

# JUSTICE IN MEXICO

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## News Report August 2008

*Kidnappings led the headlines during the current reporting period, after the body of Fernando Martí, son of a prominent Mexican businessman, was found in a car in a Mexico City street. Pres. Calderón and some state and federal legislators have called for imposing life sentences for such crimes, while others point to impunity as the main cause of delinquency in the country. Under intense public pressure, Calderón held a televised meeting with federal and state public security officials to announce a 74-point plan to implement tougher new public security measures over the next 100 days. Meanwhile, a nationwide candle-light march is planned by "Mexico United Against Crime," on August 30. In other news, several federal police officers, one arrested in the United States, have been charged with having ties to Mexican drug trafficking organizations, which along with the Martí kidnapping, apparently perpetrated in part by federal police officers, has increased public scrutiny of Mexico's federal forces. Meanwhile, Mexico's Attorney General's Office (PGR) and the National Defense Secretariat (Sedena) began a major restructuring, which brought the removal of the controversial General Sergio Aponte from his post in Baja California. The PGR's restructuring came amidst pressure from the executive branch due to perceived investigative inefficiency in the face of increasingly violent drug trafficking organizations, which this year have inflicted a death toll already surpassing the record number of drug-related killings in 2007.*

## LAW AND ORDER

### KIDNAPPING

#### **Death of prominent businessman's son brings issue of kidnapping to center stage**

The kidnapping and murder of Fernando Martí, son of prominent Mexico City businessman Alejandro Martí, created a public outcry over the prominence of such crimes in Mexico. The Martí case was exacerbated by the fact that the principal suspects arrested for the crime were police officers, some from federal precincts. Martí was abducted in June when his family's armored sedan was stopped at a checkpoint run by armed men dressed as federal police. His body was found in a car in the Coyoacán neighborhood of Mexico City on Aug. 1, after the family reportedly paid a ransom of millions of dollars for his release. In response to rising public concern over the developments in the Martí case, the citizen's

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group Mexico United Against Crime (*México Unido Contra la Delincuencia*) announced a nationwide campaign of candlelight marches to take place on August 30 to protest the prevalence of these crimes, and to demand decisive action from government and law enforcement to address the problem.

Though certainly not a new phenomenon in Mexico, kidnappings appear to be on the rise nationwide, with 438 reported in 2007, up 35 percent from 2006, according to official statistics. Actual numbers, however, appear to be substantially higher, as authorities acknowledge that a majority of cases go unreported. The Martí themselves chose not to pursue official channels to secure the release of their son, instead electing to employ consultants to negotiate a ransom payment with the abductors. The case highlights an industry of such consultants, as well as insurance providers and private bodyguards, which has grown to offer services to real and potential victims of such crimes. The existence of such an industry is a reminder of the broad mistrust held by the general public toward law enforcement in Mexico, with the Martí case again serving as a particularly salient example. Alejandro Martí has stated that his suspicions from the beginning that the police were involved in the crime kept him from reporting the abduction to officials. When the services of his private consultants did not secure the release of Fernando, he went to the press, making a plea for help not to law enforcement, but to the general public.

A study by the Catholic peace organization Pax Christi reveals that Mexico, along with Brazil, Venezuela, and Ecuador, have surpassed Colombia as Latin America's leaders in annual incidents of kidnapping. The study, titled "Kidnapping is an explosive business" (*"El secuestro es un negocio explosivo"*), was presented in Bogotá, Colombia, as part of an effort to stem the reoccurrence in Latin America of Colombia's brutal wave of kidnappings in the mid to late 1990s. According to the findings, Mexico experiences three to four kidnappings per day, by far the highest rate in Latin America. Estimates are much higher from a national survey by the Mexico City-based Citizen Institute for the Study of Insecurity (ICESI), which claims Mexico has an estimated 19 kidnappings per day when "express" kidnappings and unreported cases are taken into consideration. Whatever the real dimensions of the problem, the Pax Christi study echoes assessments by leading public security experts in stating that, "the problem of kidnapping in Mexico is tightly related with the surge of drug mafias and organized crime."

In the wake of the Martí murder, security measures were initiated by Pres. Calderón and Mexico City's chief of government Marcelo Ebrard, including creating special police units to prevent and investigate cases of kidnapping. On Aug. 11, the Federal government's Public Security Secretariat (SSP) initiated a special unit consisting of 300 agents divided between five regional offices nationwide and meant to provide support to state authorities. Ebrard also announced the creation of a special anti-kidnapping unit comprising 200 agents from the Federal District's Attorney General's Office (PGRE), along with 100 from the Federal District's SSP. Reportedly, all of the Mexico City anti-kidnapping agents have been administered polygraph, personality and psychological exams, and will be entered into a database that includes voice recognition and extensive personal and professional data. Authorities have said that the unit's base of operations will be separate from the PGRE, "to avoid contamination." Critics have expressed doubt as to the efficacy of such units, given the pervasiveness of corruption in federal police forces, highlighted by the Martí case, in which federal agents have been implicated. Moreover, such units may become targets of violence; on Aug. 24, the head of the anti-kidnapping unit in Ciudad Juárez, Isidro Ávila Martínez was killed in his home. In a separate case (covered more in depth in the *Accountability* section of this news report), six officers in a federal organized crime investigations unit were arrested mid-August, charged with supplying information to cartels.

