

JUSTICE IN MEXICO

TRANS-BORDER INSTITUTE, USD



News Report
June 2008

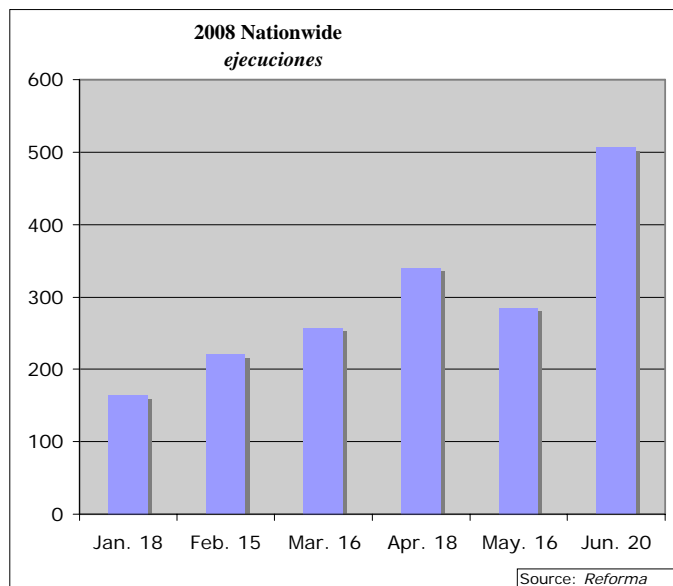
The current reporting period saw the largest number of cartel-related slayings so far this year, concentrated in the regions most hotly-disputed by the cartels. Meanwhile, the U.S. House of Representatives passed a second version of the Merida Initiative, which has met with more approval from Mexican officials than the Senate draft passed in May, which had attached strict human rights conditions. The issues of flow of weapons south across the border and demand for drugs on the U.S. side remain unresolved, as U.S. officials resolve to address the problems. The Calderón administration continues in its cooperation with U.S. extradition requests, approving the extradition of Benjamin Arellano, and pushing for the extradition of ex-Quintana Roo Gov. Mario Villanueva. Mexico's justice reform package was signed into law by Pres. Calderón, thus amending the national Constitution. The reforms continue to make their way through state Congresses, and attention is now being turned to secondary legislation, which experts and officials say will be key to ensuring that the reforms fulfill their goals: to strengthen security and rule of law by increasing the government's ability to take on organized crime, and to provide all citizens with access to a fair and expeditious system of justice.

ORDER

DRUG TRAFFICKING

Drug-related violence pronounced in Pacific, northern states as cartels battle for trafficking routes

During the current reporting period, drug-related *ejecuciones* continued to be pronounced in the Pacific states of Sinaloa, Guerrero, and Jalisco, and the northern states of Baja California, and Chihuahua. Nationwide, *ejecuciones* had their sharpest spike so far in 2008, rising by 506 to a total of 1751 as of June 20. The violence seems to be largely attributable to continued turf battles between the nation's cartels, which the Calderón administration points to as evidence that his military-led campaigns against them in key states like Sinaloa, Baja California, and Chihuahua are tightening trade routes.



Durango saw a marked increase of 45 *ejecuciones* between May 16 and June 20 to a total of 100, and is on track to far exceed its 2007 total of 130. In the city of Poanas, the director of the municipal police resigned along with half of the force days after an extended shootout claimed the lives of three agents from the State Department of Investigation. Ismael Hernández, the state's governor, expressed concern over the heightened violence, though he emphasized that the numbers are not as alarming when compared to other states, particularly Chihuahua. In neighboring Zacatecas, Gov. Amalia García Medina announced heightened security after a shootout left three suspected cartel members dead and five wounded in the central city of Fresnillo.

In Sonora, a gun battle in the city of Hermosillo between state and federal police and an estimated 50 cartel gunmen killed three police officers – two federal and one state – and led to the arrest of eight of the gunmen. Also seized at the scene were several assault rifles, along with bulletproof vests and police uniforms. Gov. Eduardo Bours has long expressed concern that increased pressure on cartels in other border states will push the violence into Sonora, and in the past has requested military presence. To date, no deployments have been announced.

