

# JUSTICE IN MEXICO

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News Report  
November 2008

*The number of drug-related killings in Mexico for 2008 surpassed 4,000 in November, bringing the total number of narco-killings since 2005 to over 10,000. Amid the violence, the federal government continued its aggressive efforts to take down drug cartel leaders and root out drug corruption. Four top cartel operatives—including ranking members of the Tijuana, Sinaloa, and Gulf cartels—and two-dozen suspected Colombian drug traffickers were apprehended over the last month, and significant allegations of high-level official corruption were made in a series of arrests that included a former Mexican drug czar and the head of Mexico's Interpol liaison unit. Meanwhile, this month saw further efforts to promote greater transparency as a new foundation in the name of journalist Lydia Cacho was created to provide economic and judicial assistance to fight corruption and impunity, as well as reforms intended to improve public access to information from PEMEX, Mexico's national oil company. Along the border, a two year search for two U.S. Border Patrol agents under investigation for people smuggling ended in October with their capture in Tijuana. Meanwhile, the murder of a veteran crime reporter in Ciudad Juárez—and controversial charges brought against government protestors for the murder of a U.S. journalist in Oaxaca—brought renewed pressure to investigate the cases of nearly two dozen murders of journalists that have occurred in Mexico since 2000. Around the states, efforts to advance the implementation of oral trials were made in Nuevo León; oral trial proceedings suffered problems in the state of Morelos; while the state of Chihuahua saw significant declines in the number of pretrial detentions for 2008 thanks to reforms allowing pretrial release in cases of nonviolent crime.*

## LAW AND ORDER

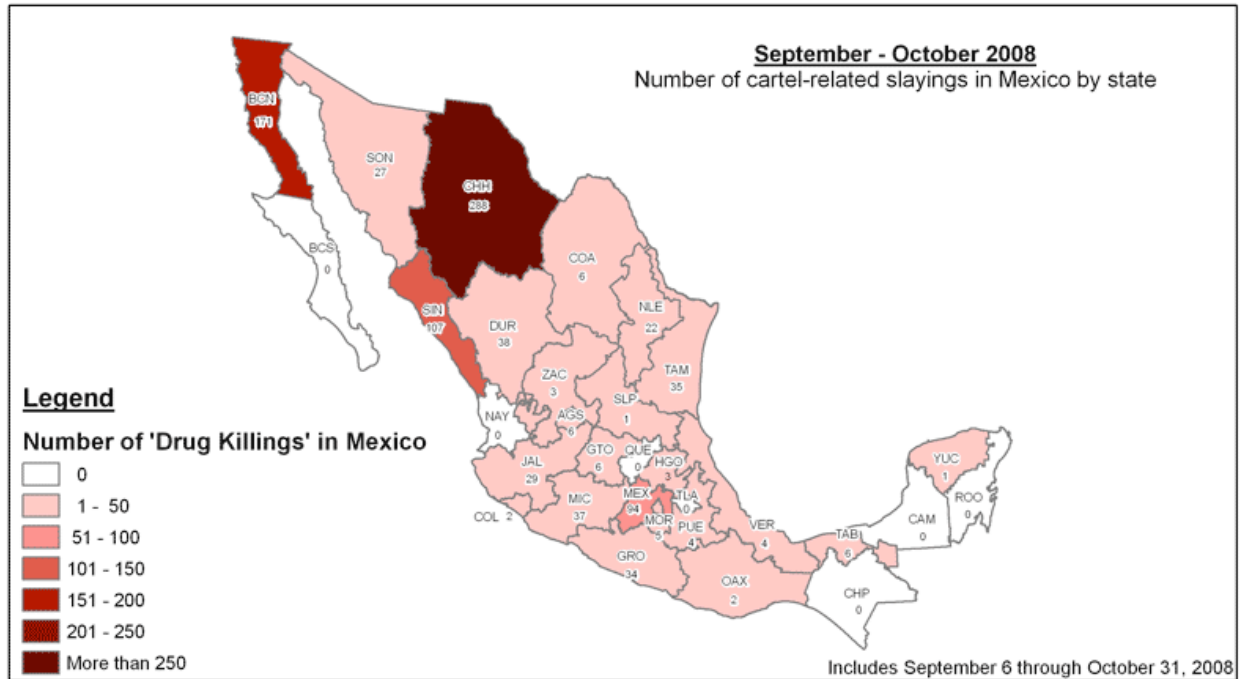
### DRUG TRAFFICKING

#### **Continued cartel-related violence punctuated by police killings, narco-posters, narco-messages**

According to Mexico City daily *Reforma's* running tally of cartel-related killings, or *ejecuciones*, such deaths have already surpassed an unprecedented 4000 for the year. As of Nov. 14 drug killings reached 4281, up more than 600 deaths from the same point last month. This was also the largest monthly increase in 2008, the bloodiest year Mexico has seen since the dramatic increase in drug-related violence

beginning in 2005; since 2005, there have been more than 10,000 drug related killings. In late-2006, Pres. Felipe Calderón initiated an aggressive campaign against drug trafficking organizations (DTOs), placing greater pressure on the cartels and increasing the number of attacks against government personnel and civilians. Unless there is a drastic downturn in violence in the key troubled states of Sinaloa, Chihuahua and Baja California over the next month and a half, 2008 will more than double the number of cartel-related killings of 2007, which Reforma estimates at 2275.

**Narcoejecuciones: Drug-Related Killings in Mexico**  
(Estimated 954 Killings in Two-Month Period from September 6-October 31)



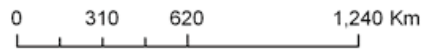
Source: State and national totals of cartel-related slayings in Mexico ("ejecuciones" and "narcoejecuciones") obtained from data provided by Reforma newspaper.

Maximum and Minimum values:

Maximum value: 288 in Chihuahua

Minimum value: No 'ejecuciones' were recorded in the state of Baja California Sur, Campeche, Chiapas, Nayarit, Querétaro, Quintana Roo, or Tlaxcala according to the source for these maps, Reforma newspaper.

