction of the first two oral trials courtrooms, of a planned total of 21. Madruga Picazo did not give a projected date for implementation of the reforms.

SOURCES:

"Juicios orales, hasta nuevo aviso." *El Golfo* 2 April 2008.
"Aprueba Congreso reformas penales." *Diario del Istmo* 18 March 2008.

Coahuila clarifies legal requirement for searches; Supreme Court sees reform implementation taking 5 years

As in Chihuahua, the issue of search warrants arose in deliberations by Coahuila's Congress, where the reform was amended to include language clarifying the conditions under which a warrant could be obtained. Warrants may only be granted by the courts after a request from the Office of the Public Prosecutor, and must express



the place to be inspected, the individuals to be apprehended and the objects being sought. Furthermore, searches may only be conducted in the presence of two witnesses chosen by the occupant; or in their absence, of a third-party authority.

One of the first states to undergo the process of justice reform, Coahuila's reform process began three years ago. Gregorio Pérez Mata, president of the state's Supreme Court, continues to urge caution in moving forward with oral trials, and estimates that the process could take another five years. He bases his estimate on the experiences of other states. Echoing prior statements, Pérez Mata stressed the importance of waiting for publication of the federal law, and also the need to accrue the needed financial and human resources for an efficient implementation.

SOURCES:

Macías Medina, Silvia. "Aprueban implementar la Reforma Penal Federal." *El Diario* 30 March 2008.
Pérez, Sonia. "Estiman en 5 años los juicios orales." *Palabra* 2 April 2008.
"Apoya Congreso reforma judicial." *Vanguardia* 6 April 2008.

Justice officials from Morelos, Baja California travel to Washington to meet with U.S. counterparts

Morelos Attorney General Francisco Coronato Rodríguez and a committee of functionaries traveled to Washington D.C. to study oral trials proceedings, and will also be participating in a forum titled "Análisis de perfiles y avances técnicos forenses" to be hosted by the FBI. The trip was sponsored by Proderecho with the goal of educating authorities of Morelos' judicial sector, as authorities are seeking to implement oral trials there in October. The Minister of Morelos' Supreme Court warns, however, that adequate conditions are not in place for implementing oral trials, and estimates an implementation period of 8 years, the maximum allowed in the federal justice reform. "I think that eight years is barely a sufficient period to realize the changes necessary in the courts, in the training of people, of the court personnel, of the judges, in the establishment of courses to update attorneys, of the curricular changes in the schools and departments of law."

Baja California justice officials, including state attorney gen. Rommel Moreno Manjarrez, secretary of Public Security Daniel De la Rosa, and president of the Supreme Court María Esther Rentería Ibarra also toured Washington in early April where they made visits to the U.S. Dept. of Justice, the U.S. Supreme Court, the FBI, and the U.S. Marshall's Office. The purpose of the visit was to promote an international dialog between justice officials in the anticipation of justice reforms in Baja California. In mid-March, officials from Baja California's ministerial police visited Ciudad Juárez to observe new justice procedures there, implemented Jan. 1 of this year.

SOURCES:

Quintero, Alejandro. "Visitan la ciudad ministeriales de Baja California." *El Diario* 19 March 2008.
Brito, Jaime Luis. "Necesarios 8 años para juicios orales." *La Jornada Morelos* 5 April 2008.
Calvo, Maciel. "Se acerca el gabinete de seguridad a nuevo sistema de justicia penal." *La Union* 7 April 2008.
"Implementarán nuevo sistema de justicia en BC." *El Sol de Tijuana* 9 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.

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.

Copyright Trans-Border Institute, 2008. All rights reserved.