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MONTHLY SUMMARY

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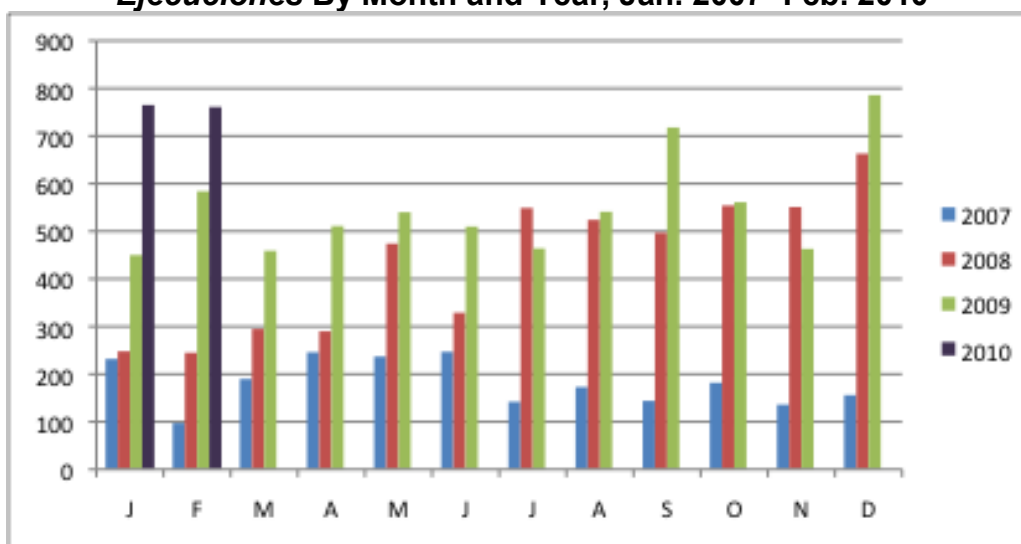
LAW AND ORDER

CARTEL-RELATED VIOLENCE

Cartel violence up over past month and for the first quarter of 2010

Nationwide, 2,188 cartel-related killings, or *ejecuciones*, had been registered in Mexico for 2010 as of March 19, according to Grupo Reforma's running tally. With over a week left in March, the nationwide quarterly total was on track to surpass the 2009 mark of 6,552 by over 2,000. The number of *ejecuciones* declined only slightly in January and February, compared to December 2010, making the past three months the most violent on record in Mexico during the post-war era.

Ejecuciones By Month and Year, Jan. 2007- Feb. 2010



Sinaloa and Chihuahua, with 538 and 532 *ejecuciones* respectively, share over half of the total cartel related killings this year. Guerrero and Durango, with 163 and 160 respectively, are both on track to surpass their numbers for 2009. While not factoring significantly in the nationwide total, the state of Tamaulipas has seen a particularly troubling upward trend in violence this year, resulting from a reported dispute between the Gulf cartel and their former allies the Zetas. The state has registered 80 *ejecuciones* this year, with 68 from the past month alone. These numbers are likely rather low given widespread reports of self-censorship among the local media. Tamaulipas registered just 49 *ejecuciones* for all of 2009. Neighboring Nuevo León has also been affected by the violence, registering 52 *ejecuciones* this year as compared with 99 for all of 2009, with 38 in the four weeks preceding this report. The human cost of the violence in Tamaulipas and Nuevo León goes far beyond cartel-related deaths. There have been widespread reports of increased school absenteeism and pervasive fear among residents in the affected areas who report being silenced by the state government and the media.

Since Arturo Beltrán Leyva, “The Boss of Bosses,” was killed in a targeted operation by special forces of the Mexican Navy last December, the dispute over control of the territory where his organization had its strongest presence – namely Morelos and Guerrero – has escalated, according to a report by *El Universal*. The struggles in Guerrero left at least 28 dead in a 24-hour period on March 13. Among the dead were six municipal police officers and a soldier. Many of the killings occurred in tourist zones of Acapulco, likely contributing to the U.S. State Department issuing a travel warning for several popular destinations in Mexico in anticipation for spring break vacations beginning in March. In sum, Guerrero saw a staggering 59 *ejecuciones* during the week of March 13-19. The dispute over the central region of the country between the Sinaloa and La Familia Michoacana cartels and the embattled Beltrán Leyva drug trafficking organization has also escalated in the Federal District. In the first two weeks of March, at least 10 bodies were found in the capitol showing signs of torture, and *narcomessages* referring to the presence in the city of “La Barbie” (leader of one of the Beltrán Leyva cartel’s cells), La Familia, and Los Zetas.

Some of the increased violence in Mexico’s central region might also be attributed to in-fighting between factions of the Beltrán Leyva cartel vying to fill the power vacuum left by the death of Arturo. Officials in the Federal Police have reported that a dispute has emerged between Héctor Beltrán Leyva, brother of Arturo, and Édgar Valdez Villarreal, “La Barbie.” Authorities report that four bodies found in the Xochimilco delegation of the Federal District on March 8 were accompanied by a note presumably penned by El Barbie threatening Héctor, along with Sergio Enrique Villarreal Barragán, leader of the Juárez cartel.

SOURCES:

“Ejecutómetro 2010.” *Reforma* Accessed March 20, 2010.
 Miranda, Justino and Adriana Covarrubias. “Narcoguerra por el centro.” *El Universal* March 12, 2010.
 Covarrubias, Adriana. “Pelea por Guerrero deja 28 muertos.” *El Universal* March 14, 2010.

Turf battle in Tamaulipas poses new public security challenges

A recent upswing in violence along the border between Reynosa and Matamoros, Tamaulipas suggests a potential new front in the embattled drug cartels' turf battles. The violence, which has been widely attributed to fighting between the Gulf cartel and the Zetas, could pose a tough challenge for President Felipe Calderón, who is coming under increasing fire over his security strategy for violence-wracked Ciudad Juárez, also on the border with Texas. The public security fallout has found its way into neighboring Nuevo León as well, a state which, like Tamaulipas, has been relatively calm over the past several years.

The conflict is widely reported to have originated on January 18 of this year when Salvador Flores Borrego, "Metro 3," of the Gulf cartel assassinated Víctor Pérez Mendoza, "El Concord," right-hand man to Miguel Angel Treviño Morales, "El Z-40," commander of the Zetas based in Nuevo Laredo. Shortly after the killing, the U.S. government warned the Mexican government of a likely escalation of violence in the area of Tamaulipas, based on reports provided by intelligence agents embedded in the Gulf cartel. On January 30, Treviño Morales' hit men intercepted and killed 16 Gulf cartel members in Reynosa, marking the beginning of the escalation in violence.

According to *Reforma*, cartel violence in Tamaulipas has claimed 80 lives this year as of March 19, though that number is likely low, given wide reports of self-censorship by the media, and also of cartel hit men removing the bodies of their victims to avoid detection. Nonetheless, the number is up significantly from 49 for all of 2009. The region had been relatively quiet since 2007, when the Gulf and Sinaloa cartels reportedly reached a truce, which gave the Gulf cartel essentially undisputed control of the lucrative corridor between Matamoros and Nuevo Laredo.

The violence in Tamaulipas followed two months after the death of Arturo Beltrán Leyva, and an apparent ensuing internal battle for control of his cartel. This also corresponded with the conviction and relatively light sentence in a Dallas court of Osiel Cárdenas, former leader of the Gulf Cartel, arrested in 2003 and extradited to the United States. The proceedings from the trial have been sealed, leading some to speculate that he could have revealed sensitive information about the Gulf cartel's operations. The Zetas, formerly employed as hit men for the Gulf cartel, had by many accounts allied themselves with the Beltrán Leyva cartel, while the Gulf cartel is said to have formed a pact with the La Familia drug trafficking organization. All four organizations are now said to have a presence in Tamaulipas.

Cartels are also making their presence increasingly known in the neighboring state of Nuevo León, where on March 18 and 19, criminals stole vehicles and used them to block traffic on several main thoroughfares around Monterrey, the state capitol. In all, authorities reported 31 roadblocks, involving more than 60 stolen vehicles. Among the routes most affected was the highway linking Monterrey with nearby Reynosa. An atmosphere of panic was said to pervade the city as a result of the roadblocks, which officials characterized as an act of desperation by the cartels in response to police and military pressure on their operations.