National average: The national total of 'ejecuciones' (cartel-related slayings) Sept. 6 - Oct. 31, 2008 was 954



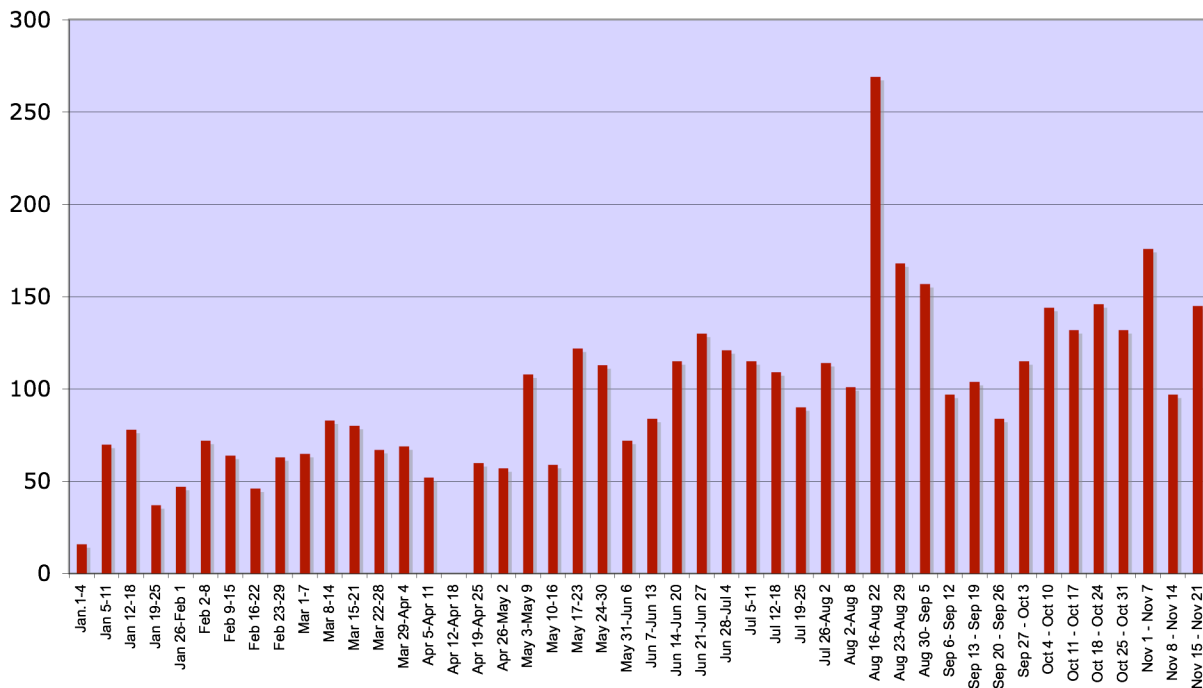
Maps produced by Theresa Firestone  
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In recent weeks, the northern border state of Chihuahua again contributed more than any other state to the national increase, up from its annual total of 1152 on October 4 to an unprecedented 1400 by November 24. Stories of murdered police officers and beheadings have peppered the press over the past month, as have accounts of the psychological impact of the turf battle being waged in the state. In the city of Chihuahua, transit police remained locked in their station on Nov. 7, leaving the city without their services for the day, after two officers were killed by an armed gang and the rest of the department was threatened with the same. A day earlier, a decapitated head was found in the Plaza of the Journalist in Ciudad Juárez, and the body hung from a bridge crossing a major thoroughfare in the city. Less than a week later, a 14-year veteran crime reporter was gunned down in front of his home, leading others to express public concern about the viability of journalism in the state.

Baja California suffered 180 *ejecuciones* from Oct. 4 to Nov. 24, increasing from 306 to 486 for the year. Police continue to be prime targets of violence in that state, particularly in the cities of Tijuana and

Rosarito Beach. In Tijuana, three police officers were killed in a 36-hour period, including a state homicide chief who was driving through the city. In Rosarito Beach, officials estimate that only between 150 and 170 of 217 allotted police positions are currently filled, with many remaining officers expressing fear that they will be targeted for being in the wrong place at the wrong time, or for being partnered with an officer involved with the drug gangs. Throughout Mexico, over 400 police officers have been killed so far this year, a figure unimaginable just two years ago, and up sharply from 2007. Investigators have said that the violence in Tijuana and Rosarito Beach is attributable to struggles between factions of the fractured Arellano Félix cartel.

## 2008 National Total of Drug Related Killings by Week (January 1 through November 21)



Note: All data compiled from Reforma newspaper ([www.reforma.com.mx](http://www.reforma.com.mx)). Complete data unavailable for the week of April 12-18.

Ranking police officers have been targeted throughout Mexico in recent weeks. In neighboring Sonora, after a gun battle that left three gunmen and a police officer dead, a captured gunman confessed to the killing a day earlier of Juan Manuel Pavón Félix, director of the state Public Security Police. In Morelos, a state not well-known for its drug violence, the Assistant Attorney General in charge of organized crime investigations was shot and killed in his car in late October. In nearby Mexico State, which has already nearly tripled its number of *ejecuciones* over 2007 with 328 as of Nov. 24, there has been a wave of police killings in recent weeks. Six state and municipal officers were killed during a 24-hour period on Oct. 31 and Nov. 1. Two days later, gunmen shot down a commander of the state Judicial Police, the third ranking officer from that organization to be killed in a week. The same day, 10 individuals were arrested with assault rifles, fragmentation grenades, radios, and stolen vehicles.

Police were also targets in the Pacific state of Sinaloa. The bodies of two state police officers were found on a Culicán street in November. Elsewhere in the city a “narco-message” was found that read “these dead total 91 officers assassinated.” The officers had been *levantados*, or “picked up,” meaning that they were kidnapped without the intent of returning them alive, 15 days earlier. Sinaloa, along with Chihuahua and Baja California, has exploded in violence this year, having reached 569 *ejecuciones* for the year on Nov. 24, up from a total of 346 in 2007. Violence in that state picked up dramatically beginning in May of

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this year, when the Beltran Leyva brothers, who split from Joaquín “El Chapo” Guzmán’s Sinaloa cartel, assassinated El Chapo’s son in a shopping mall parking lot. Since then, cartels vying for control over the trafficking route through Laredo, Texas have been locked in a very public battle, punctuated on Nov. 11 when about 50 armed men kidnapped 27 workers from a farm outside of Culiacán. The farm was occupied by agents from the PGR, and it was soon revealed that it belonged to an in-law of Jesús Cruz Carrillo Fuentes, presumed leader of the Juárez cartel. Days later, the workers were released unharmed, and four taunting “narco-banners” were hung throughout Culiacán, presumably by members of the Sinaloa cartel, reading “Remember that you also have businesses.”

