

JUSTICE IN MEXICO

TRANS-BORDER INSTITUTE, USD



News Report
February 2008

The monthly reporting period witnessed portents of rising cartel-related violence. For the first six weeks of the year, drug-related homicides totaled 384, according to Reforma newspaper's running tally of ejecuciones, signifying an approximately 60-percent increase over the 239 killings recorded for the final six weeks of 2007. Leading states in the homicide column for the Jan. 1-Feb. 15 period were Chihuahua, Baja California, Michoacán, and the State of Mexico. Please see the [factsheet](#) on drug trafficking and violence in Mexico which accompanies the February 2008 newsletter. In other Order-related news, a bomb blast near the Mexico City police headquarters killed one man and left two injured; but authorities did not immediately express suspicion of involvement by rebel groups. Elsewhere the governor of northern-border Nuevo León state called on lawmakers to OK provisions to mask the identity of judges after one was assassinated while presiding over a mafia case. On the human rights front the U.N. High Commissioner for Human Rights faulted Mexico, as many human rights advocacy organizations have done in the past, of failing to live up to provisions in the rights treaties to which the federal government is a signatory.

BOOK PRESENTATION

[Reforming the Administration of Justice in Mexico](#) to be presented in Washington D.C., on Feb. 25

The Mexico Institute of the Woodrow Wilson International Center for Scholars, in conjunction with the *Justice in Mexico Project* and Georgetown University, will host a book presentation for *Reforming the Administration of Justice in Mexico* (Notre Dame University Press, 2007) on Feb. 25, 2008, from 12 to 2 p.m., at The Mexico Institute in Washington D.C. Participating will be **David Shirk**, Director, Trans-Border Institute/*Justice in Mexico Project*; **John Bailey**, Professor of Government and Director of the Mexico Program at Georgetown University; **Arturo Alvarado**, Professor at El Colegio de México; and, **Lucia Dammert**, Fellow at the Wilson Center and Professor at FLACSO-Chile. The book presentation comes at a time when the Mexican Congress is preparing to vote on landmark federal-level criminal justice reforms. The book was co-edited by Shirk and Wayne Cornelius, Distinguished Professor of Political Science and Gildred Professor of U.S.-Mexican Relations at the University of California, San Diego, where he is also Director of the Center for Comparative Immigration Studies. For more information please visit [The Mexico Institute website](#).

ORDER

TERRORISM

One killed in bomb blast in Mexico City

One person died and two were injured after a bomb blast in central Mexico City midday Feb. 15. The blast occurred at some 300 meters from the city Public Security Secretariat headquarters near Chapultepec Avenue. Authorities are questioning a woman who was injured in the blast on suspicion of having a role in the detonation. In his immediate statement following the blast, city Public Security Secretary Joel Ortega did not indicate that investigators were investigating rebel groups as responsible for the explosion. In the past, small blasts in the capital city have been attributed to rebel groups.



SOURCE:

“Terrorismo en el D.F.” *Diario de Yucatán* 16 Feb. 2008.

DRUG TRAFFICKING

Heightened levels of cartel-related violence in January, February suggest turning point in fight against cartels

Pres. Calderon’s strategy of increasingly meeting the cartels head-on seems to have shifted the nature of drug violence from cartel vs. cartel, as it was in 2005 through the first half of 2007 where rival cartels fought one another for control of trade routes, to a conflict of cartels vs. the State. Last month’s confrontations between cartels and military and federal police forces raised concerns that such conflicts will continue, and that cartels will retaliate by increasingly targeting law enforcement and government officials.

Reforma’s tally of cartel-related slayings suggests that drug violence has been more pronounced during the first month and a half of 2008 than in the final months of 2007. A reported 384 *narcoejecuciones* were recorded between Jan. 1 and Feb. 15 of 2008, as compared with 239 recorded during the final six weeks of 2007. Two northern border states, Chihuahua and Baja California, stand out with 74 and 42 killings, respectively, as does Michoacán, also with 42. The State of Mexico, which saw a marked increase in cartel-related slayings between 2006 and 2007, has recorded 38 so far this year. State legislator Luís Ramos has called for an intervention of federal forces in his state, blaming the increase on the “cockroach effect” of violence spilling over from neighboring Michoacán, which has seen substantial troop deployments over the past year.

