
JUSTICE IN MEXICO

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TRANS-BORDER INSTITUTE



November 2009
News Report

MONTHLY SUMMARY

Cartel-related killings in 2009 have exceeded the newspaper Reforma's year end tally for 2008 and are on track to exceed 6,000 in 2009. • In response to killing of Nuevo León's Public Security Chief, discussion of the use of unconventional methods to combat organized crime have ensued, including the insinuation by some that privately-funded groups might operate outside of the law to bring criminals to justice. • In recent weeks, 77 alleged La Familia operatives have been apprehended in the United States. • A forthcoming study highlights the infiltration of Mexican drug trafficking organizations in Nicaragua. • At a recent meeting of state public security secretaries, Genaro García Luna, Mexico's Secretary of Public Security, attempted to gain support for his plan to integrate municipal and state police departments, citing local corruption and ineffectiveness. • The Senate appointed Raúl Plascencia Villanueva as President of the National Human Rights Commission (CNDH), which drew criticism from some who expect that Plascencia's decisions will mirror those of his predecessor. • Alleging widespread inefficiency and corruption, President Felipe Calderón ordered the closure of the state-owned electricity company Luz y Fuerza del Centro (LyFC), drawing criticism and protest as the move effectively dissolved the long-standing Mexican Electricians' Syndicate (Sindicato Mexicano de Electricistas, SME).

LAW AND ORDER

CARTEL-RELATED VIOLENCE

Ejecuciones on track to surpass 6,000 for 2009

According to Reforma's "Ejecutómetro," a state-by-state running tally of *ejecuciones*, or cartel-related killings, Mexico is on track to surpass the 6,000 mark for 2009, far exceeding the total of 5,153 reported by the newspaper for 2008. Reforma's tallies track killings that bear signs of cartel involvement (such as cases involving decapitation or dismemberment, "narco-messages," the use of high-powered weaponry, as

well as official government statements regarding the involvement of organized crime). Because the newspaper does not have complete information about all cases involving organized crime that are identified by the government, the number of ejecuciones regularly tracked by Reforma tends to fall below the number sporadically reported official tallies. This suggests that government tallies for 2009 will also significantly surpass the more than 6,000 killings officially reported last year.

As of November 14, Reforma reported 5,575 *ejecuciones* nationwide in 2009, with nearly a third centered in the northern border state of Chihuahua, where the Sinaloa and Juárez cartels have been engaged in a turf battle since early last year. These figures do not include the 15 killings that occurred in Ciudad Juárez on November 15, ending the lives of a seven-year-old boy, three women, and a university professor, among others. According to official data obtained from Chihuahua's State Prosecutor's Office, Ciudad Juárez alone accounted for more than 1,400 murders in the state from January through August 2009, with roughly half of these attributed to organized crime.



<u>Cartel Related Killings</u>	
<u>State</u>	<u>As of Nov 6</u>
Aguascalientes	25
Baja California	230
BC Sur	1
Campeche	2
Coahuila	140
Colima	10
Chiapas	23
Chihuahua	1,724
Distrito Federal	154
Durango	546
Guanajuato	138
Guerrero	560
Hidalgo	34
Jalisco	176
Edomex	296
Michoacan	330
Morelos	64
Nayarit	22
Nuevo León	76
Oaxaca	6
Puebla	25
Querétaro	6
Quintana Roo	26
San Luis Potosi	7
Sinaloa	562
Sonora	94
Tabasco	49
Tamaulipas	47
Tlaxcala	3
Veracruz	55
Yucatán	0
Zacatecas	23
Total	5,454
<i>Reforma Newspaper</i>	

Elsewhere, cartel-related violence has escalated in the second half of the year in the Pacific state of Sinaloa, which now stands at 602 *ejecuciones* so far this year. The state registered 40 *ejecuciones* in the week of November 8-14 alone. In the municipality of Mocorito, Sinaloa, the bodies of seven individuals and 28 cows were discovered over a 15-hour period on November 12.

In the face of the sustained violence in Chihuahua and particularly Ciudad Juárez, Daniel Murguía, president of the Ciudad Juárez Chapter of the National Chamber of Commerce, Services and Tourism requested the presence of United Nations peacekeepers in the city. Other business groups joined Murguía in sending a request to the Mexican government and the Inter-American Human Rights Commission that the U.N. send its "Blue Helmets" to provide support to the thousands of soldiers and federal police who have thus far failed to reduce the violence since it began to escalate early last year. While characterizing the prospect of sending U.N. peacekeepers to Mexico as "unadvisable," Antonio Mazzitelli, head of the United Nations Office for Drugs and Crime, left the door open for collaboration between experts from his office and state and local officials. Fifteen people, including a 7 year-old boy, were killed in Juárez in just one day on November 14 due to cartel-related violence. By some estimates, more than 1,700 people have been killed in the city of approximately 1.5 million inhabitants.

Although Baja California has seen far fewer *ejecuciones* this year than in 2008 – at 230 as of November 6 as compared to 604 for 2008 – it continues to suffer brutal killings that capture the attention of the national press. In Tijuana on October 17, a body was discovered hanging from a bridge in the east of the city with the tongue cut out and four fingers removed and hung around the neck. It was the second killing of its type, following less than a week after the discovery of the body of a state official hanging from a bridge in another part of the city. The killing came on the same day that two Mexican soldiers were arrested in Tijuana, accused of giving protection and information to the gang operated by Teodoro "El Teo" Simental. Amidst the reduced violence and positive steps toward police reform, Baja California officials are requesting that Washington lift the travel advisory to the state. **However, this advisory has not been lifted, contrary to what was originally reported in the October edition of the Justice in Mexico Report.**

In Coahuila, where *ejecuciones* are already up nearly threefold as compared to 2008 with 140 for the year thus far, three bodies were found near a voting booth in the capital of Torreón on October 18, when voters turned out to elect mayors in 38 municipalities. The bodies, unidentified in the press, showed bullet wounds. However, no gunshots were reported in the area, leading some to suspect that the bodies were placed near the polling center as an act of intimidation by supporters of the National Action Party (Partido Acción Nacional, PAN). State Attorney General Jesús Torres Charles, though, insisted that the deaths were part of the larger context of cartel violence and not related to the elections. He pointed out that even the polling center in question functioned normally throughout the day, and that around 2,250 police officers were assigned to watch over the elections.

The southern Pacific state of Guerrero, which despite a modest downturn in *ejecuciones* in recent weeks has more than doubled its 2008 total with 562, has received a new head of its Ministerial Investigative Police (Policía Federal Ministerial, PFM) in retired Air Force Major Valentín Díaz. Prior to his new appointment, Díaz, a Veracruz native, spent a year as commander of the Ciudad Juárez Police Department's Delicias precinct. The appointment of Major Díaz comes as part of a trend of appointing retired military officials to shore up state and municipal police forces.

SOURCES:

- "Fiscal niega vinculación de ejecución en Torreón con elecciones." *Milenio* October 18, 2009.
"Registra Coahuila ejecuciones y acarreo." *Reforma* October 18, 2009.
Stevenson, Mark. "Mexico border city groups call for UN peacekeepers." *Associated Press* November 11, 2009.
Cabrera Martinez, Javier. "Siete personas y ganado fueron ejecutadas en Sinaloa." *El Universal* November 12, 2009.
Figuroa, Martha Elba. "Ofrece la ONU dar asesoría contra el crimen organizado." *El Diario* November 12, 2009.
"Ejecutómetro." *Reforma*. Accessed November 15, 2009.

Mexican cartel influence in Central America up substantially since 2007, say officials and experts

According to law enforcement officials and investigators in Nicaragua, the presence of Mexican cartels in that country is on the rise. Vilma Reyes, public relations director of Nicaragua's National Police, explained that 16 operations were launched against cells operating on behalf of Mexican cartels in 2006 and 2007, groups which she alleged are responsible for moving drugs north from Costa Rica destined for Mexico. She said that while Mexican cartels were first detected in the country in 2004, by 2007 Mexican citizens began to replace Guatemalans as the principal drug traffickers in Nicaragua.

