

# JUSTICE IN MEXICO

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*One year after the signing of a national pact to promote public security, authorities gave an accounting of their efforts. In general, the assessment of civic groups was critical, given a persistence of high levels of crime and violence throughout the country, including the kind of kidnappings that inspired the national pact. Meanwhile, with regard to drug cartel violence, there has been a modest increase—including the assassinations of police and public officials—in recent months, despite the massive deployment of federal troops earlier this year. At the same time, the Calderón administration established new “drug courts” and rehabilitation programs to manage minor drug possession. In the United States, federal lawmakers blocked the release of \$100 million associated with the Merida Initiative, while the government issued a series of indictments against Mexican drug traffickers. New efforts to promote transparency detected corruption in government agricultural programs and in the national oil company, PEMEX. Meanwhile, on constitutional grounds, the Supreme Court rejected a case that would have challenged the military justice system, and also released 22 prisoners linked to the 1997 Acteal massacre on grounds of prosecutorial missteps. This month, Mexico also saw the murder of the seventh journalist this year, Juan Daniel Martínez Gil. Around the states, Oaxaca and Zacatecas reported advancements in their judicial reform efforts.*

## LAW AND ORDER

### PUBLIC SECURITY

#### **Mexico’s national security pact appraised after one year; civic groups give authorities low marks**

One year after federal, state, and local officials held a nationally televised meeting and signed a major security pact, public officials noted their accomplishments while civil society offered a dim assessment of Mexico’s overall security situation.

Last August, the highly publicized kidnapping and murder of Fernando Martí, son of prominent Mexico City businessman Alejandro Martí, led civic groups to call for a national conversation on public security in Mexico. With urging from [Mexico United Against Crime](#) (México Unido Contra la Delincuencia),

representatives from all three federal branches of government, as well as state public security authorities, met on August 21, 2008 in a televised session to discuss a new 74-point security plan to be implemented over the next 100 days. That pact, the National Agreement for Security, Justice and Legality, included measures such as a new anti-kidnapping law and measures to root out corruption and promote police professionalism. During the televised meeting, Alejandro Martí, the father of the murdered kidnapping victim, urged authorities to work to reduce crime: “If you cannot, resign.”

**Key Elements of August 2008 Public Security Pact:**

1. Pass a new anti-kidnapping law.
2. Develop an intergovernmental anti-kidnapping strategy in six months
3. Purify law enforcement institutions in one year, and new anti-corruption units in all 32 state entities.
4. Construct two new federal prisons with special facilities for kidnappers.
5. Enable citizens to monitor and evaluate officials to eliminate corruption.
6. Consolidate Mexico’s uniform crime database.
7. National coverage for the 089 crime reporting phone number, and registration and tracing ability for mobile telephones within 6 months.
8. Reforms to preclude pre-trial release and other benefits to defendants in cases involving kidnapping, extortion, and violent crimes.
9. Accelerate processing of prosecutions involving high impact violence and organized crime.
10. Establish stronger controls for individuals on parole.

However, twelve months after the signing of the national pact, Martí observed in *Reforma* newspaper that it has been a “lost year.” Mexico’s problems of crime and violence continue, while no one has resigned. In a separate interview with the newspaper *El Universal*, Martí declined to name specific officials, but noted that: “There are many governors, mayors, delegates, police, and public security secretaries that have not made a robust effort to offer security to the citizenry... The best proof is that problems of crime continue in the streets; kidnappings continue. There are no registries for criminals and there continue to be signs of fundamental corruption, such as in the prison system, which is a huge failure.”

Since last year, Martí has formed his own foundation, the [System for Monitoring Citizen Security in Mexico](#), also known by its Spanish acronym, “México SOS.” According to its website, the organization has over 100,000 registered subscribers, and seeks to involve citizens in the monitoring and denunciation of public security problems. Regarding his son’s case, there has been considerable confusion, with federal and Mexico City authorities making two different sets of arrests, while the suspected kingpin of the kidnapping ring —Abel Silva Petriciolet— remains at large (see our [July 2009 news report](#)).

Meanwhile, public officials responded to the one-year anniversary of the pact by recounting their efforts to improve public security. In accordance with the pact, in December 2008, the Mexican Congress passed measures to advance a new anti-kidnapping law. However, while this measure was approved by a majority of state legislatures, the legislation was not officially published by President Calderón until May; as a result, the Mexican Congress was unable to produce a new law in the legislative session that ended in late-April.

For his part, President Calderón emphasized the advances that have been made in fighting kidnapping gangs. According to the president, from August 2008 to the end of July 2009, the federal government arrested members of nearly 70 different kidnapping gangs, including members of the groups known as Los Tiras, Los Rojos, and Los Petriciolet (whose members were arrested for allegedly perpetrating the Martí kidnapping). Also relevant to the pact, a new law reorganized the country’s federal police agencies in May 2009 (see our [June 2009 news report](#)) and, more recently, Mexico replaced its entire customs force (see story below in this month’s report), with both moves intended to professionalize and improve the coordination of Mexican law enforcement.

In response to widespread criticism, Interior Secretary Fernando Gómez Mont urged citizens to offer a “just and serene” assessment of authorities’ efforts, noting that “a general disqualification is unfair... There are no absolutes, there have been important advances and much work remains to be done.” At the same time, the Interior Secretariat released a communication noting that there was a 44% increase in the budget for public security in 2009, including a 15% increase in federal funds transferred to state and local governments. In addition, the government conducted evaluations for more than 19,000 law enforcement personnel, and created a new Integrated National System Against Kidnapping.

While Martí acknowledged some of these and other advances—including laws to confiscate property from criminals and to create a national cell phone registry—he insisted that these measures were “not sufficient.” Other non-governmental organizations were similarly insistent that Mexican authorities must do more and improve their efforts. Mexico United Against Crime presented an evaluation indicating that authorities had only accomplished seven of the points indicated in the pact, and gave authorities low rankings on a scale of one to ten at the federal (5.2), state (3.0), and local (0.9) levels.

Meanwhile, Carlos Mendoza, member of a citizen’s group charged with evaluating the pact, said that none of Mexico’s states had met its obligations to combat kidnapping. Among other things, only 10 anti-kidnapping units were formed during the last year, despite promises in the national security pact, and those that exist are insufficiently equipped to address the problem.

