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TRANS-BORDER INSTITUTE

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February 2011  
News Report

## MONTHLY SUMMARY

*Ejecuciones up from same period last year, concentrated in seven states • TBI releases report on drug violence • Tamaulipas public security secretary assassinated • Questions emerge as to organized crime activity in Federal District and Mexico State • 2012 budget proposal reflects decrease in foreign drug control spending, increase in domestic spending • One ICE agent killed and other injured in an attack in central Mexico • Officials report on advancements of "Todos Somos Juárez" • IFAI seeking greater transparency for NAFTA-related documents • Radio anchor rehired after airing allegations about Mexico President Calderón • Several states look into misuse of public funds in municipalities • CFE recuperates 2.3 million dollars for bribery • IFE faces criticism for use of funds • Tourism agency coming under scrutiny • Money laundering figures discussed • PEMEX faces sanctions • Soldiers and military officials arrested in Baja California • Activist's family targeted a year after her murder • Mexican Senate chooses new Supreme Court Justice • Cassez case creates new tensions between Mexico and France • Two former functionaries arrested in connection with ABC daycare fire • Quintana Roo Congress approves justice sector reforms • State of Mexico governor announces measures to protect women from violence • Justice reform proposal reaches floor of Durango legislature • Morelos inaugurates new juvenile justice system*

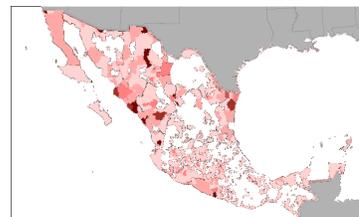
## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### ***Ejecuciones* for 2011 up from same period last year, concentrated in seven states**

During the first 7 weeks of 2011, there were a total of 1625 *ejecuciones*, or cartel-related killings, up 308 from the same period last year, or 23%, according to *Grupo Reforma's* running tally of such killings. 72% of *ejecuciones* are concentrated in just seven states, with Chihuahua, Sinaloa, Guerrero, and Nuevo León

as standouts, with 303, 205, 189, and 187, respectively. Durango has accumulated 99, while Jalisco and Tamaulipas have 96 and 93, respectively. The total for the first seven weeks is also up roughly 23% over the final seven weeks of 2010. Two states where *ejecuciones* have seen a notable rise in weekly rates over their 2010 rates are Nuevo León, Guerrero and Jalisco, which have seen 127%, 43% and 30% increases, respectively.



Over the course of three days from February 18-20, a total of 12 people were killed in attacks on taxicabs in Acapulco, Guerrero. The dead included both drivers and passengers. Officials say that taxi drivers have commonly been targets of extortion schemes, or employed by drug gangs as lookouts or mules. The attacks came just before the Mexican Open tennis tournament was set to begin. The Mexican Open is the largest tennis tournament in Latin America, and officials had assured tournament organizers that appropriate security measures had been taken to protect participants and spectators. Guerrero police said that four suspects had been apprehended in connection with the attacks, which began on Friday, February 18, when five taxi drivers were found dead in or near their cabs. The suspects were in possession of guns, a grenade, and a machete that police believe may have been used to decapitate one of the victims. Three more drivers were found dead on Saturday, and on Sunday, five cars were set on fire and a body was found cut to pieces, all near the city's tourist zone, where the tennis matches are held. At least one player had withdrawn from the tournament as of Sunday, citing his concerns over the violence as one factor.

In Jalisco state, Suspected members of the La Resistencia criminal group carried out six apparently coordinated attacks in the city of Guadalajara, Jalisco the night of February 1. In the first attack, assailants threw a grenade at the Tonalá municipal police station, causing minor damage and no injuries. The second attack, less than a half-hour later, occurred near a bridge, where several men stepped out of a minibus, forcing the driver and passengers out, spread gasoline on the vehicle, and lit it on fire. A similar attack followed, in which aggressors set fire to a cargo truck, but bystanders were able to extinguish the flames. Two suspects were arrested nearby minutes later. Three more incidents followed, all within an hour and a half of the first attack, including a grenade attack on a car dealership, several cars fired upon at a major intersection and set fire to after their occupants fled, and another passenger vehicle ignited. All but one of the attacks occurred along the southern periphery of the city. Police reportedly thwarted another attempted roadblock.

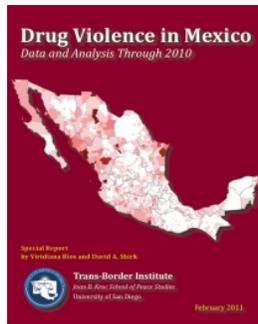
State Interior Minister Fernando Guzmán Pérez Peláez said that the attacks were carried out by the La Resistencia criminal organization in response to arrests the same day of two of its members. According to authorities, the La Resistencia group is made up of the remains of the Valencia, or Milenio cartel, and has ties to the La Familia criminal organization and the Gulf cartel. Officials also say that the group gained a stronger foothold in Guadalajara after the death last July of Ignacio "Nacho" Coronel, who was the Sinaloa cartel's leading trafficker of synthetic drugs, and that organization's lieutenant in the zone comprising Jalisco, Colima and Nayarit. Less than two weeks later, on February 12, six people were killed and another 37 wounded in an early-morning attack at a bar in the Minerva zone of the city. Initial reports from the state police said that at around 4:00 a.m. several people traveling in a Jeep Cherokee and a taxi fired on people standing outside the club, and tossed a fragmentation grenade inside. It was the second grenade attack in a Guadalajara bar in less than a month, following a January 16 dispute between armed men and a performing band culminating in a grenade detonation that killed two. Also on February 12, armed assailants attempted to assassinate the director of Public Security of the Chapala municipality, following a roadblock near the Guadalajara International Airport and five seemingly coordinated grenade attacks against a soft drink company, police installations, and private vehicles. Authorities later apprehended 10 people with suspected ties to La Resistencia who they say were responsible for the attacks.

#### SOURCES:

- Ramírez Yáñez, Jaime. "Guadalajara, en alerta por jornada violenta." *El Economista* Jan. 16, 2011.  
"Culpan a La Resistencia de los narcobloqueos en Guadalajara." *Milenio* Feb. 2, 2011.  
"Entérate 'La Resistencia' en Guadalajara." *El Universal* Feb. 3, 2011.  
Ferrer, Mauricio. "Lanzan granada y balean bar en Guadalajara; seis muertos y 25 heridos." *La Jornada* Feb. 12, 2011.  
"12 taxi drivers, fares killed in Mexican resort." *Associated Press* Feb. 20, 2011.  
"Ejecutómetro." *Reforma*. Accessed Feb. 21, 2011.

## Trans-Border Institute releases report on drug violence in Mexico

Drawing on new data released by the Mexican government, the Trans-Border Institute issued a report on February 7<sup>th</sup> on drug violence in Mexico. The report, titled “Drug Violence in Mexico: Data and Analysis Through 2010,” was authored by Viridiana Ríos and David Shirk and builds on a previous study released one year earlier. The new study reviews available data and analyzes the factors that contributed to extreme levels of violence in Mexico through 2010, the worst year on record.



According to Mexican government data, more than 34,550 killings were officially linked to organized crime during the administration of President Felipe Calderón (2006-12). Based on multiple years of monitoring drug violence in Mexico, the 15,000 organized crime killings that occurred in 2010 set a new record as well as an increase of nearly 60% from the previous year.

The new TBI report underscores the geographic concentration of violence, with 84% of all homicides from organized crime in 2010 occurring in just 4 of Mexico's 32 states (Chihuahua, Sinaloa, Guerrero and Baja California) and over 70% occurring in 80 of the country's roughly 2,450 municipalities. The top five most violent municipalities in 2010 were Ciudad Juárez (2,738 killings), Culiacán (587), Tijuana (472), Chihuahua (670), and Acapulco (370), which together accounted for 32% of all the drug-related homicides in 2010.

Despite this concentration, several areas saw sharp increases due to new clashes among drug traffickers. Four states experienced large, sudden spikes in violence during the course of the last year: San Luis Potosí (from 8 homicides per year in 2009 to 135 in 2010), Tamaulipas (90 to 209), Nayarit (37 to 377), and Nuevo León (112 to 604). Splinter organizations —the Beltran Leyva, La Familia Michoacana, and Zeta drug trafficking organizations—that have broken from the major cartels contributed to the upsurge in violence in these areas.