A recent article in *Proceso* summarizes the major findings of a soon-to-be-released study by the Institute of Strategic Studies and Public Policy (IEEPP) that finds that the points through which drugs, weapons, and people are trafficked between Nicaragua and Costa Rica increased from 27 to 72 between 2007 and 2009. Roberto Orozco, co-author of the study, characterizes the one Nicaraguan municipal police force on the border with Costa Rica as incapable of patrolling and enforcing the 80 kilometer border. He explained that securing that border has not been a matter of national security for Nicaragua in the past, making for easy passage for traffickers. Cocaine seizures are also up in the country. According to Nicaragua's National Police, 15,000 kilograms of cocaine were seized in 2008, as compared to 6,000 in 2004. While the study concluded that several Mexican cartels have extended their influence into Nicaragua, it found that the Sinaloa and Gulf cartels have established the strongest presence.

The influence of the Sinaloa cartel in particular is no secret. *Forbes* Magazine included Joaquín "El Chapo" Guzmán, leader of the Sinaloa cartel, in its list of the 100 most powerful people in the world. El Chapo came in at number 41, ahead of the likes of Venezuelan President Hugo Chávez and French President Nicolas Sarkozy. Another notable Mexican included in the list was telecommunications mogul Carlos Slim, who came in at number 6. The criteria for the list are the number of people influenced by the individual; the ability of the individual to project his power beyond his immediate sphere of influence; and access to resources allowing him to exercise power.

SOURCES:

- Fonseca, Roberto. "La ruta nicaragüense de "El Chapo." *Proceso* October 18, 2009.
"Slim y El Chapo, en la lista de los más poderosos del mundo." *Proceso* November 11, 2009.

U.S.-MEXICO COOPERATION

U.S. kidnapping victim freed from Tijuana house by coordinated U.S.–Mexican effort

Due to a coordinated effort between FBI agents in San Diego and Baja California anti-kidnapping agents, a 21-year-old San Diego college student was freed from captivity in a closet of a Tijuana house several days after being kidnapped as she was returning to San Diego. The student, who has remained anonymous, was allegedly kidnapped by several individuals she met in a Tijuana nightclub who learned that she maintained residences in both Tijuana and San Diego.

The kidnapers reportedly contacted the victim's family and demanded a \$200,000 ransom for her release. Believing that she had gone missing in the United States, the victim's family contacted the FBI, who on November 6, two days after the kidnapping, arrested Eric Brando Pulido-Muzquiz, 22, a Mexican citizen, on cocaine charges. Pulido-Muzquiz later gave the FBI information they passed on to Baja California authorities that led to the arrest of two other individuals and the victim's rescue. Fermin Gomez, Baja California's deputy attorney general, said at a press conference that authorities were still searching for three other accomplices.

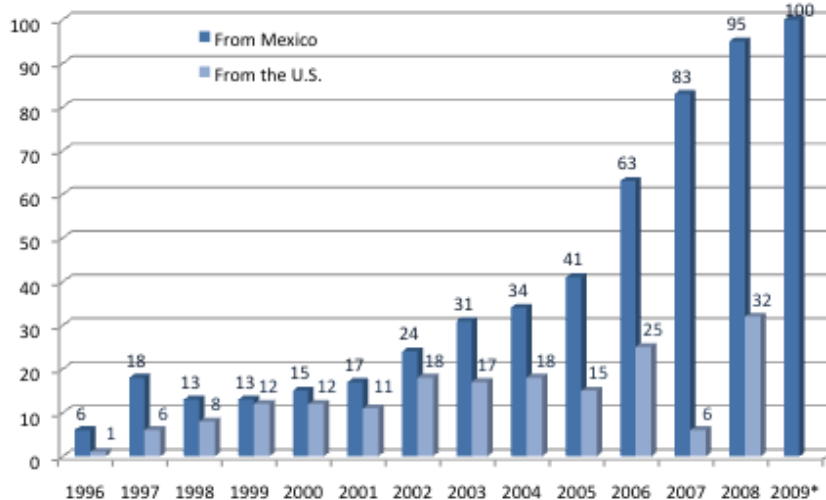
SOURCES:

Dibble, Sandra. "San Diego student rescued by Baja detectives." *San Diego Union Tribune* November 9, 2009.
Martínez, Julieta. "Policías liberan a estudiante secuestrada en Tijuana." *El Universal* November 9, 2009.

Extraditions from Mexico to United States at a record level for 2009

On October 31 the Mexican government extradited 11 of its citizens to the United States, wanted for crimes of sexual assault, murder, drug trafficking, and money laundering. With these extraditions, the total number of extraditions from Mexico to the United States has reached 100 for 2009, setting a new record. In 2008, such extraditions reached 95. The 11 suspects handed over in October will face trial in the District of Columbia, Florida, Texas, California, and Maryland.

International Extraditions between Mexico and the United States, 1980-2009*



* Data for 2009 through November 1 only. The project does not yet have data on 2009 extraditions to Mexico. Sources: Embassy of Mexico Fact Sheet, "Rounding Up Fugitives," May 12, 2004; "U.S. and Mexico Team Up to Arrest Mexican Fugitive from Justice (2004-2005); Matthew T. Hall, "Gonzales lauds Mexico's extradition of 15 to U.S.," *The San Diego Union Tribune*, January 21, 2007; email inquiry to U.S. Embassy in February 2007; and press release by Ambassador Tony Garza on December 31, 2008. Data for first 10 months of 2009 reported in "Mexico-US hold extradition talks." *BBC News* November 2, 2009.

U.S. Attorney General Eric Holder characterized the extraditions as a sign of the strong relationship between the United States and Mexico, pointing out that extraditions have risen every year since 2001. He added that "by ensuring that alleged criminals are held accountable, we send a strong message that fleeing across the border does not mean you will escape justice." The U.S. justice system is widely seen to

impose stiffer penalties, particularly for drug traffickers, who are also less likely to escape or continue to operate within U.S. prisons.

The day following the announcement of the extraditions, Mexico Attorney General Arturo Chávez met with Attorney General Holder in Washington to discuss further cooperation in extraditing suspected criminals to the United States. Holder said that the talks would focus on finding additional ways that the two countries can cooperate to ensure that suspected criminals, particularly alleged leaders and associates of drug cartels, are brought to justice.

in 1978, the United States and Mexico signed their current extradition treaty, which forbids the exchange of suspects where U.S. prosecutors seek the death penalty, which does not exist for civilian trials in Mexico. From 2001-2005, there were tensions over a Mexican Supreme Court decision that prohibited the extradition of suspects facing life imprisonment, though the court later reversed this decision.

In recent years, the increased number of extraditions from Mexico to the United States has been seen as an important indicator of progress in bi-national security cooperation, and a means of reducing the impunity of organized crime groups that have sometimes continued their activities from within Mexican prisons. Extraditions are solicited through the federal attorneys general of each country, and processed through the secretaries of foreign relations.

SOURCES:

"Mexico extradites record 100 for sex, drugs trials in US." *AFP* November 1, 2009.

"Mexico-US hold extradition talks." *BBC News* November 2, 2009.

"Extradita México a EU a otros 11 delincuentes; van 100 este año." *La Crónica de Hoy* November 2, 2009.

U.S.-SIDE ENFORCEMENT

U.S. justice department yields to states on medical marijuana use

Bringing to rest years of tension between the federal and some state governments regarding the prosecution of growers, distributors, and users of marijuana for medicinal purposes, the U.S. Justice Department announced in October that it would no longer pursue such individuals and businesses operating within the parameters of state law in the 14 states that currently allow such activity.

The Obama Administration announced that the measure is meant to clarify that the government's focus in its campaign against the illicit trafficking and use of drugs will not be on those who use or distribute marijuana for medical purposes protected under state law, even though such activities still violate federal law. U.S. Attorney General Eric Holder emphasized that even those operating within state law will be considered drug traffickers if they are found to be in possession of illegal firearms, if they are caught selling marijuana to minors, or if they are found to be engaging in illicit activities with proceeds from their sales, such as engaging in money laundering or possessing excessive amounts of cash. Individuals will also face prosecution if found to be in possession of more than the maximum quantity of marijuana permitted by state law or having connections with criminal organizations.

The announcement of the new policy, a stark departure from the Bush Administration policy of enforcing federal marijuana laws regardless of state law, came as welcome news to users of marijuana and proponents of relaxed marijuana laws, and was predictably met with opposition from many of the Administration's more conservative opponents. However, an editorial in the *National Review* characterizes the move as "lukewarm." While the editors recognized the value of even a small step toward redefining drug policy in the United States, they downplayed the viability of doing so on medicinal grounds, citing the lack of evidence of far-reaching medicinal benefits of the drug and pointing out that the vast majority of marijuana users in the United States do so outside of both state and federal law. Attempting to redefine national drug policy on such grounds, they say, is sidestepping a much-needed, broader debate as to the effectiveness and cost of a prohibition-based marijuana policy.