Joint military and federal police operations in the key troubled states of Sinaloa, Chihuahua, and Baja California continue to be answered by killings that have increased in their numbers and brutality. While it is difficult to gauge the success of the Calderón administration’s aggressive campaign against the drug cartels by sheer numbers, what is clear is that the levels of violence are taking a profound psychological toll on the Mexican people as killings, kidnappings, and the sheer visibility of crime increasingly reach all levels of society, and regions of the country.

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**Coordinated operations lead to arrests of top players in four major cartels**

Four top cartel operatives and 24 presumed members of a Colombian drug trafficking organization (DTO) have been apprehended over the past month throughout Mexico, dealing substantial blows to the Arellano Felix, Sinaloa, Beltran Leyva, and Gulf cartels, as well as the Zetas criminal organization. The arrests came as fragmented DTOs wage an increasingly high-profile war with each other and with law enforcement and military forces for lucrative trade routes into the United States.

In late October, 24 members of the Colombia-based Cali cartel, including 11 Colombians, an American, and a Uruguayan, were arrested in an operation by federal police at a party in the outskirts of Mexico City. A spokesperson for the federal Attorney General’s Office (PGR) characterized the arrests as one of the most important developments in recent years in the struggle against drug trafficking. The PGR alleges that the Cali cartel has been integral in supplying cocaine to the Beltran Leyva organization, which has in recent months split from Joaquín “El Chapo” Guzmán’s Sinaloa cartel. Those two groups have been waging an increasingly public battle characterized by targeted assassinations, “narco-banners” and “narco-messages.”

“El Chapo” Guzmán’s Sinaloa cartel also suffered a blow in late October when one of its top leaders, Jesús “El Rey” Zambada was arrested after a gun battle with police in Mexico City. Jesús Zambada – brother of Ismael Zambada, who is believed to head the cartel alongside Joaquín Guzman – was allegedly responsible for coordinating operations in central Mexico, including moving cocaine and precursor chemicals for methamphetamine production through the Mexico City airport. The PGR has also identified Zambada as a suspect in the May 8 assassination of the then-acting federal police chief Edgar Millan. 16 others were arrested in the raid, including two federal police officers and one state police officer.

DTOs based in the Mexico-U.S. border region have also suffered significant arrests in recent weeks. In early November in Reynosa, Tamaulipas, federal police officers stopped a vehicle occupied by Antonio Galarza Coronado, presumed leader of the Gulf cartel in that city. The Gulf cartel, with its strongest presence in the border state of Tamaulipas, has a presence throughout the Gulf and central states, and some officials have suggested an alliance has formed between the Gulf cartel and the Beltran Leyva organization to counter Joaquín Guzmán’s Sinaloa cartel.

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In a significant blow to the Tamaulipas-based Zetas, federal police in Reynosa nabbed Jaime “El Hummer” González Durán, presumed co-founder of the Zetas, an organization formed of ex-military special forces personnel and known for torturing and beheading its victims. The Zetas were hatched nearly a decade ago as the armed wing of the Gulf Cartel, and are now believed to be operating independently in at least 17 states. González Durán, an 8-year veteran of the Mexican armed forces, reportedly formed the Zetas in 1999 alongside Heriberto Lazcano Lazcano, who is still at large. The Public Security Secretariat (SSP) announced that the arrest came as a result of police intelligence and information sharing with U.S. intelligence agencies. Durán was transported to the Reynosa airport to be then flown to Mexico City for questioning, despite an attempt by a presumed group of Zetas to free him from the convoy en route to the airport. The arrest was accompanied the same day by the largest weapons seizure in Mexico’s history from a safe house owned by Durán (covered later in this section).

In the Pacific border state of Baja California, authorities in late October announced the arrest of Eduardo Arellano Félix, the last of five brothers to be captured or killed. Soldiers and federal police made the arrest at a home in a quiet, relatively upscale neighborhood that overlooks Tijuana. Officials characterized the arrest as a major blow to the Arellano Félix cartel, whose central structure has been essentially wiped out in recent years with the removal of its top commanders.

The arrests made over the past month are significant, as they are a realization of Pres. Calderón’s strategy of breaking down the leadership structure of the drug cartels. The long-term effects of these successes and others made in recent months remain to be seen, but in the short term, cartel-related violence has continued, notably in the states of Chihuahua, Sinaloa, and Baja California, where DTOs have seen the most pronounced fragmentation. Some analysts have predicted that such fractioning could lead to an increase in violence due to infighting among mid-level operatives and across competing cartels. As noted above, *Reforma*’s tally of cartel-related killings appear to support this prediction.

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## **ARMS TRAFFICKING**

### **Arrest of Zeta operative accompanied by historic weapons seizure**

On the same day that federal police arrested Zetas co-founder Jaime “El Hummer” González Durán, the Mexican army made an historic weapons seizure at a safe house in Reynosa, Tamaulipas. In all, over 400 pistols and assault rifles, 500,000 rounds of ammunition, 165 grenades, several grenade launchers, six heavy machine guns, and an anti-tank rocket launcher were seized. It is unclear whether the raid was connected to an FBI report covered by Texas media in October warning that the Gulf cartel was stockpiling weapons in Reynosa in preparation for possible confrontations with U.S. law enforcement. It did, however, renew public calls from Mexican officials for the United States to take concrete measures to stem the flow of weapons south across the border into Mexico, which by contrast to the United States has extremely stringent gun control laws.