Crossfire between soldiers and presumed drug traffickers claimed the lives of three innocent bystanders in Monterrey on March 20, according to military and civilian authorities. After initially claiming that Jorge Antonio Mercado Alonso and Javier Francisco Aredondo Verdugo were *narco*s, the Army backpedaled, acknowledging that the two young men killed in a gunfight between soldiers and cartel gunmen were, in fact, students of the Technological Institute of Monterrey, where they were killed. Police reports also originally claimed that the two young men were armed. The school's vice-chancellor has said that the two young men were excellent students, attending the university on scholarships. Authorities also acknowledged the death of a woman caught in crossfire in Monterrey the same day.

In response to the violence, the Mexican government dispatched marines from the Navy to the new hot spots. The Calderón administration is increasingly turning to the Navy to carry out operations that have since late 2006 been the work of the Army.

SOURCES:

- Riva Palacio, Raymundo. "La batalla de Tamaulipas." *Eje Central* March 1, 2010.
"Drug Wars in Tamaulipas: Cartels vs. Zetas vs. the Military." *Frontera NorteSur* March 1, 2010.
Villamil, Jenaro. "La nueva fase de la narcoguerra." *Proceso* March 16, 2010.
"Viven en NL día de pánico." *Vanguardia* March 20, 2010.
"Alumnos, no narcos, los asesinados frente al Tec de Monterrey." *La Jornada* March 21, 2010.

PUBLIC SECURITY STRATEGY

Killing of three linked to U.S. consulate in Ciudad Juárez further deepens strategy debate

In the aftermath of simultaneous attacks that killed two U.S. citizens and one Mexican national, Mexico's President Felipe Calderón made his third visit to Ciudad Juárez since late January to address the security situation there. Accompanied by U.S. Ambassador to Mexico Carlos Pascual, the president stressed the need for U.S.-Mexico cooperation in addressing the shared problem of drug trafficking, and discussed the points of his strategy for the city, developed in coordination with state and municipal authorities.

The visit came days after the murders of three individuals who were linked to the U.S. consulate in Ciudad Juárez. The three people were shot and killed in two separate and almost simultaneous attacks on March 13 after leaving the same birthday party. The victims included two U.S. citizens: Lesley Enriquez, who worked at the consulate, and her husband, Arthur Redelfs. The other shooting involved the husband of another consular employee, a Mexican national named Jorge Alberto Salcido.

The investigations into those killings, involving U.S. and Mexican investigators, are ongoing, but the killings drew immediate condemnation from the Obama administration, and brought increased pressure on President Calderón to improve the security situation in the city. Incidentally, the U.S. consulate in Juárez remained open on March 2 despite a bomb threat, just days after the closure of the consulate in Reynosa, Tamaulipas in response to the increased violence there.

The Calderón administration's ambitious reconstruction plan for Juárez, called "We Are All Juárez" (Todos Somos Juárez), consists of 160 commitments to the city with short and long-term goals, divided into six categories:

1. **Security**- including promises to improve access to crime reporting systems, combating kidnapping and extortion, cleaning up the city's police department, and modernizing surveillance and investigative methods;
2. **Economy**- involving financing for public and private enterprises and providing business and training opportunities for the city's youth, and establishing connections between Juárez businesses and purchasers for state and federal governments;
3. **Work**- involving grants and workshops for job training, and expanded unemployment services;
4. **Health**- including promises to expand addiction centers and early detection and prevention measures in the schools, extend parental education on substance abuse, train social workers and expand mental health services, stiffen alcohol control in the city, improve re-socialization of prisoners, expand overall access to medical care, and generally improve public health services infrastructure;
5. **Education**- involving violence and addiction education in all schools, education in addiction attention and prevention for school staff, expanding extracurricular options available to public school students, boosting school enrollment by reaching out to at-risk and disabled populations, expanding access to post-secondary education, and building new schools while upgrading existing infrastructure;
6. **Social development**- increasing the role of non-governmental organizations in rebuilding communities, building new public spaces and rehabilitating existing ones; improving infrastructure and public services; addressing the needs of marginalized populations with social services, financial assistance and home building; improving the urban ecology; and expanding access to quality daycare and preschool.

Looming over recently announced plans to rebuild the city have been the consulate killings and the international attention they have brought. The FBI says that there is no evidence that the three people were targeted because of their ties to the U.S. consulate. Some speculate that the victims were erroneously targeted, given that a deliberate attack on U.S. officials would bring unwanted official pressure to crack down on gang activities. Regardless of the intentions of the killers, coming just weeks after 15 youths were killed at another Ciudad Juárez birthday party, attacks were a reminder that not only those involved in the drug trade fall victim to its violence.

Another effect of the killings has been the increased presence of U.S. law enforcement agencies – namely the FBI and the DEA – in Mexico-side investigations of drug trafficking and organized crime. A special force including seven U.S. law enforcement corporations was sent to Juárez to investigate the killings. While the overt involvement of U.S. law enforcement in Mexican criminal investigations has been attributed by officials to the two countries’ “common challenge,” some concerned with preserving Mexican sovereignty have objected to the joint investigations. Senators from the three leading parties in Mexico rejected the necessity of bringing U.S. investigators onto Mexican soil, arguing that not only are Mexican investigators sidestepping their responsibilities, but also that these three murders are being assigned a disproportionate amount of resources simply because they involved U.S. citizens.

The fray over U.S. intelligence agents in Mexico had begun before the consulate killings. The Washington Post reported February 24 that, for the first time, the U.S. government would embed intelligence agents in Juárez to participate in drug operations. The report set off an immediate firestorm in the Mexican press, reflecting the concern in Mexico that U.S. involvement in Mexican law enforcement is an affront to Mexican sovereignty. Officials from both countries were quick to correct the report, emphasizing that U.S. intelligence agents would engage only in advising and intelligence sharing, and would not be directly involved in operations. Mexican authorities pointed out that Mexican law prohibits foreign intelligence and law enforcement officers from carrying firearms within Mexico.

The U.S. consulate killings have also sparked some tensions between the two governments, regarding Mexico’s public security strategy for Juárez. Interior Minister Fernando Gómez Mont admonished U.S. Department of Homeland Security Secretary Janet Napolitano’s comments that, even with the presence of soldiers, the Calderón administration has not been able to resolve the security situation in the city. Seeming to interpret Napolitano’s comments as a rebuke of the use of the military against the drug cartels, Gómez Mont responded that “it has been very important, their presence is still needed in Ciudad Juárez, and Ms. Napolitano knows that and has expressed it to me...and this has been recognized by the U.S. government.”

SOURCES:

- Booth, William. “U.S. to embed agents in Mexican law enforcement units battling cartels in Juárez.” *Washington Post* Feb. 24, 2010.
“EU asegura que no cerró consulado en Juárez.” *El Universal* March 2, 2010.
“FBI: No evidence Mexico hit men targeted Americans.” *Associated Press* March 16, 2010.
Gómez, Ricardo. “Senadores rechazan presencia del FBI en México.” *El Universal* March 16, 2010.
Otero, Silvia. “Pascual descarta operativos de agentes de EU en México.” *El Universal* March 16, 2010.
Delgado, Álvaro. “Gómez Mont condena postura de Napolitano sobre Juárez.” *Proceso* March 17, 2010.
Government of Mexico. “Estrategia Todos Somos Juárez, Reconstruyamos la Ciudad.” www.todosomosjuarez.gob.mx Accessed March 18, 2010.

U.S. security cabinet meets with counterparts in Mexico City

On March 23, U.S. Secretary of State Hillary Clinton led a high-level delegation to review the U.S.-Mexico anti-drug strategy as it applies to the Mérida Initiative and its possible extension. The delegation included Secretary of State Clinton; Security Secretary Napolitano; Defense Secretary Robert Gates; National Intelligence Director Dennis Blair; John Brennan, presidential advisor on homeland security and anti-terrorism; and Michael Mullen, chairman of the Joint Chiefs of Staff, among other government officials.

During the day, Secretary Clinton and the other members of President Barack Obama’s security cabinet worked with a delegation of their Mexican counterparts that was headed by Mexican Foreign Affairs Patricia Espinosa. The group discussed bilateral security cooperation and drug control strategies, followed

by a press conference in which they outlined recent accomplishments and four areas of cooperation the countries are pursuing under the auspices of the Mérida Initiative.