Chihuahua continues to see the most pronounced levels of violence this year despite deployments of troops and federal police earlier in late April. That state has topped 500 cartel-related slayings for the year, well over three times its total for 2007. Police continue to be targeted – at least 43 have been killed so far this year in the state, 25 in Ciudad Juárez alone. The first federal agent to be killed in the state this year was shot during the morning of June 12 in Ciudad Juárez. On June 16, authorities took down at least six banners, presumably hung by members of the Juárez cartel, with messages taunting Joaquín “El Chapo” Guzmán, blaming his Sinaloa Cartel for the recent escalation in violence. The two are reportedly vying for control over the valuable trafficking routes through the border state. Journalist and sociologist Leticia Castillo remarked to *El Diario* that it was strange to see the cartels appealing to popular opinion, as though to seek credibility.

Meanwhile, Assistant Attorney General José Luis Santiago Vasconcelos insisted that the Federation, generally referred to in this news report as the Sinaloa cartel, has been crippled by vehicle seizures made by the Attorney General's Office during Pres. Calderón's tenure. In the past 18 months, the PGR reports having seized 7,402 vehicles nationwide, and inflicted an estimated US\$5.6 billion of damage to the cartels. Despite these reported blows to the cartels, the PGR continues to emphasize that the nation's police forces cannot match the cartels in firepower. Nonetheless, Attorney General Eduardo Medina Mora maintains that Mexico is winning the battle against drug traffickers, “even if it doesn't seem like it.”

SOURCES:

“Renuncian 20 policías tras balacera en Durango.” *El Universal* 5 June 2008.
 Cano C., Luis Carlos. “Ejecutan a otro policía municipal en Chihuahua; suman 43 agentes.” *Infonorte.net* 14 June 2008.
 Sosa, Luz del Carmen. “Se intensifica guerra de mensajes entre narcos.” *El Diario* 17 June 2008.

Chihuahua town becomes international emblem of Mexico's war on drugs

During the night of May 19, the small Chihuahua town Villa Ahumada was awoken by a gun battle that left and three municipal police officers dead, including the chief. Within a week, the 12 remaining officers in the police department had deserted, and the military moved in to take over law enforcement operations. The city's

mayor, a judge and an agent of the public prosecutor's office also resigned, citing security reasons. After the shootout, the gunmen kidnapped 10 people from the town, several of whom have been found dead in Ciudad Juárez. Locals say that the trouble in the town started after a youth believed to have linked to the Juárez cartel was killed on April 6, and two days later soldiers descended on his funeral to detain several in attendance, including a police commander. Since the violence that followed, Villa Ahumada has been covered in major news publications in the United States and Europe as a symbol of the daunting task the Calderón administration faces in its war on the drug cartels.

In the absence of local law enforcement, 20 agents from the Police Intelligence Corps and 100 soldiers were sent to take charge of security in the small city located between Ciudad Juárez and Chihuahua City. The chief of public security who was killed in the gun battle was the third to occupy that position during the current mayor's term. Her predecessor had been removed from his position after being seen at a funeral for a known drug trafficker.

Newspapers in the United States and Spain seized on the extreme nature of the Villa Ahumada story as exemplary of the challenges of Mexico's fight against the drug cartels: police desertion; loss of public faith in law enforcement agencies; the need to employ the military to fill gaps left by inadequate, corrupt, or in this case, nonexistent police forces. The New York Times contrasts the Villa Ahumada of the past and present – a town “best known for its roadside burrito stands” to one where residents are afraid to leave their homes after dark, and where parents are afraid to send their children to school. Perhaps most striking, though, is the lack of information being publicly offered by the police, leaving local populations of Villa Ahumada and similarly affected communities, and the press to draw conclusions on their own in trying to make sense of the violence.

SOURCES:

“Renunció toda la Policía en Villa Ahumada.” *El Heraldo de Chihuahua* 21 May 2008.
Orquiz, Martín. “Villa Ahumada, ‘a la buena de Dios.’” *El Diario de Juárez* 21 May 2008.
“Villa Ahumada, una ciudad de México desierta que aterrera hasta a la policía.” *La Voz de Galicia* 23 May 2008.
McKinley, James C. “Drug Massacre Leaves a Mexican Town Terrorized.” *New York Times* 31 May 2008.