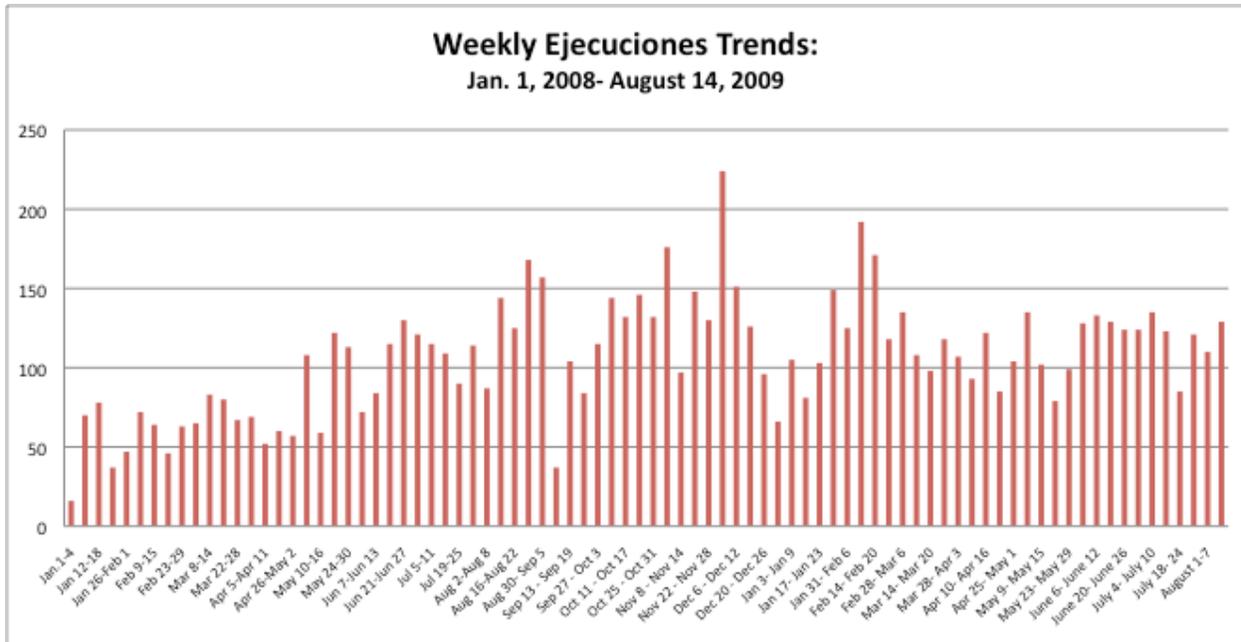
**SOURCES:**

Andrea Merlos, “Critican que Calderón no publique ley antisequestro,” *El Universal*. June 4, 2009.  
 “El secuestro es un asunto de las entidades,” Milenio. July 31, 2009.  
 Francisco Gómez, “Deben renunciar aquellos que fallaron, reafirma Martí.” *El Universal*. August 19, 2009.  
 “Presume Segob logros contra la delincuencia,” *Reforma*. August 21, 2009.

**CARTEL VIOLENCE**

**Drug cartel violence persists, though down from first quarter of 2009**

According to *Reforma*’s “Ejecutómetro,” which tracks Mexico’s cartel-related killings, the rate of *ejecuciones* has remained relatively flat, at about 90 per week during the four weeks of the current reporting period. While the current weekly rate of killings is roughly 22 percent lower than in the first 12 weeks of 2009, it is up 10 percent since a brief lull following the late-February reinforcement of Operation Chihuahua. For the year, *ejecuciones* are still on track to surpass the 2008 total of 5153.



Source: Reforma newspaper.

While cartel-related violence in Chihuahua has not yet regained the rate of 42 killings per week prior to the reinforcement of thousands of soldiers and federal police to the state late in February, it has rebounded to an average of 36 per week since April 4, up from 22 per week for the 8 weeks following the deployment. For critics of troop deployments, Ciudad Juárez has become emblematic of the failures of

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Pres. Calderón's anti-cartel strategy. Juárez mayor José Ruiz Ferriz announced that beginning in September troops will gradually retire from their law enforcement duties in the city. He said that, by the end of September, the city will have more than 3,000 municipal police officers, at which point soldiers, Federal Police, and agents of the federal Attorney General's Office (PGR) will begin to remove themselves from street patrols. Ruiz' announcement came a month after Chihuahua's Public Security Secretary Victor Valencia de los Santos announced that the ineffectiveness of soldiers in the streets in reducing violence would prompt a new strategy statewide.

While Chihuahua is on track to surpass its *ejecuciones* total from 2008, the border region remains quieter than in the second half of 2008, with another notable exception of Coahuila, which with 119 *ejecuciones* has already more than doubled its total from last year. The Pacific state of Guerrero and interior state of Durango continue to see the largest upswings in violence this year over last. With 378 and 396 *ejecuciones* respectively with 19 weeks remaining in 2009, both states stand to more than double their 2008 totals. For its part, Michoacán, which last month saw its first major troop deployment since December 2006, is also experiencing its first increase in cartel-related killings since that year. Since July 17, however, *Reforma* has only registered 8 *ejecuciones* in the state.

Nationally, 280 police have been killed so far in 2009, at an average of 8.5 per week – nearly 30 percent lower than in the second half of 2008. Still, brazen attacks against police continue. In late July, a group of armed men entered a restaurant in Guadalajara, Jalisco and gunned down 5 police officers, four of which belonged to the state Attorney General's Office.

Meanwhile, cartels continue to target public officials around the states. Earlier this month, the director of Chihuahua's state penitentiary resigned his position after a failed assassination attempt on August 10 left three of his body guards dead and two more wounded. Similarly, the municipal police chief of Monclova, Coahuila survived an assassination attempt outside his home in which two of his bodyguards were killed. A Chihuahua state police commander in charge of auto theft investigations fell dead in a hail of 115 AK-47 bullets as she drove to work on August 13.

On August 20, gunmen assassinated Armando Chavarría Barrera, the president of the state legislature in the southwest coastal state of Guerrero, in front of his home in Chilpancingo, the state's capitol and second largest city. Chavarría's assassination brought recriminations from the PRD, which called the murder of one of their possible 2012 presidential aspirants a "political assassination." Jesús Ortega, the PRD's national party chairman, further noted that Chavarría's murder "forms part of the series of violence in which 25 of its party members have died this year, 20 of them in Guerrero."

#### SOURCES:

- "Comando asesina a 5 policías de Jalisco en un restaurante." *Excelsior* July 24, 2009.
- "Confirman que tropas dejarán calles de Juárez." *El Universal* August 7, 2009.
- "Ejecutaan a 14 personas en Chihuahua y BC, una era comandante." *La Jornada* August 13, 2009.
- "Jefe policiaco y ex militar, entre las 27 nuevas víctimas del crimen organizado." *La Jornada* August 15, 2009.
- Juan Cervantes. "Matan a presidente del Congreso de Guerrero," *El Universal*. August 20, 2009.
- "Repudian crimen de líder de Congreso," *El Universal*. August 21, 2009.

#### **Federal Police target La Familia in a spate of arrests in Michoacán**

Federal Police have continued a campaign against the La Familia Michoacana cartel over the past month with a number of high-profile arrests following several attacks on police and military installments, including the killing of 12 Federal Police officers last month. U.S. and Mexican authorities attribute a large share of methamphetamines entering the United States to the La Familia cartel.

On July 21, Federal Police arrested four suspected La Familia members in connection with the murder of 12 Federal Police officers in Michoacán earlier in the month. Investigators said that one of the men detained, José Alberto López Barrón, "El Gordo," answered directly to Servando Gómez Martínez, "La Tuta," who controls operations for La Familia Michoacana in Arteaga and Lázaro Cárdenas, Michoacan.

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López Barrón was reportedly in possession of a firearm issued to one of the murdered Federal Police officers.

On July 29, the Federal Police arrested Armando Quintero Guerra, who they say was in charge of finances for “La Tuta.” Aside from controlling Gómez Martínez’ expenses and revenues for the trafficking of methamphetamines, Federal Police officials claim that Quintero Guerra coordinated contacts with buyers in Los Angeles, and laundered Gómez Martínez’ earnings through the purchase of homes, luxury vehicles, and safe houses for La Tuta. Also arrested by the Federal Police was the self-proclaimed girlfriend of La Tuta.

In a high-profile raid that raised hackles in Michoacán’s religious community, Federal Police in early August stormed a Sunday Mass in the town of Apatzingan and arrested Miguel Angel Beraza “La Troca,” who U.S. and Mexican authorities say was responsible for moving a half-ton of crystal methamphetamine into the United States each month. About 40 others at the Mass were brought in for questioning. DEA acting administrator Michel Leonhart said the arrest came as a result of close collaboration between U.S. and Mexican law enforcement agencies, and resolved to “keep attacking the La Familia Cartel, which not only controls the methamphetamine supply in several U.S. cities, but also has been the source of unprecedented violence in Michoacán.” For his part, Auxiliary Bishop José Leopoldo González recognized the effects of cartel-related violence in the region, but protested the raid, insisting that Mass is sacred. The Federal Police later apologized to the church.

General Rodolfo Cruz López, a Federal Police territorial control coordinator, reported that between January and July, 120 members of La Familia were detained and more than 40 drug laboratories were dismantled, amounting to a substantial financial blow to the group. Nonetheless, the Public Security Secretariat (SSP), which controls the Federal Police, issued a report late July detailing the reach of the La Familia cartel, which the agency says extends into China, the Netherlands, and Belgium in obtaining its precursor chemicals for methamphetamine, which it brings in through the major ports of Lázaro Cárdenas in Michoacán and Manzanillo in Colima.