The report also notes a qualitative shift in violence over the last year, with an increase in the targeting of government officials and civilians. In 2010, there was an unprecedented number of elected officials, police, military, and civilians caught in the crossfire, including 14 mayors and 11 journalists. In January 2011, two additional mayors were killed, for a total of more than 30 since 2004.

The report reviews recent successes by the Mexican government in dismantling the leadership structures of major drug trafficking organizations, but warns that these efforts could have unpredictable effects. In 2010, the Mexican government's counter-drug efforts led to the capture of several high-profile traffickers, including Teodoro “El Teo” García Simental, Edgar “La Barbie” Valdez, and Nazario “El Chayo” Moreno, which authorities believe may help bring a reduction, if not an end to the violence. However, the report notes that the disruption of organized crime groups also has destabilizing effects, including increased violence among traffickers as well as the targeting of government officials and ordinary citizens.

Viridiana Ríos is a doctoral candidate at Harvard University and a research associate of the Trans-Border Institute. David Shirk is the director of the Trans-Border Institute and principal investigator of the Justice in Mexico Project.

The report is available online at the web page of the TBI's Justice in Mexico Project in the section Drug Violence under Research at: <http://justiceinmexico.org>.

### SOURCES:

“Trans-Border Institute releases report on drug violence in Mexico” *Justice in Mexico Blog*, <http://justiceinmexico.org> Feb.7, 2011.

## Tamaulipas public security secretary assassinated

Just 33 days after he assumed control of public security of Nuevo Laredo, Tamaulipas, on February 2, gunmen assassinated retired brigadier general Manuel Farfán Carriola along with his five bodyguards eight blocks from his downtown office. Tamaulipas has been the scene of several high-profile killings, including the assassination last June of gubernatorial candidate Rodolfo Torre Cantú and eight of his bodyguards just hours before election day, and the discovery of the bodies of 72 Central and South American migrants at a ranch in August.

General Farfán had a turbulent career in law enforcement before moving to Tamaulipas. When he died, he was actively under investigation in connection with the murders of two police officers, two firefighters and two civilians in Cuernavaca, Morelos in 2009. As public security secretary of that city, he had ordered the disarmament of metropolitan police, which the public prosecutor said led to the deaths of two police officers when they responded to a domestic violence call. The two firefighters and civilians were killed when they attempted to obstruct the assailant after he fled the scene. Coincidentally, the killer was sentenced in an oral trial to three hundred years in prison for the crimes. Public Prosecutor Pedro Luís Benítez Vélez initiated procedures he said would lead to a congressional inquiry into alleged abuse of power by Farfán, but the charges were dropped when the general was killed. Aside from serving as Cuernavaca police chief, he also led the Michoacán state police force, which he was forced to leave in November of last year after being accused of omission, negligence, and abuse of power in a failed police operation.

According to *El Universal*, Farfán was the third brigadier general assassinated during President Felipe Calderón's tenure. In 2009, General Mauro Enrique Tello Quiñones was gunned down in Cancún, less than 24 hours after being appointed to head anti-drug efforts in the city. In October of the same year, gunmen assassinated Juan Arturo Esparza, public security secretary of the García municipality of Nuevo León.

In related news, Nuevo León officials confirmed that the body discovered inside a burned vehicle on the night of February 13 belonged to Homero Guillermo Salcido Treviño, the director of the Nuevo León intelligence center commonly known as C5. He was found in the back seat of the vehicle with his hands tied. A grenade had apparently been detonated inside the vehicle. Initial investigations established that Salcido, 40, was abducted as he left his home unaccompanied. Just three days following the assassination, authorities apprehended two state police officers in connection with Salcido's murder, one of whom was the director's own bodyguard, and the other worked closely with him. While the two suspects are under *arraigo*, or detention pending charges, investigators are trying to determine whether other police officers were involved in the assassination.

### SOURCES:

- Morales, Alberto. "PGR indaga asesinato de mando en Tamaulipas." *El Universal* Feb. 3, 2011.  
Ordaz, Pablo. "33 días para matar al general." *El País* Feb. 3, 2011.  
Tonantzin, Pedro. "Cierran investigación contra Farfán Carriola por multihomicidio." *Excelsior* Feb. 3, 2011.  
"Ejecutan en Tamaulipas a Manuel Farfán, ex jefe policiaco de Michoacán." *El Cambio de Michoacán* Feb. 3, 2011.  
"Confirma gobierno muerte de titular del CF." *Porvenir* Feb. 14, 2011.

## Questions emerge as to organized crime activity in Federal District and Mexico State

A debate has arisen over the past several weeks as to the presence of organized crime in the Federal District (Distrito Federal, DF). Increased reports of military and federal operations in the city, and acknowledged organized crime presence in neighboring Mexico State have raised speculation as to a possible emergence of drug trafficking operations in the nation's capital. Federal District officials insist that criminal activity remains limited to smaller-scale, isolated groups.

Late last month, local police in the Nezahualcóyotl municipality reported that the La Familia Michoacana and Zetas criminal organizations had entered into conflict over the rights to distribute drugs in the eastern zone of the valle de México region of the DF, which includes the Iztapalapa delegation. They also reported on the presence of two La Familia splinter groups calling themselves Los Incorregibles ("The Incurable"), and La Empresa ("The Company"), which are also fighting for territory in the region. In

response to the reports of the Zetas trying to establish themselves in the zone, DF authorities recognized that there exist struggles between drug dealers (“narcomenudistas”) representing both organizations, but denied the presence of drug trafficking organizations. Miguel Ángel Mancera, attorney general of the Federal District, emphasized that “*narcomenudeo* is not considered to be organized crime,” and that DF officials would continue in their efforts to combat such crime.

Luis González Placencia, president of the Federal District’s Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF), challenged the Federal District government to clarify what he characterized as its ambiguous position as to the presence of drug trafficking in the nation’s capital. Shortly following neighboring Mexico State government’s recognition of the presence of drug trafficking organizations disputing territory in that state, Plascencia said that the increasing federal operations in the capital suggest a similar phenomenon. There have been recent reports of operations by the Mexican Navy – increasingly employed in recent months for strategic strikes on high-value organized crime targets – though details as to the nature of the operations have been sketchy, said Plascencia. He insisted that DF citizens must be made aware of the nature of the coordination between local and federal authorities, and what can be expected from the recent interventions of federal authorities in the area.

Another seeming challenge to Mancera’s claim that drug trafficking organizations are not operating in the Federal District was a recent announcement that the DF and Mexico State governments would work to strengthen coordination in their efforts to combat insecurity and organized crime, announced by DF Head of Government Marcelo Ebrard. “There is the need to strengthen the coordination of authorities in the State of Mexico and in municipalities... The objective is that we can share information and carry out joint operations,” he said. The Mexico State government’s recognition of the presence of organized crime in the state followed the arrest of Juan Carlos Vasconcelos Montalvo, “El Canas,” suspected of murdering 16 of his own men under the influence of “alcohol, drugs, and paranoia,” according to state Attorney General Alfredo Castillo Cervantes. The killings came on January 16 in the Chimalhuacán municipality of the State of Mexico, and on February 13 in Netzahualcóyotl. Castillo said that El Canas has been tied to a total of 20 *ejecuciones*, and works for the La Familia Michoacana criminal organization. He said that La Familia operates principally in the eastern zone of the state, which borders the Federal District, while a Beltrán Leyva splinter group calling itself “La Mano con Ojos” (“The Hand with Eyes”) dominates in the west.

**SOURCES:**

- Bolaños, Claudia. “Narcos se disputan zona oriente del valle de México.” *El Universal* Jan. 20, 2011.
- Bolaños, Claudia. “Piden aclarar si hay cárteles.” *El Universal* Feb. 17, 2011.
- Pantoja, Sara. “DF y Edomex buscan más coordinación.” *El Universal* Feb. 17, 2011.
- Torres, Rubén. “Cae al ‘Canas’, responsable de ejecuciones en Neza.” *El Economista* Feb. 17, 2011.

## US-MEXICO COOPERATION

### **2012 budget proposal reflects decrease in foreign drug control spending, increase in domestic spending**

In his budget proposal for fiscal year 2012, beginning October 1, U.S. President Barack Obama requested from Congress \$335 million (U.S.) for aid to Mexico, \$282 million of which would be allocated for the continuation of the Mérida Initiative, a pledge initiated by former President George W. Bush in 2008, which promised \$1.4 billion over three years for Mexico, and an additional \$200 million for Central American and Caribbean countries. The proposed allocation, a \$250 million reduction from 2010, reflects an overall budget proposal characterized by cuts to discretionary spending.