More details on the response to the Martí kidnapping from public officials and civil society is covered in the section on *Access to Justice* later in this news report.

**SOURCES:**

- "Fox presenta plan contra delincuencia," *El Universal*, 2 July. 2004.
- "Unidades Antisecuestro de SSP inician operaciones." *Vanguardia* 11 Aug. 2008.
- "México, Brasil, Venezuela y Ecuador superan en secuestro a Colombia, dice ONG." *La Crónica de Hoy* 14 Aug. 2008.
- "México, primer lugar en secuestros a nivel mundial: ONG." *El Universal* 14 Aug. 2008.
- "Con 200 agentes de PGJDF y 100 de la SSP crean Fuerza Antisecuestros." *La Crónica de Hoy* 20 Aug. 2008.
- "Pactan; les dan 100 días," *Reforma* 22 Aug. 2008.
- "Matan a jefe antisecuestro," *Reforma*. 24 Aug. 2008.

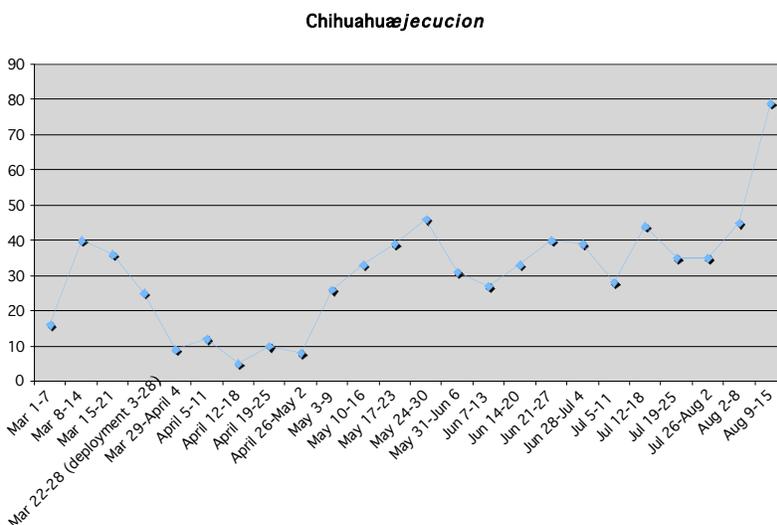
## DRUG TRAFFICKING

### Chihuahua and Sinaloa continue to be most affected by cartel-related violence; other states relatively quiet

According to Mexico City daily newspaper *Reforma*'s running tally of cartel-related killings, or *ejecuciones*, Chihuahua's weekly rate of killings remained higher than it was before over two thousand soldiers and federal police were deployed there in mid-March. Sinaloa, also the site of a recent troop deployment, continued to see heightened numbers of killings, as well.

As of Aug. 15, *Reforma* reported 2661 *ejecuciones* for 2008 nationwide, already topping 2007's total by nearly 400. Chihuahua, with a total of 853, by far carried the largest share of cartel-related killings, with over 31 percent of the national total. Chihuahua has been a battleground over recent months between Joaquín "El Chapo" Guzman's Sinaloa cartel and the Beltrán Leyva brothers' organization, recently split from the Sinaloa cartel and now reportedly allied with the Gulf Cartel. The rate of *ejecuciones* per 100,000 people in Chihuahua rested at 25.65, nearly double that of any state for the entire year of 2007. Sinaloa, the state next most embattled by cartel-related violence, has seen 358 *ejecuciones* (or about 13.54 *ejecuciones* per 100,000 people) so far in 2008, also topping its 2007 total.

Other border states have not seen the same level of turmoil in recent months. Baja California, although it had 180 reported *ejecuciones* so far in 2008 (surpassing its 2007 total), was no longer experiencing even the levels of violence it saw in the first months of the year. Between Jan. 1 and May 2 Baja California had 124 *ejecuciones*, and was on track to more than triple its total from 2007. However, since May 2, the state had only 56 *ejecuciones* reported, with only 2 since the last reporting period for our news reports. While this dip could be attributable to military deployments to the state, Chihuahua, by contrast, continues to hover above its pre-troop deployment levels.



Indeed, during the week of Aug. 9 to Aug. 15, Chihuahua had an unprecedented 79 *ejecuciones*, including the gangland-style killing of 13 partygoers in the town of Creel in the Sierra Tarahumara mountains, a key transit point for drugs en route to the U.S.-Mexico border. Among the dead were several teenagers, a university professor, and a 1-year-old baby. The previous week, eight were shot and killed during a prayer session at a drug and alcohol rehabilitation center in Ciudad Juárez. These attacks challenge a common perception that Mexico's escalating death toll is reducible to

cartel members killing other cartel members, and have driven local and state officials to publicly question the efficacy of the current campaign against the cartels. In a televised address, Chihuahua Gov. José Reyes Baeza Terrazas said that the massacre in Creel among other similar, recent events throughout the state show that "the strategy and actions for guaranteeing the security of people in [Chihuahua] need to be radically modified."