With regard to the accomplishments of the Mérida Initiative, the officials pointed to the seizure of 92 tons of cocaine, 7,500 tons of marijuana, nearly one ton of heroin, 70,000 long-guns and handguns, and nearly 5,000 grenades. In the United States, 303 people were arrested with presumed ties to the La Familia Organization through "Project Coronado," which resulted in the arrest of 1,186 people. The group also outlined the four pillars of the Mérida Initiative: 1) dismantling organized crime syndicates, 2) building strong judicial sector institutions, 3) developing a secure and competitive border, and 4) promoting greater social cohesion and community development in both countries.

Thus far, the delegation reported, the Mérida Initiative has facilitated intelligence sharing, five helicopters presented to the Mexican military, technical equipment (e.g., biometric equipment, X-ray machines), and improvements to the E-Trace system for detecting arms used for crimes in Mexico. In addition, 1,500 government officials from all three levels of government have received training from U.S. instructors, 1,300 Mexican police officers have graduated from programs that teach basic investigative techniques, 115 Mexican trainers have received instruction from the New Mexico Correctional Academy, 87 judges and prosecutors have received training in oral advocacy, and 44 dogs have been trained to work with Mexican customs officials. In terms of social cohesion, this year Mexico will administer an anti-corruption educational program for nearly one million secondary education students in 22 different states.

Such accomplishments ring hollow for many Mexicans. Indeed, the day before the summit the Mexican publication *Milenio* released results from a 600-person telephone survey indicating that 59% of respondents believe that the cartels are winning the drug war, while only 21% believed that the government is winning. 89% believe that violence has increased because of the war on drugs. Half indicated that the violence is attributable to the traffickers taking control, while 34% attributed the violence to tougher efforts by the government to fight the cartels. 79% indicated that the capture of high level cartel operatives merely fuels the splintering and proliferation of organized crime groups. "The war is lost," said *Ciro Gómez Leyva*, commenting on the results. "President Calderón insists that we take not one step back in this war. But no territory is recovered, no police forces cleaned up, nor daily life improved. This looks, tastes, and smells like a defeat. A frightening defeat."

Still, at the summit, officials emphasized the importance and the possible gains from cooperation. Speaking at a press conference following their meeting, Secretary Clinton acknowledged that "the demand for drugs and the purchasing of weapons facilitates violence in Mexico." For her part, Secretary Patricia Espinoza indicated that, "We will work more closely to tackle drug trafficking and money in benefits of U.S. and Mexican families." In the late afternoon, Secretary Clinton visited President Calderón at Los Pinos, his official residence. Presidents Obama and Calderón had spoken by telephone the night before the summit, with an official statement indicating their "mutual desire to work together."

Secretary Napolitano pointed out the unusually high level of the meeting as an indication of its importance, and of the commitment it signaled from both countries. "You rarely see this kind of meeting with this kind of array of cabinet officials on both sides, so I think it indicates this is the real deal," Secretary Napolitano said. The last meeting of this kind took place in Washington, D.C. in December 2008.

SOURCES:

- Esquivel, J. Jesús. "Clinton anuncia viaje a México para revisar estrategia antidrogas." *Proceso* March 17, 2010.
- Ramos, Jorge. "Clinton se reúne con Calderón en Los Pinos," *El Universal* March 23, 2010.
- "México y EU delinear estrategia conjunta," *El Universal* March 23, 2010.
- Notimex. "Ofrecen informa sobre avances de Plan Mérida." *El Universal* March 23, 2010.
- "Clinton Pledges Broader U.S. Effort on Mexico," *El Universal* March 23, 2010.
- Ciro Gómez Leyva, "¿Ya se perdió la guerra?" *Milenio* March 23, 2010.
- "Clinton Pledges Broader U.S. Effort on Mexico," *BBC* March 24, 2010.

ARRESTS AND TRIALS

Violent Sinaloa cartel gang leader arrested in Sonora

The chief of the Federal Police drug enforcement division, Ramón Pequeño García, announced the February 21 capture of José Vázquez Villagrana, “El Jabalí,” presumed operator of Joaquín “El Chapo” Guzmán for the transportation of cocaine from Central America to the United States in Santa Ana, Sonora. The capture of El Jabalí was a small victory for President Calderón and the Federal Police, who have come under fire for either a failure or unwillingness to deal significant blows to the Sinaloa cartel.

Pequeño specified that Vázquez trafficked tons of cocaine from Colombia to Chiapas and Oaxaca, then transported it by aircraft into Sonora, and from there to the United States. He also deserted from the United States Army in 1991 upon receiving U.S. citizenship, and is believed to have been a friend and colleague of Alfredo Beltrán Leyva, “El Mochomo,” whose arrest last year has been attributed by many to a betrayal by El Chapo Guzmán. He reportedly broke with the Beltrán Leyvas after they allied themselves with the Zetas in the middle of last year. Vázquez allegedly headed the criminal group “Los Jabalíes,” described by the Federal Police as a particularly violent and heavily-armed group of hit men from whom weapons caches have been seized including a Browning machine gun and a Barret 50 caliber anti-aircraft gun.

El Jabalí reportedly told police that El Chapo Guzmán had ordered his cells “La Plaza” and “Los Jabalíes” that there be no kidnappings, robberies, or extortion in the state of Sonora, since the region is well under his control. Sonora has remained relatively calm as compared to Baja California and Chihuahua, its neighbors to the west and east, respectively.

In a rare 30-minute press conference in late February, President Calderón referred to the capture of El Jabalí, among other Sinaloa cartel operatives captured during his presidency including Vicente and Reynaldo Zambada and Teodoro “El Teo” Simental, as evidence that his administration has dealt substantial blows to Joaquín “El Chapo” Guzmán’s Sinaloa cartel. Calderón was responding to suggestions from political opponents that his administration has not attacked the Sinaloa cartel as aggressively as others. He asserted that his administration pursues all criminals dispassionately and indiscriminately, and called the charges baseless and harmful.

In related news, Vicente Zambada Niebla, “El Vicentillo,” pleaded not guilty in a Chicago federal court to far-reaching drug conspiracy charges. Zambada Niebla was indicted last August along with his father, Ismael “El Mayo” Zambada, and Joaquín “El Chapo” Guzmán. Prosecutors argued that the criminal organization led by Vicente, son of Ismael “El Mayo” Zambada, accumulated more than \$500 million (USD) through its operations smuggling drugs into the United States.

SOURCES:

- “Cae operador de ‘El Chapo’ en Sonora”. *Reforma*. Feb. 22, 2010.
Korecki, Natasha. “Alleged Sinaloa drug cartel leader denies Chicago charges.” *Chicago Sun-Times* Feb. 23, 2010.
Mosso, Rubén. “El Chapo ordenó ‘enfriar’ plaza de Sonora: *El Jabalí*.” *Milenio* Feb. 23, 2010.
“FCH niega proteger al cártel de El Chapo.” *El Universal* Feb. 25, 2010.

POLICE REALIGNMENT

Debate over unification of states’ police forces taking form

The Public Security Committee of the National Conference of Governors (Conferencia Nacional de Gobernadores, Conago) met on March 3 to discuss the federal government’s proposal for incorporating municipal police departments into a unified, state police command structure. The meeting came in anticipation of the annual governors’ conference, to be held in Morelia, Michoacán on March 23. Also present at the meeting were members of the Public Security Secretariat. While all present agreed that law enforcement is currently ineffective at the municipal level, there appears to remain opposition among some governors to the proposal of police unification, as the meeting did not result in a unified position regarding the issue.

Governors also agreed that for any progress to be made, the states must be allocated more funds. The governor of Nuevo León, Rodrigo Medina, pointed out that federal budget allocations to the states have not increased in recent years, while crime rates are up. That said, though, only three states – Veracruz, Jalisco and Zacatecas – utilized all of the funds allocated to them by the Fund for Public Security Allocations (Fondo de Aportaciones para Seguridad Pública, FASP) in 2009.

Chihuahua's governor was notably absent from the Conago Public Security Committee meeting. However, César Horacio Duarte Jáquez, a former federal deputy who announced his candidacy for governor of the state late February has spoken out in favor of a unified state police force in Chihuahua, suggesting that the current police structure in the state contributes to impunity, and that the violence that exists throughout the state requires "drastic measures."