An official report released shortly after Gonzalez’ detention revealed that between Dec. 1, 2006 and Oct. 30, 2008, Mexican officials have seized 25,657 guns, including 13,807 assault rifles, 1,642 grenades, and 2.4 million rounds of ammunition, indicating an arsenal in the hands of drug cartels that attorney general Eduardo Medina Mora has publicly admitted rivals that of Mexico’s federal police force. Official sources in Mexico have also pointed to a marked increase in weapons seizures in 2008 over 2007. 7,645 weapons were seized during the first six months of 2008, as compared to 3,801 during the same period the previous year. Mexican authorities estimate that 90% of weapons in the hands of organized crime are smuggled in from Texas, Arizona and California, the latter of which is the only state with restrictions on the sale of semi-automatic firearms. Indeed, a 2007 ATF trace of weapons confiscated in Mexico found

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that 1,805, or 73.5 percent, of 2,455 weapons were introduced from those three states. Among the weapons seized from the Reynosa safe house were a number of Barrett .50 caliber assault rifles, believed to be a new “weapon of choice” for cartels. The rifle, designed for use by the military and special law enforcement units, are nonetheless available to the public for purchase in Arizona and Texas, and can pierce a bulletproof vest from a distance of over 100 yards. It is believed that a police commander gunned down in March outside his home in Ciudad Juárez was killed by a Barrett .50 caliber.

While the discovery of such a cache of assault rifles is alarming to officials on both sides of the border interested in stopping the trans-border flow of weapons, the presence of fragmentation grenades, grenade launchers, fully automatic weapons, and anti-tank rocket launchers – weapons manufactured for exclusive distribution to armed forces – cannot be pinned on the much-maligned gun shops and gun shows that set up along the border. Mexican officials have been quieter about such artillery, with some suggesting that the weapons are originating from the U.S. military, though there seems to be no direct evidence supporting these claims.

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## **PRISONS**

### **Violent outbursts in three prisons highlight cartel infighting, prison overcrowding**

Violent eruptions in three Mexican prisons over the past month claimed at least 35 lives and pointed to continued instability and cartel infighting within the nation’s correctional institutions.

In Reynosa, Tamaulipas on Oct. 19, 21 inmates were killed in a riot that broke out between two rival gangs presumably vying for control within the prison. Prison authorities reported finding several charred bodies in the aftermath. Less than two weeks earlier, 17 inmates escaped through the front doors of the prison, aided by guards who fled with the prisoners. Shortly following the riot, 150 inmates were transferred to other prisons in the state, and authorities signaled that they will continue moving prisoners as conditions allow to help alleviate over-crowding in the prison, which authorities believe to be 33% over capacity.

In Durango, nine prisoners, all incarcerated on drug and homicide convictions, were killed in a riot that broke out on Nov. 2. Ismael Hernández Deras, the state’s governor, relieved the prison director from his position two days later. Aside from poor management, Gov. Hernández pointed to overcrowding and substandard facilities as the principle causes of the prison’s instability, and particularly the mixing of high and low risk prisoners. Neighboring Guerrero also faces a potential crisis in its 18 prisons, which together face 25 percent overpopulation.

A prison battle between two prison gangs in Mazatlán, Sinaloa left six dead – five inmates shot to death, and an ex-state police officer hung in his cell. All were in prison on charges of drug trafficking, murder, and arms possession. Upon entering the prison, homicide agents found four pistols and over 100 rounds of ammunition. Prison authorities expressed that they had no idea how such weapons were introduced into the prison and put in the hands of inmates.

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## EXECUTIVE CABINET

### **Interior Minister Mouriño and former Prosecutor Santiago Vasconcelos killed in plane crash**

The death of Interior Minister Juan Camilo Mouriño has dealt a significant blow to the Calderón administration's campaign against drug traffickers. Mouriño was killed when the executive jet he was traveling on crashed into rush hour traffic on Nov. 4 on its descent to Mexico City's international airport. Former anti-drug prosecutor José Luis Santiago Vasconcelos and twelve others were also killed in the crash. Mouriño often served as the public face of the Calderón administration's campaign against organized crime, representing the administration in the press, and working with state officials in articulating local strategies to confront public security issues, particularly in the northern states. While many Mexicans immediately suspected foul play, authorities have all but ruled this out, pointing to turbulence and human error as the likely causes of the crash, the first of its kind in Mexico City. Experts from the U.S. Federal Aviation Administration and the National Transportation Safety Board traveled to Mexico City to aid in the investigation, which is expected to take several weeks to come to a conclusion.

Mouriño, 37, had a long-standing relationship with Pres. Calderón, having coordinated his election campaign and served as the Chief of Presidency's Office from 2006 to 2008, before being appointed to the position of Interior Minister. Earlier this year, he was the target of PRD congressional leaders who alleged that he used his position as assistant Secretary of Energy under Calderón, then Secretary of Energy for Pres. Vicente Fox, to steer lucrative contracts to his family's trucking business. The charges never materialized. Mouriño was often seen as Calderón's "strong man," acting as the president's liaison with Congress, and heading Calderón's National Security Cabinet, made up of the attorney general, senior military officers, and the head of the federal Public Security Ministry.

Santiago Vasconcelos, 51, was a long time federal prosecutor who had recently joined Pres. Calderón's staff as a top legal advisor. As a former drug prosecutor, Santiago Vasconcelos previously headed the Special Office for the Investigation of Organized Crime (SIEDO), was subject to frequent threats on his life. Beginning his service with the Attorney General's office in 1993, Santiago Vasconcelos was appointed assistant attorney general for Judicial and International Affairs in 2007. Santiago Vasconcelos had helped oversee a dramatic increase in cross-border extraditions, including that of Gulf cartel leader Osiel Cardenas. Santiago Vasconcelos was slated to oversee the implementation of the ambitious 8-year judicial reform approved by the Mexican Congress earlier this year.

Days after the crash, Calderón appointed Fernando Gómez Mont as Mexico's new Interior Minister. Mont, son of Felipe Gómez Mont, considered one of the founders of Calderón's National Action Party (PAN), is a longtime party leader. He was elected to the Chamber of Deputies in 1991, where he was designated as president of the Justice Committee. He also served for a number of years as a representative of the PAN in the Federal Electoral Institute (IFE) before founding the law firm Zinser, Esponda and Gómez Mont. Mont has pledged to continue the work of Mouriño, identifying electoral and justice reform as principal agenda items. While assessments of Mont in the media range from being an exceptional legal and public security expert to being a stout partisan, what is clear is that he enters high office in the national public security sphere at a critical juncture during which the Calderón administration will greatly rely on continuity within its ranks and a strong public figure in Mont to maintain its public approval.

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## ACCOUNTABILITY & TRANSPARENCY

### CORRUPTION

#### Corruption investigations target Mexican military and other law enforcement agencies

The Mexican government is investigating more than a dozen federal law enforcement officials and military personnel suspected of collaborating with drug groups. The cases, which came to light over the past month, highlight the challenges faced by Pres. Calderon's crime-fighting efforts while also raising questions over the possible reach of such drug groups within the U.S. Embassy in Mexico City.