Research group Consulta Mitofsky's annual survey *Encuesta Nacional en Viviendas* revealed strong public will for drastically strengthening enforcement measures to combat organized crime in the country.

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94.8 percent of respondents support increasing sentences for criminals, with 86.8 percent of respondents favoring life sentences (74.8 percent favoring the death penalty) for some crimes. This poll came amidst a push by Pres. Calderón and some federal and state legislators, led by Calderón's National Action Party (PAN) for life sentences as an option for certain kidnapping cases. Mexico's Green Party (PVEM) announced on Aug. 18 that it would present a package of initiatives to address the problem of criminality in Mexico, including allowing life sentences and the death penalty in certain kidnapping cases. While it is unlikely that sanctioning the death penalty will be seriously considered by Mexico's congress anytime soon, there is some debate over whether rampant levels of organized crime will be most effectively addressed through increased sentences or more comprehensive justice reform.

Meanwhile, 74.8 percent of respondents in Mitofsky's poll expressed support for integrating military officers into the country's police forces, underscoring the general perception that the nation's armed forces are less susceptible to corruption by organized crime than are its police forces (and supporting recent trends in the militarization of public security). Despite the general consensus for strengthening public security measures to combat crime, however, only 26.3 percent of respondents expressed support for allowing citizens to possess firearms for self-defense.

**SOURCES:**

"Urgen replantear seguridad en Chihuahua." *Reforma* 18 Aug. 2008.  
"Hit men kill 13 at party in Mexico tourist town." *Reuters* 18 Aug. 2008.  
"Propone PVEM propuestas contra el secuestro." *El Financiero* 18 Aug. 2008.  
"Encuesta Nacional en Viviendas." *Consulta Mitofsky* web site: <http://www.consulta.com.mx/>

**"Spillover" from crime-ridden Ciudad Juárez into El Paso a growing concern**

With cartel-related killings in Chihuahua now topping 800 for the year, officials in El Paso, Texas are increasingly concerned about "spillover" of crime from neighboring Ciudad Juárez. While no hard data exists to show an actual spillover of crime from Ciudad Juárez, real effects are being felt at the city's hospital, where officials report over two dozen cases of individuals wounded over the border in the Mexican state of Chihuahua being treated at their facility.

El Paso's publicly owned Thomason Hospital, the only hospital within a 280 mile radius of Ciudad Juárez with a state-of-the-art trauma center, has admitted 28 people wounded on the Mexico side of the border so far this year. Some of those admitted have been Mexican police officers, and on three occasions the hospital has been guarded at the entrances by local police and sheriff's deputies armed with semiautomatic rifles. The hospital has also adopted a color-coded alert system similar to that developed by the Department of Homeland Security to advise hospital employees, patients, and visitors of the threat level posed by potential Mexican organized crime targets being treated inside.

James Vileti, the hospital's president and CEO, says that Thomason has no say in admitting patients who cross the border into El Paso, pointing to a federal law mandating that hospitals take them in. Vileti also points out that Thomason is the only hospital in the nation being compelled to handle such cases. While El Paso has not necessarily seen increased crime rates due to heightened conflict in neighboring Ciudad Juárez, the unique impacts that El Paso is experiencing such as those seen at Thomason Hospital underscore both the elevated rate of *ejecuciones* in Chihuahua, over four times higher than that of Baja California, and the integrated nature of the two cities. With a population of over 1.3 million, Ciudad Juárez is more than double the size of El Paso, and the two have traditionally been more linked geographically, culturally, and economically than other bi-national "sister cities" such as the San Diego-Tijuana region, which (as noted above) has experienced much lower levels of violence by comparison.

Spillover killings also reflect the difficulties faced by hospitals face on a daily basis across the border. At a facility in Ciudad Juárez, Red Cross workers were threatened on hospital radios for treating gunshot victims. In light of those threats, the hospital temporarily suspended its treatment of the patients and closed its doors until city officials provided additional security measures, including police escorts for Red Cross ambulances. Due to prior threats, the facility had already suspended its 24-hour services, now closing its doors at 10pm.

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**SOURCE:**

Bustillo, Miguel. "Mexico drug war's costs, risks exported to U.S." *Los Angeles Times* 17 Aug. 2008.

**Attacks on police in Michoacán increasing amidst new phase in military operations in the state**

Michoacán Gov. Leonel Godoy Rangel announced in late July the arrival of more troops and federal police to the state to reinforce the operation *Conjunto Michoacán*, the first of such operations in the country, initiated with 6,700 troops in late 2006. Meanwhile, attacks on police officers in the state, both federal and municipal, have been more prominent in the national press during the month of August, echoing trends in Chihuahua, where such attacks have also been more prevalent since operation *Conjunto Chihuahua* was initiated in late March of this year.

At least seven police officers have been executed in Michoacán so far during the month of August, four of whom were federal police agents whose bodies were found Aug. 7 in a canal in the Vista Hermosa municipality. The following day, the chief of police for the Huaniqueo municipality was kidnapped on his way to his station, and killed the same day. On Aug. 12, the assistant director of police for the Tepalcatepec municipality and his brother were shot and killed while directing traffic. August's police killings more than doubled the annual toll in Michoacán during 2008 thus far, bringing the total number to 13.