In statements made before the Subcommittee on the Western Hemisphere, Peace Corps, and Global Narcotics Affairs of the Senate Committee on Foreign Relations, Assistant Secretary of State for Hemispheric Affairs Arturo Valenzuela defended the budget request, saying that the Mexican and U.S. governments agreed to shift the focus of the program away from law enforcement and eradication equipment to institutional support. “We have shifted Merida’s focus away from supplying critical equipment to providing more training and technical assistance. Along these lines, we are partnering with Mexico to help institutionalize justice sector reforms to sustain the rule of law and respect for human rights – and

build a stronger institutional basis, including at the community level, for combating crime and the drug trade and enhancing citizen safety,” he said, suggesting that institutional reform efforts will be less costly than materiel support, including supplying surveillance planes and helicopters for military and police use.

The proposed decrease in aid to Mexico was accompanied by an increase in requested allocations for domestic drug control efforts. The 2012 request for the national drug control budget reflects an increase of \$322.6 million, or 1.2%, over the FY 2010 enacted level. The total budget request is for \$26.2 billion. The biggest proportional increase would go toward prevention, which would see a 7.9% increase to nearly \$1.7 billion. Next would be interdiction, which would increase by 6.6% to \$3.9 billion. Domestic law enforcement would remain the largest share of the total, increasing by 3.4% to \$9.5 billion, while treatment would increase just 1.1% to just under \$9 billion. The \$26.2 billion total also reflects a 17.6% decrease in international drug control efforts to just over \$2.1 billion. Assistant Secretary of State Valenzuela said that the increases to domestic drug control spending reflect an commitment on the part of the U.S. government to do its part to combat international drug trafficking by stepping up its efforts to break up domestic trafficking rings and work to decrease the demand for illegal drugs in the United States.

**SOURCES:**

- “Obama pide 224 mdd para México en 2012.” *El Universal* Feb. 14, 2011.  
Hernández, J. Jaime. “Washington debe seguir plan Mérida.” *El Universal* Feb. 16 2011.  
Valenzuela, Arturo. “U.S. Policy Toward Latin America.” Testimony before the Subcommittee on the Western Hemisphere, Peace Corps, and Global Narcotics Affairs of the Senate Committee on Foreign Relations. Feb. 17, 2011.  
National Drug Control Budget: FY 2012 Funding Highlights. Brief. Accessed Jan. 21, 2011.

**Two ICE agents attacked in central Mexico; one killed**

Two Immigration and Customs Enforcement (ICE) agents were shot in their vehicle at an ambush of at least 15 gunmen as they traveled through the state of San Luis Potosí on the highway that connects Mexico City to Monterrey. One agent, Jaime Zapata, was killed in the attack, and the other was wounded. While San Luis Potosí’s governor attributed the ambush to organized crime, U.S. and Mexican authorities say that a motive has not yet been established in the case. U.S. authorities are working with Mexican law enforcement agencies to investigate the crime. ICE agents in Mexico assist their counterparts in investigating money laundering, arms trafficking, and other activities associated with Mexico’s drug trafficking organizations. It was the second attack in less than a year against U.S. officials – in March of last year, a U.S. consulate employee in Ciudad Juárez was shot to death in her vehicle, alongside her husband. In December 2008, an anti-kidnapping expert and former U.S. Army major was abducted in Coahuila, and has not been heard from since.

A U.S. law enforcement official told BBC News that the motive of the killing will be crucial in the fallout from this incident. He said that if it is established that the agents were directly targeted in the attack, it could have an effect on bilateral relations, as until now the drug cartels have not gone after U.S. agents or uniformed personnel on either side of the border. Relations between the two countries were strained last year when U.S. Secretary of State Hillary Clinton qualified Mexico’s drug cartels as an “insurgency,” undermining Mexican officials’ attempts to distinguish the current security situation in Mexico from cartel-related violence that erupted in Colombia in the 1980s and 1990s. Earlier this month, a top Pentagon official echoed Mrs. Clinton’s statement in a talk given at the Hickley Institute at the University of Utah. Joseph W. Westphal, the United States Under Secretary of the Military, said that “drug trafficking cartels of Mexico are a form of insurgency and potentially could take control of the Mexican government,” suggesting that the situation could require the United States to send armed troops to the border, or even into Mexico. While he later retracted his statement, his words reignited the ire of some Mexican officials, and criticisms of the U.S. government for not doing enough to stem the demand for illegal drugs or the southbound flow of firearms into Mexico. The case of the slain ICE agent has drawn comparisons to the 1985 torture and murder of DEA agent Enrique Camarena, following which U.S. investigators detained Mexican functionaries and took them across the border to interrogate them. Eric Farnsworth of the Counsel of the Americas in Washington D.C. characterized the incident as a “pebble in the shoe of bilateral relations for many years,” and said that he “hope[d] that nobody will exploit this case with political ends.”

Meanwhile, the incident has refueled concerns about sovereignty in Mexico, following demands from conservative news outlets and congressional Republicans that U.S. agents operating in Mexico be allowed to carry guns. Currently, Mexican law prohibits the practice. Asked about the question of U.S. agents in Mexico carrying arms, U.S. Attorney General Eric Holder said only that the Justice Department was analyzing how to best protect them. In 1998, Florida Congressman Bill McCollom, now retired from politics, introduced legislation that would have made millions of dollars of support for drug eradication efforts in Mexico contingent upon the Mexican government allowing U.S. agents in Mexico to carry firearms. The proposal was defeated, but McCollom told the Mexican daily *Milenio* that it is now time to revisit the issue. For his part, Mexican Interior Minister Francisco Blake Mora rejected the idea of U.S. agents carrying weapons in Mexico, and insisted that the death of the ICE agent will not affect bilateral relations, saying that U.S. authorities are assisting Mexico's Attorney General's Office (Procuraduría General de la República, PGR) in the investigation, with respect for the sovereignty of both nations.

Just a few days after the attack and killing of the ICE agent, members of the Mexican Army arrested Julián Zapata Espinosa 'El Piolín' as the prime suspect for the killing. Zapata Espinosa was arrested previously in 2009 by the army with six other people for the possession of arms for exclusive use to the army, camouflage uniforms, and false insignia of federal corporations. However, the judge let him go on bail. Zapata Espinosa has been identified as the leader of a branch of Los Zetas that operates in San Luis Potosi. The arrest of Julian Zapata Espinosa came only 24 hours after the funeral of killed agent, Jaime Zapata.

Zapata Espinosa was arrested along with five other suspect members of Los Zetas. According to his declarations the gunmen shot at the American agents because they thought the car was armed with members of the former ally Gulf Cartel. He went on to say that members of his group were confused by the car they were driving, as a lot of the drug cartels have taken a liking to SUV's, even though the car had American diplomatic plates.

Mexican President Felipe Calderón called President Obama himself to let him know that the assassin suspect, Julian Zapata Espinosa, had been detained. President Obama reiterated that the "U.S. and Mexico cannot tolerate violence against those that serve and protect our citizens". Calderón and Obama will meet at Washington on March 3 to discuss security issues including the killing of agent Zapata and the *Wikileaks* issue.

#### SOURCES:

- Gómora, Doris. "México y EU chocan otra vez por 'narcoinsurgencia.'" *El Universal* Feb. 9, 2011.  
"Cómo el ataque a agentes de EE.UU. en México puede afectar las relaciones." *BBC Mundo* Feb. 17, 2011.  
Delgado, Álvaro. "Niega Segob datos sobre agentes de EU que operan en México." *Proceso* Feb. 18, 2011.  
Michel, Víctor Hugo. "Por qué iban sin armas los agentes en SLP?" (reportaje)." *Milenio* Feb. 20, 2011.  
Alzaga, Ignacio et Rubén Mosso. "El agente de EU fue confundido, revela Sedena." *Milenio*. Feb. 24, 2011.  
Gomez, Francisco et Roberto Morales. "En 2009 juez soltó a asesino de agente de EU" *El Universal*. Feb. 24, 2011.  
Herrera Beltrán, Claudia. "Calderón viaja a EU en una etapa crítica de las relaciones". *La Jornada*. Feb. 24, 2011.