Attacks against law enforcement officials have occurred throughout the country. On the night of Jan. 24, a sub-director of internal inspection for the Industrial Bank Police in Mexico City was shot and killed in his government-issued car. On Feb. 7, four police officers were executed in Culicán, Sinaloa, presumably by hitmen for the Sinaloa cartel. Five days later, 34 firearms, 23 of which were automatic rifles, were confiscated from a safe house in Novolato, Sinaloa. In the city of Juárez, a captain of the Municipal Police of Juárez was executed while on patrol. The assassination is believed to have been in retaliation for the capture four days earlier in El Paso, Texas, of an ex-director of the same police force accused of drug trafficking. Two days earlier in Juárez, a high-ranking officer of the Preventive Police was gunned down outside his home as he was stepping out to warm up his car. On Jan. 30, a police commander in Oaxaca was shot and killed in a public park while he exercised. Three others were killed in the attack, including one of his bodyguards. Oaxaca Gov. Ulises Ruiz blamed the attacks on drug traffickers, although some have pointed to the rebel group Popular Revolutionary Army (EPR), which claimed responsibility for attacks on installations of the government oil company Pemex in 2007. On Feb. 3, a group of officers of the Secretary of Public Security (SSP) were attacked while they ate in a restaurant in Mérida, the capital of the state of Yucatan. One agent was killed and another was gravely wounded. The attack has been attributed to organized crime, and interpreted as a “message” to law enforcement agencies.

SOURCES:

"Ejecutan a policía en Ciudad Juárez." *Reforma* 20 Jan. 2008.
"Ejecutan a mando policiaco en Magdalena Contreras." *Milenio* 28 Jan. 2008.
"Asesinan a alto mando de policía en estado mexicano de Oaxaca." *Reuters America Latina* 30 Jan. 2008.
"Ejecución en Mérida." *Diario de Yucatán* Feb. 3 2008.
Sánchez, Norma Alicia. "Refuerzan seguridad policiaca." *Editorial Noroeste* 10 Feb. 2008.
"Ejército decomisa arsenales en Sinaloa y Nuevo León." *El Universal* 12 Feb. 2008.



Military moves into Tamaulipas to inspect local police, bolster security

Military presence in the border state of Tamaulipas heightened after confrontations between the military and Zetas of the Gulf cartel, believed to control the region, left two federal agents dead last month, as well as a historic arsenal confiscation in the town of Miguel Alemán. The Army and federal agents conducted inspections in at least six border towns, including Nuevo Laredo, Matamoros, and Reynosa. Municipal officers affirmed that such inspections are not unusual, but the fact that agents from the SEDENA are involved is.

Tamaulipas Public Security Secretary José Soberón Tijerina said that at least 1,800 agents and their installations, patrol vehicles, equipment and weapons were inspected. Officials claim that only two officers were dismissed as a result, and all weapons are said to have been returned promptly.

One of Mexico's biggest weapons confiscations in the last 20 years also led to increased military presence in the town of Miguel Alemán. Military special forces confiscated at least 89 long arms of different calibers, 83,355 cartridges and 235 chargers. More than 1,000 Army troops and federal agents, helicopters, planes, and tanks made their way into the city, installing checkpoints throughout and conducting inspections in an attempt to identify safe houses used by drug traffickers.

SOURCES:

"Ejército desarma a policías municipales." *El Financiero* 22 Jan. 2008.
"Tamaulipas...¿Quién gobierna?" *El Universal* 31 Jan. 2008.
"Agentes federales investigaron a mil 800 policías de Tamaulipas." *Milenio* 10 Feb. 2008.
Hernández, Gabriela. "Tamaulipas: Toman militares control del poblado Miguel Alemán." *Proceso* 12 Feb. 2008.

Public opinion polls give Calderon high marks

Pres. Calderon's approval ratings do not seem to have suffered due to his aggressive stance toward drug trafficking and organized crime. In a poll conducted by *El Universal*, Calderon received a 66-percent approval rating and an overall score of 6.9 on a scale of 1 to 10, one of his highest since he began his term in December 2006. A poll conducted last November by *El Universal* had given Calderon a 57-percent approval rating and a score of 6.4. The relatively low approval rating in November has been attributed to fuel price hikes stemming from fiscal reform measures approved by the government.

SOURCE:

"Popularidad de presidente mexicano sube en febrero: sondeo." *Reuters* 5 Feb 2008.

Key cartel members sentenced in U.S. and Mexican courts

Former Sinaloa cartel leader Jesús Héctor "*El Güero*" Palma Salazar was sentenced to 16 years in U.S. federal prison. Extradited to the United States last year, *El Güero* Palma pleaded guilty to importing 50 kilograms of cocaine into the United States before a San Diego court, thus avoiding capital punishment. The 49-year-old Palma served 12 years in Mexico on bribery and weapons charges before his extradition.