Nationwide, over 500 police officers have been executed since the Calderón administration's escalation of the war against the nation's drug cartels, initiated in Michoacán in December of 2006.

**SOURCES:**

"Eran de la PFP los cuatro ejecutados en Michoacán: PGJE." *Milenio* 7 Aug 2008.

"Grupo armado 'levanta' a jefe policiaco en Michoacán." *La Crónica de Hoy* 8 Aug. 2008.

"Ejecutan a subdirector de policía en Michoacán." *El Universal* 12 Aug. 2008.

Alonso Cruz, Carlos. "Por venganza, la muerte del subdirector de policía de Tepalcatepec." *El Correo de Michoacán* 12 Aug. 2008.

Ellingwood, Ken. "Mexico violence claims 6 more police officers." *Los Angeles Times* 12 Aug. 2008.

## U.S.-MEXICO SECURITY

**U.S. Treasury Dept. sanctions Mexican businesses with presumed links to Sinaloa Cartel affiliate**

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has designated 14 companies and 17 individuals as subject to economic sanctions pursuant to the Foreign Narcotics Kingpin Designation Act, because of presumed ties to the Rigoberto Gaxiola drug trafficking organization, an affiliate of Joaquín "El Chapo" Guzmán's Sinaloa cartel. OFAC has identified the Rigoberto Gaxiola organization as being responsible for controlling shipments of marijuana entering the United States and originating from the Sinaloa Cartel, via a network of underground tunnels. The implicated affiliates include six individuals currently imprisoned in Mexico on convictions of organized crime and unlawful use of military-grade weapons. Gaxiola himself is also currently imprisoned in Mexico.

OFAC says that despite those arrests, a financial network supporting the Rigoberto Gaxiola organization has continued to operate, headed by Gaxiola's family and business associates, including his wife and daughter, also designated by OFAC. Businesses designated include 4 mining firms, a car dealership, and a private gym, distributed among the states of Sonora, Sinaloa, and Jalisco. The sanctions ban Americans from doing business with the designated firms and individuals, and freeze any affiliated assets existing within the United States.

The recent moves by OFAC to seize U.S. assets of designated Mexican drug cartel affiliates is part of ongoing efforts that have targeted over 300 businesses and individuals worldwide since June 2000, and include similar measures taken in past years to sanction presumed affiliates of the Arellano Félix and Gulf cartels.

**SOURCES:**

"Treasury Designates the Financial Network of Major Sinaloa Cartel Operator Rigoberto Gaxiola Medina." *US Dept of Treasury*. Press Release 5 Aug. 2008.

"U.S. Treasury targets Mexico drug cartel associate." *Reuters* 5 Aug. 2008.

## ACCOUNTABILITY

### CORRUPTION

#### **U.S. DEA reports apprehend Baja California AFI agents on drug charges**

The U.S. Drug Enforcement Agency (DEA) advised Mexico's Attorney General's Office (PGR) of a network of agents from Mexico's Federal Agency of Investigation (AFI) with links to organized crime. One of these suspected agents was Carlos Alberto Cedano Filippini, 34, former commander of the Mexicali, Baja California office, detained in Los Angeles on July 30 along with his wife. This came four days after three of his former colleagues were attacked by an armed group in front of the PGR office in the same city. Two were killed, and one was seriously wounded. Cedano; his wife; and two other men, one of whom was also an AFI agent, were found in a suburban Los Angeles home with over US\$500,000 in cash, according to the Los Angeles District Attorney's Office. The four were charged with possessing a large sum of money for drug trafficking purposes, and if convicted of the felony charge they could face up to four years in prison.

DEA spokeswoman Sarah Pullen said that the arrest was a coordinated effort between her agency and the Los Angeles Police Department, but that Cedano was not the target. "We didn't expect to get who we got," she said. A Mexico Federal Police spokesman has clarified to Mexican press that Cedano was no longer an agent of the AFI, but rather had been released from his charge at the agency due to absenteeism. As for the second agent implicated, the Federal Police spokesman said there was no information available as to his professional status.

**SOURCES:**

"Arrestan a mando de la AFI de Baja California en Los Angeles." *El Universal* 1 Aug. 2008.

"US holds Mexican police official." *BBC News* 1 Aug. 2008.

"Detienen en EU a un AFI; México lo niega." *Noroeste* 2 Aug. 2008.

#### **Six agents of special federal police unit in charge of investigating organized crime suspected of links to cartels**

Six agents in Mexico's top organized crime unit known by its Spanish acronym as SIEDO have been arrested on suspicion of providing information to drug cartels and kidnapping rings in the State of Sinaloa, specifically those affiliated with the drug trafficking organization run by the Beltrán Leyva brothers. The Beltrán Leyva brothers' recent split with Joaquín "El Chapo" Guzmán, Mexico's most wanted criminal, has been blamed for the recent upsurge in violence in Sinaloa. SIEDO has worked with U.S. authorities in the past, sharing information to build cases against suspected Mexican drug traffickers, such as members of the Arellano Félix organization.