Nonetheless, some experts say that the move could lead to a trend of liberalization by local and state governments, which they say often follow the federal government's lead on such issues. Moreover, the

current budget crisis has made de-prioritizing marijuana possession an attractive proposition for cash-strapped states and municipalities, and some state lawmakers are beginning to consider the possible tax revenues resulting from legalization. Indeed, one such proposal reached the floor of California's congress for the first time in late October.

SOURCES:

Esquivel, J. Jesús. "Obama restringe venta de marihuana para fines médicos." *Proceso* October 19, 2009.
"The National Review: A Case of Token Federalism." *National Public Radio* October 21, 2009.
Johnson, Kirk. "States Pressed Into New Role on Medical Marijuana." *New York Times* October 26, 2009.

U.S. officials round up 77 suspected La Familia affiliates

U.S. Attorney General Eric Holder announced the October 21 arrest of 77 individuals suspected of having ties to the Michoacán-based La Familia drug cartel. The arrests came as part of "Project Coronado," a 44-month effort to disrupt La Familia's operations in the United States, which has led to the arrests of 1,186 people, the seizure of more than \$32 million in U.S. currency, more than 2,700 pounds of methamphetamine, almost 2,000 kilograms of cocaine, around 16,000 pounds of marijuana, and 29 pounds of heroin. La Familia, which Holder characterized as the newest and most violent of Mexico's major drug cartels, had its beginnings several years ago as a Michoacán-based vigilante group aimed at fighting the influence of drug traffickers in the state, but quickly evolved into a drug trafficking organization itself.

SOURCE:

Robbins, Liz and James C. McKinley Jr. "U.S. Arrests Hundreds in Raids on Drug Cartel." *New York Times* October 22, 2009.

POLICE REFORM

Secretaries of Public Security convene to elaborate national strategies

Mexico's Secretary of Public Security Genaro García Luna met with state public security secretaries in late October during the second annual Conference of Public Security Secretaries to discuss national strategies for combating organized crime. The secretaries agreed to enhance information sharing between police agencies as part of Platform Mexico, and to crack down on *giros negros*, adult entertainment establishments linked to organized crime. García Luna blames *giros negros* for contributing to rising addiction rates nationwide.

García Luna announced that beginning November 9 the Federal Police, along with state and municipal police departments would engage in coordinated efforts against *giros negros*, described as night clubs, cabarets, dive bars, and other such establishments that have been linked to organized criminal activity. Administrative officials will join these efforts by ensuring that these establishments operate within the parameters of the law.

It was also announced at the conference that, as of November 3, state police agencies would have access to the Public Security Secretariat's (Secretaría de Seguridad Pública, SSP) databases for kidnapping and extortion, and that within the following weeks they would be able to access databases in the SSP's entire Criminal Information System. The enhanced information sharing between federal and state police agencies comes as part of Platform Mexico, a component of the larger National Strategy of the Prevention of Crimes and Combating Delinquency (Estrategía Nacional de Prevención del Delito y Combate a la Delincuencia).

García Luna also used the conference as a platform to gain support for his plan to integrating the nation's 2,022 municipal police agencies into the 32 state corporations. Arguing that the municipal police forces have been "exceeded" by the power and sophistication of the drug cartels, García Luna said that dissolving the municipal forces would facilitate operative coordination, control of police performance, evaluation of results, and information sharing. He presented data from a study of the nation's municipal police forces which revealed that 70% of municipal police officers have below an eighth-grade education, more than 50% are above 35 years of age, and 61% receive 4,000 pesos or less per month, making them easy targets for corruption.

While they agree with García Luna's assessment of municipal police departments as the "weakest link" in the government's fight against organized crime, investigators and public security experts at the National Autonomous University of Mexico (Universidad Nacional Autónoma de México, UNAM), the National Institute of Penal Sciences Institute (Instituto Nacional de Ciencias Penales, INACIPE), the Institute for Security and Democracy (Instituto para la Seguridad y la Democracia, Insyde), the Center of Investigations and Superior Studies in Social Anthropology (Centro de Investigaciones y Estudios Superiores en Antropología Social, CIESAS) and the organization Mexico Evaluates (México Evalúa) rejected his proposal of dissolving the local agencies. Emphasizing that municipal police are a crucial link between the state and the Mexican public, experts say that the crisis that local police forces are currently facing is due to neglect, and should be addressed by generating indicators and elaborating a diagnostic for each municipal corporation, making more transparent their organizational mechanisms, adopting universal evaluation processes, standardizing professional programs for officers, raising salaries and benefits for officers, and supplying them with better equipment, among other measures.

Experts also signaled the Subsidy for Public Security in the Municipalities (Subsidio para la Seguridad Pública Municipal, Subsemun) as a measure that has not lived up to its expectations. Subsemun is a program established in 2008 and operated by the SSP under which 150 troubled municipalities were designated to receive funds to improve public security under the direct supervision of the SSP. Municipal police forces would engage in coordinated operations, receive training, and participate in information sharing under Platform Mexico. The Chamber of Deputies is currently preparing a review of Subsemun, which thus far has reportedly not utilized between 60% and 78% of the funds allocated by Congress. No public explanation has yet been offered for the under-spending. Despite the relative neglect that municipal police departments have received in the face of increasing challenges, an investigator from INACIPE emphasized that some departments have made notable improvements due to new hiring and improved compensation, and that the dissolution of municipal police departments would put at risk the advancements that are currently underway.

Carlos Mendoza of UNAM expressed concern over the risk of providing training and equipment to poorly prepared and monitored corporations that leads to unmeasured growth. However, he emphasized that, with the proper implementation of the National Public Security Plan for regulating and professionalizing police forces as opposed to disappearing them, this could be remedied. He warned against García Luna's plan, noting that it would go against the recent trend of municipal autonomy.

All of the investigators agreed that before any major steps are taken regarding widespread municipal police reform, there must be a national debate that reexamines the role of local police in the society and that addresses the culture of mistrust and contempt for municipal police and the resulting low morale among officers and lack of interest among possible recruits.

SOURCES:

- Gómez, Francisco. "El eslabón más débil de la ley." *El Universal* October 27, 2009.
Gómez, Francisco. "Entidades se alían en guerra al crimen." *El Universal* October 31, 2009.
León Zaragoza, Gabriel. "García Luna: rebasada, la policía municipal." *La Jornada* October 31, 2009.
"Combatirán los 'giros negros.'" *Diario de Yucatán* October 31, 2009.

TRANSPARENCY & ACCOUNTABILITY

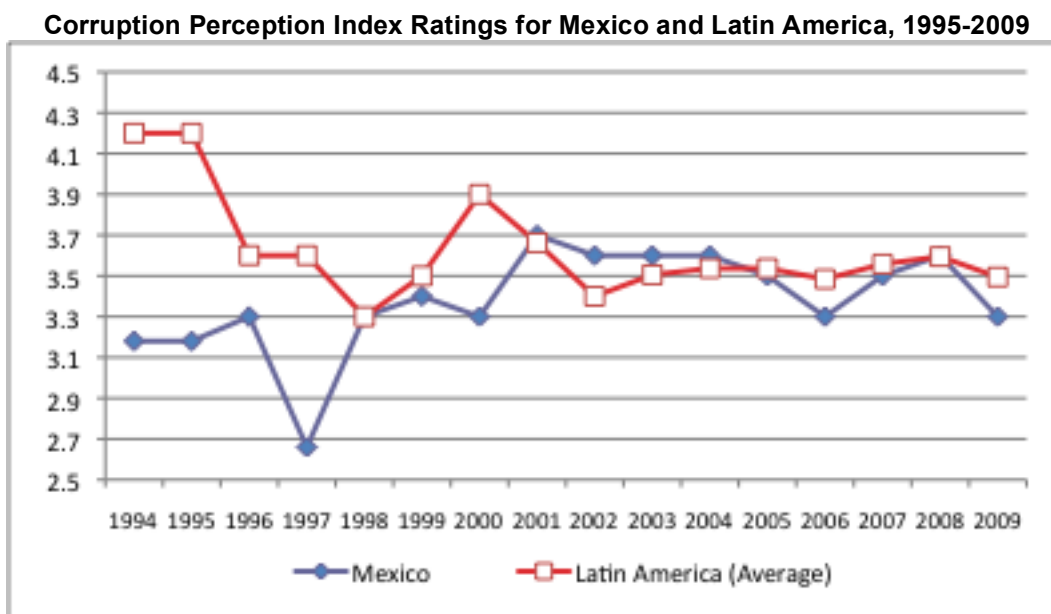
CORRUPTION

Mexico's Corruption Perception Index rating falls

Mexico slipped 17 places on Transparency International's Corruption Perception Index (CPI), and now shares the rank of 89th along with Malawi, Lesotho, Morocco, and Moldova. The CPI is a rating established

through the application of up to 13 independent surveys that seek to determine the level of public sector corruption perceived in a given country or territory.