Former QR Gov. Villanueva sentenced to 36 years; faces possible extradition

Former Quintana Roo Gov. Mario Villanueva has been sentenced to 36 years plus 9 months in prison after being convicted in a Mexico City federal court of aiding and protecting traffickers moving drugs through his state during his tenure. For his part, Villanueva claims that he is a “trophy” for the Attorney General's Office (PGR), and charges that investigators manipulated judges for a favorable outcome. He now faces possible extradition to the United States.

Villanueva was released last year after serving six years for money laundering, but was arrested shortly thereafter on the far more serious trafficking charges. He was cleared of similar charges prior to his first sentencing. Responding to the ex-governor's charges that the PGR fabricated the case file, the federal assistant attorney general for International Affairs José Luis Santiago Vasconcelos insisted that his office was merely following protocol in prosecuting Villanueva, and that it would have been impossible to manipulate all of the more than eight judges involved in the case.

Villanueva now faces possible extradition to the United States, which President Calderón authorized last year. That process has been held up by his defense attorneys, who claim that an extradition would essentially amount to Villanueva being tried twice for the same crime. In a similar case, the PGR recently authorized the extradition of Benjamin Arellano, a founding member of the Arellano Felix drug cartel, to the United States to face drug trafficking and money laundering charges. A Mexico City judge had previously denied request to extradite Arellano on the grounds that he had already been sentenced in Mexico on the same charges that the United States is trying to bring against him. Pres. Calderón's administration has been more willing than his predecessors to honor extradition requests by the United States, having granted over 100 in 2007 alone.

SOURCES:

“Niega PGR manipulación en el caso de Mario Villanueva.” *Milenio* 5 June 2008.
“Interpone defensa de Villanueva recurso contra sentencia de 36 años.” *La Jornada* 5 June 2008.
Vázquez, Mario. “Mario Villanueva: Para la PGR soy un trofeo.” *Diario de Yucatan* 6 June 2008.

U.S.-MEXICO RELATIONS

U.S. House of Representatives passes new draft of the Merida Initiative amidst resistance from Mexican authorities to conditions

The U.S. House of Representatives voted to approve the US\$1.6 billion three-year aid package known as the Merida Initiative, aimed at assisting the Mexican and Central American governments in their fight against drug trafficking and organized crime. The lawmakers then approved US\$460 million for Mexico and Central America for 2008, nearly \$100 million less than Pres. Bush had originally requested, though \$100 million more than the Senate approved in its most recent draft. While the precise distribution of the proposed allocations remains clouded in speculation, the aid will largely come in the form of surveillance aircraft for the military and federal police forces; computer hardware and software to facilitate information sharing among federal, state, and municipal police forces; and training of police in counter-narcotics measures. Amidst debates in both chambers of Congress regarding human rights concerns and worries about police corruption in Mexico, Pres. Bush has persisted in calling on Congress to agree to the full amount requested, "without many conditions."

A source of recent conflict between the Calderón administration and some U.S. lawmakers has been conditions that were placed on the aid package by the Senate in their most recently approved draft legislation, which would have required that elements of Mexico's armed forces implicated in human rights abuses be tried in civilian courts, and also tied the money to satisfactory assessments by the U.S. Secretary of State of Mexico's recently initiated justice reform process. The Calderón administration insisted that it would reject any aid with such conditions attached, and the battle played out through the media during the three weeks awaiting the second vote in the House, with both administrations stressing that the conditions were not in alignment with the multilateral, collaborative spirit of the initiative. Calderón told Spanish newspaper *El País* he finds the language of the new House draft much more acceptable.