**SOURCES:**

de la Luz González, María. “Caen 4 implicados en muerte de 12 federales.” *El Universal* July 22, 2009.  
Gómez, Francisco. “La Familia’ extiende sus redes hasta Europa y Asia.” *El Universal* July 26, 2009.  
“Detienen a operador y novia de ‘La Tuta.’” *Reforma* July 29, 2009.  
de la Luz González, María. “Caen contador y novia de ‘La Tuta.’” *El Universal* July 30, 2009.  
Mendoza, Martha. “Mexico arrests alleged drug operative.” *Associated Press* August 4, 2009.

**Mexican soldiers seize largest methamphetamine operation ever found in Mexico**

In early August, Mexican soldiers raided what is being called the largest methamphetamine production facility ever found in Mexico. “Crystal City,” which has been attributed to the Sinaloa Cartel, was found in the mountain village of El Rodeo in Durango near the border with Sinaloa, in the region known as the Golden Triangle. The military seized a total of 22 buildings distributed among 240 hectares, including five laboratories and housing for workers, of which military officials say there were 120. Found on the premises were amenities such as satellite and television antennae, stores, clothes washing facilities, and an infirmary. Along with precursor chemicals for methamphetamines, soldiers seized 10 tons of marijuana, 20 kilograms of cocaine, 12 “long” arms, and US\$20,000 in cash. Of the estimated 120 workers at the site, none were arrested during the operation.

**SOURCE:**

“Hallan el narcolaboratorio más grande del país; tiene 240 ha.” *La Jornada* August 9, 2009.

**POLICE RESTRUCTURING**

**Mexico replaces entire customs force**

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In a move effectively doubling the size of its customs force, Mexico overnight replaced all of its 700 customs inspectors with newly minted agents specifically trained to detect weapons and drugs, along with contraband smuggled to avoid import duties.

The 1400 new officers have undergone extensive training along with background, personality, and drug testing, according to Tax Administration Service spokesman Pedro Canabal. In addition, 70 percent of the new recruits hold university degrees, as compared to 10 percent of the previous force. Canabal said that the main objective of the shake-up is to combat tax evasion, although another is to step up efforts to stem the flow of weapons from the United States and elsewhere into Mexico.

According to the federal Attorney General's Office, only 10 percent of the estimated 230,000 southbound vehicles are checked daily. With new technology, says Canabal, agents will weigh and photograph every vehicle entering the country, and will compare license plate numbers to a database of suspicious vehicles.

**SOURCE:**

Olson, Alexandra. "Mexico replaces customs staff, revamps borders." *Associated Press* August 16, 2009.

## KIDNAPPING

### **Federal Police arrest four suspected in Silvia Vargas kidnapping, murder**

Two weeks after announcing they had captured those responsible for the kidnapping and murder of Fernando Martí last month, the Federal Police announced in late July it had detained four men responsible for the kidnapping and murder of Silvia Vargas, the daughter of Mexico's top sports official until 2006. The deaths of the two children led to massive public demonstrations late last year.

According to the Federal Police's coordinator of crime prevention, the four men belong to the kidnapping band Los Rojos. One of the four men detained, Candido Ortiz, is the alleged leader of the group, and has apparently been identified by Silvia's father Nelson Vargas as the man who demanded a ransom from him. The captors broke off communication before the ransom could be paid, and the family went public with the kidnapping in August 2008. Silvia's body was found in a grave three months later. Along with Candido Ortiz, the Federal Police arrested his brother Miguel, and two other men. The suspects range from 21 to 49 years old. Days after the arrest of the four suspects, another Ortiz brother, Raúl, was captured in Mexico City. Raúl was the last of four Ortiz brothers to remain free, after escaping from a hospital hours after his arrest in December 2008.

Nelson Vargas has praised the efforts of the Federal Police, while criticizing the Attorney General's Office (PGR) for not following up on the revelation in November 2008 that Óscar Ortiz, a member of Los Rojos, worked for the family for two years as a chauffeur and lived in the family's home during that time. He also criticized the PGR for not obtaining information on the source of phone calls from the kidnapers or investigating the truck from which Silvia was kidnapped.

According to civil groups, kidnappings in Mexico remain high. The group Mexico United against Crime reported early this month that the rate of kidnappings over the past five years is up 154 percent from the previous five. Furthermore, the group reports a nine percent increase between August 2008 and April of this year. Nevertheless, only 10 states – Campeche, Chihuahua, the Federal District, Guanajuato, Morelos, Nayarit, San Luis Potosí, Tabasco, Tamaulipas, and Veracruz have created special police units for combating kidnappings. The federal government reports an average of 97 kidnappings per month, but the actual number is likely much higher given the rates of impunity in such crimes and the common fear by family members that police are themselves involved in the crimes.

**SOURCES:**

de la Luz González, María. "Se perdió tiempo por desacreditar nuestra investigación: Nelson." *El Universal* July 28, 2009.

"Detiene PF a 4 presuntos plagiarios y homicidas de Silvia Vargas." *La Jornada* July 28, 2009.

"Secuestros en México se elevan en 154 por ciento." *Prensa Latina* August 3, 2009.

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## DRUG ENFORCEMENT POLICY

### **President Calderón's public security strategy under fire from Mexican, U.S. lawmakers**

With casualties of the drug war in Mexico in 2009 likely to surpass last year's total, and allegations of human rights abuses gaining increasing national and international attention, Pres. Calderón's strategy of employing the military to undertake law enforcement duties is coming under increasing criticism from Mexican and U.S. lawmakers.

In early August, Sen. Patrick Leahy (D-Vt.), chairman of the Senate Appropriations foreign operations subcommittee, blocked the release of a State Department report affirming that the Mexican government is adhering to human rights standards in its campaign against drug cartels. Leahy said that the report contradicts credible claims of abuses by the military, which are steadily on the rise. Leahy's move blocks the release of US\$100 million of the Merida Initiative, a 3-year, US\$1.4 billion aid package to Mexico for helicopters, surveillance equipment, training, and information gathering technology. Legislation passed by the U.S. Congress in 2008 stipulates that 15 percent of the funds are contingent on periodic State Department reports to Congress that Mexico is making progress in four areas: transparency and accountability; improving communication with civil institutions; investigating and prosecuting alleged human rights abuses via civilian channels; and barring the use of testimony obtained through torture. Particularly at issue is the matter of Mexico's use of its military justice system to investigate alleged human rights abuses by soldiers, deemed by prominent human rights organizations and some members of the U.S. Congress to be ineffective and lacking in transparency. In recent months, Amnesty International has been particularly outspoken in demanding that the U.S. Congress not release the Meridia funds in question so as to not encourage further impunity.

Leahy's move came less than a week before Pres. Obama visited with Pres. Calderón and Canada's Prime Minister Stephen Harper in Guadalajara to discuss a broad swath of issues, including trade, immigration, swine flu, and border security. At the so-called "Three Amigos Summit," Pres. Obama praised Pres. Calderón's efforts to combat drug trafficking, saying that he was confident that human rights are being respected in Mexico and that the nation is working toward building strong state institutions. For his part, Pres. Calderón reiterated his administration's commitment to human rights – not for foreign aid that might come as a result or to please U.S. Congress members, but because he has a "profound conviction for human rights." The blockage of the Merida Initiative funds and the suggestion of future such actions by the U.S. Congress, however, present a challenge to the professed partnership between the United States and Mexico in addressing the shared problem of drug trafficking.

Meanwhile, Pres. Calderón's drug control strategy has come under increasing attacks from lawmakers in his own country, particularly from the Institutional Revolutionary Party (PRI), which prevailed in last month's elections, overtaking Pres. Calderón's National Action Party as the leading party in the Chamber of Deputies. PRI Sen. Manlio Fabio Beltrones called for the Calderón administration to set a timeline for the removal of soldiers from law enforcement functions. Following revelations from military commanders in Michoacán that they did not receive instruction from the federal government to coordinate operations with Michoacán Gov. Leonel Godoy, PRD Sen. Graco Ramírez presented a memorandum on behalf of members of his party in the Senate and Chamber of Deputies demanding that Calderón adhere to the national public security law in ensuring that the operations against organized crime are coordinated between federal and state authorities.