In Durango, plans for a unified police force are already underway. Mario Zaldívar Mijares, the Municipal Director of Public Security for the city of Durango, explained that the process of unifying municipal police corporations is currently in the stage of modifying municipal laws and regulations. He said that the move would first require a change to the Public Security Law, which would include standardizing salaries and ranks. He said that if the efforts to unify Durango's police forces fails, there will at least have to be closer coordination with the Public Security Secretariat for coordinating operational processes.

Shortly after Public Security Secretary Genaro García Luna proposed police unification last October, Nuevo León's own public security secretary suggested that his state could be the first in the nation to implement a pilot program for the new model. Nuevo León's new governor from the PRI, Reodrigo Medina de la Cruz, expressed his support for the plan, and steps were reportedly being taken to move it forward. There has apparently been little or no progress since, possibly due to the partisan divide among mayors in the state –those from the PRI generally support the proposal, and those from the PRD are in opposition.

SOURCES:

- Tapia, Jonathan. "Va Nuevo León por mando único en policías." *El Universal* Nov. 17, 2009.
López, Consuelo. "Se debe explorar en la implementación de la Policía Única." *M Noticias* Dec. 8, 2009.
Cárdenas, Juan. "En marcha, la unificación de corporaciones". *El Siglo de Durango* Feb. 22, 2010.
"Duarte: Cero impunidad con una policía única." *El Heraldo de Chihuahua* March 1, 2010.
Martínez, Fabiola. "Fracasó el esquema de seguridad pública en los estados, admten funcionarios." *La Jornada* March 4, 2010.
Pérez, Mauricio. "Gobernadores revisan mando único policial." *Milenio* March 4, 2010.
Nadamura López, Angel. "'Ahorra' Estado recursos de SP." *El Diario de Ciudad Victoria* March 17, 2010.

TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Military prosecutor: 40 members of the armed forces serving time for corruption

Forty members of the armed forces are currently serving time in military prisons for having links to drug-trafficking organizations, according to General José Luis Chávez García, Attorney General for Military Justice (Procuraduría General de Justicia Militar, PGJM). Chávez García said that such cases of wrongdoing are treated very seriously in order to ensure that there is no impunity within the armed forces.

The Mexican military has been a key component of the Calderón administration's war against organized crime since President Calderón took office in December 2006. Its role has come under greater scrutiny given allegations of human rights abuses. Some have questioned the army's continued role. In an interview in early March 2010, José Reyes Baeza Terrazas, Governor of Chihuahua, indicated that, although he agrees that President Calderón's initial use of the military was appropriate, it is now time for a change in strategy that will transfer responsibility for public security back to local and state law enforcement agencies. Without giving an exact date, the governor said he would like for the army to be withdrawn by the time President Calderón leaves office in December 2012. He added that ending its role would also preserve the army's prestige and positive image.

Public confidence in the army has decreased in recent months. According to the poll Consulta Mitofsky, the percentage of Mexicans with “high” confidence in the army has dropped from 41% in January 2009 to 34.4% in January 2010. In spite of this, of the fourteen institutions ranked in this poll, it is still ranked the second highest in Mexico, outdone only by the Catholic Church with 41.2%. The military also continues to rank much higher than the police. Only 8.6% of those polled had “high” confidence in this entity.

Nearly 500 members of the armed forces are in military prisons for various crimes, according to General Chávez García, including the 40 convicted for ties with drug trafficking organizations. When asked about human rights abuses by the military, he said that there are currently 37 active investigations initiated by recommendations from the National Commission on Human Rights (Comisión Nacional de Derechos Humanos, CNDH). Of these active investigations, 27 could result in indictments affecting 40 people. Chávez García stated that “there have been mistakes and serious ones.” Nevertheless, he also said that every organization has people who are flawed, make mistakes, or fail to do their duty and that the military is no exception.

SOURCES:

“Debe Calderón regresar al Ejército a los cuarteles.” *El Heraldo de Chihuahua*. Marzo 5, 2010.
Otero, Silvia. “En prisión, 40 militares por nexos con el narco.” *El Universal*. Marzo 20, 2010.
Confianza en las Instituciones: Febrero 21, 2010. Encuesta Nacional en Viviendas. Consulta Mitofsky.

Bribery attempt from mining company alleged by members of environmental group

Two members of an environmental group accused their state director of negotiating a bribe from a mining group that is interested in extracting gold from the Biosphere of the Sierra de la Laguna in the Baja California peninsula. The director of *Grupo Ambientalista Consciencia Mexico* allegedly agreed to monetary compensation in exchange for making a declaration in favor of the project, which is called Paredones Amarillos. No charges appear to have been formally filed in regards to the allegations, which were reported in *Excelsior*. The company, *La Minera Paredones Amarillos*, is affiliated with the U.S. company Vista Gold, according to *La Jornada*.

In February, the company was attempting to obtain a permit from the Secretary of Environment and Natural Resources (Secretaría de Medio Ambiente y Recursos Naturales, Semarnat) to move forward with the project. Company officials said studies conducted by U.S. and Mexican institutions have determined the work would not harm the zone. Carlos Calderon Diaz de Leon, the manager of *La Minera Paredones Amarillos*, told *El Financiero* that the company has complied with environmental studies and had obtained all the proper permits except for the one pending before Semarnat.

However, the Baja California Sur governor – Narciso Agundez Montano - said that he would ask Semarnat to block the project. Semarnat ultimately decided to reject the company’s proposal that would have allowed for a change of land use for the area because it did not have sufficient proof that the mine would not cause erosion and other impacts to the biodiversity of the region. However, the company said they would continue to seek an agreement for the project to move forward.

Prior to the decision, marine biologist Ana Melanie Torres Romero alleged that the director of the environmental group *Grupo Ambientalista Consciencia Mexico* made comments during the group’s recent assembly that insinuated that the director may have come to an agreement with the mining company in exchange for future payments, prompting a number of the group’s members to renounce their membership, including Torres Romero. The alleged bribe was to include a monthly donation to the environmental group of \$5,000 pesos for ten years while the company extracted the gold from the Biosphere of the Sierra de la Laguna, according to Torres Romero. In addition to Torres Romero, marine biologist Ariana Olivia Robles Garcia also announced she was leaving the group. The two members said that other members have expressed similar concerns over the alleged bribery arrangement and that the issue has generated deep divisions within the group, which is comprised of about 70 members.

The proposed mining project would ultimately extract 40 tons of gold in ten years with an investment of 190 million dollars, generating 660 direct jobs and about a thousand more indirect jobs, according to information the company provided to *La Jornada*.

SOURCES:

Leon, Raymundo. "Minera insiste en explotar reserva en BCS." *La Jornada*. February 8, 2010.
Medina, Elias. "Aplauda NAM decision de SEMARNAT sobre el proyecto de Paredones Amarillos." *El Sudcaliforniano*. February 24, 2010.
Rodriguez, Gladys. "Semarnat niego uso de suelo a minera." *El Universal*. February 8, 2010.
Ulluo, Paul. "Ecologistas de La Paz acusan a su dirigente por corrupcion." *Excelsior*. February 13, 2010.
Velasco, Bertoldo. "Invertira Minera Paredones Amarillos 190 mdd en Mexico." *El Financiero*. February 4, 2010.

Tijuana police, including two ex-military officers, linked to recent high-profile drug trafficking arrests

As reported last month, two former military officers recruited to join the Tijuana police force were among five suspects with law enforcement ties who were recently detained in connection with investigations into a drug trafficking group in Tijuana. The five are accused of protecting drug groups that were headed by suspected trafficker Teodoro Garcia Simental, "El Teo." *La Jornada* reported that they received \$60,000 monthly in exchange for protection.

Two of the detainees - Francisco Ortega Zamora and Juan Carlos Cruz Espinosa – had previously worked for the Mexican military, which has taken a higher profile role in recent years in regards to combating drug trafficking. The military has in general been viewed as less vulnerable to corruption than other agencies. The Tijuana police force is headed by a former member of the military, and the integration of other ex-military members appears to be an attempt to reconstruct the police force with new members who are presumably less corruptible. However, the recent arrests lead Tijuana mayor Jorge Ramos to admit that military ties are no guarantee that people remain immune to corruption.

About 40 military personnel are completing sentences for their connection with drug trafficking groups, according to Jose Luis Chavez Garcia who oversees the attorney general's office of the military justice system. An additional 500 military personnel have been imprisoned for crimes such as murder and torture, he said.