A federal Mexican judge also sentenced three members of the Tijuana cartel on charges of kidnapping, drug trafficking, and the illegal possession of weapons exclusive to the military. Oscar López Rochin, Francisco Javier Raygoza Silva, and Marcelino Cazares Félix were sentenced from 16 to 21 years in prison, and fined 400 to 600 days of minimum wage.

SOURCES:

"16 años de prisión, al Güero Palma, en EU." *Proceso* 12 February 2008.
"Suspected former Mexican cartel leader sentenced 16 years for cocaine trafficking." *San Diego Union Tribune*. 11 Feb 2008.

Judge in Monterrey assassinated, as many as 28 others reportedly threatened

On the night of Jan. 21, criminal court judge Ernesto Palacios was shot and killed while driving his car in Monterrey in the municipality of San Nicolás de los Garza. Shots were fired from at least two vehicles, according to the state's Assistant Attorney General Alejandro Garza. The assassination comes amidst heightened conflicts between cartels and military and police forces throughout the border region.



Palacios was currently handling the case of José Luis Carrizales Coronado, suspected of trafficking drugs through Nuevo León, and to whom several killings have been attributed. In April of last year, Palacios handled the case of 14 hired assassins of the Sinaloa cartel.

Gustavo Adolfo Guerrero, head of the Superior Court of Nuevo Leon, later revealed that death threats have been made against three other judges currently handling cases against presumed members of organized crime. He stated that security measures have been taken to protect the judges, but that those measures could not be revealed.

Elvia Díaz de León of the coordinating agency for the federal judiciary said that at least 25 judges and federal magistrates have received death threats from criminal organizations, and as a result have requested special protection. These judges belong to judicial districts in Baja California, Guerrero, Michoacán, Tamaulipas, Sonora, Coahuila, and Chihuahua. The majority of these judges preside over courts located along the northern border.

SOURCES:

"Asesinan a juez penal en San Nicolás de los Garza." *Notimex* 22 Jan. 2008.
"Asesinan a un juez en Monterrey." *La Jornada* 22 Jan. 2008.
"Amenazan de muerte a 3 jueces en NL." *Reforma* 28 Jan. 2008.
"Hay 25 jueces amenazados por el crimen organizado." *Noticieros Televisa* 14 Feb. 2008.



Weapons seizures raise questions about cartel presence in Federal District

Weapons stashes found in upscale Mexico City neighborhoods and official reports of police involvement in organized crime groups have raised concerns that cartels may be using the city as more of a staging ground than has been commonly thought. Eleven alleged members of the Sinaloa cartel were arrested on Jan. 22 in three Mexico City homes in the affluent zones of Coyoacán, San Ángel, and Jardines del Pedregal. In the homes were found large stockpiles of grenades and automatic weapons. The men and weapons are believed to be connected to six

men arrested in December and January who admitted to being part of separate plans to assassinate Assistant Attorney General José Luis Santiago Vasconcelos. Three of these men are former members of the Federal Judicial Police. Mexico's Attorney Gen. Eduardo Medina Mora has since stated that the homes formed a part of a protective network that offered refuge to alleged Sinaloa operatives Héctor and Marcos Arturo Beltrán.

Mexico City's international airport has emerged as a key point of conflict between cartels struggling for control of supply chains. *Reforma* reported in mid-January on a city government study that pointed to police involvement in trafficking drugs through the airport. The study, *Operation of Cartels in Mexico City*, was authored by intelligence agencies in the city and details the activities and influence of a so-called "charola," or "badge," cartel, which is composed of police from various agencies and has links to other criminal organizations. According to the document, the "charola cartel" offers security to drug traffickers, gives them information about police operations, guards shipments, and allows drugs to pass through the city's international airport. About 500 city police officers have been stationed at the airport after three private customs brokers were beheaded mid-December 2007, apparently in retaliation for a cocaine seizure at mid-month. The Zetas, the Gulf cartel's enforcement wing, have been blamed on the executions. The majority of

Mexico City police assassinated over the past 10 years were involved in airport security or investigations into drug trafficking.

There are conflicting official assessments of the presence of organized crime groups in the nation's capital. Joel Ortega, the Secretary of Public Security, has stated that drug traffickers are hiding in residential zones of the city, drive luxury SUVs and employ bodyguards, suggesting that they are taking refuge in affluent neighborhoods to evade detection. For his part, Mexico City's Attorney General Rodolfo Félix rejects Ortega's claims that cartels have established bases in the city, but does concede that it is used as a point of transit for drugs and weapons. On Feb. 13, Félix insisted that there is no need for military deployments to the capital, as cartels have not established permanent bases as they have in other states.