Meanwhile, experts on both sides of the border are projecting a protracted battle. At a border security conference at the University of Texas El Paso, the Homeland Security Department's "border czar" Alan Bersin compared Mexico's fight with drug cartels to the generation-long mafia wars in the United States beginning in the 1920s in that the cartels' scope of influence poses a real risk to Mexico's future prosperity. Bersin said that Mexico has "begun the journey" of dispelling the cartels, and that he supports continued U.S. support. However, Howard Campbell, a UTEP sociology and anthropology professor, said that Merida funds are misdirected, and would be better spent on education and treatment programs in the United States. Nevertheless, the Calderón and Obama administrations have shown no intention of

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changing course. Mexico's Interior Minister Fernando Gómez Mont said during an interview that the administration is "committed to enduring this wave of violence," and pointed out that detractors have not offered an acceptable alternative.

**SOURCES:**

- Becerril, A. and V. Ballinas. "Urge retirar el Ejército de las calles, insisten PRD y PRI." *La Jornada* July 23, 2009.  
Herrera, Beltrán, Claudia. "Constitutional y democrática, la lucha contra la delincuencia, afirma Calderón." *La Jornada* July 24, 2009.  
Booth, William and Steve Fainaru. "Mexico urged to change drug war strategy." *Washington Post* July 29, 2009.  
Téllez, Cecilia. "Obama respalda a FCH sobre derechos humanos." *La Crónica de Hoy* August 11, 2009.  
Brezosky, Lynn. "Mexico's drug war compared to fight with mafia." *San Antonio Express* August 11, 2009.

**National I.D. card plan stirs controversy among Congress, election officials**

Pres. Calderón announced at the 150<sup>th</sup> anniversary of the Civil Registry plans to institute a national I.D. card program for all Mexican adults, to be launched late this year. Calderón committed to the completion of the program before his term ends in 2012. The cards will include identifying biometric information possibly including fingerprints, iris scans, or voice recognition. Congress passed the legal framework for a national I.D. card in 1990, but no action has been taken to implement it until now. The administration has reportedly already instituted pilot programs in some states, including Tamaulipas and Puebla.

Along with promoting security in the nation, Interior Minister Fernando Gómez Mont has said that the cards will come at a "reasonable cost." Nonetheless, the overall cost of the I.D. cards has been estimated at MEX\$3 billion. Congress has already approved MEX\$400 million for the program's initiation in November. Citing the current budget crisis, senators from the Revolutionary Democratic Party (PRD) requested that the Calderón administration hold off on implementing the program. PRD senator Tomás Torres also said that the I.D. card would be redundant, as Mexicans also have accepted forms of identification in their passports and voter registration cards.

For its part, the Federal Election Institute (IFE) has expressed dismay at the short notice of the new I.D. cards, which it says could have significant consequences for the electoral process. At issue is IFE's fear that the new I.D. card could replace the current registration cards. IFE president Leonardo Valdés Zurita said that he will meet with Gómez Mont next week to discuss with him the importance of maintaining the voter registration card as a valid form of identification.

**SOURCES:**

- Álvarez, Xóchitl. "IFE defiende vigencia de credencial de elector para votar." *El Universal* August 13, 2009.  
Mejía, Gerardo. "Piden frenar cédula de identidad por la crisis." *El Universal* August 16, 2009.

**Mexico to establish special "drug courts"**

The Calderón administration announced plans to create special courts to try minor drug-related crimes. The "drug courts," similar to some operating in the United States, would sentence addicts to rehabilitation programs in lieu of jail time. The move follows recent legislation that effectively decriminalizes minor drug possession deemed for personal use.

The initiative will begin with a pilot program in Nuevo León and this month the proposal will be presented at a national justice convention to apply the system nationwide. In a press conference alongside U.S. drug czar Gil Kerlikowske, Mexico's Attorney General Eduardo Medina Mora explained that the move is part of an integral drug policy that begins with prevention of drug use and rehabilitation of addicts, without ignoring law enforcement measures.

Kerlikowske, who has advocated for a more public health-based drug strategy and against the term "war on drugs," has lauded the plan for drug courts. In his joint press conference with Medina Mora in Mexico, Kerlikowske predicted that they will be a success and will help to break the cycle of addiction and crime by treating addicts instead of imprisoning them.

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**SOURCES:**

de la Luz González. "Criminales adictos serán rehabilitados." *El Universal* July 28, 2009.  
"Destaca Kerlikowske importancia de rehabilitación de adictos." *La Crónica de Hoy* July 29, 2009.

## U.S.-MEXICO COOPERATION

### **U.S. government targets Mexican cartels in indictments**

In two indictments filed in New York City and Washington, D.C., the U.S. government identified a total of 19 men it accuses of involvement in the Gulf cartel and its armed enforcement wing, the Zetas. The U.S. government is now referring to the Gulf cartel-Zetas partnership as the "Company." Three men are identified as the "triumvirate" that runs the organization, which spreads from Tamaulipas in the north along the Gulf coast into the Yucatán Peninsula. They are identified as Antonio Ezequiel Cárdenas Guillén, Jorge Eduardo Costilla Sánchez and Heriberto Lazcano Lazcano. A fourth named Gulf cartel leader, Miguel Ángel Treviño Morales, allegedly controls the Tamaulipas city of Nuevo Laredo, through which massive amounts of drugs are funneled into Laredo, Texas. The U.S. government is offering US\$50 million in reward money for information leading to the capture of the suspects.

Treviño and the "triumvirate" have also been designated by the U.S. Treasury Department as "narcotics kingpins," which allows the government to freeze their assets. U.S. authorities also claim to possess wiretap evidence of suspects discussing drug shipments and pricing, bribe amounts, threats against rivals and authorities, and influence over police departments. Treviño was allegedly captured discussing his control over the Veracruz ministerial police.

On August 20, U.S. authorities also presented multiple indictments accusing Mexican drug cartel leaders of trafficking enormous quantities of drugs into the United States. The indictments accuse 10 major drug traffickers and dozens of cartel operatives that make up distribution networks dating back as far as 20 years ago. The three most notorious cartel operatives included Joaquín "el Chapo" Guzmán Loera, Ismael "el Mayo" Zambada García, and Arturo Beltrán Leyva.

The indictments are evidence of increased cooperation between the U.S. and Mexican governments in recent years. The U.S. justice system is seen as being far more capable of prosecuting major cartel operators, apparent from the over 200 suspected cartel members extradited from Mexico to the United States in the last two and a half years.

**SOURCE:**

Marosi, Richard. "U.S. indictments target Mexico's Gulf cartel." *Los Angeles Times* July 21, 2009.  
"Por introducir 200 toneladas de droga a EU, presentan nuevas acusaciones contra *El cártel de Sinaloa*," *El Universal*, August 20, 2009.

## PRISON SECURITY

### **20 dead after riot in Durango prison; 2 escape from Sinaloa prison**

20 are dead and another 25 wounded after a riot broke out in a prison in the northern interior state of Durango. All of the dead and wounded were inmates in the prison. The deaths were caused by beatings, gunshot wounds, makeshift knives, and by some accounts burning. Along with guns and knives, police confiscated a fragmentation grenade from the prison population following the riot.

Jorge Torres, Durango's Public Security secretary, characterized the prison as a "time bomb," pointing out that prior to the riot 15 inmates had been killed in the prison in recent months. He added that two guards have also been killed recently. Torres attributed the conflicts in the prison to the presence of both "common" criminals and federal criminals. Federal criminals under Mexican law are supposed to serve their terms in federal prisons in the capital, but with extreme over crowding in federal prisons, more

federal prisoners are being sent to state prisons. According to Torres, of the 1,081 inmates residing in the prison 35 percent are convicted of federal crimes.