One of the agents arrested, Miguel Ángel Colorado González, was formerly a member of Mexico's armed forces. The other five are members of the Federal Agency of Investigation (AFI), commissioned by SIEDO. According to *La Jornada*, an investigation into Colorado González began in July, shortly after six members of a family were gunned down in their home in Jalisco, and it was suspected that police officers were responsible. One of these was Alejandro López Alatorre, an anti-kidnapping agent for the state's Attorney General's Office. According to an official who spoke to Mexican press on the condition of anonymity, Colorado González had been providing information to López Alatorre regarding kidnapping investigations in which SIEDO was involved.

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Should the six men be found guilty of providing information to the Beltrán Leyva cartel, it would be a blow to the credibility of Mexico's federal police forces, generally believed to be less infiltrated by drug trafficking organizations than municipal police forces. This is also not the first incident in Sinaloa in which cartels have been suspected of infiltrating the highest levels of law enforcement. In April, five soldiers operating in Sinaloa were indicted on suspicion of supplying the Beltrán Leyva brothers with information about planned military operations in the hotly contested "Golden Triangle," the tri-border area of Sinaloa, Durango, and Chihuahua.

**SOURCES:**

"Five soldiers indicted for aiding Sinaloa cartel." *Justice in Mexico Project News Report* April 2008.  
"Imputan nexo con narcos a seis agentes de la SIEDO." *Milenio* 13 Aug. 2008.  
Ellingwood, Ken. "6 officers in Mexico crime unit arrested." *Los Angeles Times* 14 Aug. 2008.  
Méndez, Alfredo. "Elementos de la SIEDO, bajo sospecha." *La Jornada* 14 Aug. 2008.

## RESTRUCTURING

### **National Defense Secretariat removes 7 generals from their posts**

The National Defense Secretariat (Sedena) announced that beginning Aug. 1, seven generals, along with 63 other officials have been removed from their posts as part of a regular rotation the organization undergoes periodically. Of particular interest, however, is the removal of Sergio Aponte Polito, formerly in charge of operations in the Second Military Zone, which includes Baja California. Aponte has reportedly assumed presidency of the Supreme Military Tribunal, based in Mexico City. Gen. Sergio Magaña Mier will reportedly assume Aponte's former position.

Aponte raised eyebrows in April when he sent a letter to Baja California's Public Prosecutor Rommel Moreño Manjarrez accusing several Baja police officers of involvement in organized crime. More recently, Aponte submitted another letter on Aug. 3, this time to reporters, pointing to corruption among state law enforcement agencies and also claiming they were indignant over the military's increased role in battling drug trafficking organizations in the state. Aponte has indeed become a prominent figure in Baja California, popular among many crime-weary residents for his candor in speaking out about official corruption and organized crime. Detractors, however, say that his public statements have only created strife between law enforcement agencies and the military, distracting from the overall objective of increasing public security in a state that has seen over 500 cartel-related slayings since the beginning of 2006.

State officials deny orchestrating any campaign to cast Aponte in a negative light or to secure his removal. Aponte himself offered no public explanation for his removal from the Second Military Region.

**SOURCES:**

Dibble, Sandra. "Outspoken Mexican general being transferred." *San Diego Union Tribune* 8 Aug. 2008.  
"Confirma la Sedena restructuración; ha removido 7 generales en el mes." *La Jornada* 9 Aug. 2008.

### **Federal Attorney General's Office undergoing restructuring**

Two assistant attorneys general in Mexico's Attorney General's Office (PGR) resigned in early August as part of a restructuring plan announced by Attorney General Eduardo Medina Mora. It appears that the move came at the behest of the executive branch amidst increasing criticism over investigative inefficiencies and security breaches in the office. It has been reported to the press that the positions of Noé Ramírez Mandujano, formally in charge of Special Investigations for Organized Crime (SIEDO) and Mario Arzave Trujillo, former chief of the Special Unit for Investigations of Crimes Against Public Health will be filled by other officials from within the PGR. Medina Mora has said that the U.S. Drug Enforcement Agency has given a nod to Assistant Attorney General for International Affairs José Luis Santiago Vasconcelos to fill one of the vacancies, because of his esteemed track record of investigating and prosecuting organized crime in Mexico.

## ACCESS TO JUSTICE

### JUSTICE REFORM

#### **Public pressure leads to major security plans with emphasis on intergovernmental collaboration**

In the wake of the Martí murder, security measures were initiated by Pres. Calderón and Mexico City's chief of government Marcelo Ebrard, including creating special police units to prevent and investigate cases of kidnapping. On Aug. 11, the Federal government's Public Security Secretariat (SSP) initiated a special unit consisting of 300 agents divided between five regional offices nationwide and meant to provide support to state authorities. Ebrard also announced the creation of a special anti-kidnapping unit comprising 200 agents from the Federal District's Attorney General's Office (PGRE), along with 100 from the Federal District's SSP. Reportedly, all of the Mexico City anti-kidnapping agents have been administered polygraph, personality and psychological exams, and will be entered into a database that includes voice recognition and extensive personal and professional data. Authorities have said that the unit's base of operations will be separate from the PGRE, "to avoid contamination." Critics have expressed doubt as to the efficacy of such units, given the pervasiveness of corruption in federal police forces, highlighted by the Martí case, in which federal agents have been implicated. In a separate case (covered more in depth in the *Accountability* section of this news report), six officers in a federal organized crime investigations unit were arrested mid-August, charged with supplying information to cartels.