SOURCES:

- "Destapa Procuraduría cártel de policías." *Reforma* 17 Jan. 2008.
Castillo, E. Eduardo. "Mexico Captures 11 Alleged Hit Men." *Associated Press* 22 Jan. 2008.
Corona, Juan. "Operan narcos en zonas lujosas - Ortega." *Reforma* 23 Jan. 2008.
Otero, Silvia. "Hay indicios de que los Beltrán se escondían en DF: PGR." *El Universal* 23 Jan. 2008.
Otero, Silivia. "Ex federales, estrategias de plan para matar a Vasconcelos." *El Universal* 27 Jan. 2008.
Ilf, Laurence and Alfredo Corchado. "Drug violence has moved into Mexico City." *Dallas Morning News* 8 Feb. 2008.
González, Rafael. "Detienen a 7 hombres con armamento en DF." *Reforma* 13 Feb. 2008.
"Detenidos en DF, presuntos miembros de cártel de Sinaloa." *El Universal* 13 Feb. 2008.
"Lista de armas aseguradas a detenidos en Portales." *El Universal* 13 Feb. 2008.

Cartels attempting to bribe military in Baja California, according to official sources

Members of Mexico's armed forces, ranging from enlisted men to generals, are reporting offers of bribes sometimes reaching hundreds of thousands of dollars to turn a blind eye to the passage of drugs through Baja California state.



Baja California, along with Tamaulipas, has been part of Pres. Felipe Calderón's strategy of deploying the military to put pressure on trafficking routes along the U.S.-Mexico border. This policy has brought Mexico's armed forces into unprecedented levels of contact with the civilian population, which has raised concerns of possible corruption, as well as human rights abuses. "We are not used to this kind of civilian contact; the Army was always such a closed institution and it brings risks in Baja California, where corruption is such a problem," said an Army captain to *Reuters*.

Sergio Aponte Polito, commander of the Second Military Zone in Tijuana, said, "These groups come to try to negotiate, to bring us to their side, to try to divide us." Soldiers in Tijuana insist that they have rejected these bribes, but fear that others may be seduced. According to these informants, large sums of money are now being offered, whereas in the past police agents and troops were offered drugs, jewels, and prostitutes in exchange for their protection.

Political analysts seem to agree that Mexico's military has by and large remained uncorrupted, but express concern about the possible outcomes if they are. "The only institution in Baja California that's not corrupt is the Army, but if it is corrupted, and there is that risk, Calderon's whole security project collapses," said Victor Clark, an expert in drug trafficking at San Diego State University.

Aponte insists that the Army will continue to follow the orders of Calderón, who in the face of criticism by human rights organizations has insisted that military operations in key Mexican states are a temporary measure to cleanse and fortify civil law enforcement entities so they can better ensure the security of the Mexican people in the face of the ever-changing drug war.

SOURCES:

- "Trata el narco de corromper a militares, afirma general Aponte." *La Voz de la Frontera and Reuters*. 10 Feb. 2008.

U.S.-MEXICO RELATIONS

U.S. weapons crossing the border a growing concern

Mexican authorities say that weapons seized from Zetas in recent confrontations in Tamaulipas include some that are manufactured for exclusive use by the U.S. military. Among these were two M72 anti-tank missiles.

Concern about weapons moving across the border from the United States into Mexico has mounted with elevated armed conflicts between cartels and Mexican military and police forces. In a Jan. 16 news release from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Acting Director of the El Paso Intelligence Center (EPIC) Michael J. Sullivan announced that the ATF plans to add 35 special agents and 15 industry operations investigators to the southwest border region and to use eTrace technology in nine U.S. consulates in Mexico to monitor for firearms crossing the border. These measures are meant to strengthen Project Gunrunner, which Sullivan said “focuses ATF’s investigative, intelligence and training expertise to suppress firearms trafficking into Mexico, in partnership with the government of Mexico and other U.S. agencies.” Project Gunrunner also seeks to educate licensed gun owners about firearms trafficking, according to Sullivan. “In FY 2007, ATF partnered with the firearms industry to conduct seminars to educate more than 3,700 federal firearms licensees near the border about straw purchasers and firearms trafficking.”

The United States’ role in providing the demand for drugs trafficked through Mexico and by all accounts providing the vast majority of weapons that end up in the hands of Mexican drug cartels has been a key talking point for proponents of the so-called Mérida Initiative, the US\$1.4-billion three-year proposed aid package to Mexico to bolster its police forces. “No one can deny the severity of this problem,” said Rep. Eliot Engel, D-N.Y. “As a country that consumes most of the drugs coming from Mexico and sends most of the guns to Mexico, the United States has a moral responsibility to help.”