At the end of October, five members of the Special Office for the Investigation of Organized Crime (SIEDO), were arrested for allegedly providing information to the Beltran Leyva drug cartel. Two of the agents were identified as senior officials suspected of acting as informants in return for millions of dollars. Three lower-level agents were also implicated in working for the same group. Some of the agents and officials allegedly received hundreds of thousands of dollars, according to the Associated Press. An additional 35 prosecutors and support staff with the unit were also fired for allegedly being involved in corrupt activities. Around the same time, Defense Department acknowledged that five members of the military were being investigated for possible links to drug cartels. Mexican media reports placed the actual number of military members under investigation at more than 20.

On Nov. 8, a former top-ranking official with the Federal Agency of Investigations (AFI) was placed under a 40-day house arrest as investigators develop a case against him for providing information to drug traffickers for payments between \$150,000 and \$450,00 a month. The official, Rodolfo de la Guardia Garcia, worked with the AFI from 2003-2005 when the agency was headed by current Public Security Secretary (SSP) Genaro García Luna.

For the last several months, García Luna himself has faced public criticisms for his handling of public security matters and even allegations of corruption. Former PGR regional coordinator, Javier Herrera, raised very public criticisms of García Luna, only to be arrested himself on Nov. 17 for alleged drug ties, prompting concerns about possible retaliatory motivations for Herrera's arrest. On Nov. 21, PGR officials raised specific allegations against García Luna's former personal secretary, Mario Arturo Velarde Martínez, who is now being investigated. Meanwhile, despite these developments, García Luna was vigorously defended on Nov. 24 by Pres. Calderón, who said that García Luna would not be head of SSP if he was suspected of corruption.

On Nov. 16, Mexican authorities placed Ricardo Gutierrez Vargas - the head of Mexico's Interpol office - under house arrest. As Interpol's liaison in Mexico, Gutierrez had access to Interpol databases, and purportedly leaked domestic information to drug trafficking organizations. He was placed under *arraigo* — arrest without charge— with a judge's permission for a 40-day period. His arrest was followed on Nov. 21 by allegations against former drug tsar Noe Ramírez, 47, for allegedly accepting more than \$450,000 in bribes from the Sinaloa cartel in exchange for information about ongoing investigations and operations. Ramirez had stepped down in July after nearly two years as Mexico's top anti-narcotics official.

This rash of arrests is reportedly part of a federal investigation dubbed "Operation Clean House," which started with the detention earlier this year of suspected trafficker Alfredo Beltran Leyva. Mexican investigators found several clues in the ensuing investigation that indicated the involvement of high-level law enforcement officials. These included a list of military officials inside a house linked to Beltran along with what appears to have been notations of the money they were receiving from the drug group. In addition, Mexican authorities reportedly discovered federal documents related to ongoing cases from the Federal Attorney's office that suggests someone was tipping off the group to investigations in progress. The Beltran Leyva operation is based out of Sinaloa, and it is part of a loose federation of drug groups whose alliances are in a state of flux. The Beltran Leyva group has reportedly feuded with the so-called Gulf Cartel, which is based south of Texas, as well as against suspected Sinaloa cartel leader Joaquin "El Chapo" Guzman, with whom the Beltran Leyva organization was previously aligned.



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The scope of the detentions appears to indicate that Calderon's crime-fighting efforts have been compromised by some of his top officials, and also raises questions about the growing role of the military in drug-trafficking investigations. While the military has not been immune to corruption problems in the past, it has generally been regarded as less susceptible to the influence of drug traffickers. This may be changing due to the strategic decision to assign more soldiers to combat drug trafficking in the country's hot spots.

Meanwhile, local police were also touched by the crackdown on corruption. On Nov. 10 and 11, PGR authorities detained 19 Tijuana municipal policemen and two judicial police for presumed links with organized crime, as state and municipal authorities in Baja California continued to purge their own ranks. Tijuana Mayor Jorge Ramos has noted that he has lost confidence in those agents and will exercise his prerogative not to reinstate these officers, even if acquitted; an option made possible by recent justice sector reforms. On Nov. 18, Ramos announced that 500 Tijuana police would be temporarily relieved of their present duties, receiving pay and benefits while they undergo retraining and "trustworthiness" examinations. On Nov 20, Tijuana Police Chief Julian Leyzaola revealed that 406 police were slated to receive retraining, but that only 366 of them reported for retraining and "trust" tests in the wake of the mass suspension.

In what appears to be a separate investigation, Mexican authorities arrested five members of the Federal Preventive Police in early November, including the agency's former acting head, Victor Gerardo Garay. Garay had stepped down from his post just days earlier following allegations that members of the force that were assigned to the Mexico City airport had been working in collusion with drug traffickers. Investigators were reportedly exploring a connection with a group headed by suspected trafficker Ismael Zambada.

Meanwhile, the U.S. State Department is investigating allegations that a Mexican drug group paid a spy inside the U.S. Embassy to provide information on U.S. Drug Enforcement Administration operations. The Associated Press reported that the Embassy employee is now a protected witness after telling Mexican officials in Washington that he had participated in spying activities on behalf of the Beltran Leyva drug group.

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**Study finds bureaucratic delays slow business in Mexico, and possibly contribute to corruption**

Registering and starting a business in Mexico takes an average of 44 days due to bureaucratic delays, according to a study published by the Center for Economic Studies of the Private Sector. The study on business regulations also found the amount of bribes paid by companies to speed up government paperwork increased 134 percent from 2006 to 2007. The average amount rose from 2,207 pesos to 5,163 pesos. "This foments the corruption, prevents investment and affects the economic growth and the creation of jobs," according to Hector Rangel Domene, president of the organization, in an *El Universal* article.

The states with the longest wait times are Quintana Roo with 88 days, Chiapas with 75 days and Jalisco with 71. In order to stay competitive in a world economy, the organization would like to see the process take no longer than three days by increasing the System of Rapid Starts for Businesses, which provides a faster service through their 136 offices in the country.

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Mexican officials acknowledge that it has a problem with too much paperwork, which prompts some people to resort to bribes. In October the government sponsored a contest for people to share their most frustrating experiences with bureaucracy and received more than 20,000 entries.