While the Senate's move to include specific human rights oversight measures in its draft may have been little more than political posturing – many senators protested from the time the initiative was first announced that they were not included earlier in the process – it serves as a reminder of the contentiousness of the Mexican military's role in domestic law enforcement operations. The House draft allows a substantial percentage of the funds to go to the military the first year (roughly two thirds), tapering off in years two and three. Both sides have stressed that a key objective of the aid package is to strengthen and professionalize Mexico's under-equipped and corrupt police forces, particularly at the municipal level, though some estimate that process will take at least a decade. Mexico took the step earlier this year of restructuring the federal police, and Baja California's recently elected governor José Osuna Millán has made "cleaning" his state's police forces a principle objective of his administration.

Another point of contention that the House bill fails to address concretely is the role of demand for drugs in the United States. Proponents of the initiative have consistently pointed to the rise in cocaine prices in the U.S. – up by as much as two-thirds in some cities in the past year and a half – as a sign of success. While that could be an effect of several factors attributable to Calderon's policies – reduced quantities crossing the border, increased cost to the cartels in transporting narcotics through Mexico and into the United States – it's difficult to attribute the rise in street value to any one or set of factors. In any case, lawmakers acknowledge that U.S.-side demand is what fuels the movement of drugs and the resulting violence, but the House draft legislation makes no specific commitments to address the problem.

SOURCES:

- "Aprobó el Senado de EU la Iniciativa Mérida, pero le pellizó 50 mdd." *La Crónica de Hoy* 23 May 2008.
Jiménez, Benito. "Rechaza Segob condiciones de Plan Mérida." *Reforma* 2 June 2008.
"PAN califica de lamentable falta de voluntad de EU para Iniciativa Mérida." *El Financiero* 5 June 2008.
Bailey, John. "Puede salvarse la Iniciativa Mérida?" *El Universal* 16 June 2008.

As the Merida Initiative advances in Congress, attention to U.S. role in supplying weapons increases

In the midst of recent large weapons seizures, Mexico's Attorney General's Office (PGR) continues to stress the need for the United States to stem the abundant flow of firearms south across the border. Drug cartels have engaged in numerous gun battles amongst each other and with Mexican security forces in Sonora, Sinaloa, Zacatecas, Veracruz, Baja California, and Durango in recent weeks, often with munitions only matched by Mexico's armed forces, over 90 percent of which the PGR estimates originated in the United States.

As the Merida Initiative nears final approval in the U.S. Congress, Mexico continues to emphasize the United States' responsibility to stem the flow of weapons into Mexico. Julie Myers, assistant secretary for Homeland Security, acknowledged the problem, stating that "What was once a drip or even a steady but manageable flow has swelled to become an all out tidal wave." Bureau of Alcohol, Tobacco and Firearm (ATF) officials indicate that Texas is the principle point of origin of illicit weapons in Mexico, Houston being the number one city. Of the four U.S. states bordering Mexico, California is the only one with legislation specifically banning the purchase and possession of assault rifles, which include the AK-47, commonly employed by Mexican drug cartels. Texas and Arizona, by contrast, have some of the weakest gun control laws in the nation and play a corresponding role in supplying the illicit weapons trafficking to Mexico, which ATF officials recognize is fueling drug trafficking there.

In a show of bilateral effort to address the problem, U.S. and Mexican officials in early June announced the signing of *Operación Armas Cruzadas*, a trans-border law enforcement initiative involving roughly two dozen Mexican federal agents who will work with U.S. law enforcement officials on stemming the flow of weapons south across the border, and a joint database to share information on weapons confiscated on both sides of the border.

In emphasizing the difficulty of detecting the flow of arms south across the border, head of customs Juan José Bravo Moisés expressed concern over the amount of high caliber weapons his agency manages to confiscate at Mexico's northern border, and emphasized the sobering fact that only 10-11 percent of commercial containers that enter the country are inspected. He reported to Mexican press that his agency had confiscated 121 firearms so far in 2008. Those numbers pale in comparison to even the most conservative estimates of firearms seizures by the PGR and military throughout Mexico so far this year.

SOURCES:

- Nájera, Horacio. "'Arman' en Texas a narcos mexicanos." *Reforma* 6 June 2008.
Schiller, Dane. "U.S., Mexico boost effort to stop flow of firearms to drug cartels." *Houston Chronicle* 10 June 2008.
Madrid, Lemic. "Operativo irá por dientes del narco." *Excelsior* 10 June 2008.
Pérez Silva, Roberto Garduño. "Aduanas sólo se revisa 10% de contenedores que ingresan al país." *La Jornada* 12 June 2008.