In rolling out their anti-kidnapping initiatives, Calderón and Ebrard clashed publicly over which level of government bore responsibility for the problem, and specifically in the Martí case. The President asserted that there was inadequate intergovernmental collaboration, while the mayor insisted that Mexico City authorities cooperated fully with federal agencies. This squabbling led Maria Elena Morera, head of Mexico United Against Crime, to issue a public call for the federal government, the legislature, the judiciary, and state authorities to work together to address the country's problems of rampant violence and criminal impunity. On August 21, representatives from all three federal branches of government and state authorities met in a televised session to discuss a new 74-point security plan to be implemented over the next 100 days. Alejandro Martí, the father of the murdered kidnapping victim, urged authorities to reduce crime: "If you can't, resign." In response to these comments, Ebrard publicly accepted the challenge, and noted that there are procedures in place for the impeachment of elected officials who fail to comply with their duties.

Some pundits contrasted the dramatic government response to the case of the wealthy Martí family with the daily kidnappings and crimes faced by ordinary Mexicans. Other observers were skeptical about the numerous promises outlined in the security pact, noting that a similar accord was developed in January 2008. Indeed, some of the measures identified among the 74 points included measures that were already in place prior to the new plan. Juan Pardinas of Reforma noted: "The Mexican government is two steps behind [the rest of] society and a whole block behind the criminals. Police arrive late at the scene of the crime and the solutions offered by the politicians have the echo of empty words."

Moreover, all of these developments were reminiscent of a similar series of events during the administration of Pres. Vicente Fox which are detailed in the Justice in Mexico Project's 2007 edited volume, *Reforming the Administration of Justice in Mexico*. In June 2004, Mexico United Against Crime organized a march in which a quarter of a million Mexicans dressed in white took to the streets of Mexico City to protest the government's failure to address chronic problems of crime and violence. In response to the demonstrations, Fox unveiled a 10-point plan that included increased collaboration between federal

and state authorities, anti-corruption measures for federal police, and further increases in security spending. On-going problems of crime and violence throughout the country over the last four years illustrate that these measures were not sufficient. Recently announced plans are somewhat similar to those posited in 2004, but appear to be more narrowly focused on kidnapping and specific measures, such as the creation of two new prisons especially equipped for criminals convicted of kidnapping.

<b>Comparing Fox and Calderón Administration Proposals in Response to Public Demands</b>	
<p><b>Key Elements of July 2004 Public Security Pact:</b></p> <ol style="list-style-type: none"> <li>1. A meeting of the National Security Council (<i>Consejo Nacional de Seguridad, CNS</i>) to address public security concerns.</li> <li>2. Incorporation of state prosecutors into the National Security Council.</li> <li>3. The purification of the police forces of the federal Attorney General's Office and SSP.</li> <li>4. Greater coordination with state governors.</li> <li>5. More effective coordination of police.</li> <li>6. Greater transparency in the area of public security.</li> <li>7. Increase of budget for security to \$500 million for 2005.</li> <li>8. A media campaign to promote a culture of legality.</li> <li>9. Total quality and service in attention to reported crime.</li> <li>10. A new system of attention to victims of crime, including a special emergency telephone system.</li> </ol>	<p><b>Key Elements of August 2008 Public Security Pact:</b></p> <ol style="list-style-type: none"> <li>1. Pass a new anti-kidnapping law.</li> <li>2. Develop an intergovernmental anti-kidnapping strategy in six months</li> <li>3. Purify law enforcement institutions in one year, and new anti-corruption units in all 32 state entities.</li> <li>4. Construct two new federal prisons with special facilities for kidnappers.</li> <li>5. Enable citizens to monitor and evaluate officials to eliminate corruption.</li> <li>6. Consolidate Mexico's uniform crime database.</li> <li>7. National coverage for the 089 crime reporting phone number, and registration and tracing ability for mobile telephones within 6 months.</li> <li>8. Reforms to preclude pre-trial release and other benefits to defendants in cases involving kidnapping, extortion, and violent crimes.</li> <li>9. Accelerate processing of prosecutions involving high impact violence and organized crime.</li> <li>10. Establish stronger controls for individuals on parole.</li> </ol>

**SOURCES:**

- "Fox presenta plan contra delincuencia," *El Universal*, 2 July. 2004.
- "Unidades Antisecuestro de SSP inician operaciones." *Vanguardia* 11 Aug. 2008.
- "México, Brasil, Venezuela y Ecuador superan en secuestro a Colombia, dice ONG." *La Crónica de Hoy* 14 Aug. 2008.
- "México, primer lugar en secuestros a nivel mundial: ONG." *El Universal* 14 Aug. 2008.
- "Con 200 agentes de PGJDF y 100 de la SSP crean Fuerza Antisecuestros." *La Crónica de Hoy* 20 Aug. 2008.
- "Pactan; les dan 100 días," *Reforma* 22 Aug. 2008.
- "Gobierno reaccionario," Juan E. Pardinas. *Reforma* 24 Aug. 2008.