On an index ranging from 0 (high corruption) to ten (low corruption), Mexico's score dropped from its 2008 rank of 72nd worldwide with a score of 3.6 to a score of 3.3 in 2009, the same rating it received in 2006. If a country has a score below 3, it is considered to have "rampant corruption." The seven surveys applied in Mexico had a margin of error of 3.2-3.5%, meaning that there is a 90% confidence level that the actual score is within 3.2-3.5% of the score reported by the survey. Hence, even calculating for survey sampling errors, corruption in Mexico does not appear to reach the degree required that Transparency International would classify as "rampant."



Source: Transparency International, Corruption Perception Index. The average figure for Latin America includes Mexico, Belize, Brazil, and all Spanish-speaking countries in Central and South America.

The drop in Mexico's rating followed a slightly more moderate downward trend throughout Latin America, where only Guatemala experienced a significant increase in its CPI score (from 3.1 in 2008 to 3.4). The fact that Mexico scored lower than its southern neighbor led *El Universal's* "Campos Eliseos" columnist Katia D'Artigues to observe that next to Guatemala, Mexico is "guatepeor."

According to the report's highlights of Latin America, the increased perception of in Brazil, Peru, Colombia, and Mexico was attributed to "scandals involving impunity, kickbacks, political corruption and state capture." The same section of the report further notes that Latin America's "weak institutions, poor governance practices and the excessive influence of private interests continue to undermine best efforts to promote equitable and sustainable development." Furthermore, the report mentions to restrictive environment in which journalists operate as a factor undermining transparency in the region.

With the shared rank of 25th and the same score (6.7), Chile and Uruguay were the highest ranked countries in Latin America; Haiti, the region's poorest country, also had the lowest score (1.8) and ranking 168th). Among the countries worldwide to be perceived with the highest rates of corruption were Somalia (ranked last at 180th), Afghanistan (179th), Myanmar (178th), and Iraq and Sudan (tied for 176th place).

SOURCE:

"Corruption Perception Index 2009—Regional Highlights: Americas," *Transparency International*. www.transparency.org accessed November 17, 2009.

"México, de los más corruptos," *El Universal*. November 18, 2009.

D'Artigues, Katia. "PRImero el presupuesto, De Guatemala a 'guatepeor'," *El Universal*. November 18, 2009.

Alleged corruption in local police forces leads to arrests, tensions with military

Amador Medina Flores and Alejandro Esparza Contreras, the former secretaries of public security for the industrial city of Monterrey, Nuevo León, were arrested on November 18 along with four active duty and six inactive police officers due to what Governor Rodrigo Medina de la Cruz alleged were links to organized crime.

The arrests were through an operation conducted in 12 municipalities by 100 military personnel (SEDENA), the federal government's Assistant Attorney General for Special Investigations on Organized Crime (SIEDO), and 80 agents of the State Investigative Agency with arrest warrants from a federal judge. Both Medina and Esparza had been arrested on June 2, but were let go within 24 hours because of a lack of incriminating evidence. That week there were 29 arrests of police in the municipalities of Apodaca, Escobedo, Guadalupe, Monterrey, Santa Catarina, Santiago, and San Nicolás.

Among those reportedly arrested in November were Federico Baldemar Treviño Rayas (inactive), Raúl Camacho Vigil (inactive), Guadalupe Cruz Ramírez (inactive), Armandina Mendoza Gómez (active duty), Noé Manuel Blanco (inactive), Mario Martínez Luévano (active duty), Eduardo Alejandro Morales Ocañas (inactive), Érick Iván Moreno Suárez (inactive), Rafael Domínguez Sifuentes (active duty), and José María Oyervidez Martínez (active duty).

These arrests followed weeks of tension over the killing of Brigadier General Juan Arturo Esparza, a local public security chief in the nearby municipality of San Pedro Garza García on November 4 (see below under "Accountability"). Esparza's killing was allegedly a result of an assault by the Zetas, a renegade elite military drug trafficking outfit, and came just days after the newly inaugurated mayor of that city declared a full frontal assault on organized crime groups. (See additional details under the "Accountability" section).

Meanwhile, earlier this month, the Associated Press reported that the problem of local corruption has led to tensions with the military. Since 2008, the report found, local police and the Mexican military have had more than 65 confrontations as a result of tensions and distrust between the two groups, though only two of these incidents were reported publicly.

The incidents between soldiers (who are frequently sent to areas troubled by drug trafficking) and local police have ranged from soldiers confronting police they suspected were following them as spies for the drug groups, to actual gun battles. Indeed, prior to his assassination, Esparza had evidently indicated to his soldiers that they could open fire on hostile police forces.

SOURCE:

Rodriguez, Olga and Watson, Julie. "Soldiers wary of often corrupt Mexican police." *The Washington Post* via *Associated Press* November 9, 2009.

Tapia, Jonathan. "NL: arrestan a jefes policiacos por narco," *El Universal*. November 19, 2009.

Former Police Chief in Tultitlán faces corruption investigation

Authorities in the state of Mexico are conducting an investigation into whether the former Director of Public Security in Tultitlán, Mexico, José Luis Medina Hernández, was involved in robberies and the solicitation of bribes.

Medina was arrested on November 5, along with police officer Eduardo Luis Rebolleda Torales. Medina is suspected of involvement in acts of extortion with a car ring in Tultitlán. *El Universal* reported that a group of officers were using their days off to earn extra money through extortions. Mexican authorities are searching for eight additional Tultitlán officers, now missing, who are suspected of also participating in robberies and other illegal activities. In addition, Medina faces accusations regarding abuse of authority from two municipal police officers who alleged that Medina pressured them to hand over money.

Medina's defense attorneys alleged that he is being framed by others who resent his efforts to combat organized crime groups. His attorneys and family members also plan to meet with the Mexico State Rights

Commission (Comision de Derechos Humanos del Estado de México, CODHEM) regarding his post-arrest treatment.

In a separate incident, the mayor of Tlalnepantla de Baz, Mexico, Arturo Ugalde, confirmed that over the course of approximately two months his administration has fired or removed 220 police officers suspected of being involved in corrupt activities from the community's force of 1,200.

SOURCES:

- Barrera, Juan Manuel. "Jefe policiaco de Tultitlán robaba en días de descanso." *El Universal* November 6, 2009.
Huerta, Christina. "Caso de jefe policiaco de Tultitlán, a la DCHEM." *La Cronica de Hoy* November 10, 2009.
Jimenez, Hugo. "Dan de Baja a 220 policias corruptos en Tlalnepantla." *El Sol de Mexico* November 10, 2009.
Jimenez, Hugo. "Buscan a 8 policias de Tultitlán." *El Sol de Mexico* November 11, 2009.
Rivera, Alicia. "Investigan por corrupcion al jefe de la policia de Tultitlán." *Milenio* November 6, 2009.

Study finds that 93.6 percent of state, municipal police depend on corruption to make ends meet

The salary earned by many law enforcement officials in Mexico is not enough to cover basic living expenses, according to a study of police salaries in Mexico.

The study, by the National Conference of Secretaries of Public Security, identified corruption as one way that officers are supplementing their incomes. According to the study, 93.6 percent of state and local police officers would not be able to make ends meet without engaging in acts of corruption, such as collecting bribes and being involved with organized crime. The Conference conducted an economic analysis of state and local police forces, which comprise 91.6 percent of the country's law enforcement groups. The study compared average salaries of police forces to the cost of living in each Mexican state.

According to the study, only three states paid state and local officers more than the basic minimum: Baja California, Sinaloa and Tamaulipas. In Veracruz, the police earn an average of 3,154 pesos per month although they should earn 7,509 pesos in order to cover basic living expenses. In Campeche, the average monthly salary for officers is 5,866 although basic living costs there require a salary of at least 9,868 pesos.