Case of Cuban migrants "rescued" from Mexican immigration officials by armed group a reminder of Mexico's difficult position as a transit country

Thirty-three Cuban through-migrants were taken at gunpoint from Mexican migration officials while being transported to the southern state of Chiapas on June 13. Eighteen of them reappeared in southern Texas roughly a week later, unharmed. The whereabouts of the remaining fifteen Cubans and four Central Americans also being transported. The case sheds light on Mexico's difficult position in dealing with Cuban through-migrants en route to the United States, as the U.S. 1966 Law of Ajuste Cubano mandates that any Cuban arriving by land to the United States be automatically granted residency.

The Cubans were detained in Cancún by the Mexican navy, and handed over to immigration officials. They were in route to an immigration detention center in Chiapas when they were intercepted by armed men. One of the drivers of the bus transporting the men is under investigation by the federal Attorney General's Office for suspected complicity in the "rescue," and nine immigration officers are under investigation for suspected links to drug and human trafficking organizations. The 18 Cubans have since reported that they were transported to a city in Veracruz state, given forged documentation, put on busses, and transported to the north of the country. They also report having passed through several military and migration checkpoints, with no incidents.

334 migrants were detained in the Caribbean state of Quintana Roo between January and May of this year, most of them Cubans. This specific case illustrates the difficult position that Mexico is in as a transit point for migrants en route to the United States, particularly in the case of Cubans, who are granted automatic residency upon setting foot on U.S. soil. The Cuban government points to the U.S. policy as fueling undocumented migration through Mexico, while Mexican authorities point to a “Cuban mafia” operating in Miami and offering support to Cubans traveling through Mexico to the United States.

SOURCES:

“PGR ya investiga atraco a autobús de migración con 37 indocumentados: Segob.” *Milenio* 13 June 2008.
“Contradicciones en torno al ‘rescate’ de un camión con cubanos ilegales.” *Diario de Yucatan* 15 June 2008.
“Culpan a mafia cubana del rescate de paisanos.” *La Jornada* 16 June 2008.
Otero, Silvia, Wilbert Torre. “El ‘secuestro’ de cubanos mete en líos a México y EU.” *El Universal* 20 June 2008.

ACCOUNTABILITY

TRANSPARENCY

Online system for accessing public information continues to make headway with endorsement from nation’s top judicial body

Six years after the federal transparency law *Ley Federal de Transparencia*, Guillermo Ortiz Mayagoitia, president Mexico’s Supreme Court (SCJN), has signed an agreement with the Federal Institute of Access to Information (IFAI) incorporating the Supreme Court into the online public access website *Infomex*.

Ortiz Mayagoitia indicated that the SCJN has officially established access to information as a civil right as a crucial instrument in exercising other rights, and as an instrument of constitutional control. “Fifteen years ago, access to public information was not a universal right, information was not public by constitutional mandate and archives were under custody of public servants, who were responsible for guarding [the information], rather than spreading it... Then came the issuing of the Law of Transparency. Since then, access to government information has gained an increasingly important and useful place in our history. It’s a framework for the new millennium,” he said. Alonso Lujambio Irazábel, president of IFAI, emphasized the potential of the Supreme Court’s endorsement of *Infomex*, pointing out that once in place the system will allow citizens to access judicial records pertaining to any state: “This is a standardization, a technological homogenization.”

In May, Irazábal, applauded the government of Ulises Ruiz of Oaxaca for its support of a culture of transparency in the state, after Ruiz signed an agreement to become the 20th Mexican state to collaborate with IFAI to implement *Infomex* to grant public online access to municipal and state government information.

SOURCES:

Blancas Madrigal, Daniel. “El Poder Judicial dará información a IFAI.” *La Crónica de Hoy* 12 June 2008.
“Destaca el IFAI apoyo de Oaxaca a la transparencia.” *El Financiero* 30 May 2008.