The February detentions of Ortega and Cruz are an embarrassment to Tijuana's top public security administrator, Julian Leyzaola Perez, who had apparently been involved in bringing the two to the Tijuana police force. Leyzaola had formerly served in the military in the rank of lieutenant colonel (*teniente coronel*). Both Ortega and Cruz had served as sector police chiefs in the patrol area of La Mesa since December, 2009. During their swearing-in ceremony the two had been praised for their successful careers in the military. Ortega had climbed to the rank of Second Captain of Infantry and Cruz had become a Second Captain in the Mexican Air Force.

The other detainees were: Jose Enrique Ramirez Zambrano and Macario Arturo Ramirez Enriquez, who both held high-ranking positions in the Sanchez Taboada patrol district, and Daniel Macias Cebreros, who is an ex-state police agent. The arrests came after the detention of two suspected high-level drug traffickers, including Raydel Lopez Uriarte, known as "El Muletas."

SOURCES

Cordero, Manuel. "Arraigo a 'El Muletas' y militares." *El Sol de Tijuana*. February 13, 2010.
Martinez, Julieta. "Tijuana pone ojo en corrupcion de policias." *El Universal*. February 9, 2010.
"Detienen en Tijuana a 10 criminales al servicio de los Arellano Felix." *La Jornada*. February 11, 2010.
Otero, Sylvia. "En prision, 40 militares por nexos con el narco." *El Universal*. March 20, 2010.

IMSS fines six laboratories for alleged price fixing

Mexico's federal agency that oversees business practices fined six pharmaceutical laboratories a total of 150 million pesos (about \$12 million USD) after determining that the companies colluded to fix the prices at above-market rates for medical supplies sold to the Mexican Institute of Social Security (IMSS). The Federal Competitiveness Commission (*Comisión Federal de Competencia*, CFC) ruled that the companies coordinated their actions during the IMSS public bidding process in a way that benefitted each of them with steep profits. Some analysts estimate the medical products were 30 percent overpriced. The laboratories – which have been fined 21.5 million pesos (\$1.7 million USD) each - have all denied that they worked in conspiracy against the government.

Elias Rip, director of administration for one of the companies, Probiomed, said that the ruling violates the confidentiality around the investigation because the legal process has not been concluded. The investigation is based on speculation, added Cryopharma director Alejandro Calderon. Other pharmacy lab representatives said they plan to challenge the findings.

The CFC claims that Probiomed, Cryopharma, Eli Lilly Mexico, and Laboratorios Pisa colluded to eliminate competition for their bids to provide insulin for the treatment of diabetes. Laboratorios Pisa, Fresenius Kabi Mexico, and Baxter also allegedly used collusion practices in the bidding process for injectable serums such as water, sodium chloride, and glucose. The alleged price fixing took place between 2003 and 2006.

In all of the cases, according to a document of the case obtained by *Milenio*, the businesses took turns so that they could win the bidding processes that were regularly held. The company that won each bid did so with prices set artificially high, but not as high as the bids that had been submitted by the other companies, according to the document. The fines by the CFC are the highest that are allowed under the law, according to Eduardo Perez Motta, who is president of the CFC. The companies have the right to appeal the CFC's decision.

SOURCES:

- Maldonado, Mario. "Defraudan al IMSS seis laboratorios." *Milenio*. January 24, 2010.
Mejia, Angelina and Alonso, Ramiro. "CFC multa a 6 farmaceuticas por coludirse en licitaciones." *El Universal*. February 24, 2010.
Rangel, Jesus. "El IMSS dejara de perder 16 mil millones de pesos." *Milenio*. February 24, 2010.
Reyna, Julio and Cruz, Angeles. "Multa la CFC a seis laboratorios por elevar artificialmente precios al IMSS." *La Jornada*. February 24, 2010.

Detentions of immigration officers at the Cancún airport

Ten immigration officials who worked at the Cancún airport were detained on suspicion of collaborating with a Chinese smuggling ring in allowing people to enter the country with fake passports. The arrests follow a January 8 operation that netted 26 immigration agents who were also working in the airport in Cancún, a Caribbean resort town in the state of Quintana Roo. Of that group, ten were arraigned in Mexico City.

As a result of these recent detentions, the regional immigration office is considering asking for reinforcements from immigration offices in nearby states. Fernando Diaz Martinez, who oversees the regional immigration offices in Quintana Roo noted that the Cancún airport now faces a serious lack of personnel, which is why he may seek the transfer of personnel from the immigration offices in the states of Tabasco, Campeche, and Yucatan.

The recent detentions were coordinated by members of the Deputy Attorney General for Special Investigations of Organized Crime (SIEDO), a branch of the Mexican Attorney General's office. Diaz Martinez said that the investigations started in November after it became clear that Chinese nationals using fake passports were arriving in Guadalajara after presumably leaving from Cancún. He said immigration officials initiated the investigation, which resulted in the first round of detentions in January.

SOURCES:

- Hernandez, Silvia. "INM en Cancún preve pedir refuerzos." *El Universal*. March 4, 2010.
Meraz, Fernando. "Detienen en Cancún a diez agentes de Migración." *Milenio*. March 2, 2010.

U.S. Senate group is informed of Mexican drug groups infiltrating border agencies

Mexican drug trafficking groups are actively attempting to infiltrate U.S. border agencies through the agencies' new hires, according to information provided to a U.S. Senate panel in March. An assistant commissioner with U.S. Customs and Border Protection's Office of Internal Affairs told a Senate homeland security subcommittee that polygraph tests are given to only one in 10 of new hires. From that relatively small number, about 60 percent were determined to be unfit for employment with the agency, raising questions as to how many of the other untested hires may have been rejected if they had undergone the tests.

James Tomsheck, the assistant commissioner, admitted that criminal groups are attempting to “infiltrate” Customs and Border Protection through the hiring process, according to a report by the *Associated Press*. *The New York Times* reported that Kevin Perkins, an FBI agent involved in supervising corruption investigations, said that the problem is “significantly pervasive” – even if the majority of officers are not involved in criminal activities. In order to provide polygraphs to all new hires, Tomsheck estimated that the agency would need to hire another 50 examiners. The agency is not able to keep up with periodic background checks into already-hired staff. Tomsheck reportedly said that only about half of the scheduled investigations into approximately 19,000 employees would be done. Budget cutbacks have led to furloughs of people who had done these investigations in the past, prompting Tomsheck to suggest that perhaps the investigations should be mandated through legislation.

SOURCES:

Archibold, Randal. “U.S. falters in screening border patrol near Mexico.” *The New York Times*. March 11, 2010.
Otero, Silvia. “Alarma a Washington infiltracion del narco en agencias de seguridad.” *El Universal*. March 12, 2010.
Sherman, Christopher. “US Customs: Mexican cartels corrupt border agents.” *The Associated Press*. March 11, 2010.

TRANSPARENCY

New U.S. State Department report on drug trafficking efforts finds flaws in combating money laundering in Mexico

A U.S. State Department report on international drug-fighting efforts lauded Mexico for its efforts in combating drug trafficking, but noted that money laundering remains a troubling issue due in part to lack of transparency. The report said drug traffickers send between \$8 billion and \$25 billion from the United States to Mexico each year and that Mexico lacks sufficient personnel to combat money laundering, particularly in the fiscal and auditing branches that oversee the financial system.

The report points out that Mexico does not have a complete, modern database that can track irregularities in the financial sector, nor does it have the technology to combat these crimes. The result, according to the report, is vulnerability in the overall fight against drug trafficking. Mexico's efforts to professionalize its Federal Police force were lauded in the report, which also noted that the country has made technological progress in tracking more than 400,000 case files in a data repository called *Plataforma Mexico*.

However, the report noted that corruption continues to create a situation in which drug traffickers are creating ties with an “alternate” group of government bureaucrats who they recruit and work with in order to avoid intervention from government efforts to combat drug trafficking. Drug traffickers also recruit low-paid law enforcement officials.

The report recommends that the Mexican government improve its process of confiscating properties suspected of being owned by drug traffickers and to improve the control of the passage of drug money heading into Mexico. It also notes that tighter controls should be enacted in regards to money exchange businesses and certain casinos. Mexico could also modify its legislation so that the country can more directly combat the financing of terrorism through laws and other procedures that allow for more control over freezing funds suspected of being used by terrorist groups such as Al-Qaeda.