In related news, two inmates escaped from a Sinaloa prison shortly following a party inside the facility. Officials first announced the disappearance of Orso Iván Gastélum, in prison since 2005 on a federal weapons possession conviction. Gastélum is a suspected member of Joaquín Guzmán's Sinaloa Cartel. It was not until federal authorities opened an investigation into Gastélum's disappearance that prison officials announced that another prisoner, José Luis Encarnación, was also missing. In all, 12 prison guards and the prison director are under police custody, and Sinaloa's Gov. Jesús Aguilar Padilla has indicated that prison employees were complicit in the escapes.

**SOURCES:**

"Reos federales iniciaron el motín en Durango." *Diario de Yucatán* August 15, 2009.  
"Al menos 19 muertos por un enfrentamiento entre grupos en una cárcel de México." *AFP* August 14, 2009.  
Beltrán, Claudia. "Facilitan fuga funcionarios: JAP." *Noroeste* August 16, 2009.

## TRANSPARENCY & ACCOUNTABILITY

### TRANSPARENCY

#### **Zacatecas University challenges request for public information**

The Autonomous University of Zacatecas is legally challenging a public records request for information on the salaries of four of the university's former vice-chancellors by arguing that the data is private and confidential. According to *El Universal*, this is the first case in Mexico in which an institution has used an amparo, or special injunction, to challenge transparency laws. The initial request for information was filed by Ulises Guillermo Gonzalez of the town of Jerez for information related to the amount of money, bonuses, compensations and other forms of payment provided to the four former vice-chancellors: Alfredo Femat Banuelos, Rogelio Cardenas Hernandez, Virgilio Rivera Delgadillo and Jorge Hiriart Estrada.

The University refused to provide the information, saying that it would "put in risk the life of the former university officials," reported *El Universal*. The Zacatecas State Commission for the Access to Public Information determined that the information was in fact public, and not private as the university claimed, and gave the university a fixed time frame to provide the information. The university then filed an amparo challenging the state's transparency law before a Zacatecas tribunal. In response, Guillermo Gonzalez also filed an amparo through a judicial court, claiming the university was acting unconstitutionally.

Since then, Guillermo Gonzalez has obtained legal assistance through a non-governmental organization called Fundar. The governor of Zacatecas, Amalia Garcia Medina, chastized the university for concealing the salary information, noting that the university should respond because it receives state funding. In addition, the president of the Mexican Confederation for Access to Public Information, Cesar Lopez Rodriguez, also equated the university's lack of responsiveness with a violation of the constitution. The case has been going on for more than five months.

**SOURCES:**

Martinez, Victor. "Universidad se ampara contra ley de Transparencia en Zacatecas." *NTR Zacatecas*. July 15, 2009.  
Mejia, R. "Universidad se ampara contra ley de Transparencia en Zacatecas." *El Universal*. July 15, 2009.  
Pescador, Natalia. "Dominguez Garay puede ser destituido por negar informacion." *NTR Zacatecas*. July 13, 2009.

#### **A streamlined approach created to register a business**

A new government Internet site – [www.tuempresa.gob.mx](http://www.tuempresa.gob.mx) - consolidates a series of steps necessary to register a business, and is being touted as a way to reduce corruption. *Dow Jones News Service* reported that the project is for businesses that have already registered with a notary public and that Mexican President Felipe Calderon said the site would reduce the 22-34 days it takes to complete such forms under the previous system to just a matter of a few hours. The program aims to make it easier for

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smaller businesses to fulfill registration requirements that many are avoiding because of bureaucratic hurdles.

Felipe Duarte Olvera, the Assistant Secretary of Competitiveness and Norms, said that during the first day of the launch, about 1,000 people registered their intent to form a business through the site, according to *El Sol de Mexico*.

Duarte Olvera —whose duties fall under the Secretary of Economy— said that the openness of the process will eliminate the likelihood of corruption and it will eliminate file duplications. For now, the site can be used by ten entities in Mexico, which are the states of Coahuila, Campeche, Mexico State, Guanajuato, Jalisco, Morelos, Nuevo Leon, San Luis Potosi, Sinaloa, and the Federal District.

**SOURCES:**

Duran, Alejandro. "Portal para abrir empresas elimina la corrupcion, afirman." *El Occidental*. August 5, 2009.  
Harrup, Anthony. "Mexico government streamlines process for setting up business." *Dow Jones Newswires*. August 3, 2009.

## **CORRUPTION**

### **Procampo agriculture program faces allegations of improper use of funds and political cronyism**

The Procampo federal agricultural program is coming under scrutiny following an investigation by the Mexico City-based Center for Research and Teaching of Economics and newspapers reports that detail how the program has been financially benefitting government officials and drug traffickers.

Procampo was originally created to alleviate the financial impact of the North American Free Trade Agreement on agricultural workers. The program was created in 1994 and it has distributed 171,000,000,000 pesos (about \$13 billion dollars) to agricultural producers through 2008.

The *Centro de Investigacion y Docencia Economicas* (CIDE) investigation by Mauricio Merino raises the question of how many producers have been receiving money without using the funds to actually cultivate agriculture, and how much of the money has been diverted to politicians and government bureaucrats.

The CIDE found that 80 percent of the money went to large agricultural producers even though there is no evidence they have been able to use that money to strengthen their businesses. The investigation finds no positive impact in grain cultivations, and notes that a part of the problem is a lack of mechanisms to measure how well the money is being used.

The report finds that certain people's names show up repeatedly in a list of beneficiaries of the funds. The academic investigation notes that Jorge Kondo Lopez, who is now the Secretary of Agriculture in Sinaloa appears 89 times in a list of beneficiaries of the Procampo program, according to public records available on [subsidiocalcampo.org.mx](http://subsidiocalcampo.org.mx). Merino also identified 371 other people, many of whom who are known public officials. PRI federal congressman Jesus Manuel Patron Montalvo is listed 131 times in the registry for a total of 12,270,763 pesos (about \$942,000). Patron is a well-known businessman in Sinaloa, and *El Universal* called the multiple appearances of his name on the list "extraordinary,"

*El Universal* also quoted a PRD congresswoman, Nora Ruvalcalba Gamez, who said that she conducted a review in 2007 of the Procampo beneficiaries and found that a significant number were drug traffickers or families related to drug traffickers. These include people related to suspected traffickers such as Joaquin "El Chapo" Guzman, Ernesto Palma, and Alfredo Beltran.

Despite her findings, Ruvalcalba said that she is aware of any follow-up investigations by authorities. Jorge Kondo Lopez told the newspaper that being related to members of organized crime is not a crime.

The Procampo program is also facing criticism from groups such as the Consejo Nacional Agropecuario and the National Farmworker Confederation (Confederación Nacional Campesina) for failing to meet the needs of smaller-scale agricultural producers. According to the Cardenista Farmworker Central (Central Campesina Cardenista), the smaller-scale producers represent 90 percent of the industry and the money

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failed to meet their needs to raise their competitiveness under the free trade agreement, *El Universal* reported. The money instead came to be seen among this group as a means to cover basic necessities.

**SOURCES:**

Alvarez, Ignacio & Hernandez, Evangelina. "Depredan Procampo politicos y narcos." *El Universal*. July 27, 2009.

**Mechanics accuse vehicle department of charging "commissions"**

A state vehicle inspection department is accused of charging mechanic shop owners "commissions" in the state of Mexico as a condition for work in repairing government vehicles, according to *El Universal*.

In order to be considered for the repairs, the mechanic shop owners allege that they are required to pay a monthly fee that is distributed among several top officials in the agency. Shops that refuse to participate in the system, or that delay in paying the agency, are removed from the list of preferred mechanics and substituted by other mechanic shops, according to several mechanics who spoke to the newspaper on condition of anonymity.

The mechanics alleged that the exact amount is decided by the chief of the Department of Vehicle Controls, which is a part of the state attorney general's office. The mechanics allege that the fees and schedules for payment are tightly regulated by certain key officials in the department. Though they have brought up their concerns to an internal affairs unit, they allege that nothing has been done about the situation even though the commission system is financially hurting a number of mechanic shops.

**SOURCES:**

Montano, Teresa. "Mecanicos acusan a funcionario de condicionar su trabajo." *El Universal*. July 27, 2009.