HUMAN RIGHTS

Controversy over removal of UNHCR representative in Mexico brings domestic, international scrutiny to Calderón administration, Mexico’s Human Rights Commission

Several Mexican human rights organizations on June 1 called for the Senate to review the performance of José Soberanes, president of the National Human Rights Commission (CNDH) claiming that he has not fulfilled his obligations in the position. The organizations are principally concerned with the CNDH’s MEX\$866 million budget, of which they claim the majority goes to administrative functions and personal expenses. Also at issue

is the organizations' opposition to Soberanes' role in the removal of Amerigo Incalcaterra from his position as Mexico's representative to the United Nations Human Rights Commission (UNHCR).

The group of NGOs include the human rights centers Fray Francisco de Vitoria, Miguel Agustín Pro Juárez, the Red por los Derechos Humanos, among others.

The dismissal of Incalcaterra, who served his last day May 22, has also come under heavy scrutiny, and domestic human rights organizations point to Soberanes as being instrumental in his removal. They point to a letter that Soberanes wrote to UNHCR commissioner Louise Arbour expressing his discontent with a report released by that organization criticizing CNDH for not realizing its full potential. The groups also signal that Soberanes has opposed Incalcaterra's work in Mexico, pointing out that Soberanes has consistently been absent from planning and strategy meetings in which Incalcaterra's office and the NGOs have participated. Incalcaterra, an Italian, had served as UNHCR's representative in Mexico since October 2005, and has frequently leveled public criticisms of human rights violations in Mexico, and also at the CNDH for not adequately addressing them. The United Nations denies that his removal was at all politically motivated. U.N. spokeswoman Marie Okabe told the *New York Sun* that Incalcaterra had been appointed to fill a new U.N. senior post.

Inquiries into Incalcaterra's removal do not stop at Soberanes. Kenneth Roth, executive director of U.S. based Human Rights Watch, requested that the Calderón administration detail the circumstances that led to Incalcaterra being removed from Mexico, noting that the flurry of allegations in Mexican and Spanish press seemed "credible." The controversy could put into jeopardy prospects of appointing a Mexican to high-profile positions in the U.N. which are reportedly to become vacant in June. Patricia Espinosa, Exterior Minister, who is reportedly vying for the position of U.N. Human Rights Commissioner, has denied that the Calderón administration had any role in removing Incalcaterra, pointing out that he himself acknowledged the logic in his transfer.

SOURCES:

Avni, Benny. "Mexican Bid for Top U.N. Post May Be in Jeopardy." *The New York Sun* 13 May 2008.
"SRE rechaza presiones para la dimisión de Incalcaterra." *La Jornada* 23 May 2008.
"ONG's exigen motivos del retiro de comisionado de ONU." *El Universal* 23 May 2008.
"ONG's solicitan al Senado promover 'juicio político' contra Soberanes." 3 June 2008.

PRESS FREEDOM

Armed police shut down a community radio station in Monterrey operating without a license

At the behest of the Secretary of Communication and Transportation (SCT) and with a warrant from a local district court judge, an estimated 200 armed federal police raided the station of Radio Tierra y Libertad, a community radio station in Monterrey that was operating without a license. While nobody is disputing the charges that the station, which had operated since 2001, lacked a license, the incident, which incidentally took place on the eve of Mexico's Freedom of Expression Day, has raised concerns about the politics of broadcasting licensure, and critics point to the incident as exemplary of federal laws allowing for executive control over community broadcasting. The station, which ran on a political platform advocating land and labor rights, had a broadcasting radius of about 4 kilometers, reaching several of the more marginalized communities in Monterrey.

During the raid, police confiscated equipment from the station, including their transmitter and broadcasting antenna. They also arrested the station manager, Héctor Camero, who was to appear in court on June 13, though no charges were filed at the scene. The Attorney General's Office could bring charges against Camero, which it says could carry a prison sentence of two to twelve years. According to Camero, Radio Tierra y Libertad had repeatedly applied for a broadcasting license over the past six years, and that all requests had been refused.