## PUBLIC SECURITY STRATEGY

### Officials report on advancements of "Todos Somos Juárez" one year after inception



A year following the inauguration of "Todos Somos Juárez (We Are All Juárez)," Chihuahua Governor César Duarte Jáquez and the Calderón administration, represented by Agriculture Secretary Abelardo Escobar Prieto, agreed that the program intended to restore the social fabric of Mexico's most violent city has advanced, but has not realized its goals. The secretaries of education, health, public security, economy, and labor all reported on their respective departments' efforts over the past year, and on their plans for

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2011. The governor argued that Juárez, despite having been characterized by some observers as the most violent city in the world, faces the same fundamental challenges as the rest of the country – an economic crisis, violence, social excesses, and unequal wealth distribution, and thus its fate is tied to that of the republic.

Secretary of Education Alonso Lujambio said that over the past year university scholarships have been extended to 3,300 university students, and that construction of facilities has begun for three high schools (*instituciones de educación media superior*). He also reported the construction of an athletic center in the Villas de Salvárcar neighborhood, where 16 youths were killed at a birthday party in February of last year. By the end of 2011, he said he plans to offer scholarships to all preparatory (*preparatoria*) students. He said that screening will also be implemented starting in 5<sup>th</sup> grade in an attempt to address adolescent drug and alcohol addiction. For his part, Economy Secretary Bruno Ferrari announced a budget increase of 100 million pesos to stimulate small businesses, professional training, and temporary employment. Félix Guerra, Secretary of Social Development (*Desarrollo Social*), announced a planned enhancement to a housing program currently serving 24,000 families, and which he says will be expanded to serve another 4,000-5,000. He said that three hospitals would be built as part of the program, amounting to 800 million pesos. Interior Minister Francisco Blake Mora expressed the Mexican Government's general commitment to improving public security and restoring the social fabric of Ciudad Juárez.

In their report on progress made within the context of “Todos Somos Juárez” over the past year, government functionaries said that 132 of the 160 points of action in the plan are currently being implemented, and include construction of public facilities, public security enhancement, and economic stimulus efforts. Meanwhile, some have not yet come to fruition, perhaps most notably a plan for combating money laundering in the city, meant to undercut drug trafficking organizations' financial networks. For their part, public security officials report having liberated 87 kidnapping victims, and broken up 11 kidnapping rings over the past year. Kidnapping and extortion rings are main emphases of the plan, as those crimes are seen as the biggest threats to the general populace. Ministry of Labor reported that all of its commitments are underway, while the Ministry of the Economy said that of its 11 pledges, 5 have been completed, and the rest are ongoing. The Ministry of Education reported that as of December 31, 88% of its 72 commitments were being implemented, and the rest were moving forward in their planning stages. The Ministry of Social Development (Secretaría de Desarrollo Social, Sedesol) said that of its 20 pledges, 17 had been implemented, and 3 were in the process.

One of the federal government's biggest priorities within the context of “Todos Somos Juárez” has been the licensing of vehicles in the Ciudad Juárez area. Officials had hoped to make it more difficult for criminals to travel undetected in unregistered vehicles by cutting down the estimated 30,000 cars in Ciudad Juárez that have not been properly registered. Aside from vehicles yet to be imported into the state, the effort would apply to cars already improperly introduced into Chihuahua, but that have not been reported stolen. Since the program was announced in March, it has faced resistance from citizens and local officials, due to perceived high costs to drivers, and a lack of coordination between state and federal institutions. During a recent visit to Ciudad Juárez, Mexico's Economy Secretary Bruno Ferrari said that such a proposal was off the table, given lack of agreement between levels of government. In response, Chihuahua Governor César Duarte insisted that it was his government that put a stop to the implementation process, as it wanted a licensing system generalized for the entire state, as opposed to the “fronterización” proposal the federal government put forth, which is limited to urban areas near the border.

According to official data, “Todos Somos Juárez” has cost a total of 3.3 billion pesos over the past year, with most estimates of cartel-related homicides in the city increasing during the same period – *El Diario* reports 3,100 homicides over the past year. Critics of the effort say that measures to restore the social fabric of the city, such as the construction of hospitals and sports facilities and job creation efforts will be of little use as long as residents feel unsafe. “We know that we need beds in hospitals and equipment and sport fields have been provided, but this has not resolved the problem, and it seems ironic that these spaces have been constructed, but they cannot be used because of crime,” said Jaime Flores Castañeda, the coordinator of the task force assembled by the Chihuahua Chamber of Deputies to see to the plan's implementation. Flores Castañeda was referring to two multiple homicides that have occurred at playing fields constructed as part of “Todos Somos Juárez,” in the Plutarco Elías Calles and the Francisco I.

Madero neighborhoods. *El Diario* also reports anemic job creation, reporting that of the estimated 95,000 jobs lost since the public security crisis began, only 10,500 have been recovered. Meanwhile, 304 businesses have closed.

**SOURCES:**

“Publican decreto de fronterización de vehículos.” *El Ágora* Mar. 29, 2010.  
Minjères, Gabriela. “Darán detalles hoy sobre ‘fronterización generalizada.’” *El Diario* Feb. 10, 2011.  
Cruz, Juan Manuel. “‘Todos somos Juárez’, con avances insuficientes.” *El Universal* Feb. 17, 2011.  
Minjères, G. and Gallegos, R. “Juárez sigue en las mismas... o peor.” *El Diario* Feb. 17, 2011.

## TRANSPARENCY & ACCOUNTABILITY

### TRANSPARENCY

#### **IFAI seeking greater transparency for NAFTA-related documents**

The Federal Institute for Access to Information (IFAI) wants Mexico to provide more transparency guarantees as part of the North American Free Trade Agreement (NAFTA) so that certain judicial and procedural documents are covered under public information guidelines. NAFTA was signed in 1993 to lift tariffs and trade restrictions between the three countries by creating a free-trade zone.

Jacqueline Peschard, president of the IFAI, was meeting with Mexican officials in the Ministry of Economy to request NAFTA be updated to reflect Mexico’s current public information guidelines, Mexican media reported. At the time the treaty was signed, Canada and the United States already had public information request and other transparency frameworks in place, and Mexico did not. Thus, the default framework Mexico used was one established by the World Bank. However, since then Mexico has created its own federal requirements for access to public information and after 16 years Mexico’s framework within the context of NAFTA needs to be updated to reflect this, according to IFAI commissioner Maria Marvan Laborde.

The recent attention on the issue stems from the Mexican government facing a binding decision in regards to transnational companies Cargill Incorporated and Corn Products International. The two companies are alleging discrimination in the use of fructose in the beverage industry. Even though the judicial tribunals have accepted the claims and are planning on determining the alleged harm being caused by Mexico, the information is not available in a public form. Mexico is claiming that the information can be kept private because it involves an international arbitration.

**SOURCES**

Jimenez, Joracio. “IFAI buscara transparentar el TLC.” *El Universal*. Feb. 6, 2011.  
Velasco, Elizabeth. “Sugiere IFAI renegociar TLC para conocer juicios entablados por Mexico.” *La Jornada*. Feb. 6, 2011.

#### **Radio anchor rehired after airing allegations about Mexico President Calderón**



A radio anchor who spoke about rumors that Mexican President Felipe Calderón was allegedly an alcoholic ended up being dismissed from her post, and then rehired in an abrupt change of face. The incident has raised debate over transparency and freedom of expression for Mexico’s media.

The anchor, Carmen Aristegui, is a well-known news personality in Mexico. The scandal was started when she called on President Felipe Calderón to address the unsubstantiated rumors about his drinking after opposition leftist lawmakers aired a banner in the Mexican Congress that referred to Calderón as a drunk. According to *The Washington Post*, the banner said, “Would you let a drunk drive your car? No, right? So why would you let him run the country?”

The issue tipped off concerns over journalistic freedoms while also eliciting a response from the company Aristegui works for, MVS Communications, to create an ombudsman-type position to address sensitive topics like this one. Aristegui was apparently fired for violating the company’s ethics code, though Aristegui said that she had refused to apologize for her handling of the rumors. Aristegui also said the

company had received pressure from the Calderón administration, a statement that was denied by administration officials. Aristegui has said the public should know about the president's health but the rumors appear unsubstantiated and Calderón has not publicly appeared to be intoxicated in public, according to *The Los Angeles Times*. A presidential spokesman told media that Calderón was in good health with a busy daily agenda.

#### SOURCES

Booth, William. "Respected Mexican journalist fired for addressing Calderón drinking rumor." *The Washington Post*. Feb. 10, 2011.  
Ellingwood, Ken. "Radio anchor who questioned Calderón about drinking rumors is rehired." *Los Angeles Times*. Feb. 16, 2011.  
Villamil, Jenaro. "Calderón-Aristegui, el metodo de la censura." *Proceso*. Feb. 12, 2011.