SOURCES:

“ATF expands efforts to combat illegal flow of firearms into Mexico.” *Bureau of Alcohol, Tobacco, Firearms and Explosives*. News release 16 Jan. 2008.

“Usan ‘Zetas’ armas del Ejército de EU.” *Reforma* 4 Feb. 2008.
Schiller, Dane and Dudley Althaus. “Cartels are a political risk, U.S. told.” *Houston Chronicle* 8 Feb. 2008.

ACCOUNTABILITY

CORRUPTION

High-ranking officer of Mexico City’s Judicial Police resigns in face of investigation on links to cartels

Upon learning that he was under investigation with providing protection to drug traffickers, Ricardo McGregor Maestre, director of intelligence for Mexico City’s judicial police, resigned from his position. His investigation came on the heels of the Jan. 22 arrest of 11 suspected Sinaloa cartel members. McGregor is also being investigated for alleged links to Pedro Alfonso Alatorre Dany, also known as “El Piri,” suspected of laundering money for the Sinaloa cartel, and who is married to McGregor’s first cousin. Mexico City Attorney General Rodolfo Félix stated that McGregor resigned in the interest of the Judicial Police and the Attorney General’s Office. Enrique Martínez Garza, director of Special Operations for the Judicial Police and McGregor’s right-hand man, failed to report to work after the detention of the 11 accused assassins. It is reported that the members of the Sinaloa cartel had Martínez’s telephone number saved in their Nextel radios, which were confiscated at the homes.

SOURCE:

Prado, Henia. “Cae jefe judicial del DF.” *La Reforma* 27 Jan. 2008.

Tijuana public employees undergo drug testing

Drug testing will continue for all employees of the Tijuana municipality, regardless of rank. Officials next in line for these tests are from the department of Inspection and Verification and Vialidad y Transporte, as well as the

random and constant drug tests that will be applied to municipal police. The tests, seen as a way to provide transparency and trust for the citizens, will even be conducted on Mayor Jorge Ramos. Although costly, they are necessary, as there are indications that police officers suffer from drug addiction problems.

SOURCE:

Aguirre, Ana Luz Sánchez. "Hasta Jorge Ramos le aplicarán 'antidoping'." *El Sol de Tijuana* 31 Jan 2008.

13 Rosarito police officers under investigation for assassination attempt

A high-ranking Rosarito, Baja California, police officer was detained on Feb. 1, the 13th officer apprehended in an investigation into the Dec. 18 assassination attempt on Rosarito police chief Jorge Eduardo Montero Álvarez. Montero Álvarez escaped unharmed.

The arrested officer, José Luis Lugo Báez, is also under investigation with possible involvement in prior kidnappings, homicides, and in providing protection to drug traffickers and elements of organized crime. Lugo Báez had been serving as deputy commander of Rosarito's 149-member police department. A search of his home uncovered an undisclosed amount of marijuana, police uniforms, and ammunition.

On Dec. 28 the entire Rosarito police department was disarmed to test weapons against bullets found at various crime scenes. State and federal police have since patrolled the city.

SOURCES:

Dibble, Sandra. "Police official arrested in Rosarito assassination attempt." *San Diego Union-Tribune* 1 Feb. 2008.

Chía, Silvia. "Detienen en Rosarito a subjefo de la Policía." *Frontera* 2 Feb. 2008.

HUMAN RIGHTS

Human rights ombudsman Soberanes presents annual report

National human rights ombudsman José Luis Soberanes presented to Pres. Felipe Calderón a report detailing the National Human Rights Commission's activities for 2007. The CNDH president listed torture, human trafficking, and the southern border as challenges for human rights defenders in 2008. Soberanes expressed concern for the ethical and political incongruence that exists in demanding rights along the U.S.-Mexico border, when Mexico's southern border is plagued with abuses against Central American through-migrants. The president of the commission advised Calderón that the human rights agenda depends on the federal government's participation and enforcement of human rights, and admonished the current administration for not taking a firm stance in this arena. He pointed to the pending criminal justice reform as a clear example of the worsening situation. Soberanes also denounced the impunity and negligence surrounding the cases of the 423 women who have been killed in Ciudad Juárez over the past 15 years, as well as the deployment of the military in combating cartel violence, which he believes should not be performing the job of police. He went on to criticize recent incidents of the U.S. Border Patrol launching teargas into Mexico in apparent conflicts with human traffickers.