The study was based on 994 interviews with companies throughout the country. The Center documented the official cost of each interaction as well as add-on charges, and if there were any “nonofficial” charges. The highest numbers of “extra-official” charges were found in Quintana Roo, Puebla, Michoacan, Guerrero and the state of Mexico, according to the study.

**SOURCES:**

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**Lydia Cacho Foundation created**

Lydia Cacho, the Mexican journalist who was detained briefly in 2005 after implicating a Cancun businessman in a book about an alleged child pornography ring, has vowed to pursue her fight for justice in an international court.

In the case’s latest development, a Spanish organization has created a foundation that carries her name. The Lydia Cacho Foundation will provide economic and judicial assistance to people and groups that are persecuted by their government or that are facing threats for their efforts to fight corruption and impunity. The foundation is comprised of attorneys, journalists, and economists.

In addition to assisting Cacho with her own attempts to bring the case before an international court, they are also considering getting involved in other cases of repression involving a Russian journalist, Elena Tregubova, and the Nicaraguan poet and priest, Ernesto Cardenal.

Cacho’s book, *Los Demonios Del Eden*, alleges that Mexican businessman Jean Succar Kuri led a pedophile ring involved in sexual abuse and child pornography, charges that were also filed by Mexican authorities. In 2005, Cacho was detained on libel charges while she was in Cancun and driven to the state of Puebla. She filed a federal suit against various governmental officials, and a Supreme Court commission found that the Puebla governor and a group of his government officials conspired to violate Cacho’s right.

Nonetheless, Mexico’s Supreme Court decided in late 2007 not to pursue legal action against the people implicated in the case. The issue re-emerged in April, 2008, when the Mexican government announced they had pending arrest warrants for five people involved in Cacho’s detention. The warrants were issued by a special unit of the federal attorney general’s office that investigates crimes against journalists.

The case is widely viewed as a test of Mexico’s freedom of expression laws, which critics say don’t provide enough protections for journalists and ordinary citizens. According to a 2006 story about the case that ran in *The San Diego Union-Tribune*, under Mexican libel laws reporters must prove they didn’t intend to damage their subjects. The laws have been criticized for creating too high of a threshold that inhibits the ability for journalists to do their jobs properly.

Succar Kuri, who is also a legal U.S. resident and Lebanese national, was detained in the United States and extradited to Mexico in 2006. His attorney has said the case was mishandled by authorities through alleged witness intimidation and improper legal proceedings and noted in a previous interview with reporters that most of the alleged victims have retracted their accusations.

**SOURCES:**

(No Name) “Nace Fundacion Lydia Camacho contra la corrupcion.” *El Universal* 24 Oct. 2008.  
Walker, S. Lynne. “Mexican writer’s book on pedophiles exposes abuses, and puts her in peril.” *Copley News Service* 4 April, 2006.

**New uniforms for DF transit officials meant to reduce corruption**

Corruption and bribery problems within Mexico City’s District Federal Transit and Roads department has led the agency to visually distinguish between officials who can and cannot issue traffic violation tickets.

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About 1,000 officers with the transit section have been assigned an olive-green uniform with an easily distinguished fluorescent green-yellow cap. They will also be made to wear bracelets that will include their name and employee numbers for better identification. These changes are meant to make it easier for motorists to know whether an officer actually has the authorization to be issuing traffic tickets by distinguishing between the “highway” and “transit” officials.

The change is meant to reduce the numbers of people who were being bribed by members of the formerly dual-role agency who actually had nothing to do with writing traffic violations. The Secretary of Public Security in the Federal District, Manuel Mondragon y Kalb admitted that the overhaul is meant to make up what he defined as small-scale but pervasive corruption. “Although this is corruption of 100, 50 or 30 pesos, we have to get rid of it,” he was quoted as saying. The amount he used as an example is between \$3 and \$10.

**SOURCES:**

Escalona, Hilda. “Regresan los ‘tamarindos’ .” *La Cronica* 30 Oct. 2008.  
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**PEMEX to become more transparent**

The Mexican government has included standards for greater transparency as part of the most extensive reform into Mexico’s state-controlled petroleum enterprise (PEMEX) since the institution was founded in 1938. The changes, which are part of an overall energy reform package, were approved by Congress in late October. “Any citizen will be able to obtain information about how PEMEX resources are spent and what it is spent on,” according to a statement from the office of Mexican President Felipe Calderon.

Created in 1938 after nationalizing foreign oil interests, Mexico’s PEMEX is among the world’s largest oil companies. It became a major source of funding for the Institutional Revolutionary Party’s (PRI) socially progressive programs as well as for the party’s own self-serving interests. A 2003 report by *The New York Times* reported that corruption in PEMEX resulted in \$1 billion in losses each year according to the company’s own executives, and millions of dollars were allegedly misappropriated from PEMEX for use in the PRI’s 2000 campaign.

Routinely criticized as inefficient, PEMEX has come to represent the failings of the PRI, which ruled Mexico under vaguely democratic pretenses from 1928 to 2000. PRI system. The PRI and leftist coalitions have opposed opening up the company to foreign investment, however the recent moves appear to be the result of a pressing need to ensure the future of Mexico’s oil production as well as an attempt by the conservative National Action Party to placate privatization concerns by watering down the original bill.

The new law maintains Mexico’s control over hydrocarbons and PEMEX remains a state firm, but also it provides the option of entering into contracts with private groups, primarily for exploration purposes. It also allows for ordinary citizens to invest in PEMEX for the first time in the institution’s history. In order to attract this kind of outside funding, greater transparency measures were likely included to ensure domestic investors as well as foreign companies that money is being used appropriately.

Additional checks and balances will be incorporated to help ensure funding is used appropriately. For example, PEMEX will be required to provide more information regarding its budget and resources, according to the statement. Independent oversight groups will also check on PEMEX’s progress in transparency and efficiency in an attempt to combat corruption.