## ACCOUNTABILITY

### **Several Mexican states look into misuse of public funds in municipalities**

Investigations into the misuse of public funds in municipalities throughout the states of Guerrero and Veracruz resulted in a series of arrests over the past month that netted dozens of former mayors and other ex-city officials. Authorities continued to seek a growing list of former public officials suspected of contributing to financial irregularities in the cities they once oversaw.

In late January, state investigators detained 23 former city public officials in the state of Veracruz for allegedly misusing public funds. The detentions followed a review of city public budgets and other accounting documents. The 23 had worked for 17 of 26 municipalities identified by authorities as demonstrating questionable accounting in their budgets. A spokesman with the Veracruz state attorney general's office said that the list included 10 former mayors, former Treasurers, and former council members in connection with their time in office from 2001 to 2010. Authorities in the state were continuing their investigation and they have already filed requests for arrest warrants for a total of 115 former public officials. Judges were evaluating the requests to determine their legitimacy.

In Guerrero, the state's internal comptroller has filed a formal complaint against 38 former mayors for failure to provide accountability for use of public funds. The amount of funds from the group that is not accounted for adds up to about \$250 million (U.S.) according to Arturo Lataban, who oversees the Office of the General Auditor in Guerrero. The complaints were filed with the State Attorney General's Office in Guerrero.

#### SOURCES

"Demandan en Guerrero a 38 ex alcaldes." *Notimex via Noticieros Televisa*. Feb. 10, 2011.  
"Detienen a 23 exfuncionarios acusados de corrupción en Veracruz." *EFE via La Crónica de Hoy*. Jan. 29, 2011.  
"Presos, 23 ex funcionarios; 10 de ellos ex alcaldes: PJG." *El Sol del Córdoba*. Jan. 29, 2011.  
Zamudio, Isabel. "Prófugos, 92 ex funcionarios acusados de desviar recursos." *Milenio*. Jan. 30, 2011.

### **CFE recuperates 2.3 million dollars from company for bribery**

The international company ABB has agreed to pay the Federal Commission of Electricity (Comisión Federal de Electricidad, CFE) \$2.3 million in damages in connection with a case in which the company allegedly paid bribes to former commission officials in exchange for a lucrative contract.

The amount of money is about the same amount that was allegedly funneled to various CFE officials through bribes, as reported during the U.S. investigation. According to the U.S. investigation, the corruption involving the CFE and ABB started in 1997 and continued until 2004, during which time suspicious transactions were reportedly channeled to 660 bank accounts that belonged to members of the CFE. The \$2.3 million represents the amount of money believed to have been doled out through bribes of \$1.9 million, including interest. In October, the CFE filed a complaint against the company through the Mexican Federal Attorney General's office, as well as through a civil federal court, that was aimed against both ABB and former CFE officials believed to have been involved in the scheme.

ABB Ltd, a Swiss corporation with U.S. offices, pled guilty last year to bribery charges in the United States. As part of the agreement, the company admitted that a Texas business unit paid bribes of about \$1.9 million to officials at the CFE, the state-owned utility company, according to a U.S. Department of Justice press release. In return, according to court documents cited by the U.S. government, ABB through its U.S. subsidiary received contracts that were worth more than \$81 million. Bribe payments were made through several intermediaries, including a Mexican company. A principal of that company, Fernando Maya Basurto, pled guilty in 2009 for his role in the case, which involved making the payments to CFE officials and helping to launder the bribe money.

The names of several former high-ranking officials with the CFE have emerged during the investigation north of the border. One of them, Arturo Hernández Álvarez, was director of operations of the Commission until 2007. The other, Nestor Moreno Díaz, was serving as director of operation of the Commission when he stepped down from his position in September. However, ABB has reportedly refused to formally share the names of the Mexican officials even though they allegedly alerted Mexican authorities in 2005, according to news reports. Other names linked to the case have been Gustavo Salvador Torres, Jorge Hernández and Carlos Rovira Barker, some of whom have either resigned or been forced from their posts.

#### SOURCES

Rodríguez, Israel. "Dos ex directivos de CFE, investigados en EU por recibir sobornos para contratos." *La Jornada*. Oct. 1, 2010.  
"CFE recupera 2.3 mdd de 'sobornos'" *El Universal*. Jan. 26, 2011.

#### IFE faces criticism for use of funds

The Federal Electoral Institute (Instituto Federal Electoral, IFE) is facing criticism for allegedly holding on to 348 million pesos (about \$29 million USD) that was approved for use in 2010 by the Chamber of Deputies but that was not used by the Institute. Critics say the money should be returned to the Mexican Treasury, but the IFE said the money comes from various sources and it is destined for IFE projects.

IFE officials said that the allegations were based on inaccurate information and that as an autonomous branch, rather than a government agency, they have the option to reassign budget money to other funds. However, the president of the Oversight Commission of the country's top government audit agency (Auditoría Superior de la Federación, ASF) said that the IFE must conform to the same requirements as a regular government agency. At question is whether the placement of the funds in a special fund for IFE projects exempts the Institute from returning the money.

IFE president Leonardo Valdés said the Institute is being unfairly accused of allegations of corruption in regards to the budget scandal. "All of the uses or investments that the IFE conducts are the property of the people of Mexico," he was quoted as saying in *La Crónica de Hoy*. He said the money is going to be used to create additional building spaces for the institute to conduct their activities

IFE representative Alfredo Figueroa said that public institutions that do not use the funds provided to them by the national budget should return the funds to the Treasury of the Federation, but he said this was not required in the IFE case since the money was placed in a special fund going towards modernizing IFE buildings, called the *Fondo de Modernización Inmobiliaria*. Figueroa said the IFE money in the fund comes from a variety of sources including agreements with state electoral institutes. He said that the IFE does plan on returning to the Treasury 72 million pesos (about \$6 million USD) that was not used in the previous year.

#### SOURCES

Acosta, Carlos. "Exigen al IFE regresar dinero; contesta que no." *El Heraldo de Chihuahua*. Feb. 10, 2011.  
"Hay ahora, no subejercicio en IFE: consejero." *Notimex via El Universal*. Feb. 10, 2011.  
Paez, Alejandro. "Responde IFE que no devolviera los 348 mdp." *La Cronica de Hoy*. Feb. 10, 2011.

#### Tourism agency coming under scrutiny

An audit into the System of Touristic Agencies at the Institute of Social Security for Government Workers (TURISSSTE) has found that the entity made contracts for 516,355,000 pesos (about \$43 million USD)

without following the standard procedures for public sector services. Of this amount, more than half of the contracts overstepped the agency's role of providing travel services by doling out contracts to reportedly unrelated events, such as Mexico's Bicentennial celebrations in 2010.

The findings come from the first audit in ten years that the nation's main auditing agency has conducted of Turissste. The audit found anomalies in administrative areas, such as inconsistencies of data, a lack of information, and other errors in bank accounts and other registries. However, the majority of the inconsistencies were due to the contract process. In some cases, Turissste officials or workers charged "commissions" from the private businesses in exchange for the contracts. The federal government's main auditing agency, ASF, has asked the Secretary of Public Function (Secretaría de la Función Pública, SFP) to sanction the public officials found to have been involved in the irregularities, in particular with those related to Mexico's Bicentennial Independence Day celebrations last year.



According to the audit, the decision to hire a private company in order to administer a number of the events at the Bicentennial was not justified. Other questionable expenditures included a cultural event for the Secretariat of Education, and a Three Kings Day event for the Mexican Attorney General's office that cost 2,434,000 pesos (about \$200,000 USD). The auditing agency notes that the primary role of Turissste in providing travel services is unrelated to a number of these recent events, and that the agency does not have the infrastructure to follow proper bidding and contracting procedures. The audit found that Turissste subcontracted with other businesses without following standard contract bidding procedures and without sufficient proof of the businesses' ability to perform their services.

#### SOURCES

Garduño, Karla. "Detectan contratos irregulares." *Agencia Reforma*. Feb. 18, 2011.  
Méndez, Enrique. "ASF pide sancionar a Lujambio; encuentra irregularidades en Bicentenario." *La Jornada*. Feb. 18, 2011.  
Saúl, Lilia. "Hallan anomalías en gasto del bicentenario." *El Universal*. Feb. 17, 2011.