In its 2007 year review, the CNDH reported that 5,244 complaints were registered for the year, 2,648 of them against federal authorities. The top three agencies against which these complaints were filed were the Social Security Institute, the Federal Attorney General's Office (PGR), and the Secretary of National Defense (Sedena). In regards to crimes against reporters, the report indicates that four journalists were killed and three disappeared in 2007, with a total of 74 complaints reported. Since the year 2000, 35 journalists have been killed, and six disappeared in Mexico. Soberanes has criticized the results of investigations into such cases and the lack of attention thereof.

SOURCES:

"CNDH informe de actividades del 1 de enero al 31 de diciembre 2007." *Comisión Nacional de los Derechos Humanos*

"Demanda Soberanes fechas para el retorno paulatino del Ejército a cuarteles." *La Jornada* 24 Jan. 2008.

"CGCP/020/08." *Comisión Nacional de los Derechos Humanos* 25 Jan. 2008.

Ballinas, Víctor. "El gobierno de Calderón ya debería haber actuado contra los feminicidios: CNDH." *La Jornada* 30 Jan. 2008.

“Pide la CNDH atención urgente por agresión de la Patrulla Fronteriza.” *Milenio* 30 Jan. 2008.
Ballinas, Victor. “Expondrán a comisionada de la ONU retroceso sobre garantías.” *La Jornada* 5 Feb. 2008.
Rea, Daniela. “Plantea CNDH nuevos retos.” *Reforma* 15 Feb. 2008.

U.N. High Commissioner for Human Rights criticizes Mexico on lack of adherence to international treaties

U.N. High Commissioner for Human Rights Louise Arbour gave a critical assessment of the Mexican government’s attention to human rights during a recent visit to the country.

Arbour expressed concern that Mexico, among other countries, has failed to implement international standards for the protection of human rights. She urged federal officials and deputies to follow through with international treaty obligations, and reminded them that the pending criminal justice reforms should be accessible, visible, and transparent, adhering to international human rights standards.

With regards to military deployments, the high commissioner warned that Mexico risks committing more abuses if it continues the “dangerous” policy of using its military for law enforcement activities. In the long run, she does not see this as a sustainable practice, and believes the army should not be doing the job of civilian law enforcement agencies. Instead, “the focus must be on devoting the necessary resources for reinforcing civilian agencies that work with integrity and professionalism.” Arbour went on to stress that “civilian courts should have jurisdiction over the acts of military personnel performing law enforcement functions, and effective remedies must be available for human rights violations perpetrated by military personnel.”

While meeting with CNDH president José Luis Soberanes to sign a new agreement with the government to further define the activities of the office through 2012, Arbour further expressed concern, pointing to a lack of respect for indigenous rights in the country, as well as the need to eradicate gender violence, impunity, and the lack of access to justice.

SOURCES:

“U.N.: Dangerous to use Mexico army against drug gangs.” *San Diego Union Tribune* 5 Feb. 2008.
“Mezclar Ejército y policía no es una política sustentable: ONU.” *Milenio* 5 Feb. 2008.
“Alentada Louise Arbour por la promoción de derechos humanos en México.” *Milenio* 6 Feb. 2008.
Garduño, Silvia. “Llaman a México cumplir tratados en DH.” *Reforma* 7 Feb. 2008.
Ballinas, Victor. “Respeto a los derechos indígenas, tarea pendiente en México: Louise Arbour.” *La Jornada* 8 Feb. 2008.
“High Commissioner for Human Rights concludes visit to Mexico.” *United Nations Human Rights- Office of the High Commissioner for Human Rights* 8 Feb. 2008.

TRANSPARENCY

Mexico’s Federal Information Access Institute calls for cancellation of program assisting marginalized groups in accessing public information

Alonso Lujambio, president of the Federal Information Access Institute (IFAI), announced that *Programa Comunidades*, a project meant to assist marginalized populations in accessing public government information, will be cancelled due to issues involving funding. The decision was made by the IFAI commission on Jan. 9 in a closed-door session.

Programa Comunidades began in August 2005 with a US\$1-million grant from the William and Flora Hewlett Foundation (also the principal donor to the *Justice in Mexico Project*), and aimed to assist social and civil organizations (OSCs) in disseminating the right to access public information in traditionally marginalized populations, such as indigenous communities and prisoners. Lujambio asserted that the communities affected by the decision should continue to pursue their legal means of accessing public information with the support of IFAI, and that the measure of canceling the program was meant to avoid “triangulation of resources,” thus making the process more efficient. Calling the program “paternalistic,” he claimed that affected communities would benefit from the changes, arguing that the Hewlett Foundation will now be able to distribute funds directly to OSCs without the unnecessary step of filtering money through the IFAI. “I want to put an end to a mistaken perception – we will not stop supporting the OSCs; this does not mean that the Institute is not

interested anymore. What the Institute wants is to do it by other means,” Lujambio said to representatives of the Hewlett Foundation and of the OSCs at a breakfast meeting late January.