SOURCES:

Sanchez, Omar and Mosso, Ruben. “Se lavan en Mexico 25 mil mdd cada a~no.” *Milenio*. March 2, 2010.
Simao, Paul. “Anti-drug drive a challenge for Mexico: U.S. report.” *Reuters*. March 1, 2010.

Institute calls for greater transparency of kidnapping statistics

Mexico lacks an accurate and precise method of tracking the number of kidnappings reported in each state, according to the *Instituto Ciudadano de Estudios Sobre Inseguridad*. The group, which attempted to document the number of kidnappings from 2007 to 2009, found that different state investigatory agencies often had different kidnapping totals when compared to the National System of Public Security. The Institute also expressed doubts as to the actual reported numbers in some states. For example, in Queretaro and Yucatan not a single kidnapping case was reported in 2007 and 2008, and Campeche did not report any kidnappings for 2008. Luis de la Barreda Solorzano, president of the Institute, called those findings unusually “exceptional.”

Of the data they were able to collect, the Institute found that Baja California registered the highest rate of reported kidnappings with 115 kidnappings in 2008, which represents four kidnappings for every 100,000 residents. The Federal District had 139 kidnappings during that same period, which represented two kidnappings for every 100,000 residents. The state of Mexico reported 136 kidnappings, or one for every 100,000 residents.

The Institute noted that none of the state investigatory agencies provided complete information in regards to the number of kidnappings that took place in 2007, 2008, and 2009. Some states apparently attempted to provide the data but did not have all the information while other states promised to provide the data and never did. Some of the states also submitted data that was incomplete.

SOURCES:

Martinez, Raul. "Por negligencia oficial plagio queda impune." *Excelsior*. March 5, 2010.
Torres, Ruben. "Existe opacidad en cifras de secuestro." *El Economista*. March 4, 2010.

Mexico tax reform aims at greater transparency

Additional reforms to Mexico's tax codes – including an emphasis on greater transparency - are required to ensure the country's future economic growth, according to the country's new finance minister in an interview with the *Financial Times*. Tax reforms have been passed twice during the administration of Mexico's President Felipe Calderón in an attempt to increase the country's ability to collect non-oil revenues. Mexico's oil revenue accounts for more than one-third of the government's income, according to the *Financial Times*.

Mexico also faces external pressure from international rating agencies to increase its tax revenue base. Despite previous measures to reform Mexico's tax codes, the country's standing with these agencies has been downgraded. Ernesto Cordero, the country's new finance minister, has said that in order for Mexico to improve its tax base, it needs to "limit privileges," and place greater emphasis on accountability and transparency.

SOURCES:

Thompson, Adam. "Mexican finance minister plans tax reform." *Financial Times*. March 18, 2010.
"Hacienda prepara nueva reforma fiscal." *Reuters in CNNExpansion*. March 18, 2010.

ACCOUNTABILITY

Global Integrity report ranks Mexico high in public access to information, but low in government accountability

A Global Integrity report ranked Mexico high in access to public information but found that the country has room for improvement in government accountability. The report, which was released in February, pointed out that part of the reason for the high ranking may be an amendment to Mexico's access to information law in 2007 that required "all levels of government to standardize their regulations and computer systems to allow public access to government records from anywhere in the country." The country received an overall strong score of 82 in terms of creating an open environment for "Civil Society, Public Information and Media." Within that category, the country scored exceptionally well – receiving 92 out of 100 points - for public access to information.

Global Integrity develops its rankings by having journalists and researchers within each country come up with their own scores on a scale of 100 based on 300 indicators. Mexico's overall score from six main categories was 72 out of 100, placing it in the "moderate" category for Global Integrity's Scorecard. Mexico's previous assessment was conducted in 2007 when it obtained a score of "weak" with an overall rating of 63. According to the Global Integrity website, The Global Integrity Report is the product of months of on-the-ground reporting and data gathering by a team of more than 150 in-country journalists and researchers.

In the Mexico findings, Global Integrity highlighted the growing role of civil society groups that often act as government watchdogs, which appear to have some influence in public opinion and policymaking. Civil society organizations were rated high at 90 and the media at a weaker 66. The report did find that the

public in Mexico does not have access to the asset disclosures of executive, legislative or judicial branch officials, which weakens its score in public integrity. In the “Oversight and Regulation” category, Mexico obtained an overall moderate score of 77. The country scored poorly in terms of taxes and customs, receiving a score of 56. However, the country scored 91 for the role of a national ombudsman in the category of “Oversight and Regulation.” In the category of “Government Accountability,” Mexico had an overall score of 60, which is considered weak. In this category, the country scored a 49 in judicial accountability, a 68 in executive accountability, a 54 in legislative accountability, and a 67 in the budget process.

The report highlighted an overview by Leonarda Reyes, a former investigative reporter and editor for *Reforma-El Norte* and *TV Azteca News*. She focused on the backlash against Mexico’s government in the aftermath of the fire that claimed the lives of 29 children in an Hermosillo daycare center. Ensuing investigations seemed to indicate that the daycare system had been riddled with corruption and questionable connections between some government officials and daycare center owners. Reyes also notes that smaller-scale corruption, such as paying bribes to obtain a driver’s license, appears to be declining in Mexico.

SOURCES:

Global Integrity Report. Mexico: 2009. <http://report.globalintegrity.org/Mexico/2009>.
Rubinfeld, Samuel. “Global Integrity drops China from corruption-watch list.” *The Wall Street Journal*. February 26, 2010.

Preliminary report released by investigative commission into 2009 Hermosillo day care center fire

A preliminary report by an investigative commission of Mexico’s Supreme Court has determined that the deaths of 49 children at a daycare center in Hermosillo, Sonora merit additional questioning of several high-ranking officials. The report, which was completed February 26, requested the testimonial appearance of several government officials as individuals potentially responsible for the fire. The report stated that many of the daycare centers were not in compliance with regulations at the time.

The officials identified in the report include the current and former Governors of Sonora, the state’s Attorney General, the current and former mayors of Hermosillo, the former Director of the Mexican Institute of Social Security (Instituto Mexicano del Seguro Social, IMSS) - and many others. Two of these officials, former IMSS director Juan Molinar Horcasitas and former Sonora governor Eduardo Bours Castelo, have disputed the committee’s findings and denied any culpability for the fire. Molinar Horcasitas, who is now the national Secretary of Communications and Transportation, insisted that the agency complied with all its legal requirements and that it should not be considered responsible for the tragedy in any way.

The fire broke out on June 5, 2009, in a state warehouse in Hermosillo, Sonora. It spread to an adjacent childcare facility, the ABC Nursery, resulting in the death of 49 children (mainly from asphyxia) and hospitalization of several others. The IMSS came under heavy criticism for allegedly failing to provide proper oversight of the daycare centers and for its system of providing concessions – in some cases to family members of government employees – to operate the daycare centers.

Bours Castelo argued that the law designates different functions and responsibilities to different governmental entities. For example, the state government was responsible for the safety of the state warehouse, and Bours Castelo has accepted responsibility for that, but he said that safety standards for nurseries fall under the responsibility of others.

The Court has yet to make a final decision as to how to proceed. Nevertheless, the federal Attorney General’s Office said it was prepared to carry out any decisions made by the court. Meanwhile, a Congressional initiative was introduced that would require the 1,250 day care centers that operated through concessions by the IMSS to come under the direct control of the government agency. The proposed initiative to reform the IMSS laws was introduced in the *Camara de Diputados* by members of the *Partido del Trabajo*. The plan, if approved, would be to have all the day care centers directly controlled by IMSS in one year.

SOURCES:

Anabitarte, Ana and Marcelo Byliss. “Molinar rebate a SCJN y dice que no se va.” *El Universal*. March 3, 2010.
Rivera, Eugenio. “Un cortocircuito provocó el fuego en la guardería mexicana.” *ABC.es*. June 2009.

Cienfuegos, Rosario and Ronzon, Carlos. "Informe preliminar sobre el ejercicio de la facultad en investigación 1/2009." February 26, 2010.

Notimex. "PGR acatará decisiones por caso ABC." in *El Universal*. March 3, 2010.

Notimex. "Proponen que IMSS reasuma control de guarderías subrogadas." in *La Crónica de Hoy*. March 4, 2010.