In response to the raid, hundreds of local residents took to the streets in an attempt to defend the station, invoking freedom of expression. According to the Televisa Law, which dictates the parameters for broadcasting

over public airwaves, prospective broadcasters must undergo the process of obtaining a permit, which some critics claim is tightly controlled by the executive branch. Specifically, the law establishes certain technological requirements, which Aleida Calleja, vice president of the World Association of Community Broadcasters (AMARC), estimates costs between US\$50,000-70,000. With scores of community radio stations operating in the country without a license, critics stress that such requirements ultimately give the executive discretion to limit freedom of expression.

AMARC points out that this is not the first time that a community radio station in Mexico has been forcefully shut down for not complying with the requirements of the Televisa Law. They also point out that Mexico's Supreme Court ruled last October that the discriminatory nature of the law was unconstitutional, adding that in systematically denying licenses to community broadcasters the Mexican government is in violation of international human rights treaties that the country has signed agreeing to work to establish favorable conditions for such broadcasters to operate. Also at issue are the criminal charges that Camero could face. AMARC and other critics stress that questions of freedom of expression must not be handled in the arena of criminal justice, also in accordance with international human rights treaties.

Days after the raid, Interior Minister Juan Camilo Mouriño announced the signing of 131 new radio and television permits. Assistant secretary of Media Regulations for the Interior Ministry Irma Pía González affirmed that the new licenses demonstrate the government's commitment to legality, the rule of law, and freedom of expression.

SOURCES:

- "Desmantelan radiodifusora que operaba sin concesión en Monterrey, Nuevo León." *Procuraduría General de la República*. Press Release 6 June 2008.
Campos Garza, Luciano. "Allana policía la Radio Tierra y Libertad de Monterrey." *Proceso* 6 June 2008.
Padilla, Jesús. "'Apagan' radio clandestina en Monterrey." *El Universal* 8 June 2008.
"Criminalización de la Libertad de expresión en el cierre de la emisora comunitaria Tierra y Libertad." *Asociación Mundial de Radios Comunitarias*. Website: <http://alc.amarc.org/index.php?p=shownews&id=957>.
López, Fernando. "Refrenda Gobernación 131 concesiones a radio y TV." *El Sol de México* 12 June 2008.

ACCESS TO JUSTICE

JUSTICE REFORM

Calderón signs federal justice reforms while questions of secondary legislation linger

Pres. Calderón signed into law the justice reform package passed by Congress in late March and since approved by 19 of Mexico's 31 states. Praising the collaborative effort between the three branches of government, Calderón emphasized that the reform "Isn't the Government's fight, but all of society's, the Mexican state. What's at play is not the security and integrity of the governments, but rather of the governed." Most Mexican and international justice experts express hope that the reforms will modernize and expedite Mexico's notoriously bureaucratic justice system, although officials such as federal Attorney General Eduardo Medina-Mora warn that without effective secondary legislation detailing the implementation of the reforms, Mexicans will ultimately not have access to an effective justice system.

Carlos Castresana Fernández, former Public Prosecutor of the Supreme Court of Spain and recently appointed to head the United Nations' International Commission against Impunity in Guatemala (CICIG), emphasized that Mexico's reforms will fail if secondary legislation leaves their implementation in the hands of judges and attorneys with theoretical but not practical training, who are assessed by the United States Agency for International Development (USAID). Such is the case with Guatemala, a case of justice reform that Castresana points to as having failed for that very reason. There, he says, those put in charge of developing the penal code established unnecessary and crippling obstacles for police, judges and attorneys. To illustrate his point, he indicated that of the 5,850 homicides reported since the reforms went into effect, only 18 perpetrators have been sentenced. Castresana contrasts Guatemala to Colombia, where he says that judges are given the powers necessary to guarantee just outcomes for trials, for example the power to freeze assets of an accused party to ensure that reparations can be made to victims.

The states will now have a period of 8 years for full implementation of the reforms, which will include reforming state laws to adhere with the new constitutional changes. While some states are in the advanced stages of implementing the reforms – such as Chihuahua, which expects to apply oral trial proceedings statewide beginning in July – others, such as Baja California, Guerrero, the state of Mexico, and Chiapas have yet to approve them in their local Congresses.