**Pres. Calderón proposes life sentences for kidnappers**

In August, Pres. Calderón sent to the Senate a proposal to strengthen sentencing guidelines for crimes involving kidnapping of children, the elderly, and the disabled, amidst growing national concern over the prevalence of such crimes. The measure, which Calderón has been pushing since March of 2007, would increase the maximum penalty for such crimes to life in prison, up from the current maximum of 70 years. The issue has received increased attention from the press and government officials since it was revealed that federal police were involved in the kidnapping and murder of 14 year-old Fernando Martí. The dialogue, currently playing itself out in the press, has sparked a debate as to the efficacy of increasing sentences in addressing Mexico's pervasive problem with kidnapping.

By some measures, Calderón's proposal appears to have strong public support. In a recent poll conducted by Consulta Mitofsky (detailed in the *Order* section of this news report), 86.8 percent of respondents supported increasing sentences for certain crimes, and the approval ratings for Calderón, who has molded his presidency largely around heavy-handed tactics to combat organized crime, hovers at around 60 percent. However, many legal experts and human rights advocates view increased sentences as ineffective in deterring criminality while impunity remains the norm. According to data generated by Guillermo Zepeda, a researcher with the research center Centro de Investigación para el Desarrollo (CIDAC), only 25 percent of crimes are reported nationwide, and of those only about 18 percent are investigated, of which only 35 percent are brought before a judge.

Attorney Angeles López, director of the human rights group Centro de Derechos Humanos Victoria Díez, is also skeptical that increased sentences will be an effective deterrent. "What really inhibits crime are not harsher penalties, but rather an efficient system that substantively increases the possibility that a kidnapper, or any criminal, will be detained and punished," she said. She added that effective measures for combating kidnapping will necessarily include a more complete system to prevent such crimes, well-trained and trusted police, professional and honest investigators, and objective and impartial public prosecutors. Public security expert Ernesto López Portillo agreed with this assessment, referring to

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Calderón's proposal as "penal populism," a tendency to respond to public demands for increased security with ad-hoc promises of harsher penalties.

Political will in the senate for imposing life sentences in certain kidnapping cases is also questionable. Alejandro González Alcocer, president of the Justice Committee in the senate, had stated that there was not a sufficient consensus for passing such a reform. González Alcocer echoed other critics of Calderón's proposal in asserting that the root issue fueling increased kidnappings is impunity. He went on to explain that the committee planned to examine the issue of kidnapping within the context of the larger justice reforms approved by both houses of Congress this spring and currently awaiting secondary legislation in Mexico's congress and implementation in individual states. The plans generated by the inter-governmental meeting of security authorities on August 21, however, seemed to demonstrate greater consensus and urgency for congressional action.

Meanwhile, the question of life sentences for kidnappers has been raised in some state congresses, with mixed results. On Aug. 9, the Justice Committee of Oaxaca's congress voted to reject Calderón's proposal. That congress did, however, vote to impose sentences for kidnappers of up to 105 years in prison, and included language specifically addressing kidnappings of women, minors, the elderly and the disabled (and also cases in which the assailant inflicts serious bodily harm upon the victim). Special provisions are also included for kidnappers who are public servants, particularly law enforcement officers. Veracruz's congress voted at the behest of Gov. Fidel Herrera to extend the penalty for kidnapping from 30 to 50 years, and to allow sentences of up to life in prison for special cases identical to those outlined by the Oaxacan congress. Members of the Revolutionary Democratic Party (PRD) abstained from the vote in protest, and president of Veracruz's Human Rights Commission Nohemí Quirasco Hernández expressed her discontent with the ruling, stating that life imprisonment is at odds with the federal constitution, because it goes against the justice system's stated goal of social reintegration.

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## AROUND THE STATES

### **Opinions are mixed about the success and future of justice reforms in Oaxaca**

Oaxaca's President of the State Supreme Court Héctor Anuar Mafud has touted the progress of Oaxaca's justice reforms in recent months, stressing the rapidity with which they are being implemented, and also the fact that they are being implemented on a statewide level. However, nearly a year after the reforms took hold in the state several high-profile attorneys have come forward in recent weeks to warn of shortcomings and obstacles they say Mafud has neglected to address, specifically in the arenas of training and special needs of indigenous communities in the Mixteco region of the state.

Aníbal Luis Orozco, president of the law school Colegio Regional de Abogados Istmeños, cautions that recent changes in Oaxaca's justice system are purely superficial in nature, and that the functionaries in charge of implementing them have not changed since before the reforms were approved, when allegations of impunity and corruption were common. Esther Torres Salinas, also of the Colegio Regional de Abogados Istmeños, added that state and local police, who under the reforms will carry out a much larger role in investigating suspected crimes and participating in the new oral trial procedures, have not received adequate training for their new responsibilities.

In response to the criticisms of attorneys and state legislators alike, Supreme Court Pres. Mafud continues to assert that Oaxaca's system is at the "vanguard" and will serve as a model for other Mexican states undergoing justice system reforms as well as for countries throughout Latin America. He insists

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that judges aspiring to serve under the new system are trained exhaustively, and that judges from around the country are visiting Oaxacan courts in preparation for justice reforms in their own states. Indeed, Oaxacan Supreme Court judges will travel to Zacatecas at the request of that state's Supreme Court Pres. Leonor Varela Parga to serve as guest lecturers for the state's oral trials degree program, and recently participated in a similar program in Baja California Sur.