In order for law enforcement officials to earn a basic monthly salary of 10,000 pesos, the study concluded that the government would need to invest an additional 1.3 billion pesos to make up for the difference. In Mexico City alone, where officers earn an average of 8,000 pesos a month, the Secretary of Public Security would need to set aside an additional 338 million pesos per year, according to the study.

SOURCE:

- Blancas, Daniel. "Sin corrupcion no subsistiria el 93.6% de policies estatales y municipals, revela estudio de la Conferencia Nacional de Secretarios de Seguridad Publica." *La Cronica de Hoy* November 1, 2009.

Government closes union after allegations of corruption and misuse of funds

In what is viewed as a strong blow to powerful unions, Mexican President Felipe Calderón ordered the closure of the state-owned electricity company Luz y Fuerza del Centro (LyFC) in recent weeks, due to widespread inefficiency and corruption.

In October, hundreds of federal police occupied LyFC headquarters, which provided electricity for more than 20 million users in Mexico City and outlying areas. The company employed 66,000 workers, and the closure prompted threats of protests and marches. The move was a decisive one against the power of long-standing unions, which have prevented the privatization of many state-owned enterprises despite inefficient practices. In the case of LyFC, the union in power was the Mexican Electricians' Syndicate (Sindicato Mexicano de Electricistas, SME).

Protests against the government's actions and in support of the union took place in Chiapas, Michoacán and four other states. The largest demonstration was in Tuxtla Gutiérrez, Chiapas which drew a crowd of 15,000 protestors.

LyFC had fallen into debt despite charging users high prices and offering poor services, according to an

article in *La Vanguardia*. According to anthropologist Roger Bartra, the union “sold” jobs in exchange for money, which is a common practice in other unions in Mexico. According to Bartra, the money would then be turned over to high-ranking union chiefs.

Government officials said the company had registered steep financial losses while undergoing a disproportionate expansion of its work force. Estimates placed the ratio of workers to energy consumers at 1 to 291 in comparison with the ration of 1 to 627 for most federal workers.

The company is not being privatized. Instead, it will be overseen by the Federal Electricity Commission (Comisión Federal de la Electricidad), another state-run company that provides energy service in other parts of the country. The union structures have traditionally been aligned with the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) and the Democratic Revolution Party (Partido de la Revolución Democrática, PRD). Mexico’s current governing party is the National Action Party (Partido Acción Nacional, PAN).

SOURCES:

Ibarz, Joaquim. “Felipe Calderón afronta el reto de la ineficiencia y la corrupcion.” *La Vanguardia* October 12, 2009.
“Movilizaciones en seis estados en apoyo al Sindicato Mexicano de Electricistas.” *La Jornada* October 13, 2009.

TRANSPARENCY

Mexican Attorney General’s Office continues to challenge IFAI findings

The Mexican Attorney General’s Office is challenging 19 cases in which the Federal Institute for Access to Information (Instituto Federal de Acceso a la Información Pública, IFAI) determined that the agency must turn over documents requested by the public. The IFAI considers the documents to be public according to the Transparency Law passed under President Vicente Fox.

Jacqueline Peschard, President of the IFAI, said that by law the Institute should be the agency which has the final say in the matter. However, the Mexican Attorney General’s Office challenge is an apparent attempt to weaken the IFAI’s power. Peschard said that this is just one example of resistance to efforts aimed at creating a more transparent culture in Mexico.

Other state government agencies have taken similar measures to weaken the IFAI’s determinations. For example, in Campeche the legislature reformed the state’s transparency law to create a tribunal that reviews the resolutions of the Institute. Peschard also noted that the reform to Article 16 in the Federal Code of Penal Processes also prevents the possibility to access certain investigation-related documents once the preliminary investigation phase has been concluded. “The important gains that have been reached have started to provoke resistance, rejection and even regressive efforts,” Peschard told *Reforma*.

Some have resisted these attempts to keep documents sealed. For example, the President of the Supreme Court, Guillermo Ortiz Mayagoitia, clarified that the IFAI’s resolutions cannot be challenged through a court order called an *amparo*.

SOURCES:

Gonzalez, Martha. “Renueve la PGR a entregar informacion, denuncia el IFAI.” *El Sol de Mexico* November 3, 2009.
Morales, Alberto. “IFAI percibe Resistencia a dar cuentas.” *El Universal* October 28, 2009.
“Gobiernos rechazan transparencia: IFAI.” *Agencia Reforma* October 28, 2009.

Newly appointed commissioners to IFAI vow to operate with transparency

Newly-appointed commissioners with the Federal Institute for Access to Public Information (Instituto Federal de Acceso a la Información Pública, IFAI)—Wanda Sigrid Arz Colunga and María Elena Pérez-Jaén Zermelo—addressed concerns over whether they would be able to provide impartial decisions in certain cases involving government policy. Both were nominated to their posts by President Felipe Calderón and approved by the Senate in October.

Arzt, Calderón's former-National Security Advisor, is a frequent collaborator with the Justice in Mexico Project. On November 14, she spoke at a conference hosted at Columbia University, co-sponsored by the university's Institute of Latin American Studies and the University of San Diego's Trans-Border Institute. Arzt indicated that —like other IFAI counselors— she would work broadly to address a wide range of transparency matters, though given her expertise she would take a special interest in issues related to Mexico's justice sector.

In an interview with *Proceso*, Arzt also responded to concerns that her ties to the Calderón Administration might undermine her impartiality. Arzt stated that she would be vigilant about maintaining neutrality in matters regarding the Council of National Security and the Office of the President. She said that, if necessary, she would seek counsel from IFAI colleagues regarding whether she should excuse herself from voting on certain cases.

During her interview with *Proceso*, Arzt was also asked about her position on preliminary investigations (averiguaciones previas). The IFAI criticized a recent government reform to make preliminary investigation documents off limits to public review, calling it a "serious step backward." When asked about this, Arzt said that as a member of the IFAI she would second the position of her IFAI colleagues.

Meanwhile, Pérez-Jaén, who formerly served as a commissioner with the Mexico City Institute for Access to Public Information (Instituto de Acceso a la Información Pública de Distrito Federal, InfoDF) was criticized for allegedly being too politically compromised due to her associations with Elba Esther Gordillo and the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI).

Perez Jaen-Zermeno told *Proceso* that Esther Gordillo is just one of many people she has talked to throughout the course of her career. Perez Jaen-Zermeno added that some of the criticisms stem from people who opposed her decisions as an IFAI commissioner in the Federal District during the administration of Andrés Manuel López Obrador of the Democratic Revolution Party (Partido de la Revolución Democrática, PRD).

SOURCES:

Becerril, Andrea and Ballinas, Victor. "Valida el Senada a Pérez-Jaén y a Arzt colunga como comisionadas del IFAI." *La Jornada* October 21, 2009.
Lizarraga, Daniel. "IFAI: Las Opacas." *Proceso* November 12, 2009.

Metro project in Mexico City comes under additional scrutiny from IFAI

The Mexico City Institute for Access to Public Information (Instituto de Acceso a la Información Pública de Distrito Federal, InfoDF) has ordered the Secretary of Public Works and Services to make public an analysis about the cement process required to construct a Metro line called Linea 12.

The majority of citizen commissioners ruled in favor of the information being made public and determined that the information did not pose a threat to national security, as had been argued. Commissioner Areli Cano Guadiana said the actual study does not include private or confidential information that would be harmful to the project.

This is the latest of a number of attempts to obtain information on the project through public information channels. Last November, InfoDF ruled that the transportation group should provide a map which shows the planned metro line's exact location, including information on streets and land areas that would be expropriated.

SOURCES:

Grajeda, Ella. "Exige Info-DF detalles de ruta de Linea 12 del Metro." *El Universal* November 26, 2008.
"Ordena InfoDF transparentar construccion de inea 12." *Milenio* November 3, 2009.

Mexico slips in budget transparency ranking

Despite government efforts to promote transparency in Mexico, the country reached its lowest ranking since 2001 in the most recent Latin American Index of Budget Transparency.

The country scored 48 of a possible 100 points, ranking Mexico 5th in the region, tied with Argentina. Twelve countries were evaluated through the index. Costa Rica, with 69 points, was the only country to score a “passing” grade in the evaluation, which is done every two years. In 2005, Mexico was awarded 53.7 points, but the country has been slipping in the rankings since then.