**PEMEX workers, public officials under investigation for stealing petroleum**

An investigation into a criminal organization that allegedly stole Mexican petroleum that was then sold in the United States is focusing on the potential involvement of Mexican government officials and U.S. companies.

On July 29, Mexican authorities confiscated computers and other documents from the PEMEX Office of Internal Security. The Mexican Attorney General's office also interviewed about 30 PEMEX functionaries, though none were formally detained, as the investigation tries to determine a link between PEMEX administrators and massive amounts of stolen petroleum.

Mexican authorities are investigating whether certain Mexican government officials have been involved in stealing petroleum from the state-owned PEMEX petroleum agency. The attention on PEMEX workers follows the arrest of a group in April that was allegedly linked to the Gulf drug cartel and suspected of smuggling stolen petroleum materials. *The Wall Street Journal* reported that the group allegedly earned as much as \$46 million dollars doing this in two years. The newspaper also reported that Donald Schroeder, president of Trammo Petroleum, has admitted that he and others conspired to buy the stolen products and is now awaiting sentencing in the United States.

According to *BBC Mundo*, PEMEX announced that the agency lost \$700 million in stolen combustibles and that the amount has increased 10 percent in the first semester of this year. In this first semester, PEMEX identified 190 perforations in their tubing system, from which about 2.08 millions of barrels were extracted, according to *La Jornada*, which notes that the agency produces 2.6 million barrels of petroleum daily.

In the past, gasoline and diesel was stolen from distribution ducts, but now crude oil is being stolen and then processed in secret facilities to be sold in the black market. Some networks are also believed to be exporting crude oil to the U.S. market through a complex network of businesses, transportation workers, functionaries and PEMEX workers, according to *BBC Mundo*.

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This is the first time PEMEX has faced such a detailed investigation of this proportion, according to *El Universal*, and the most explosive element of the investigation is the prospect that criminal groups are working in conjunction with high-ranking PEMEX officials to steal the petroleum. Some of the groups are allegedly linked to the Zetas, who work for the Gulf Cartel. They allegedly use fake businesses to transport the diesel as a way of covering up illegal activities. The U.S. Justice Department told *The Associated Press* that U.S. refineries have bought millions of dollars of oil that was stolen from Mexican government pipelines, and that the U.S. Homeland Security Department was returning to Mexico's tax administration agency \$2.4 million from money seized in a cross-border smuggled oil investigation.

Despite the heavy incidence of oil theft, many of the cases fail to result in any punishment for the suspects, according to *Milenio*, which estimated that 96 percent of these are dismissed by courts. *La Jornada* reported that at least 12 criminal bands exist that are involved in adulterating and selling petroleum products with the complicity of PEMEX workers. The newspaper reported that sources within the Mexican Attorney General's office have said the investigation started earlier this year and that it has involved a number of other key federal investigatory agencies as well as the internal auditing office of PEMEX.

PEMEX operates six refineries in Mexico, and it represents 33 percent of the country's national earnings, according to *La Jornada*. One solution being considered is using a special software program to control in real time all of the activities taking place along the immense tubes and piping system.

According to legislative reports passed last year, PEMEX is supposed to be undergoing changes to make the agency more transparent and accountable. Among the changes being instituted is the creation of special committees that are supposed to oversee contracts and other business dealings, but according to *La Jornada* these proposals have not gone into effect yet.

**SOURCES:**

- Barria, Cecilia. "Los tentaculos del crimen en Pemex." *BBC Mundo*. August 4, 2009.  
Daker, Susan. "U.S., Mexico Probe Oil Thefts from PEMEX." *The Wall Street Journal*. August 11, 2009.  
Mendez, Alfredo. "Declaran 30 empleados por el robo de combustibles a Pemex." *La Jornada*. July 31, 2009.  
Mendoza, Martha. "U.S. bought oil stolen from Mexico." *Associated Press*. August 10, 2009.  
Merlos, Andrea. "Piden ir a fondo en averiguacion." *El Universal*. August 1, 2009.  
Rodriguez, Israel. "Bandas criminales y empleados, colidos en el saqueo a Pemex." *La Jornada*. July 31, 2009.  
Rodriguez, Israel. "Saqueo a Pemex: \$30 mil millones as ano; 'el enemigo esta adentro'." *La Jornada*. August 1, 2009.  
Staff report. "Investigan a politicos por robo a Pemex en Coahuila." *Milenio*. July 31, 2009.  
"Petroleo en Mexico, Tesoro nacional se pierde en el camino." *La Jornada*. August 4, 2009.

### **Police arrested in Tabasco for suspected drug trafficking connections**

Mexican authorities arrested 34 law enforcement officers in the state of Tabasco on suspicion of ties to drug cartels during a three-day operation in which nine suspected drug traffickers were also arrested.

The officers are suspected of collaborating with the Gulf Cartel, according to the Mexican Attorney General's office. The detainees included both local police officers and state investigators, and among the group were some high-ranking commanders.

With these most recent detentions, the Mexican government had arrested more than 200 law enforcement officials since June who are suspected of collaborating with drug traffickers, according to *BBC Mundo*.

**SOURCES:**

- "Mexico/drogas: detienen a 34 policas" *BBC Mundo*. August 2, 2009.  
Alonso, Emir Olivares. "Detienen en Tabasco a 35 policas acusados de proteger al cartel del Golfo." August 2, 2009.

### **Biometric ID cards to be used to fight corruption within social programs**

Mexico's government is introducing a new biometric identity card that is designed to prevent identity theft and reduce corruption. The card will include fingerprints, a retina scan and a photograph.

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The new cards will correspond to a national database, which will supposedly make it easier for Mexicans to deal with different government agencies and private businesses. For example, the cards will help ensure that social service funds and products reach their intended beneficiaries through health and welfare programs. The card is also being touted as a way to prevent people from stealing others' identities and using the information to open bank accounts for illegal purposes.

Other identity documents – the driver's license, voter registration card and a Population Registry Number issued by the country's tax office – were deemed by the Mexican government to be too vulnerable to misuse. Issuing the new biometric cards is expected to cost 3 billion pesos (about 231 million dollars) and the Mexican government is aiming to distribute all the cards by the end of 2012. The process is expected to begin in November as the government opens modules for citizens to provide the necessary information for the cards.

**SOURCES:**

"Mexico to launch new biometric ID card program to fight corruption." *Xinhua*. July 28, 2009.  
"Cedula de identidad costara 3 mil mdp." *El Universal*. July 29, 2009.

**Police official detained in Aguascalientes**

A high-ranking law enforcement official in the municipality of Aguascalientes was detained by federal officials investigating ties between police and organized crime.

Jose Manuel Garcia Salcido was detained along with five other police officials in mid-August by authorities with the Subprocuraduría de Investigación Especializada en Delincuencia Organizada (SIEDO). Garcia Salcido was a high-ranking law enforcement official with the city's Secretary of Public Security. The group was flown to Mexico City for additional questioning.

**SOURCES:**

Gomez, Ruben. "SIEDO detiene a jefe policiaco de Aguascalientes." *El Universal*. August 14, 2009.

**Additional restrictions on activities of Monterrey police to prevent abuses of power**

Monterrey city police have been ordered to refrain from setting up sobriety checkpoints due to concerns that the officials are using the operations to extract bribes from drivers.

The mandate comes on the heels of other orders that have limited the functions of the local police in Monterrey. For example, Monterrey police are now prevented from sitting in parked cars because some officers may be also providing lookout information for organized crime groups, and they are also prohibited from using cell phones while on duty, according to the *Associated Press*. In addition, some local police have had their firearms confiscated as part of investigations into allegations they are colluding with drug traffickers.

The *Associated Press* reported that the agency has received "numerous citizen complaints alleging corruption on the force," according to Aldo Fasci, the Public Security Secretary for the state of Nuevo Leon.

**SOURCES:**

Staff reports. "Extortion complaints ground DUI cops in Mexico." *Associated Press*. August 15, 2009.