## CORRUPTON

### Money laundering figures discussed

The amount of money laundering in Mexico has reached a total of \$10 billion (USD), according to data from the Mexican Attorney General's office that was shared during a recent conference on corruption and money laundering. The discussion was particularly timely as Mexico considers which agency will take the lead role in overseeing money laundering investigations under a proposed law to combat the problem.

The figure was cited by Mexican Senator Carlos Navarrete, who was quoted in several Mexican media publications as saying at the conference: "This problem has disrupted banking institutions, investment firms and businessmen, and I believe it is time for a good law that will allow us to strike a blow at the finances of organized crime groups." The conference – the International Seminar on Corruption and Money Laundering – brought together lawmakers and other public officials in Mexico to analyze legislation submitted to Congress by Mexican President Felipe Calderón's administration to combat money laundering.

However, it remains unclear which branch of the government would be charged with the oversight of such investigations. Jesus Alberto Fernández Wilburn, who oversees investigations of illicitly acquired funds for the Federal Police, said that his unit already conducts investigations regarding suspicious financial activities, and he requested that the Senate formally attribute to them the function in the anti-money laundering law. The Unit of Financial Intelligence, which is part of the Mexican Ministry of Treasury (Secretaría de Hacienda y Crédito Público, SHCP), also has been conducting investigations into money laundering through a special unit headed by Alberto Balbuena. Balbuena was quoted as saying that authorities need to have more access through court orders to the bank accounts of Mexicans in order to be more effective in their corruption investigations.

According to Navarrete, of the estimated \$10 billion dollars Mexican authorities confiscated only \$50 million. He blamed lack of coordination between specialized units that investigate money laundering in Mexico, and that the detention of more than 30 high-ranking drug trafficking leaders may not have long-lasting consequences without attacking money laundering more aggressively. During the conference, information was shared about how Spain is attacking money laundering, as well as other international approaches.

#### SOURCES

- “En 2010 se ‘lavarón’ 10 mmdp.” *Tribuna de Campeche*. Jan. 10, 2011.  
“Money laundering reaches \$10 bn annually in Mexico.” *EFE via Fox News Latino*. Feb. 10, 2011.  
“Mexico to analyze Spain’s strategy for fighting money laundering.” *Latin American Herald Tribune*. Feb. 9, 2011.  
Monroy, Flores. “SCHP busca liderazgo contra lavado.” *El Economista*. Feb. 10, 2011.

### PEMEX faces sanctions

Several dozen State-owned Oil Company (Petroleos Mexicanos, PEMEX) workers have been sanctioned or dismissed in recent weeks in connection with the alleged improper use of funds as well as other questionable contract bidding procedures. The Secretary of Public Function (SFP) has been the lead agency in identifying and reprimanding the workers for the alleged activities.

In February, a dozen Pemex workers received sanctions, and three companies were also reprimanded in connection with the disbursement of public works contracts for the rehabilitation of a petrochemical plant. The plant, located in the municipality of Poza Rica in Veracruz, had been harmed during a hurricane in 2007. However, a series of audits revealed “partiality and favoritism among the public servants sanctioned towards certain businesses in the disbursement of the six contracts”, according to the SFP. Authorities reviewing the contracts found that a portion of the contracts for this project went directly to three businesses that apparently had no prior experience in the work nor the financial backing to carry out the projects. Furthermore, the three companies had connections between themselves even though they pretended to be separate companies. The firms were sanctioned and banned from benefitting from federal government contracts for two years and a half. Each company also received a fine of roughly \$64,000 dollars, which is the maximum sanction allowed through Mexican laws for such violations.



Among the Pemex workers who received the most severe sanctions or were suspended in this particular case: The Superintendent of Maintenance, the chief of the Department of Maintenance of Plans, the Chief of the Civil Maintenance, and an engineering specialist. Other functionaries received a “public warning,” according to the SFP. This was the latest in what has been a number of sanctions leveled against Pemex in recent weeks. On January 26, 14 Pemex workers were fined the total equivalent of about \$427 million (US) dollars for manipulating the bidding and contract process in another project. Also in January, the SFP identified corruption in the purchase of 177 pieces of equipment that were knowingly purchased by Pemex workers in excess of their actual price by as much as 24 percent.

#### SOURCES

- “Destituyen y multan a dos funcionarios de Pemex.” *El Universal*. Feb. 8, 2011.  
“Sancionados doce funcionarios de Pemex y tres empresas por corrupción.” *Agencia EFE*. Feb. 2, 2011.  
Rodríguez, Arturo. “Función Pública multa con 5 MMDP a 14 exfuncionarios de Pemex Refinación.” *Proceso*. Jan. 26, 2011.  
Saúl, Lilia. “SFP denuncia compra irregular en Pemex Refinación.” *El Universal*. Jan. 31, 2011.  
Valdéz, Blanca. “Detecta SFP actos de corrupción de funcionarios publicos en licitaciones.” *Milenio*. Jan. 31, 2011.

### 10 soldiers and military officials arrested in Baja California

Ten military officials and soldiers from a Baja California platoon were detained on suspicion of being involved in drug trafficking related activities. The federal Attorney General’s office was handling the case.

The ten were based out of San Quintin in Baja California, and they were detained February 8. In a press release from the Secretary of Defense (Secretaría de la Defensa Nacional, SEDENA), the military

confirmed the group had been detained after a person who had been transporting drugs accused the soldiers of receiving bribes. A judge placed the ten under *arraigo* for 40 days to give federal authorities more time to gather enough evidence in the case.

The military has historically enjoyed a reputation of being somewhat immune to the influence of drug traffickers. However, there have been incidents that have tarnished that image. One of the most high-profiled cases was in 1997, when General José de Jesús Gutiérrez Rebollo was found to be working with a major drug trafficker. Gutiérrez had been acting as Mexico's drug czar at the time, and he is now in prison. In recent years, the military has taken a larger role in combating drug trafficking in an attempt to counter the inroads made by drug traffickers in other Mexican law enforcement groups. As a result, soldiers may have become more exposed to the temptations and other complications faced by law enforcement groups that have been involved in drug trafficking investigations or arrests. In 2009, Mexico's army detained 10 of its own officials for allegedly taking payments from a drug group in exchange for tipping them off about government investigations into drug trafficking. In that case, the men were apparently being paid by a group overseen by suspected traffickers Joaquín 'El Chapo' Guzmán Loera and Ismael 'El Mayo' Zambada.

#### SOURCES

De Córdoba, José. "Mexican army officers detained for cartel payments." *The Wall Street Journal*. Jun. 15, 2009.  
García, Dennis. "Arrestan a 10 soldados por presuntos nexos criminales." *La Crónica de Hoy*. Feb. 11, 2011.  
"Confirma Sedena detención de diez militares por presuntos vínculos con el narco." *Notimex via Diario de Yucatán*. Feb. 11, 2011.

## ACCESS TO JUSTICE

### HUMAN RIGHTS

#### Activist's family targeted a year after her murder

The family of Josefina Reyes, an activist assassinated in January 2010 in a town near Ciudad Juárez in the northern border state of Chihuahua, continues to face attacks, presumably by members of organized crime. Reyes was well-known for the 10 years she spent protesting the femicides committed in the Valle de Juárez municipality beginning in 2000, as well as the planned construction of a nuclear waste disposal site there. On February 7, a group of armed men abducted two of her brothers and the mother of one of them as they were on their way to Ciudad Juárez, leaving behind the mother of the other and a child who were traveling with them. The three were found dead February 23 in a remote area outside of Ciudad Juárez, according to the spokesman of the state prosecutor's office, Carlos González. On February 15, unidentified assailants burned down the Reyes family's home with molotov cocktails. The following day, armed men burned down the home of another social activist, Malú García Andrade, president of the organization "Nuestras hijas de regreso a casa," which for seven years has fought against femicides along the border. García Andrade has received international recognition for her activism.

At the time that her house was burned down, García Andrade was accompanying the Reyes family in a demonstration demanding justice in the abductions of their family members. Since the kidnapping, Marisela and Claudia Reyes, aunts of Josefina and of two of the kidnapping victims, have protested in front of the Chihuahua Public Prosecutor's office in Ciudad Juárez, demanding that the three be found and returned alive. Marisela has also been on a hunger strike since the kidnapping, and is said to be in deteriorating health. Beginning on Monday, February 21, Marisela was to have traveled to Mexico City to demonstrate outside of the Mexican Senate to demand the return of her family members, as well as the resignation of Jorge González Nicolás, public prosecutor for Chihuahua's northern zone. Marisela Ortiz, also of the organization "Nuestras hijas de regreso a casa," said that the aggressions against the Reyes family are an indication of the extreme impunity with which organized crime terrorizes the population of Ciudad Juárez. Patricia Mendoza, another local activist, said that a formal request was made following the kidnapping to protect the Reyes family and their homes, but that no such measures were taken. For its part, Chihuahua's Office of the Public Prosecutor (Fiscalía General del Estado) said that it would carry out a massive search for the missing persons, employing a helicopter belonging to the federal Attorney General's Office (Procuraduría General de la República, PGR) for air surveillance, horses and off-road vehicles to search remote areas, as well as search dogs.