Of particular concern in this most recent analysis was the lack of citizen participation in the budgetary process. This indicates that the government has not provided mechanisms to incorporate public opinion into the formulation of budgets, according to *El Sol de Mexico*. Mexico also scored poorly in public perception of how well the government budget is managed internally. The findings suggest that Mexico’s budgetary system lacks coordination and that there is no clear delineation of state and federal responsibilities in the budgetary process.

In this most recent study, organization representatives and experts were surveyed in each of the countries. In the case of Mexico, only about half of the people contacted actually completed the survey. José Maria Marin, a researcher with Fundar, Center for Analysis and Research (Fundar, Centro de Análisis e Investigación), said that the results may have been affected by the current budget crises and the government’s response to it.

The study recommends that Mexico’s government publicize more clearly the criteria behind the assignment of budgetary funds. The study also suggests that Mexico make more budget information available for public scrutiny and establish a mechanism for public opinion to be taken into account during budget development.

SOURCES:

- Duarte, Enrique. “Mexico empeora en transparencia: Fundar.” *CNN Expansion* November 10, 2009.
Elva, Martha. “Repueba Mexico en transparencia presupuestal.” *El Sol de Mexico* November 11, 2009.
Estela, Blanca. “Repueba Mexico en transparencia presupuestaria y en financiamiento de la banca de desarrollo a empresas.” *La Cronica de Hoy* November 11, 2009.
Morales, Alberto. “Mexico empeora en transparencia de gasto.” *El Universal* November 11, 2009.

Philanthropy Center recognizes transparent foundations

As part of a project to encourage greater transparency among Foundations, The Mexican Center for Philanthropy accredited 42 foundations across the country for creating open, transparent funding and organizational structures.

The groups included a range of organizations that provide social service outreach for children, cancer victims, and even pets. The accreditation process included ten factors used to grade the transparency and accountability of foundations. Factors assessed were the clarity of the mission, vision and objectives of the organizations. The elaboration of an annual summary of activities and financial records were also considered. The Mexican Center for Philanthropy also evaluated whether the foundations had a director’s council comprised of members separate from the foundation’s professional team, whether the organization utilized volunteers and if the organization had more than three different sources of funds.

The aim of the accreditation process is to provide greater confidence in foundations by providing standards of transparency and accountability.

SOURCES:

- “Reconoce el Cemefi transparencia en donativos del Dr. Simi.” *El Sol de Mexico* October 31, 2009.
“Cemefi entrego acreditaciones de Institucionalidad y Transparencia” CEMEFI November 11, 2009.

Money laundering investigations meant to guarantee transparency

During the administration of Mexican President Felipe Calderón, the branch of the Mexican Attorney General’s Office that investigates organized crime has reportedly confiscated about \$11.4 million in cash and frozen 98 bank accounts that held funds worth more than \$19 million.

These actions demonstrate that Mexico has an effective and transparent system to detect unusual money movement, according to Marisela Morales Ibáñez of the Office of the Assistant Attorney General for

Special Investigations and Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO).

Morales shared the figures in October during an international seminar about money laundering and funding terrorism. She also noted that during the current presidential administration about 700 cases of suspected money laundering have been opened, resulting in the detention of more than 370 people suspected of having links to money laundering activities.

SOURCE:

"Tiene Mexico sistemas adecuados para detectar lavado de dinero: PGR." *El Financiero* October 2, 2009.

ACCOUNTABILITY

Killing of police chief in Garcia raises concerns over accountability as authorities vow to retaliate

The killing of the Public Security Chief of a Nuevo León town has prompted talk of using unconventional methods to combat organized crime even as local authorities were reminded of the need to operate under the parameters of the law.

General Brigadier Juan Arturo Esparza García was gunned down November 4 in the municipality of Garcia, Nuevo León, less than 24 hours after he took office as head of public security there. In response, the mayor announced that he is creating a special intelligence force to combat organized crime, and insinuated that the privately funded group would not be constrained by the law.

"I am going to fix the problem, you can call that whatever you want," Mauricio Fernández Garza told *El Universal*. Fernando Gómez-Mont, the secretary of governance in Nuevo León, responded by saying that authorities must not take the law into their own hands and must hold themselves accountable to law and order.

"Force exercised outside the parameters of law and order is simply illegal, and whoever uses this under whatever pretexts is converted immediately into a criminal," he said to *El Universal*. "Let us be clear: The Mexican state, throughout its different levels cannot act above the law...whoever does this, creating harm against others, is a criminal and we cannot accept that criminality is attacked with criminal behavior."

Manlio Fabio Beltrones, coordinator of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) in the Mexican senate, was also blunt, cautioning governors to avoid establishing death squads to attack crime.

Mexico faces continuing challenges in its efforts against organized crime groups. The country has registered thousands of killings linked to drug trafficking. In April, an army colonel who had taken over the local police force in Piedras Negras, Coahuila was killed shortly after taking office.

Human rights leaders have expressed their concern that frustration over the inability to control crime is resulting in illegal activities that may be linked to authorities. In one troubling development, a group called the Citizens Commando for Juarez proclaimed their existence through local media earlier this year as a force standing for justice; they vowed to kill a criminal every 24 hours. *Proceso* has also published information alleging that armed groups operating in Tijuana, Baja California and Mexico City have been targeting suspected criminals. It is unclear whether or not the groups are linked to the government, though such ties are alleged.

Mexican authorities suspect that Esparza was killed by members of the Zetas, a group of former Mexican Army elite forces who initially aligned with Mexico's Gulf Cartel but who have operated more independently in recent years. However, suspects arrested following the attack also included members of the city's own police force.

SOURCES:

Garcia, Carolina. "Ojo por ojo: Comandos blancos o escuadrones de la muerte?" *El Universal* November 4, 2009.

Tapia, Jonathan. "Gobernador de NL pide a alcaldes a sacar la casta." *El Universal* November 6, 2009.

Tapia, Jonathan. "Al que agarremos le va a ir como en feria." *El Universal* November 6, 2009.

Mexico City considering greater oversight of city projects to improve accountability

A Mexico City commission has vowed to push for legal reforms aimed at strengthening the oversight of city projects through greater accountability and transparency. Among the areas of focus are closer scrutiny of public accounts and steps to prevent financial irregularities.

The call to action from the Surveillance Commission Accounting Office of Finance of the Assembly (Comisión de Vigilancia de la Contaduría Mayor de Hacienda de la Asamblea) came as Mexico City General Controller Ricardo García Sáinz brought attention to problems in Mexico City's government structure that allow for "commissions" to be paid in exchange for preferable treatment in cases involving traffic tickets and the distribution of licenses and permits.

PAN Congresswoman Lia Limón said that fiscal policies will be updated with changes that are based on international standards of budgetary transparency.

The government is attempting to encourage more residents to report improper uses of public funds as well. García Sáinz told *El Universal* that many people do not denounce improper government activities even though the government has created tools, such as a special telephone line, to make it easier for people to report discrepancies or improper use of public funds.

SOURCE:

Martinez, Edith. "Corrupcion es un reto: contralor." *El Universal* October 30, 2009.

ACCESS TO JUSTICE

VIOLENCE AGAINST JOURNALISTS

Crime reporter killed in Durango

The Inter-American Commission on Human Rights (Comisión Interamericana de Derechos Humanos, CIDH) condemned the assassination of Durango journalist José Bladimir Antuna García, writer for the newspaper *Tiempo de Durango*. The Commission called on Mexican authorities to protect journalists and combat impunity in the swath of recent journalist deaths. Antuna García, who reported on corruption and organized crime, was kidnapped and murdered on November 2 in Durango. His killing was apparently a direct reprisal for his work as a crime reporter; a witness to the scene reported seeing a note with the body reading "This happened to me for passing information to the soldiers and for writing more than was necessary."

After the May 2009 killing of *La Opinión* reporter Eliseo Barrón, Antuna García reported to the Federal Attorney General's Office that he had received at least three death threats on his cell phone and in the editorials section of *El Tiempo* from presumed members of the Zetas for conducting investigations on corruption and organized crime. Moreover, his house was attacked by gunmen in April of this year. In a statement, the CIDH urged the Mexican government to "implement adequate mechanisms to protect journalists at risk in the entire territory" and to adopt "effective measures to combat impunity for crimes."

Among other measures, it urged a strengthening of the Special Attorney for the Attention of Crimes Committed against Journalists (Fiscal Especial para la Atención de Delitos Cometidos contra Periodistas), the federalization of crimes against journalists and the implementation of permanent mechanisms of specialized protection. The organization's Committee to Protect Journalists, Reporters Without Borders and Article 19 have joined in demanding that the Mexican government do more to protect journalists, particularly in cases such as Antuna García's, in which journalists have received direct threats.