SOURCES:

"Necesita Reforma Judicial una ley secundaria: PGR." *El Financiero* 27 May 2008.
Méndez, Alfredo. "Fracasará aplicación de juicios orales si impera la visión garantista: experto." *La Jornada* 18 June 2008.
Figueroa, Martha. "Avala Calderón juicios orales." *El Diario* 18 June 2008.

AROUND THE STATES ...



Morelos looks to experiences with juvenile justice for lessons in broader justice reform implementation

Upon completing an analysis of experiences with Morelos' experiences with their recently implemented juvenile justice system, judge José Luís Jaimes Olmos warned of a need to sufficiently train the state's judges and public prosecutors for the requirement under the new federal justice system of presenting a viable case against a suspect in front of a judge in due time or, failing that, releasing him.

"Now that we begin to work with this new system, we continue to learn about the issues that we are presented with and we can confirm that the system requires a high level of preparation of all of the parties involved, from detention to conviction," he said. Olmos, a judge assigned to hearing adolescent cases in which oral trials are applied, stressed the increased responsibility of the public prosecutor in building a plausible case prior to the initiation of trial proceedings as well as determining an appropriate sentence, due to the presumption of innocence inherent in the new, accusatory model. He added that judges will need to become scholars of legal theory and methods of argument, as well as experts in navigating the new procedural model.

SOURCE:

Cuevas Villalobos, Elizabeth. "Debaten el nuevo sistema de justicia." *La Jornada Morelos* 16 June 2008.



Behind announcement of extreme prison overcrowding in State of Mexico, two oral trials courtrooms in UAEM law school announced for next school year

The Autonomous University of the State of Mexico (UAEM) announced that two oral trials courtrooms will be constructed in its school of law by the beginning of the upcoming school year. The director of the university's law school, Enrique Vega Gómez, said that the courtrooms will be constructed in due time in accordance with state and federal justice departments' insistence of the need for adequate facilities in training future law practitioners.

The announcement of the needed educational infrastructure came on the heels of state congressman Carlos Alberto Pérez Cuevas urging a timely implementation of the new penal code to alleviate prison overcrowding requiring urgent attention. Pérez indicated that the state's prisons currently house over 18,000 prisoners, yet were built for half that number. He hopes that the new justice model will bring efficiency and accountability that will be able to cut through the excess caution and corruption with which he characterizes the operations of the state's judicial police and public prosecutor's office.

The state of Mexico is among a minority of states that have not yet approved the federal justice reforms. Final approval by the state Congress is expected by September of this year.

SOURCES:

Jiménez, Rebeca. "Piden un nuevo código penal." *El Universal* 5 June 2008.
"Hasta el próximo ciclo, las dos salas de juicio oral en Derecho." *Rumbo de México* 9 June 2008.



Governor, Supreme Court of Nuevo León plan "Virtual Court"

Nuevo León's gov. José Natividad González Parás and the state's Supreme Court have signed and sent to Congress a proposal to create a "Virtual Court" that they hope will speed up judicial processes in the state. The online system will allow judges, attorneys and courtroom functionaries to interact, share information, and access relevant documents. Gustavo Adolfo Guerrero, president of the state Supreme Court, hopes that the new system will be a "new tool of comprehensive work that cuts time and distances, thus expanding access to justice." If approved,

the online system will be the first of its kind in the country.

Meanwhile, Gov. González Parás is urging the careful creation of a new legal framework for the imparting of justice, particularly in cases involving organized crime. He expects that with proper planning, oral trial proceedings could go into effect statewide within the next two years. González specifically pointed to the need to gradually and consistently continue developing human resources, and also indicated the 20 courtrooms constructed in the state to facilitate the new reforms as a clear sign of progress.

SOURCE:

Gómez, Nancy Lorena. "Proponen creación de Tribunal Virtual." *El Porvenir* 19 June 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. Robert Donnelly, Coordinator, Justice in Mexico Project, and David Shirk, Director, Justice in Mexico Project/Trans-Border Institute, provided editorial guidance.

Copyright Trans-Border Institute, 2008. All rights reserved.