ACCESS TO JUSTICE

SUPREME COURT RULINGS

Supreme Court rules to limit powers of human rights commissions

In two separate rulings over the span of less than a week, Mexico's Supreme Court voted to limit the National Human Rights Commission's power to issue recommendations on the grounds of international law, and to request information from the federal Attorney General's Office (Procuraduría General de la República, PGR).

In a 7-4 ruling, Mexico's Supreme Court voted to limit the actions of the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) and the state human rights commissions to domestic constitutional law. The ruling in effect bars the CNDH and state human rights commissions from issuing recommendations against government bodies they oversee for violating international treaties that Mexico has signed. Justices in the majority pointed to article 105 in Mexico's constitution, which they say states that human rights ombudsmen must strictly adhere to the human and fundamental rights apportioned by Mexico's Magna Carta when issuing claims of unconstitutionality. For their part, the four dissenting justices maintained that the commissions can request the annulment of national laws that do not adhere to international law to which Mexico has ascribed.

Among other consequences, the ruling could have grave implications for the CNDH's ability to call attention to Mexico's use of its military justice system to investigate, try and sanction soldiers accused of human rights abuses. The Commission has criticized the military justice system in the past, as have numerous other domestic and international human rights organizations, the United Nations, and some members of the U.S. Congress who advocate blocking security aid to Mexico if the practice is not abolished.

In a second ruling involving the CNDH, the Supreme Court ruled on March 9 that the PGR will only provide information to the CNDH as long as it "does not endanger any investigations or peoples' security." The decision came in a 7-4 ruling as well. The president of the court, Guillermo Ortiz Mayagoitia, one of the court's dissenting voices, considered the ruling unconstitutional in that it undermines the basic functions that the CNDH carries out, arguing that reducing human rights protections "affects the general population." The ruling effectively gives the PGR power over what information it will provide to the CNDH, creating what human rights advocates decry as a clear conflict of interest.

Raúl Plascencia, president of the CNDH, protested that the decision goes against reforms made in recent years advancing transparency and the justice system. He argued that the move is an affront to the new model of oral trials, which promises to provide a more transparent system of justice, in accordance with international criteria to which the Mexican government has recognized. Human Rights Watch has also spoken out against the decision. José Miguel Vivanco, president of the organization in the Americas, lamented that as a result individuals being investigated by the PGR have been stripped of protection against potential abuse by authorities. He acknowledged that the PGR does have the right and responsibility to take measures to improve its investigative processes, but stressed that those improvements should not stand in the way of the CNDH fulfilling its functions.

SOURCES:

"Revés de PGR a la CNDH: gana protección de expedientes." *Milenio* March 9, 2010.

Garduño, Silvia "Rechaza CNDH fallo de Corte." *Reforma* March 10, 2010.

"Derechos humanos se ven vulnerados por nueva disposición de la SCJN." *El Informador* March 13, 2010.

MILITARY JUSTICE

Human Rights Watch criticizes Mexico's military justice system before the United Nations

Mexico's military justice system received renewed media attention when Human Rights Watch (HRW) argued in front of the United Nations. At a hearing concerning human rights in Mexico, HRW revealed that the Mexican government has only sanctioned one soldier for violating human rights. The practice of employing military hearings to try soldiers accused of carrying out human rights abuses against civilians in law enforcement operations has received much criticism from human rights groups in Mexico and abroad, as well as from the United Nations and U.S. congress members. The practice has potential implications for U.S. aid to Mexico, particularly the Merida Initiative, a portion of which U.S. Congress has made contingent on Mexico improving its record on bringing human rights violators to justice. For Human Rights Watch, the military justice system violates Mexico's obligations under international law.

One day following a U.S. State Department report on what it characterized as a rise in human rights abuses in Mexico, the Mexican Interior Ministry (Secretaría de Gobernación, Segob) responded that the Mexican government sees to it that those who violate individual rights answer to the law. He also stated that all of the offices of the security cabinet have mechanisms to deal with alleged human rights abuses. Segob pointed out that to date four soldiers have been sentenced in civilian courts, and another 55 have faced military trials. Officials from the Mexican Army (Secretaría de Defensa Nacional, Sedena) and the Exterior Ministry also have argued that respect for human rights is an integral part of the training for all members of the Mexican armed forces.

HRW decried a culture of impunity in Mexico where only one soldier has been sanctioned for human rights abuses, in the case of an individual who was sentenced to nine months in prison for shooting and killing a civilian during a patrol. During the Calderón administration, which has deployed tens of thousands of soldiers in an unprecedented mobilization against the powerful drug cartels operating in the country, only two other soldiers have been sanctioned according to HRW – one involving an automobile accident and another whose sentence was overturned by a military tribunal on appeal. Between 2007 and the end of 2009, by contrast, Mexico's Human Rights Committee (Comisión Nacional de Derechos Humanos, CNDH) received 3,388 complaints of human rights abuses allegedly committed by the military. Human Rights Watch pointed to this discrepancy as a sign of gross impunity in the case of alleged abuses committed by Mexican armed forces against civilians, and of the ineffectiveness of the military justice system, which the organization argued is inappropriate for alleged military abuses against civilians, and contrary to international agreements signed by Mexico.

The Mexican Army has long maintained that the vast majority of human rights abuses allegedly carried out by soldiers were perpetrated by units of hit men employed by drug cartels, largely composed of well-trained military deserters, known to use military uniforms, vehicles, and ordinances.

SOURCES:

Ballinas, Víctor. "HRW: sólo un soldado sancionado en México por violar DH." *La Jornada* March 8, 2010.
"Refrendan Segob y Sedena respeto a derechos humanos." *Milenio* March 13, 2010.

PRESS FREEDOM

Journalist abductions, self-censorship result from escalation of violence in Tamaulipas

The recent escalation in violence in Tamaulipas has had a chilling effect on local news reporting, a fact punctuated by the abductions of eight journalists over a three-week period, with five still missing as of March 13. The apparent disparity between the violence residents of Reynosa have born witness to over recent weeks and an almost absence of crime reporting in local news coverage underscores the dangers of reporting on crime in Mexico, and the resulting self-censorship among news outlets.

Of the three missing journalists now accounted for, the body of one was found showing signs of torture, although state officials attributed his death to a diabetic attack. The other two, a reporter and a video journalist from *Grupo Milenio*, were beaten overnight, then released and ordered to leave the region. The five journalists still missing work for local news outlets. In response to the recent wave of attacks on

journalists in and around Reynosa, several U.S. news organizations along the border have ordered their reporters to stay away from the city.

As in other troubled cities such as Ciudad Juárez, journalists in Reynosa have reported receiving threats warning them not to publish names and photographs, which reporters admit have led them to avoid reporting on cartel-related crime. According to a March 11 story by *Reuters*, reporters and editors speaking on the condition of anonymity say that journalists are also at times swayed by cartels with cash and providing other favors for publishing certain messages, particularly photos of the *narco-banners* periodically hung in disputed cities like Reynosa to issue warnings to other cartels. The anonymous reports also claim that there are journalists in newsrooms all along Tamaulipas' border with Texas who are paid by the Gulf cartel to spy on and intimidate reporters. Such reports raise sensitive questions about whether certain journalists are killed or disappeared as a result of their work, or because they have become involved with drug cartels. It has been suggested that the five reporters still missing are *narco-reporters* caught between warring cartels.

Also troubling in attempting to measure the casualties of the recent upswing in violence in the state, Mexican officials say that the Gulf Cartel, which has long maintained a strong and comfortable presence in Tamaulipas, is trying to keep its war with the Zetas as quiet as possible in order to avoid the large-scale troop deployments seen in other border towns, namely Ciudad Juárez and Tijuana, in recent years. A city councilman in Río Bravo, near Reynosa, said that cartel hit men are removing victims' bodies following shootouts to erase evidence of the event.

The dearth of accurate crime reporting in Reynosa during the recently renewed turf battle has led citizens to turn to social networks like Twitter, Youtube, and Facebook to fill the void with reports of open gun battles in the streets absent from the local press. The state government, which has admitted that the near absence of crime reporting in the local media has made it difficult to gauge the real security situation at hand, responded to the many postings and the resulting "psychosis" with an advisory on its official webpage for citizens to "not pay attention to the rumors." It attributes the messages to "irresponsible people without scruples" spreading false information, and exhorts citizens to remain calm; avoid spreading false information; share official and media reports with their families; and to continue with their normal work, social, and family lives with "complete normalcy."