The case of the Reyes family has drawn comparisons to that of Marisela Escobedo, who was assassinated outside the governmental palace in Chihuahua City last year as she demanded the arrest of her daughter's alleged killer, who had been acquitted by three oral trials judges claiming that there was insufficient evidence for conviction, despite the defendant having confessed to the crime. The three judges are currently the subjects of a state congressional inquest. Since the murder of Marisela, unknown assailants burned down the home of her romantic partner, and kidnapped his brother, who was found dead two days later. Her two sons fled to the United States on December 25 after receiving death threats at their mother's funeral, and are currently seeking asylum.

#### SOURCES:

Villalpando, Rubén. "Caso de los Reyes Salazar muestra impunidad en Juárez: activistas." *La Jornada* Feb. 16, 2011.  
"Incendian casa de familia de activista." *El Universal* Feb. 16, 2011.  
"Incendian casa de otra activista en Juárez." *El Universal* Feb. 17, 2011.  
Cruz, Juan Manuel. "Familia de desaparecidos traslada huelga al DF." *El Universal* Feb. 20, 2011.

## SUPREME COURT

### Mexican Senate chooses new Supreme Court Justice

With 97 votes in favor, the Mexican Senate elected Jorge Mario Pardo Rebolledo to be the newest Supreme Court justice, replacing the deceased José de Jesús Gudiño Pelayo. Gudiño's seat had remained vacant for five months while the Senate underwent the process of selecting his replacement. Pardo Rebolledo enjoyed broad support from President Calderón's National Action Party (Partido Acción Nacional, PAN). PAN senator Alejandro González Alcocer said that Pardo Rebolledo fills the requirements for experience, qualifications and independence. Meanwhile, however, some senators from the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) and the Labor Party (Partido del Trabajo, PT) complained that the selection process was hurried. In all, 16 senators voted for the other two candidates: 12 for Jorge Higuera Corona and 4 for Alberto Gelacio Pérez. Mexican Supreme Court justices serve terms of 15 years.



Mexican Supreme Court  
(Suprema Corte de Justicia de la Nación, SCJN)

Nevertheless, as political analyst Ana Laura Magaloni pointed out, there was broad consensus across the three major parties in favor of Pardo, and that he is held in high esteem by the other members of the Supreme Court. Pardo, who during his appearance before the Senate recognized a general discontent among the populace with regards to the Mexican justice system, followed a 27-year trajectory en route to his recent nomination to the Court. He studied, as President Calderón did, at the prestigious School of Law separated from the School of Jurisprudence of the National University of Mexico in the early twentieth century called Escuela Libre de Derecho or Free School of Law, beginning in 1979, and graduated in 1984. He has held several positions within the federal judicial branch, including federal district judge in Mexico State, and since 1997 has served as magistrate of a number of federal circuit courts.

The biggest challenge that he faced during his Senate appearance was the concern among some that he could be beholden to the influence of PAN party leader Diego Fernández de Cevallos, who was one of his professors at the Escuela Libre de Derecho. He managed to overcome these concerns, however, and in interviews following his confirmation he emphasized that he had arrived at his current position on the merits of his judicial experience alone, and is beholden to no political interests. Several pending Supreme Court decisions await Pardo's attention, given that they initially met with a 5-5 tie due to Justice Guidiño's empty seat. Among the 23 cases is the decision as to whether or not to accept the ruling by the Inter-American Court of Human Rights in the Rosendo Radilla forced disappearance case that Mexico must limit the reach of its military justice system. Also awaiting a decision is the question as to whether public officials should be allowed to challenge information requests made by transparency groups.

#### SOURCES:

Mercado, Angélica. "Es Jorge Pardo nuevo ministro de la Corte." *Milenio* Feb. 10, 2011.

Villamil, Jenaro. "Pardo Rebolledo, nuevo ministro de la Corte." *Proceso* Feb. 10, 2011.  
"Ministros tienen buen concepto de Pardo Magaloni." *Radio Fórmula* Feb. 10, 2011.  
Michel, Elena and Ricardo Gómez. "Ministro electo niega tener vínculos con AN y Diego." *El Universal* Feb. 11, 2011.  
"Los retos del nuevo ministro." *El Universal* Feb. 11, 2011.

## FOREIGN NATIONALS IN MEXICAN JUSTICE SYSTEM

### **Florence Cassez case creates new tensions between Mexico and France**

The case of Florence Cassez, the French national arrested and sentenced in Mexico to a 60-year term in prison for being part of the kidnapping gang Los Zodiácos (The Zodiacs), has reemerged as a diplomatic strain between Mexico and France, which is currently commemorating the "Year of Mexico." French President Nicolas Sarkozy has used the occasion to renew his calls for the repatriation of Cassez, which has drawn a predictable refusal from the Mexican government. Some Mexican analysts have pointed out that the renewal of the debate over the future of Florence Cassez, shortly following a Mexican court's refusal of an injunction filed by her lawyers arguing the illegality of her detention, also comes at a time when Sarkozy is facing his lowest-ever approval ratings. In any case, Sarkozy has suggested that he will continue to apply diplomatic pressure on the Mexican government to repatriate Cassez, including using the G20 meeting in Paris as an international platform for the case.

Florence Cassez was arrested Dec. 8, 2005 on the Mexico City-Cuernavaca Highway as she traveled with her Mexican boyfriend and Zodiacs' leader Israel Vallarta, and the police famously staged a fake arrest the following day for the press at Vallarta's house. Three kidnapping victims were liberated and four people were arrested, including Vallarta and Cassez. She and Vallarta have always denied that she had any involvement in the kidnapping gang. She was convicted on the grounds that prosecutors were able to establish that she had lived at Vallarta's ranch while kidnapping victims were held there, and numerous survivors identified her as one of their kidnapers, in part due to her thick French accent. Cassez's defenders have focused on testimony given by an alleged member of the Zodiacs who retracted an initial testimony signaling Cassez as a leader of the organization, claiming that he had given his original testimony under torture.

The conviction was followed by a diplomatic standoff between Mexico and France in which the presidents of both countries became directly involved. France offered to see that Cassez served her sentence if returned home. In a visit to Mexico in March of 2009, President Sarkozy invoked the Strassbourg treaty, signed by both nations in 1983, which provides a framework for foreign nationals convicted of crimes in the other country to be returned home to serve out their sentences. But the Mexican government, asserting its sovereignty and fearing that Cassez would be released early from her sentence if returned to France, refused. Her sentence was handed down the following June.

While many voices in the Mexican press have characterized Sarkozy's demands as political in nature and fear that Mexico will cave to diplomatic pressures initiated by France, others have been more critical of the Mexican justice system. In an editorial in *Reforma*, Denise Dresser argues that Florence Cassez's right to due process was violated when she was not immediately presented to a public prosecutor after her arrest, and when Genaro García Luna, then director of the now-defunct Federal Investigative Agency (Agencia Federal de Investigaciones, AFI) and now federal public security secretary, ordered the staged arrest the day following her detention. For his part, journalist Guillermo Osorno reported last year that inconsistencies had surfaced in statements made by kidnapping victims, particularly in the case of Cristina Ríos and her son, who, Osorno reported, did not at first declare that they recognized Cassez's voice, but changed their statements after further visits with federal police. Dresser also pointed out that Vallarta's trial has not yet concluded, while Cassez's trial concluded extremely quickly for a Mexican federal case, despite the lack of conclusive evidence placing her at the scene of any crime.

In any case, the reemergence of the Florence Cassez case has prompted further posturing by both governments, and has reignited nationalistic sentiments in both countries, which will make it costly politically for either head of state to back off of his position.

**SOURCES:**

D'Artigues, Katia. "México y Francia, con Cassez de por medio." *Vanguardia* Feb. 17, 2011.  
 Garza, Cholyn. "Relaciones internacionales." *Diario de Yucatán* Feb. 19, 2011.  
 Dresser, Denise. "Indebido proceso." *Reforma* Feb. 21, 2011.