The IFAI commission’s decision comes despite widespread agreement on the project’s successes. According to a government assessment of the program, the project involves more than 4,500 Mexican citizens from 116 communities, of which 9 of 10 assure that they will continue to assert their right to public information after the proposed measure. Of the affected population, almost 40 percent claim to belong to an indigenous community. The report documents some specific successes of the program, such as helping a youth group of Mexico City find that the program *Escuelas Seguras* was not adhering to rules of operation. The decision also comes a mere two weeks after a major victory on the part of roughly 100 prisoners in Nuevo León who, within the framework of *Proyecto Comunidades*, were able to successfully appeal to the Secretary of Public Security for information on the status of their pending release from prison. IFAI ruled that prisoners are constitutionally entitled to access public information via the Law of Transparency.

The community organization *Pobladores A.C.* monitored the operation of *Proyecto Comunidades* in two regions of Veracruz, and found that the project was successful in exposing ill-functioning public projects and in serving individuals who otherwise would not have been attended to. Cristina Almazán of *Pobladores A.C.* called the decision by the IFAI committee a “betrayal” and “lacking respect for the spirit of the right to information.” Jorge Romero of Fundar, a non-governmental group that promotes transparency in Mexico, echoed Almazán, stating that the decision shows that IFAI is continuing to stray from the needs of the public.

SOURCES:

García, Cecilia. “Presos ganan litigio a la SSP.” *EXonline* 13 Jan. 2008.
“Ratifica IFAI apoyo a labor de organizaciones sociales.” *Notimex* 31 Jan. 2008.
Velasco, Elizabeth. “Reclaman ONG a Lujambio fin del Proyecto Comunidades.” *La Jornada* 1 Feb. 2008.

PRESS FREEDOM



Journalist in State of Mexico killed; three others nationwide attacked, threatened

The director of the State of Mexico newspaper *El Real*, Bonifacio Cruz Santiago, was shot and killed and former editorial chief Alfonso Cruz was attacked before the assailants fled the scene.

In Pánuco, Veracruz, Octavio Soto Torres, director of *Voces de Veracruz*, was shot at by four masked gunmen. Soto and his son managed to escape and survive the attack, condemned by the state governor who called for a prompt investigation.

The journalist believes the attack is related to his work, as *Voces de Veracruz* is known for its criticisms of local authorities.

In Ciudad Juarez, Chihuahua, reporter Carlos Huerta Muñoz of the daily *Norte de Ciudad Juárez* was forced to flee after receiving death threats from an alleged criminal organization called La Federación. The newspaper is curbing its coverage on crime as a result, said editor Alfredo Quijano, saying the paper will not endanger the life of its reporters.

The Committee to Protect Journalists listed Mexico as one of the most dangerous countries for the press, according to its annual report, *Attacks on the Press*. As the violence against the press continues, reporters and media outlets are turning to self-censorship, and will continue to do so until authorities protect their employees.

SOURCES:

“Asesinan a director de diario *El Real* en Chimalhuacán.” *El Universal* 7 Feb. 2008.
“Gunmen attack director of Mexican daily.” *Committee to Protect Journalists* 28 Jan. 2008.
“Mexican reporter forced to flee after death threat; paper curbs crime coverage.” *Committee to Protect Journalists* 6 Feb. 2008.

ACCESS TO JUSTICE

PRISONS

37% of prisoners in the Federal District are awaiting trial

Statistics from federal penitentiary officials reveal that more than one-third of prisoners in the Federal District are awaiting trial, at a cost of MX\$110 per prisoner per day.

At the end of 2007, there were 34,530 prisoners in the Federal District, of which 12,500 are being held awaiting trial because their crimes are classified as felonies. Experts point to abuses in pretrial detentions as undermining the fundamental tenet of presumption of innocence, and contribute greatly to prison overpopulation. The penal system in Mexico City has undergone drastic changes in recent years, particularly reclassifying which crimes qualify as felonies. In 2004 only 16 crimes were classified as felonies; that number has since climbed to 220. Over this time, the population of Mexico City's prisons has risen from 28,928 to its current population of 34,530, 56 percent over capacity.