**Associated Press finds more corruption cases, arrests of U.S. border officials**

An *Associated Press* investigation into corruption among U.S. border-based law enforcement agencies has counted more than 80 convictions against officials north of the border since 2007. The news agency concludes that the number of officers being charged with criminal corruption is unprecedented.

The findings are notable because attention on border corruption typically focuses on the influence of drug traffickers, smugglers and other criminal groups on Mexican law enforcement officials. The report

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highlights how some U.S. officials are not immune from the temptations, either.

The charges documented by the news agency range from trafficking drugs to helping smuggle immigrants into the United States. In some cases, border officials are taking money or sexual favors in exchange for allowing organized crime groups to conduct business. In other cases, they are overlooking incomplete paperwork that allows people and goods entry into the United States. The cases include local police and elected sheriffs, members of U.S. Department of Homeland Security agencies and National Guardsmen. *The Associated Press* reported that Customs and Border Protection increased its border force by 44 percent in recent years while the number of officers charged with corruption-related crimes tripled from 8 cases in 2007 to 21 in 2008.

A Texas commission that oversees state and local law enforcement officers, meanwhile, found 515 officers were being investigated for criminal activities in fiscal 2007 and that number rose to 550 in fiscal 2008. The numbers were included in the *Associated Press* investigation since Texas shares more than half of the U.S. border with Mexico.

**SOURCES:**

Mendoza, Martha. Sherman, Christopher. "AP Investigation: Border police being busted more." *Associated Press*. August 10, 2009.

**Mexico ranks high in municipal corruption, according to study**

A total of 19.7 percent of the Mexican population reports being victimized by municipal corruption during the past year, according to the most recent findings by the Latin American Public Opinion Project. The findings place Mexico in the top three countries in Latin America with high response rates of reported municipal corruption. The highest was Haiti, with 38.6 percent of the population reporting being victimized by municipal corruption, followed by Belize with 33 percent, and Mexico. The three Latin American countries reporting the lowest amount of such corruption were El Salvador, Colombia and Uruguay. The Latin American Public Opinion Project "Insights" series is based on a series of face-to-face interviews and surveys from people in 23 countries in the Americas region. For this particular question, 8,928 responses were counted. The project is sponsored by the United States Agency for International Development, Vanderbilt University and other U.S. and global agencies.

**SOURCES:**

Latin American Public Opinion Project. <http://sitemason.vanderbilt.edu/lapop>

**ACCOUNTABILITY**

**Transparency Mexico to take on oversight role in regards to child care centers**

In response to criticism over the manner in which child day care centers have received licenses to operate, the Mexican government has announced that a non-governmental organization will provide oversight.

The group, Transparency Mexico, will oversee the licensing process in regards to providing contracts for new child care centers by operating as a "citizen witness." The group will also be involved in designing surveys to monitor the quality of the child care centers.

The child day care system in Mexico has come under intense scrutiny following a fire that took place in a Sonora facility that resulted in the death of more than 40 children. Attention fell on the manner in which licenses are being distributed as well as over how safety measures are being guaranteed. Mexican media reported that the licenses to operate such government-subsidized centers appeared to have distributed to people with political or governmental ties.

A case has been filed with the Supreme Court of Mexico that accuses the government of violating the constitutional rights of the children in the Sonora day care center. In August, the Supreme Court ruled that they would set up a special commission to determine whether any such violations took place

**SOURCES:**

"Vigilara Transparencia Mexicana licitaciones de guarderías del IMSS." *Proceso*. August 4, 2009.  
Lacey, Mark. "Mexico: Supreme Court inquiry into day care fire." *The New York Times*. August 6, 2009.  
Hernandez, Lilian. "Transparentara las licitaciones de estancias." *Excelsior*. August 5, 2009.

## ACCESS TO JUSTICE

### HUMAN RIGHTS ABUSES

#### **Supreme Court dismisses case challenging military justice system**

Mexico's Supreme Court ruled 6-5 on August 10 not to hear a constitutional demand by a widow of a man shot dead by soldiers in Sinaloa in March of last year that her husband's case be investigated and tried in the civilian justice system. Citing Article 20 of the Constitution and the *Ley de Amparo* (a law defining the terms of constitutional protections), the majority of justices determined that there were no constitutional grounds for hearing the case. The decision in effect preserves the controversial military justice system for investigating and hearing cases of alleged military abuses, even when committed against the civilian population.

The Court's decision comes at a time when claims of military abuses are at a historic high, averaging 140 a month this year, according to government statistics. The National Human Rights Commission (CHDH) earlier this year released a report documenting 26 cases of military abuse since the beginning of Pres. Calderón's term, 17 of which involve torture. Similarly, Human Rights Watch released a report in April documenting 17 cases of abuse from 2007 and 2008, involving more than 70 victims.

In a press conference defending the legitimacy of CNDH's claims of human rights abuses, the Commission's president José Luis Soberanes sent a somewhat ambivalent message regarding military trials. On one hand, he rejected the notion of the military investigating and trying its own personnel for alleged human rights abuses perpetrated against the civilian population; at the same time, however, he characterized the federal Attorney General's Office (PGR) as "incompetent" in handling such issues. Soberanes said that the complicated question of justice for military human rights violations should be left to Congress to determine.

#### **SOURCES:**

Booth, William and Steve Fainaru. "Leahy Blocks Positive Report on Mexico's Rights Record." *Washington Post* August 5, 2009.  
Carrasco Araizaga, Jorge. "Rechaza la Suprema Corte acotar el fuero militar." *Proceso* August 10, 2009.  
Olivares Alonzo, Emir. "Acreditados, violaciones castrenses: CNDH." *La Jornada* August 12, 2009.

### PRESS FREEDOM

#### **Another reporter killed in Guerrero**

The body of a Guerrero radio reporter was found partially buried in the port city of Acapulco late July, showing signs of torture. The death of Juan Daniel Martínez Gil marks the continuation of a bloody year for journalists in Mexico. Martínez Gil is the seventh journalist to be assassinated in 2009, and the 16<sup>th</sup> killed in the past 18 months, according to the Committee to Protect Journalists (CPJ).

Thus far, the federal Attorney General's Office (PGR) has not taken the case, which has led to demonstrations by reporters and friends and family of Martínez Gil in Acapulco and Chilpancingo, Guerrero's capitol. Enrique Silva, another Acapulco broadcaster, told W Radio, the station for which Martínez Gil worked, that the journalists' union has no faith in the state Attorney General's Office's will or ability to investigate the case.

Groups advocating for freedom of press and justice for murdered journalists in Mexico paint a dire picture for journalism in the country. According to the Informe Buendía 2008 – released by Periodistas en Línea, a cooperative of journalists dedicated to documenting the state of journalism in Mexico – there were 365 documented acts of intimidation against journalists in 2008 and the first six months of 2009. Informe Buendía documents 17 journalists killed nationwide during that time, of which only one resulted in arrests. CPJ continues to characterize Mexico as one of the most dangerous countries in the world for journalists.

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A bill that would make aggressions against the press federal crimes and thus necessarily prosecuted by the PGR was approved by the Mexican Chamber of Deputies in April has since stalled in the Senate.

**SOURCES:**

“Reporter found dead near Acapulco.” *Committee to Protect Journalists* July 29, 2009.  
“Golpeado, asesinado y enterrado: así aparece un periodista en Acapulco.” *Vanguardia* July 29, 2009.  
Flores Contreras, Ezequiel. “Reporteros de Guerrero demandan a la PGR atraer asesinato de colega.” *Proceso* August 3, 2009.

**“Narco-attorney” assassinated in a crowded mall**

After surviving at least four assassination attempts since 1998, Silvia Raquene Villanueva Fraustro, an attorney known for defending accused drug traffickers, was killed by four gunmen August 9 in a Monterrey, Nuevo León shopping mall. Raquene had gained notoriety among fellow attorneys as well as in the “narco-culture,” as evidenced by a norteña song written about her by the singer Beto Quintanilla.