Antuna García's death marks at least the ninth killing of a journalist in Mexico this year in connection with their work. In Durango alone, three journalists have been killed in 2009, including Antuna García, Eliseo Barrón, and Carlos Ortega, who was killed May 3 and also worked for *El Tiempo*. Despite the continued attacks against journalists in Mexico, a reform that would make federal all crimes against the freedom of speech remains stalled in Congress.

SOURCES:

Maldonado, Saúl. "Asesinan a un periodista en Durango por 'dar información a los militares.'" *La Jornada* November 2, 2009.
"La CIDH condena asesinato de periodista en México y exige una investigación." *La Jornada* November 4, 2009.
Otero, Silvia. "Reporteros exigen frenar atentados." *El Universal* November 5, 2009.

Oaxaca court rules new evidence inadmissible in case against man accused of 2006 shooting of photojournalist Brad Will

A Mexican federal judge ruled as inadmissible new evidence presented by the Federal Attorney General's Office (Procuraduría General de la República, PGR) against Juan Manuel Martínez Moreno, arrested in 2008 in connection with the shooting death of American video journalist Brad Will. A hearing scheduled for November 19 will determine if Martínez will remain in prison or be allowed to go free, as his lawyers have requested. Early reports from various Mexican dailies, including *Milenio* and *El Universal* initially reported that the judge had ordered Martínez's release, but were later recanted.

Martínez Moreno is a sympathizer of the Popular Assembly of Oaxacan Peoples (Asamblea Popular de los Pueblos de Oaxaca, APPO), an organization that in 2006 led protests in the capital city of Oaxaca demanding the resignation of Governor Ulises Ruiz. It was during one of these protests on October 27 of that year that Brad Will was shot. While the PGR determined that Martínez was the gunman, other eyewitnesses claimed that the shots that killed Will came from paramilitaries backing Governor Ruiz. An investigation carried out by the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) released late last year found that the shots that killed Will were fired from a far greater distance than where the APPO supporters were at the time of the shooting.

SOURCES:

"Juez mexicano ordena liberar a acusado de asesinato de periodista de EE.UU." *European Pressphoto Agency* November 9, 2009.
López Morales, Alberto. "Acusado en caso de Brad Will, 'jurídicamente inocente.'" *El Universal* November 10, 2009.
"Mexican court did not call for release of Brad Will suspect." *Committee to Protect Journalists* November 11, 2009.

VIGILANTE JUSTICE

Community members attempt to lynch presumed kidnappers in Mexico State

More than 3,000 residents of the Cuijingo community in Mexico State took hostage four presumed kidnappers on November 10, refusing to hand them over to state authorities, and threatening to lynch them. The four suspects, described as wearing uniforms similar to those of the now-defunct Federal Investigations Agency (Agencia Federal de Investigaciones, AFI), allegedly kidnapped the manager of a gasoline station in the community.

After freeing the victim, state police officers attempted to take the suspects to the local Attorney General's Office but were intercepted by a group of residents who took the suspects by force to Cuijingo. After a confrontation between the community members and the State Security Agency (Agencia de Seguridad Estatal, ASE), Mexico State public security personnel succeeded in rescuing the four men before their aggressors could light fire to them, as was apparently planned.

Since the alleged kidnappers' rescue from their would-be lynchers, the Mexico State Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) announced that two of them are active officers of the Federal Public Security Secretariat (Secretaría de Seguridad Pública, SSP).

Investigators for the Mexico State Human Rights Commission (Comisión de Derechos Humanos del Estado de México, CODHEM) are currently investigating alleged abuses by police against community members during the rescue of the four alleged kidnappers, as well as reports from community members of

numerous kidnappings carried out over the last two years by members of the La Familia drug cartel, which they say state and local law enforcement agencies have ignored. CODHEM has requested reports from both the PGJE and the ASE regarding the allegations, to which they have 10 days to respond.

According to data compiled by *El Universal*, there was an average of one attempted lynching of a presumed criminal every 60 days in Mexico State and the Federal District between 2001 and 2008. The data include the 2004 burning death of two federal agents in San Juan Ixtayopan. Earlier this year, a Federal District judge sentenced 9 suspects of the 19 individuals implicated in that case to 46 years in prison.

SOURCES:

- de la Luz González, María. "Sentencian a nueve por linchamientos." *El Universal* May 14, 2009.
Fernández Román, Emilio. "Vecinos de Juchitepec intentan linchar a presuntos secuestradores." *El Universal* November 10, 2009.
Fernández Román, Emilio. "Investiga Codhem presuntos abusos en Juchitepec." *El Universal* November 11, 2009.
Hernández, Lizbeth. "Cronología de linchamientos en México." *El Universal* November 11, 2009.
González, Concepción. "Confirman que son policías 2 de los rescatados en Juchitepec." *La Crónica de Hoy* November 12, 2009.

VIOLENCE AGAINST SOCIAL ACTIVISTS

Long-time social activist and family members gunned down in Sonora

Human rights groups are demanding that the Federal Attorney General's Office (Procuraduría General de la República, PGR) intensify its investigation into the October 30 killing of peasant union leader Margarito Montes Parra and 14 others as they left a party held at a ranch in the south of Sonora near the border of Sinaloa, a major hub for drug production and trafficking. Farmers in this region have reportedly been forced by cartels at times to cultivate illicit crops. The PGR, however, has not yet publicly attributed Montes Parra's death to drug cartels. Montes Parra, self-styled after Emiliano Zapata, was general secretary of the General Popular Worker and Peasant Union (Unión General Obrera, Campesina y Popular, UGOCP), a national organization promoting land rights for its estimated 300,000 members.

Also killed in the attack were Montes' wife, their 13-year-old son, and two nephews of Montes. Montes' son Adrián Montes Vega was also killed in Sonora in March of 2007, presumably by members of the Beltrán-Leyva cartel. At the time, Montes Parra suggested that his son was killed by members of a criminal gang enjoying protection from Governor Eduardo Bours. UGOCP Technical Director Victor Alanís also died in the attack.

Over 100 federal agents backed by Mexican soldiers were deployed to the area, but to date no suspects have been arrested, and people who were near the scene of the attack have either been unable or unwilling to provide detailed descriptions of the aggressors. The PGR took on the case, as AK-47 shells were among the more than 300 casings recovered at the scene.

According to reports following the assassination, Montes Parra had many conflicts stemming from his land struggles. These included a decade-old conflict with the local Yaqui indigenous population, whose leaders accused him of being sent by former President Carlos Salinas de Gortari in order to initiate legal proceedings with the intention of pushing indigenous communities out of areas of the fertile Yaqui Valley in Sonora. Recent Yaqui mobilizations had renewed tensions between indigenous communities and Montes Parra, who at the time of his death was involved in active negotiations with the recently elected National Action Party (Partido Acción Nacional, PAN) Governor, Guillermo Padrés. Since his start as a peasant activist in the late 1980s, Montes Parrá succeeded in recovering thousands of acres of land for union members. Recently, he had begun to receive criticism from some activist circles for acquiring large swaths of land for himself.

Since Montes Parra's death, social advocacy groups have called on the federal government to offer more protection to social activists who, like journalists, engage in inherently dangerous work.

SOURCES:

- Gutiérrez Ruelas, Ulises. "Ejecutan en Sonora a Margarito Montes, líder de la UGOCP, y a 14 personas más." *La Jornada* October 31, 2009.
Montoya Osuna, Patricia. "Ejército busca a multihomicidas en Sonora." *El Universal* October 31, 2009.

Wilkinson, Tracy. "Mexican farmworker activist, 14 others slain." *Los Angeles Times* November 1, 2009.
Granados Chapa, Miguel Ángel. "¿Quién mató a Margarito Montes?" *El Diario* November 6, 2009.

PROTESTING VIOLENCE AGAINST WOMEN

Traveling from Mexico City to Ciudad Juárez, caravan demands protections for women in Mexico

A group of women known as the "Women in Black," launched a caravan to demand greater protections and an end to violence afflicting women in Mexico. Departing Mexico City on November 10, the caravan known as the "Exodus for Life" proceeded toward Ciudad Juárez, the border city that has been the location of more than 300 unresolved murders of women, or "femicides," since the first such homicides were detected in the early 1990s.