The justice reform bill currently on the floor of the lower house of Congress proposes amending Article 20 of the Constitution to mandate that pretrial detention not exceed two years, and that if a sentence is not decided on for an individual by the end of this period, that he/she will be released from prison pending a decision. Article 20 as it currently stands mandates that the judicial process last no more than one year, but in practice it is not adhered to.

In hopes of reducing Mexico City's prison populations, the Secretary of Public Security (SSP) has announced plans to monitor prisoners convicted of minor crimes with the use of electronic bracelets. The SSP also announced the possibility of building a new federal penitentiary and converting state prisons into medium- and maximum-security facilities.

SOURCES:

"Prevé la SSP el uso de brazaletes electrónicos con internos sentenciados por delitos menores." *Proceso* 21 Jan. 2008.
Baranda, Antonio. "Saturan prisiones roes sin sentencia." *Reforma* 13 Feb. 2008.

AROUND THE STATES ...



Governor calls for provisions to mask identity of judges overseeing mafia cases

After one criminal court judge was assassinated late January and three others were threatened, Gov. Natividad González Parás has called for the state's Congress to revisit the proposal for the identities of judges handling cases involving organized crime to be kept secret from the public. Such measures have been employed in Colombia in the face of threats and violence targeted at judges in that country. The measure was first proposed last November as part of anti-crime legislation, but was ultimately removed from the final bill. The proposal has the support of the PRI leader in Congress, Guajardo Villarreal. Pseudonymous justice columnist Juan Ciudadano points out that in Colombia the measure was deemed unconstitutional, and that it violates international human rights agreements mandating that a defendant know who is judging him. Ciudadano and other detractors of González Parás' proposal of "jueces sin rostro" ("faceless judges") argue that while it would increase security for individual judges involved in cases against organized crime, it would undermine civil society's confidence in the judicial process.

SOURCES:

Padilla, Jesús. "Propone Gobernador de NL jueces sin rostro." *El Universal* 22 Jan. 2008.
Ciudadano, Juan. "Juez sin rostro." *Reforma* 28 Jan. 2008.

Reform provisions cut into clientele, say Juárez trial attorneys

The inception of justice reforms in Chihuahua with emphasis on accelerating a notoriously slow justice process has negatively impacted private defense attorneys, according to Héctor González Mocken, president of the Bar and College of Attorneys in Ciudad Juárez. González gave two main reasons for the downturn in work for attorneys: first, the reduction in time a family has available to choose a lawyer for an accused family member; and second, lack of access to jail cells, where attorneys have traditionally gone to offer their services. As a result, González states, of the 80 criminal cases tried since Jan. 20, only 7 were argued by private defense attorneys, leaving over 90 percent to public defenders. "From the moment the accused is in the hands of the Attorney General, he is immediately put in front of a magistrate judge within 48 hours, and this gives little margin to the family of the detained to find a private defender and put him in contact with the detained," he said. In the traditional system, he added, municipal authorities could take up to 24 hours before turning a suspect over to the Attorney General, who could then take up to 48 hours to turn him over to the courts.



González said that the Bar is currently negotiating with the Public Prosecutor's Office and with the Public Defender's Office for permission to access individuals accused of crimes to inform them of their right to hire a private defender. He recognized past abuses of the system by unlicensed "coyotes" offering legal services to families of accused individuals, but argued that a system can be devised in which licensed private attorneys can access potential clients in a legal, orderly fashion. He added that in the city of Juárez alone, there are more than 300 attorneys who have been licensed under state-sanctioned programs.

SOURCE:

Rodríguez Nieto, Sandra. "Afecta la reforma penal a abogados." *El Diario de Chihuahua* 28 Jan. 2008.



Oral trials in civil cases assessed one year after inception in Nuevo León

Oral trials have significantly accelerated civil trials in Nuevo León since going into effect in that state Feb. 1, 2007. According to State Superior Court Pres. Gustavo Adolfo Guerrero Gutiérrez, cases involving tenant-landlord disputes before the reforms took hold lasted on average between eight months and a year, whereas now he sees cases come to a conclusion within two weeks. Disputes of this nature represent roughly 12 percent of total oral trials carried out in 2007. "Some, because of their complexity, have lasted as many as three months. I think an average time is between one and two months." Since Feb. 1, 2007, Nuevo León has seen 1,325 oral trials involving tenant-landlord disputes, an average of 4.4 per day. Guerrero points out that Nuevo León is the only state in the Republic that uses oral trials in civil law.

SOURCE:

Garza, Rafael. "Arreglan pleitos hablando; Juicios orales por arrendamiento reducen tiempos de litigios." *El Norte* 20 Jan. 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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