**IMPUNITY****Two former functionaries arrested in connection with ABC daycare fire; lukewarm reception from parents**

Parents of the victims of the June 2009 ABC daycare fire in Sonora that killed 49 children and injured another 60 are objecting to the arrests of two mid-level government functionaries, saying that they are no more than "scapegoats." The two former area directors of daycares for the Mexican Social Security Institute (Instituto Mexicano del Seguro Social, IMSS), Irma Cresencia Díaz Gómez and Yadira Barrera, were admitted to the state prison in Hermosillo, Sonora in early February. Díaz Gómez previously had been arrested for her presumed role in the tragedy and spent six months in jail during the second half of 2009, but was released under bail.

A father of one of the victims and member of the advocacy group Movement for Justice June 5 (Movimiento por la Justicia 5 de Junio) said that the arrest of the relatively low-level former officials shows the partiality of the Mexican justice system. Díaz and Barrera are currently the only people being held in connection with the tragedy. For her part, Patricia Duarte, also a parent of a victim who died in the ABC fire, considered the arrests to be a step forward, but urged the arrests of the daycare owners as well as higher-ranking government officials responsible for oversight of daycare facilities, all of whom she said have "until now received much favoritism by part of authorities." Richard Rocha, also a member of the parent advocacy group, singled out the IMSS delegate in Sonora, the national coordinator of daycares, as well as the current and former Social Security general directors. He added to that list state and municipal Civil Protection (Protección Civil) authorities, as well as former Sonora Governor Eduardo Bours. Patricia Duarte said that the attorneys for Movimiento 5 de Junio are preparing a case to bring before international tribunals in March.

**SOURCES:**

Gallegos, Zorayda. "Padres, inconformes con detenciones en caso ABC." *El Universal* Feb. 3, 2011.  
 "Exigen padres de ABC detención altos mandos y dueños guardería." *Radio Fórmula* Feb. 4, 2011.

**AROUND THE STATES****QUINTANA ROO****Quintana Roo Congress approves justice sector reforms**

Quintana Roo became the most recent state to approve the justice sector reforms passed by Mexico's Congress in the Spring of 2008. The legislation passed the state congress on January 31, and involved reforming articles 23, 26, 27, and 30 of the state's constitution. The reforms are based around an accusatorial justice system employing oral trials and grounded in the presumption of innocence. Aside from oral trials, the reforms require an expansion of police powers to include investigative functions, which requires considerable training as well as confidence controls for existing and aspiring police agents. According to the federal legislation, states have until 2016 to fully implement the reforms. Now that the reforms have been approved in the state legislature, lawmakers will have to work to pass secondary legislation such as to the state penal code, as well as allocate resources for infrastructure development.

**SOURCES:**

Hernández, Silvia. "Aprueban juicios orales en Quintana Roo." *El Universal* Feb. 1, 2011.  
 Caballero, Sergio. "Aprueban los juicios orales en Quintana Roo." *Terra* Feb. 1, 2011.

## STATE OF MEXICO

### State of Mexico governor announces measures to protect women from violence



The governor of the State of Mexico (Estado de Mexico), Enrique Peña Nieto of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), recently made a statement announcing a series of proposed reforms in order to fight the femicides in the state. The State of Mexico has received increased attention from human rights and women's advocacy groups due to an increase of such crimes in the state. In December of last year, Peña Nieto dismissed those concerns as exaggerated, suggesting that they were politically motivated due to upcoming

elections in the state.

At the Forum of the Integral Development and Full Participation of Women, which was held earlier this month, Peña Nieto took a different tack, announcing his five main strategies to combat femicide. These strategies include creating a legal framework in favor of women, strengthening institutions, creating an infrastructure that will provide greater support and protection for women, providing greater sensitivity and governmental efficiency, and a call for cultural change.

*El Universal* has provided a list of 10 specific reforms that Peña Nieto has proposed to the state congress:

1. Revise and make additions to the penal code, code of Criminal Procedures, General Law on Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia), and the Organic Law of the State Executive Branch (Ley Orgánica del Poder Judicial del Estado de México). Peña Nieto also plans to lead the movement for the creation of a new law, the "Ley de Atención a Víctimas del Delito."
2. Include the concept of violent femicide in creating local legislation.
3. Create a system of emergency precautionary and preventive steps in order to immediately protect victims of gender violence.
4. Expand the rights of victims and provide compensation to victims proportional to the crime committed.
5. Create courts that specialize in gender violence.
6. Create the office of a Deputy Attorney for the Attention of Crimes Related to Gender Violence.
7. Restructure the Public Ministry's 17 agencies that specialize in violence so that gender violence is also included.
8. Create sensibility and more government efficiency by consulting with PGJEM and international and civil organizations to design protocols in regards to gender violence.
9. Create a system of emergency precautionary and preventive steps in order to immediately protect victims of gender violence.
10. Begin a campaign to distribute information to women so that they are fully aware of their rights. This will include creating pamphlets that will be distributed to women along with the rest of the general public.

#### SOURCES:

Islas, Laura. "Las 10 medidas de Edomex contra la violencia de género." *El Universal* Feb. 15, 2011.  
Granados Chapa, Miguel Ángel. "Feminicidios en Edomex." *Vanguardia* Feb. 21, 2011.

## DURANGO

### Justice reform proposal reaches floor of Durango legislature



Apolonio Betancourt Ruiz, president of Durango's Supreme Court (Supremo Tribunal de Justicia), announced on February 15 that the state's congress is currently debating a legislative proposal for reforming the state's penal code, adopted roughly a year ago to comply with the federal justice sector reform legislation passed in the Spring of 2008. Durango Governor Jorge Herrera Caldera passed the proposal along to the Durango congress on February 14.

According to Durango Congressman Adrián Valles Martínez, the changes would abolish pardons, which he said contribute to recidivism, and they would also strengthen sentences for robbery. He said that the proposal reflects the current reality, and originated from popular sentiment.

The proposed changes have their detractors, though. Iván Ramírez, party leader for the Party of the Democratic Revolution (PRD) in Durango, said that the proposed changes will not fix the security problems the state is currently facing, and warned against experimenting with the new legislation. He urged legislators to move more cautiously in implementing changes to the relatively new legislature and to seek the input of legal experts in moving forward with further reforms. He reminded his colleagues that the Mexican Congress gave states until 2016 to fully implement the reforms, in order to give them ample time to do so carefully.

#### SOURCES:

"Reformas al Sistema Penal dan respuesta reclamos de la sociedad." *Yancuic* Feb. 14, 2011.  
Gaucín, Rosy. "Violencia en el estado no se combate con reformas." *El Siglo de Durango* Feb. 16, 2011.

## MORELOS

### Morelos inaugurates new juvenile justice system



The government of Morelos has put into effect the Unidad de Medidas Cautelares para Adolescentes (UMECA), an institution within the justice system that state authorities say will guarantee protections to minors subjected to criminal proceedings. The system, introduced by Governor Marco Antonio Adame Castillo, is meant to strengthen the new accusatorial justice system in Morelos, one of the frontrunners among Mexican states in the area of justice sector reform.

The institution will be responsible for compiling information for every juvenile defendant about their social situation and living environment to be introduced in the preliminary, precautionary stage of their judicial process so that the responsible judge can make an informed decision as to the measures most likely to aid in that defendant's social reinsertion. UMECA will also be responsible for carrying out a preliminary investigation to determine if each case warrants *arraigo*, or detention pending charges, usually involving organized crime. It is hoped that this process will reduce the number of adolescents held in preventive prison. This is crucial in avoiding overextension of detention facilities according to Unitary Tribunal of Adolescent Justice (Tribunal Unitario de Justicia para Adolescentes, TUJA) judge José Luis Jaimes, who told *El Universal* that the court's caseload has expanded from 99 in 2008 to 220 in 2010, largely due to police officers' increased awareness of the adolescent justice procedures.

UMECA is the first such institution in Latin America, and has been in development since 2008 when Morelos first began implementing its adolescent justice system, with the support of the Presumption of Innocence Project in Mexico, the Open Society Justice Initiative, and the Institute for Security and Democracy.

#### SOURCES:

Miranda, Justino. "Morelos estrena sistema para enjuiciar a menores." *El Universal* Feb. 9, 2011.

Sánchez, Martín. "En marcha la Unidad de Medidas Cautelares para Adolescentes para Adolescentes en Morelos." *El Sol de México* Feb. 9, 2011.

**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>.*

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