Raquene’s clients include Juan García Abrego, a Gulf cartel financial boss, in 1994. In 1996, she was a protected witness in the 1996 case against then Gulf cartel leader Juan García Abrego. In one assassination attempt, explosives were planted in Raquene’s office in 2000, from which she escaped unscathed. After surviving another assassination attempt in her office, she was wounded in an attack in the Mexico City Imperial Hotel in 2000. In 2006 federal authorities detained her in connection with the disappearance of a Guerrero ministerial police officer, but she was released due to a lack of evidence against her.

Raquene had kept a low profile in recent years, with the exception of appearing at Sunday mass and a demonstration the Monday before her assassination to protest the appointment of Jorge Luis Mancillas Ramírez as president of Nuevo León’s Supreme Court.

The gunmen were captured on camera, but as yet have not been identified. The case is currently being handled by the Nuevo León Attorney General’s Office, although the federal Attorney General’s Office has assigned a special agent to assist in the investigation.

**SOURCES:**

“Asesinan a la abogada Raquene Villanueva en Monterrey.” *La Crónica de Hoy* August 9, 2009.  
Saúl Vela, David. “La PGR designa fiscal especial para caso Raquene Villanueva.” *Milenio* August 11, 2009.  
Ravelo, Ricardo. “Raquene, la abogada del narco.” *Proceso* August 15, 2009.

**Supreme Court orders release of 22 prisoners jailed for 1997 Acteal massacre**

Mexico’s Supreme Court has ordered the release of 22 prisoners convicted in 1997 of perpetrating a massacre in the small Chiapas village of Acteal. The 4-1 decision hinged not on the question of the defendants’ guilt or innocence, but on investigative and prosecutorial missteps including evidence tampering and coerced testimonies. The gravity of the massacre itself and the revelations of miscarriage of justice by the federal Attorney General’s Office (PGR) have resonated strongly with the Mexican public as reforms pass through federal and state legislatures apportioning greater investigative powers to the nation’s police forces as well as the nation slowly transitions to an accusatory justice system, particularly with the inception of oral trials.

The Acteal massacre took place on Dec. 22, 1997 when gunmen opened fire on the population killing 45, including pregnant women and young children. The killings created a public outcry in Mexico and internationally, in response to which then-Pres. Ernesto Zedillo ordered a thorough investigation.

Between December 1997 and March 1998, the PGR, led at the time by Jorge Madrazo Cuellar, opened 13 investigations and detained 87 indigenous community members and 15 public officials in connection with the killings. The PGR maintained throughout the investigation that the massacre was the culmination of a months-long dispute between the Acteal-based civil group “Las Abejas,” or “The Bees,” and an opposing group based on either land rights or the assassination of a leader of the opposing group. Such a

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line of investigation ignored the widely held belief that the massacre was carried out by a paramilitary group formed to impede the influence of the Zapatista movement in the region. In the end, the public officials tried and convicted served sentences of no more than 8 years, while the 81 indigenous community members convicted were sentenced to between 18 and 40 years in prison. To date, only five of them have admitted involvement in the massacre.

Following the ruling, Supreme Court Justice Juan Silva Meza said that the Acteal case is a “good opportunity for the Court to reiterate a clear message to authorities in charge of prosecuting and punishing crimes. Their actions must always scrupulously respect the Constitution and consequentially human rights.” The Court will review the cases of 31 more prisoners to determine whether they too will be released from their sentences.

Civil groups representing the survivors of the Acteal massacre have expressed concern that since the Court’s decision was based on procedural grounds and not on questions of guilt and innocence, some of those released could have participated in the massacre and thus would have a motive to seek revenge for their sentencing. Meanwhile, some of the released prisoners reportedly fear retribution from surviving members of Las Abejas. Perhaps in response to these concerns, the Chiapas state government has barred the released prisoners from returning to Acteal. They are reportedly negotiating the terms of their reintegration with the state government.

**SOURCES:**

Avilés, Carlos. “La PGR aportó pruebas falsas en Acteal: Corte.” *El Universal* August 6, 2009.  
Gutiérrez, Miguel Ángel. “Corte de México ordena liberar presos por matanza.” *Reuters América Latina* August 12, 2009.  
Mariscal, Ángeles. “Impide gobierno de Chiapas regreso de los 20 excarcelados a Acteal.” *La Jornada* August 13, 2009.

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## AROUND THE STATES

### **Juárez citizens turning to civil groups for protection amid continued violence**

Citizen groups in Ciudad Juárez, across the border from El Paso, Texas, are beginning to circumvent official law enforcement channels and are advocating for self-defense measures in responding to the continued violence and impunity in the city. While the local government works to replenish its battered police forces and complaints of military abuses accumulate, the state Human Rights Commission (CEDH) and a group calling itself the Citizen’s Medical Group of Ciudad Juárez are promoting extra-official security measures.

With the slogan “Peace is gained by participating” a Ciudad Juárez civil group called Comité Medico Ciudadano de Ciudad Juárez (CMC Juárez) is offering free services to victims of kidnapping and extortion. Professing to not represent any political party, religion, business or branch of government, CMC Juárez directs concerned citizens to its website, [www.cmcjuarez.com](http://www.cmcjuarez.com), where they can receive free counseling and assistance in responding to possible kidnappings and extortions. After following guidelines for verifying the legitimacy of a kidnapping claim, victims’ families can request the assistance of volunteers in gaining their family member’s release.

Gustavo de la Rosa Hickerson, a visiting official of the Chihuahua Human Rights Commission, has advocated for allowing Juárez citizens to keep a registered firearm in their homes for protection. “It is a constitutional right of the people to defend themselves, especially when the official defense structures are not functioning in favor of the population,” he said. De la Rosa Hickerson proposed to Chihuahua mayor José Ruiz Ferriz and local representatives of the Army (Sedena) that firearms be registered with and regulated by the military.

**SOURCES:**

Hernández, Evangelina. “Autodefensa, arma de juarenses.” *El Universal* August 7, 2009.  
Comité Medico Ciudadano de Ciudad Juárez. Website: <http://www.cmcjuarez.com>. Accessed August 15, 2009.

### **Oaxaca reports further advancements in justice reform implementation**

Oaxaca, widely considered to be one of the leading Mexican states in implementing the recent federal justice reform legislation, has reported recent advancements in training attorneys and investigators in procedures inherent in the implementation of oral trials in the state, already well under way.

State Attorney General Evencio Martínez Ramírez inaugurated a course called “Accusatorial Adversarial System” intended to provide training to agents of the Public Prosecutor’s Office and state police officials in procedures and methods involved in the implementation of oral trials. A similar course was inaugurated to train state litigating attorneys, in which law students, public defenders, judicial officials and other attorneys may also participate. In addition, Martínez announced that so far this year 1220 municipal public servants have received training in the new justice system.

**SOURCES:**

- “TSJ ofrece gratis segundo seminario permanente sobre juicios orales.” *NSS Oaxaca* August 10, 2009.
- “En marcha capacitación a MP’s sobre juicios orales.” *Ciudadanía Express Oaxaca* August 11, 2009.
- “Importantes resultados en materia de capacitación a autoridades municipales.” *NSS Oaxaca* August 16, 2009.

### **Zacatecas to have new courtrooms next month**

President of Zacatecas’ Supreme Court Leonor Varela Parga announced that new oral trials courtrooms will be ready next month for the projected initiation of the new accusatory justice system. Addressing concerns about delays in installing the water and electricity systems, Varela Parga insisted that these would not delay the onset of oral trials in the state.

**SOURCE:**

- García, Raúl. “Entregarán en septiembre nuevas instalaciones para los juicios orales.” *El Sol de Zacatecas* August 7, 2009.

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

*As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments in Mexico. 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. To provide financial support for our organization, please visit: <http://www.sandiego.edu/tbi/support>. Finally, please report any questions, corrections, or concerns to [transborder@sandiego.edu](mailto:transborder@sandiego.edu).*

*Summaries for this report were compiled and edited by TBI Research Associates Cory Molzahn and Anna Cearley, with assistance from Theresa Firestine and Judith Davila. Any opinions expressed in attributions for this summary are those expressed in the media reports and op-ed pieces cited, and not those of the Trans-Border Institute or the University of San Diego.*

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