**SOURCES:**

Calderon, Felipe. “Texto completo del mensaje de Calderon sobre reforma energetica.” *La Cronica* 28 Oct. 2008.  
Torres Graciano, Fernando. “Un gran logro para Mexico.” *Milenio* 3 Nov. 2008.  
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**Found in Tijuana: U.S. Border Patrol agents suspected of smuggling**

The two-year hunt for two former Border Patrol agents under investigation for allegedly smuggling people across the border ended last month when Raul and Fidel Villareal were found Oct. 18 in Tijuana. The brothers were suspected of smuggling illegal immigrants in their government vehicles, but they resigned and disappeared in June 2006, before the investigation could move forward. *The Los Angeles Times* reported that Mexican federal agents arrested the brothers in a gated apartment complex close to the U.S. Consulate. The brothers face charges in the United States of smuggling conspiracy, money laundering, witness tampering, and receiving bribes.

The allegations highlight the potential for corruption among U.S. agencies that work along the border and the drastic measures used by smuggling groups to get their goods into the United States. Some observers believe that corruption is increasing along the U.S. side of the border in response to tougher border law enforcement policies. *The New York Times* reported earlier this year that there are about 200 cases pending against law enforcement employees who work along the border. Several high-profile border corruption cases have come to light in recent years. In 2005, a three-year FBI-led investigation in Arizona yielded almost two dozen U.S. law enforcement officers and soldiers who were arrested in connection with smuggling cocaine from Mexico. Some of the suspects committed the crimes while wearing uniforms and driving U.S. military vehicles. This most recent case was particularly notable because one of the brothers – Raul Villareal – had a particularly high-profile role in the agency. Raul Villareal served as a spokesman for the Border Patrol's San Diego sector and made regular appearances on Spanish-language television broadcasts. His brother was a supervisory border patrol agent based out of the east San Diego border region

#### SOURCES:

- Archibold, Randal. "Border Agents, Lured by the Other Side." *The New York Times* 27 May 2008.  
Marosi, Richard. "Former Border Patrol agents arrested after 2 years on the run." *The Los Angeles Times* 21 Oct. 2008.  
Spagat, Elliot. "AP Source: Ex-Border Patrol agents held in Mexico." *Associated Press in The San Diego Union-Tribune*. 20 Oct. 2008.  
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## ACCESS TO JUSTICE

### VIOLENCE AGAINST JOURNALISTS

#### **Attorney General's Office to investigate murder of Ciudad Juárez crime reporter outside home**

Veteran crime reporter José Armando Rodríguez Carreón was shot to death in a company car outside his Ciudad Juárez home on Nov. 13. His 8-year-old daughter, who was in the car with him, was unhurt. Rodríguez' coworkers at the local daily *El Diario* believe that the killing was directly related to his work. Rodríguez, 40, had reportedly received a text message in February warning him to "tone it down," and was transferred to neighboring El Paso for two months as a result. Upon returning, Rodríguez insisted on continuing with his crime beat, with no special police protection. Several Chihuahua news outlets have compromised their coverage of organized crime in recent months as a result of such threats to their staff. The killing, which came less than a week after a decapitated head was found in Juárez' Journalist's Square, has once again brought international attention to the perceived impunity under which crimes against journalists are committed in Mexico. To date, 24 journalists have been killed in Mexico since 2000, at least seven as a direct result of their work; and 5 have disappeared since 2005, according to the Committee to Protect Journalists (CPJ).

Concern that threats made and carried out against journalists are stifling free expression in the Mexican media appear to be well-founded. Several reporters have come forward with threats they have received since violence spiked in Chihuahua early this year. A photographer interviewed by *El Diario* recalled threats he heard on police scanners shortly following killings in Juárez warning journalists that they, too, would be killed if they approached the crime scenes. Others point out that upon arriving at a crime scene there is always doubt as to whether uniformed individuals are police or *narcos*, as crimes are often perpetrated by cartel members wearing police or military uniforms. Still others have reported that it has

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become far more difficult to obtain statements from witnesses and others with potentially pertinent information, for fear of reprisals.

A bill currently on the floor of Congress would classify as federal offenses crimes against press freedom. Pres. Calderón has backed the bill, and advocates of press freedom hope that it will be a positive step towards assuring that Mexican journalists can perform their jobs without fear for their wellbeing or that of their families. Forcible obstruction of Chihuahua reporters, however, has not always come at the hands of organized crime. Shortly after Operation Chihuahua began in March of this year, a number of reports surfaced in the press of journalists being harassed, threatened, and detained at crime scenes by members of the Mexican military.

After days of public outcry over Rodríguez' killing and demands to Mexican authorities for justice and denouncements from the United Nations High Commission for Human Rights and the Inter-American Commission for Human Rights, the federal Attorney General's Office (PGR) announced that its special task force to investigate crimes against journalists would investigate the case. This is a significant development, a month after Chihuahua Gov. José Reyes chided the PGR for not pursuing any of the more than 1000 cases of cartel-related slayings in Chihuahua that have accumulated in 2008. The National Human Rights Commission (CNDH) has also opened an investigation to determine whether the killing was related to organized crime.

**SOURCES:**

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Cano, Luis Carlos and Liliana Alcántara. "PGR atrajo el homicidio del periodista." *El Universal* 15 Nov. 2008.  
"Crece el riesgo para reporteros." *El Diario* 15 Nov. 2008.

**Three APPO members to be tried for the Oct. 2006 murder of independent journalist Brad Will**

The federal Attorney General's Office (PGR) arrested three Oaxacans for the death of American independent journalist Brad Will, two years after he was killed while reporting on demonstrations against the Oaxaca state government. The three individuals, two of whom have been released on bail, are reportedly supporters of the Popular Assembly of Oaxaca Peoples (APPO), a grassroots organization at the center of the protests. The arrests fly in the face of a National Human Rights Commission (CNDH) report citing autopsy results from the Oaxaca medical examiners office as well as video evidence that indicate that the shots that killed Will were fired from a much further distance than the PGR's report indicates, which would in effect inculcate armed government supporters.

The arrests generated outcry from Will's family and from international media watch groups Committee to Protect Journalists and Reporters Without Borders, who accused the PGR of protecting supporters of Oaxaca Gov. Ulises Ruíz. Human rights group Amnesty International has urged Mexican authorities to ensure that Juan Manuel Martínez, the PGR's prime suspect who remains in jail and insists that he was nowhere near the scene of Will's death, is not tortured to extract a confession. In early November, President of the CNDH José Luis Soberanes announced that the Supreme Court judges overseeing the investigations into the 2006 events in Oaxaca requested a copy of the CNDH's report to weigh in the case, which was extended earlier this year as a result of a request from Congress. Soberanes, who has characterized the relationship between his organization and the PGR as "very difficult," expressed his disapproval with the PGR's handling of the case, and hopes that it will be resolved in the Supreme Court.