The launch of the caravan was accompanied by a speech from Irma Campos Madrigal, a women's rights activist from Chihuahua City, who addressed a group of 100 people in the Mexican capitol. The group later stopped at cities en route to Ciudad Juárez, wearing black attire at demonstrations in San Luis Potosí and Aguascalientes to bring attention to their cause. The group anticipates arriving in Ciudad Juárez by November 23, in time to celebrate the International Day for the Elimination of Violence Against Women on November 25.

According to a special report by Frontera NorteSur, women were the victims of 3,700 and 4,000 homicides from the start of the Calderón administration in December 2006 through April 2009. The same report notes that domestic violence is believed to be the major factor in most homicides affecting women in Mexico, but observes that violence related to organized criminal activity and broader socioeconomic factors may also play a significant role. For example, the report cites sociologist Julia Monarrez Fragoso, who asserts that discriminatory class and gender relations are engrained in the pattern of industrialization found in the border region, leading to a culture of violence in recent years.

SOURCES:

"FNS Special Report: Women March on Ciudad Juarez." *Frontera NorteSur*. Center for Latin American and Border Studies, New Mexico State University. November 16, 2009.

SENATE HUMAN RIGHTS APPOINTMENT

Senate appoints Raúl Plascencia to head National Human Rights Commission

In its second attempt at a vote, the Senate appointed Raúl Plascencia Villanueva as the new president of the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH). Plascencia, a 10-year veteran of the commission and formerly its primary investigator, replaces José Luis Soberanes, whose 5-year term expired November 17.

Plascencia received 78 votes, while president of the Federal District's Human Rights Commission Emilio Álvarez Icaza received 32 and Luis Raúl González Pérez, attorney for Mexico's National Autonomous University (Universidad Nacional Autónoma de México, UNAM) received 2. Under the appointment proceedings, the Senate had up to three rounds of voting with which to secure at least two-thirds of the votes for one candidate.

The appointment of Plascencia drew immediate fire from dissenting members of the Senate. Rosario Ibarra, president of the Senate Human Rights committee, characterized Plascencia as a "continuation" of the Soberanes presidency, and said that the selection process was a facade. For its part, the coalition Relevos 2009—comprising civil society organizations including Centro Fray Francisco de Vitoria and Fundar, Center for Analysis and Research (Fundar, Centro de Análisis e Investigación), among others—characterized the process by which the Senate Human Rights Committee anonymously selects the three final aspirants to the position as "opaque," and vulnerable to manipulation by partisan interests.

Plascencia has rejected early criticism by some that his appointment will equate to a continuation of Soberanes. Soberanes has been widely criticized by human rights groups both inside and outside of

Mexico for deferring to the government, particularly in regard to alleged human rights abuses by the military and law enforcement and for not realizing the jurisdictional potential of the organization. As a top official in the organization under Soberanes it may be difficult for Plascencia to distance himself from the outgoing president.

The newspaper *Proceso* reported in August of this year and again in November about a CNDH decision signed by Plascencia to discontinue an investigation into the alleged abuse of three suspects in the September 2008 Morelia, Michoacán Independence Day grenade attacks. The men claimed to have been captured by members of the La Familia drug cartel, and handed over to the Federal Attorney General's Office (Procuraduría General de la República, PGR) after being forced to confess to the attack on video tape under torture. According to the report signed by Plascencia, the CNDH dropped the investigation due to the fact that the abuses the men endured were not at the hands of public servants. The decision came despite evidence of a possible collusion between the PGR and members of the La Familia cartel.

SOURCES:

Gómez Ricardo and Sergio Javier Jiménez. "Raúl Plascencia, nuevo ombudsman nacional." *El Universal* November 5, 2009.
Carrasco Araizaga, Jorge. "Plascencia: Deslinde cómplice." *Proceso* November 6, 2009.
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AROUND THE STATES

Kidnapped baby returned to mother one year later in Mexico City



A year after doctors at the *Hospital Central de Oriente* told Vanesa Edith Castillo that her baby was a stillborn, authorities returned her baby to her. Castillo, 26, thanked Federal District officials who she credits with recovering her child. The investigation into the child's disappearance found that doctors at the hospital sold the child to a psychologist for 15,000 pesos. Castillo was the second mother to register such a complaint against the hospital. She reported the incident to the Federal District Attorney General's Office after the son of the head of the clinic told her that her baby had been sold.

The clinic in which the doctors worked, which is suspected of as many as three more disappearances of newborns, has been seized by Federal District authorities. Five clinic personnel – three doctors (including the owner), a nurse, and a receptionist – have been detained and are being investigated for involvement in the disappearances.

SOURCE:

Bolaños, Claudia. "Caen empleados de hospital que vendían bebés." *El Universal* November 5, 2009.

Alcohol-related accidents down 20-25% in Federal District since inception of drunk-driving patrols

According to the Federal District's Public Security Secretariat (Secretaría de Seguridad Pública del Distrito Federal, SSPDF), Mexico's capitol has seen a 20-25% decrease in alcohol-related traffic accidents since the inception of drunk-driving patrols six years ago. The city has also seen a 27% decrease in fatal car crashes, according to officials.

In celebrating the 1000th night of the "Do Not Drink and Drive" Program (Programa Conduce sin Alcohol), officials announced the achievement of 173,000 stops, from which 50,000 individuals have been forced to appear before a judge. Officials also announced that the Federal District will add five camera-equipped ambulances to the city's 15 checkpoints in which alcohol tests will be carried out.

On November 12, the Álvaro Obregón delegation launched the "Zero-Zero" Program (Cero-Cero Program), in which officials will inspect businesses to ensure that they are not selling alcoholic beverages after midnight. Delegation Chief, Eduardo Santillán said that while the law prohibiting the sale of alcohol in closed containers after midnight has been in existence for some time, it has until now gone largely unenforced.

According to the Office of the Secretary of Health (Secretaría de Salud, SS), 64.7% of automobile accidents involve alcohol. Traffic accidents are also the leading cause of premature death in the country, accounting for 24,000 fatalities each year. Secretary of Health José Ángel Córdova Villalobos lauded the efforts of the Federal District in reducing traffic accidents in the capital, and pointed out that the World Health Organization (WHO) has signaled the program as a model to be followed.

SOURCES:

- Robles, Johana. "Disminuyen accidentes en DF tras programa Alcohómetro." *El Universal* October 19, 2009.
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Leading Yucatán attorney questions timeframe for justice reforms

Miguel Ángel Pech Cen, president of the Yucatán Bar Association, expressed his doubts as to whether the states associated with his organization will be able to conform to new federal justice reform legislation involving oral trials and drug dealing, known as *narcomenudeo*.

In an interview, Pech Cen expressed that the new *narcomenudeo* law was sound, but that given current resources he doubted that the states would be able to meet the requirement of state legislative approval within a year and full implementation of the law within three. Experts predict that under the new law, which sets quantity guidelines as to who will be prosecuted for possession of drugs with the intent to sell, state and local systems will be saddled with much of the administrative burden currently managed by the federal government.

Emphasizing the impacts of the current economic crisis, Pech Cen predicted that the biggest obstacle will be a lack of funds needed for infrastructure and training, pointing out that a year and a half into the eight-year period given to states to implement the justice reforms passed by the Mexican Congress in 2008, Quintana Roo has taken no steps toward implementation, given the lack of resources.

SOURCES:

- Rusca Alvarado, Antonia. "Será costoso hacer adecuaciones que marca la Ley general de Salud." *Diario de Yucatán* October 19, 2009.

About the Project: *The Justice in Mexico Project studies rule of law developments in Mexico, and is coordinated through the Trans-Border Institute (TBI) at Joan B. Kroc School of Peace Studies at the University of San Diego. The Justice in Mexico Project conducts and disseminates research on three broad categories related to the rule of law: law and order, transparency and accountability, and access to justice. The project receives generous financial support from the William and Flora Hewlett Foundation and the Tinker Foundation. To make a financial contribution to our organization, please visit: <http://www.sandiego.edu/tbi/support>.*

About the Report: *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog at <http://wordpress.justiceinmexico.org>, and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Research Associates Cory Molzahn and Anna Cearley, with editing and research assistance from Heidi Knuff, Theresa Firestine, Elisse Larouche, and Nicole Ramos. Any opinions expressed in attributions for this summary are those manifested in the media reports and op-ed pieces compiled herein, and not those of the University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to transborder@sandiego.edu.*

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