Mafud also continues to tout what he says has been rapid progress in implementing the new accusatorial justice system in the state's Mixteco region, a particularly challenging task due to the region's vast cultural and linguistic diversity. He reports that the administrative personnel has already been selected and is undergoing training, and that oral trials courtrooms have been installed, both of which signal that the region will be ready for the projected implementation date of Sep. 9 of this year. Independent attorney Rubén Eleuterio Santillán expressed to the local newspaper *El Imparcial* his concern that the new system will effectively violate indigenous customs that exist in the region, and that the reforms should have been applied more carefully, first in the urban areas and then extending more gradually into the rural regions. Nonetheless, steps are being taken to accommodate the particular needs of indigenous communities. Oaxaca's Supreme Court will introduce a degree for indigenous language translators and interpreters. The course will be implemented with cooperation from the National Institute for Indigenous Languages (INALI), the National Coordination for Development of Indigenous Communities (CDI), and the Secretariat of Indigenous Affairs (SAI).

While the use of indigenous language translators and interpreters is unquestionably a necessary step in successfully implementing the justice reforms in the Mixteco region, there has been little talk of integrating traditional justice practices, as is being explored currently in Bolivia's justice reform process.

**SOURCES:**

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**Morelos' congress moves forward with alternative justice legislation**

The congress of Morelos has approved new alternative justice legislation, in accordance with the federal justice reforms passed this spring. The new system emphasizes finding alternative sentences wherever possible for nonviolent crimes, such as restitution for cases involving property damage or theft. The reforms will involve the creation of the Center for Alternative Justice, in which officials trained in mediation, conciliation, and negotiation will work with guilty parties and victims to reach acceptable settlements, thus reducing the need for lengthy court proceedings.

It is hoped that the new reforms will relieve pressure on public prosecutors, and reduce the backlog of cases facing the state's courts. Measures of the state's adolescent justice system would suggest that this will be the case. José Luis Jaimes Olmos, the judge for the Tribunal of Justice for Adolescents in Morelos, says that the new juvenile justice system implemented seven months ago, which emphasizes alternative justice in non-felony cases, has helped to reduce by 50 percent the number of adolescents incarcerated in the state's youth detention center as compared to previous years. Jaimes Olmos emphasized that a reduced population of adolescent inmates will also ease pressure on a strained adolescent justice system budget.

**SOURCES:**

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**Justice officials in Baja California Sur report progress toward justice reforms, despite limited resources**

Baja California Supreme Court Pres. Ignacio Bello Sosa inaugurated in early August a workshop on oral trials in coordination with the State of Mexico's law school Escuela Judicial del Estado de México. The workshop began on Aug. 7 and will continue until Sep. 6, and will be led by legal experts from the State of

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Mexico, Oaxaca, Chihuahua, and Nuevo León, the four states currently employing oral trials in criminal proceedings. Attending the workshop will be judges, secretaries, actuaries, agents of the state Public Prosecutor's Office, and public defenders, among others.

Bello Sosa, three months into his position as president of Baja California Sur's Supreme court, applauded the steps being made in his state toward a more modern and transparent justice system, but clarified that those steps are being made despite a "harsh budget reality" that is hindering a more rapid advancement. He also added that his state is not alone in its budget woes, but rather that in other states, as well, judicial branches "ask [legislators] to do them the favor of approving the resources to allow them to operate and improve services."

**SOURCES:**

Montero Becemil, Paula. "Limitada la modernización e impartición de justicia en BCS por la falta de recursos: Bello." *Tribuna de los Cabos*. 7 Aug. 2008.

Sarabia P., Porfirio. "Inician la capacitación sobre los juicios orales." *El Sudcaliforniano* 8 Aug. 2008.

**PRI deputies in Guanajuato's lower chamber propose strengthening punishment of torture committed by public servants**

Deputies of Guanajuato's Institutional Revolutionary Party (PRI) submitted a proposal to reform policies dealing with the crime of torture to conform to international standards, and to punish such acts with sentences of up to 12 years in prison. The move is directed specifically toward law enforcement officers who employ torture tactics to extract information from detainees or suspected accomplices. It comes as a response to the dissemination in the press in July of a series of videos showing Guanajuato police officers being trained in torture methods, and another showing a police officer severely beating a detainee with the assistance of colleagues (see Justice in Mexico Monthly News Report for July 2008). The videos initiated a public outcry and condemnation from the state and federal Human Rights Commissions.

**SOURCE:**

Álvarez, Xóchitl. "Proponen reformar el delito de tortura en Guanajuato." *El Universal* 1 Aug. 2008.

The Justice in Mexico Project *researches justice-related reform developments in Mexico at the national and sub-national levels. Through its coordinating institution, the Trans-Border Institute (TBI) at the University of San Diego, the Project disseminates research organized under three broad categories: order, accountability, and access to justice.*

*As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments. An archive of these reports is available at <http://www.justiceinmexico.org>. Click on the news tab and then the news archive selection to access the archive.*

*Summaries for this report were compiled and edited by Cory Molzahn, TBI Research Associate, with assistance from Judith Davila.*

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