SOURCES:

- Pérez López, Miguel. "Difunde gobierno mensaje anti-rumores en página web." *La Verdad de Tamaulipas* Feb. 28, 2010.
"Cártel del Golfo silencia muertes con pago a reporteros." *La Jornada* March 11, 2010.
Corchado, Alfredo. "5 abducted journalists remain missing amid outcry in Mexico." *Dallas Morning News* March 13, 2010.
Lacey, Marc. "Fearing Drug Cartels, Reporters in Mexico Retreat." *The New York Times* March 13, 2010.

INDIGENOUS POPULATIONS IN THE JUSTICE SYSTEM

Two Otomí women sentenced to 21 years for kidnapping six AFI agents in 2006

A district judge in Querétaro sentenced two Otomí indigenous women, Teresa González Cornelio and Alberta Alcántara Juan, to 21 years in prison and a 160,000 peso (\$12,700 USD) fine for the 2006 kidnapping of six AFI agents in Querétaro. The case was brought to light in the press five months ago when a third woman, Jacinta Francisco, was ordered released by the courts due to investigative irregularities. Prosecutors decided to go on with the trials of the remaining two defendants. Amnesty International had declared the women prisoners of conscience, and criticized the federal Attorney General's Office (Procuraduría General de la República, PGR) for targeting the country's most vulnerable people for prosecution, particularly indigenous people and defenders of human rights. The group argues that this specific case is merely symptomatic of a much larger victimization of vulnerable populations by the Mexican government through its criminal justice system.

A team of attorneys from the human rights groups Centro de Derechos Humanos Miguel Agustín Pro Juárez (Prodh) and Centro de Derechos Humanos Fray Jacobo Dacian have assumed the defense of the two women. Meanwhile, in an unusual move, Mexico's Supreme Court has agreed to review the case. This came as a surprise to many, since the Court rarely intervenes in sentencing, nor does it often function as an appeals court, put in the position of determining the guilt or innocence of a defendant.

Many have pointed to a broad swath of irregularities and inconsistencies in the case built against the defendants. The three women were arrested in 2006, accused of kidnapping six agents of the now-defunct Federal Agency of Investigations (AFI) when the AFI raided the marketplace where the women worked, in search of pirated media. The agents claimed that the defendants conspired to kidnap them and demand a ransom. The three women were quickly arrested, tried, convicted, and sentenced to 21 years in prison. In September of last year, the PGR recanted the kidnapping charges against Jacinta Francisco only, admitting that there was reasonable doubt of her guilt in the crimes. Only two weeks earlier the agency had characterized the evidence against her as “solid.” The Mexican justice system came under increasing pressure from the United Nations and domestic non-government organizations to release all three defendants. Several irregularities were documented during the case against Jacinta Francisco, such as the refusal to admit testimonies from her fellow townspeople, the failure to provide Francisco with a translator, and contradictions in the testimonies of the six AFI agents.

In response to the outcry over this case, Raúl Plascencia, president of the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) has announced that the CNDH will prepare a report documenting the conditions of Mexico’s indigenous prison population. The report, which will detail every indigenous inmate nationwide, will be presented to the Senate upon completion. The CNDH earlier issued a recommendation to the PGR because of the irregularities of the case, but it was disregarded.

SOURCES:

- Espinosa, Verónica. “Confirman sentencia de 21 años contra mujeres otomíes; AI acusa a la PGR de discriminación.” *Proceso* Feb. 22, 2010.
Rivas Ayala, Paulina. “Retoma Prodh defensa de Alberta Alcántara y Teresa González.” *Cimac Noticias* Feb. 22, 2010.
Avilés Allende, Carlos. “Corte acuerda revisar caso de indígenas presas.” *El Universal* March 17, 2010.
Otero, Silvia. “CNDH analiza casos de indígenas en prisión.” *El Universal* March 20, 2010.

AROUND THE STATES

OAXACA



Shooting leaves 13 dead in Oaxaca, including a mayoral candidate

A massacre in Acatlán de Pérez, Oaxaca, about 400 km from the state capitol, left at least 13 dead, including a mayoral hopeful and eight state preventive police officers. According to official reports, an armed group of 30 to 40 men (aboard vehicles apparently from Veracruz) stormed into the town, entered the homes of two families and opened fire. The officers were killed when they confronted the assailants. The families had ties to local businesses. One of the victims, Adán Maciel Sosa, was a mayoral candidate for the National Action Party (PAN).

The state government expressed its hope and expectation that the federal Attorney General’s Office (Procuraduría Federal de la República, PGR) would investigate the massacre given the use of high-caliber weapons intended exclusively for military use, but there have been no reports that that has happened.

SOURCES:

- Avedaño, Olga. “Comando mata a 13 en Oaxaca.” *El Universal* Feb. 24, 2010.
Avedaño, Olga. “Muerto en tiroteo en Oaxaca aspiraba a alcaldía.” *El Universal* Feb. 24, 2010.

CHIHUAHUA

Navy captain appointed Chihuahua’s PGR delegate

Attorney General Arturo Chávez designated Navy captain Héctor García Aguirre as the Federal Attorney General’s Office’s (PGR) delegate for the state of Chihuahua. García Aguirre has law enforcement experience as the director of Maritime Interception for the National Institute for Combating Drugs for the PGR, and was also an agent for the PGR in Chihuahua coordinating the robbery unit. As PGR delegate, García Aguirre will coordinate investigations into federal crimes committed in Chihuahua.

SOURCES:

“Designan a Héctor García Aguirre delegado de PGR en Chihuahua.” *El Informador* Feb. 26, 2010.
Blancas, Daniel. “Marino, nuevo delegado de la PGR en Chihuahua.” *La Crónica de Hoy* Feb. 27, 2010.

GUERRERO

Still awaiting public results from investigation of murder of Guerrero state deputy



Six months after state deputy Armando Chavarría was murdered in Chilpancingo Guerrero, local legislators and family members demanded that the state Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) expedite its investigations. The vice president of the state congress and legislative coordinator for the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), Celestino Cesáreo Guzmán, criticized the PGJE for having ruled out by omission the possibility that Chavarría's killing was a political assassination. When he was killed, Chavarría was president of Guerrero's congress and was considered to be a future candidate for governor of the state.

For his part, Guerrero governor Zeferino Torreblanca Galindo, from the PRD said that he would not pressure the PGJE to reveal the results of its investigations into the murder. A spokesperson from his office, however, told the press that the results would be released before the end of his term as governor, and that there had been “important advances” in the investigation.

SOURCES:

Flores Contreras, Ezequiel. “Sin avances, la investigación del homicidio de Armando Chavarría.” *Proceso* Feb. 22, 2010.
Meza Carranza, Francisca. “No presionaré a la PGJE en el caso Chavarría: Torreblanca.” *La Jornada de Guerrero* March 3, 2010.

BAJA CALIFORNIA

Tijuana human rights defenders report receiving continued threats



The National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) requested earlier this month that Baja California's governor José Guadalupe Osuna Millán provide protection to two human rights activists who have reported receiving threats and acts of intimidation. Silvia Vázquez Camacho, an attorney and human rights advocate, reported receiving a threatening telephone call at her parents' home on February 2, and also said that later that month someone attempted to burn her brother's car. Mesina Nevárez, also an attorney, says that she received three threatening phone calls on February 28. The two women have been representing 25 police officers who report being detained and tortured at an Army base in March and May of 2009.

The Baja California State government agreed to provide protective measures to the two women involving regular patrols around the areas in which they live, a private emergency phone number, as well as personal guards. Nonetheless, they claim that the harassment has continued. The mother of Nevárez said she received a phone call from a purported federal police officer who told her that her daughter had been arrested for weapons possession, while the parents of Vazquez complained that they were targets of aggression from an army patrol of 25 vehicles near their home.

SOURCES:

CNDH pide protección a activistas en Tijuana.” *El Universal* March 4, 2010.
“Otorgan medidas cautelares para defensoras de DH en Tijuana.” *Cimac Noticias* March 10, 2010.
“Persiste amenaza contra activistas Silvia Vázquez y Blanca Mesina.” *Cimac Noticias* March 12, 2010.

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 Elisse Larouche, Theresa Firestine, Nicole Ramos, and Carlos Castañeda. All maps and tables generated by TBI; all photos obtained from Wikicommons. 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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