**SOURCES:**

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Lauria, Carlos. "In Mexico, Brad Will probe sparks concern." *Committee to Protect Journalists* 27 Oct. 2008.  
Norandi, Mariana. "Pide la Corte a la CNDH datos sobre el caso Brad Will." *La Jornada* 8 Nov. 2008.  
"Preocupa a AI condiciones de presunto asesino de Brad Will." *La Jornada* 12 Nov. 2008.

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## INTERNATIONAL MIGRATION

### **Mexico, Cuba sign accord addressing problem of Cubans detained in Mexico**

The Mexican and Cuban governments signed in October a memorandum of understanding that aims to resolve the long-standing problem of Cuban migrants apprehended in Mexico en route to the United States. Both nations hope the agreement will warm bilateral relations, which has been tense during recent decades. The agreement, signed by Cuban chancellor Felipe Pérez Roque and the late Mexican Interior Minister Juan Camilo Mouriño, establishes that Cuba will “receive immigrants that have arrived by sea to Mexico or who are in Mexico illegally.”

This breaks from a previous Cuban policy that barred repatriation of Cuban exiles who arrived on foreign soil, which for Mexico resulted in thousands of Cubans languishing in its already overburdened migrant detention centers, and relegated Mexico to an uncomfortable position between the Cuban and U.S. governments. Pérez and Mouriño indicated that the measure explicitly seeks to address the problem of people smuggling in Mexico, an enterprise that Mexican authorities say has seen an increased involvement from drug trafficking organizations in recent years. The document maintains that “...this context and the U.S. migration policy toward Cuba promotes illegal migration and the illicit traffic of Cubans, and hinder efforts to effectively combat criminal organizations that profit from these crimes, violating the integrity and fundamental rights of these persons.”

The agreement also has important implications for reducing corruption in the Mexican migration enforcement offices, whose agents, among other Mexican law enforcement officers, have on numerous occasions been implicated in aiding Cubans’ passage to the United States for monetary gain.

For its part, Mexico has agreed to step up its investment in the Caribbean nation, which fell from \$435 million in the 1990s to \$200 million in 2007, according to Mexico’s National Foreign Commerce Bank (Bancomext). The move marks a significant change in bi-national relations since Vicente Fox’s tenure, when Pres. Fox at a summit of American Nations in Monterrey, Nuevo León famously advised Fidel Castro to “eat and leave,” in anticipation of the arrival of U.S. President George W. Bush.

#### **SOURCES:**

- “Suscriben Cuba y México Memorando de Entendimiento sobre temas migratorios.” *Granma Internacional* 22 Oct. 2008.  
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Pavón, A. Olivier. “Firman México y Cuba acuerdo migratorio.” *La Crónica de Hoy* 23 Oct. 2008.

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## AROUND THE STATES

### **Committee pledges universal oral trials in Nuevo León in two years**

An inter-institutional committee appointed to oversee the establishment of justice in Nuevo León has committed to a two-year timeline for oral trials to be implemented for all infractions. Nuevo León, one of the leading Mexican states in the implementation of an accusatory justice system, has taken a gradual approach to applying the new system. Currently, oral trials are applied for 56 relatively minor infractions, principally property crimes, traffic violations, and minor bodily injury claims. In December of 2007, the state executive branch sent a reform to the state congress that would add an additional 53 additional minor infractions to the reform, adding up to just over a half of the 200 mandated by the federal justice reform package passed by Congress and signed into law by Pres. Calderón this spring. Absent from official debate thus far are crimes involving drug trafficking, kidnapping, human trafficking, and other more serious crimes that bring with them the complex investigative and prosecutorial implications at the heart of the debates surrounding the federal justice reforms.

#### **SOURCES:**

- Torres, Alma. “Establecerán Juicios Orales a todos los delitos a mas tardar en 2 años.” *M Noticias* 10 Nov. 2008.  
“Reforma a juicios orales, congelada.” *Milenio* 18 Nov. 2008.

### **Problems in second oral trial in Morelos attributed to shortcomings in infrastructure**

Those involved in and bearing witness to the second oral trial held in the state of Morelos agree that it was “plagued” with irregularities, including the closing of the courtroom doors to avoid overcrowding in the case of one of the trials, effectively resulting in a closed hearing. Another criticism was that eight of ten oral trials judges not involved in the case were present at the trial, which would compromise impartiality should a retrial be required. José Francisco Urrutia Naltierra, a member of the Morelos Criminal Attorneys’ Association, attributed the problems to the fact that construction has not yet begun on the state’s seven planned oral trial courtrooms.

**SOURCE:**

Oseguera, Pedro I. “Errores en el desagogo del segundo juicio oral.” *El Sol de Cuernavaca* 5 Nov. 2008.

### **Chihuahua Supreme Court reports a decline in pretrial detention since beginning of year**

Of 1,041 individuals for whom justice proceedings have been initiated since the beginning of the year in Chihuahua, 535 were not subjected to pretrial detention, as they were deemed by the courts not to be threats to victims or to society. This constitutes a net decrease in the number of individuals in pretrial detention since the beginning of 2008, according to the state Supreme Court. Of the 535 allowed to await trial in society, 237 are required to report to the court periodically, while 76 were released under the understanding that they were to adhere to the penal process. Another 70 were released on bail, and 66 on grounds that they were not to visit certain places and/or people. Other conditions have included agreements not to leave the country, or to report to rehabilitation or psychiatric centers. Legal experts have indicated a chronic over-application of pretrial detention as a primary cause of overcrowding in Mexico’s prisons, where nonviolent suspected offenders are often imprisoned alongside convicted violent offenders.

**SOURCE:**

Carmona, Blanca E. “La mitad de los acusados encara en libertad su proceso penal.” *El Diario* 2 Nov. 2008.

The Justice in Mexico Project *researches justice sector and rule of law 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 related to the rule of law: law and order, accountability and transparency, 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. Please report any questions, corrections, or concerns to [transborder@sandiego.edu](mailto:transborder@sandiego.edu).*

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