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TRANS-BORDER INSTITUTE

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News Report

## MONTHLY SUMMARY

*Cartel-related killings in 2009 have exceeded 6,000 by Reforma's count, surpassing similar figures for 2008 by 10%. • In the past month, cartels have orchestrated several high-profile attacks against police and military, including an ambush of police in Guerrero, grenade attacks in Guanajuato, and the escape of 23 prisoners under arraigo in a pre-trial detention center in Nuevo León. • Recent reports also claim that cartels have illegally siphoned and sold nearly \$1 billion in Pemex oil over the past two years. • However, the Beltrán Leyva cartel suffered major blows with the killing of alleged kingpin Arturo Beltrán Leyva by Mexican naval forces, and the arrest of the cousin of Panamanian President Ricardo Martinelli for alleged connections to the cartel. • Marking the midway point of his six-year term, President Calderón asserted that the military would remain in the front lines of the government's campaign against drug cartels, despite a recent Amnesty International report alleging military human rights abuses • Calderón also pledged support to Public Security Secretary Genaro García Luna's plan to consolidate municipal and state police forces, called for more budgetary transparency within political parties, a reform to allow local officials and federal legislators to run for re-election, and runoff elections for close presidential ballots. • Also this month, the Mexican Foreign Ministry confirmed that it will not allow French citizen Florence Cassez to return to France to serve the remainder of her prison term for kidnapping, organized crime and weapons possession in 2005 due to fears that she will not serve her full sentence once back in France.*

## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### **Cartel-related killings for 2009 pass 6,000 with upswings in Chihuahua, Durango, and Guerrero**

According to *Reforma's* running tally of cartel-related killings, or *ejecuciones*, the total for 2009 had surpassed 2008 by nearly 10% as of December 11, with marked increases in the states of Chihuahua, Durango, and Guerrero over last year. As was the case in 2008, Chihuahua has borne a disproportionate

share of the violence, accounting for nearly 32% of the nation's total. This is an increase of 19% from last year's total with 1,948 *ejecuciones* thus far for 2009. Durango has seen the most significant spike in cartel-related killings since last year, up 125% to 604 thus far in 2009, followed by Guerrero, up 107% to 609. In addition to higher body counts, these states showed signs of extreme violence, such as the decapitated heads of six state police investigators that turned up in the town of Cuencame, Durango on December 17.

Border states, comprising Baja California, Sonora, Coahuila, Chihuahua, and Tamaulipas and encompassing the troubled cities of Tijuana and Ciudad Juárez, will essentially remain even in 2009 as compared to 2008; although if Chihuahua is removed from the equation the region is down nearly 38% from last year. This is due primarily to a nearly 59% drop in Baja California to 248 *ejecuciones* for 2009, notwithstanding a recent spate of cartel-related homicides that killed 24 people in 2 days (and over 70 so far in December). Sonora and Tamaulipas have also seen decreases in their comparatively modest numbers from 2008. Coahuila, however, has seen an increase from 53 in 2008 to 150 in 2009.

The states of the troubled region known as the "Golden Triangle" – Chihuahua, Sinaloa, and Durango – have seen a combined increase over last year of nearly 12%, due to the aforementioned increases in Chihuahua and Durango. Sinaloa will see a modest increase over its total of 680 for 2008.

The Pacific states of Jalisco, Michoacán, and Guerrero combined have already in 2009 yielded a 57% increase over 2008, due to the dramatic spike in *ejecuciones* in Guerrero and modest increases in Jalisco and Michoacán.

**SOURCE:**

"Ejecutómetro 2009." *Reforma*. Accessed December 15, 2009.  
Dibble, Sandra. "Drug War Surges in Tijuana: 24 Dead in 2 Days."

**Drug cartels perpetrate brazen attacks against police in Guanajuato, Michoacán, Guerrero and Nuevo León**

Cartels have orchestrated several high-profile attacks against police and military over the past month, including an ambush of members of a newly-formed *narcomenudeo* unit in Guerrero, repeated attacks against federal police in Michoacán, grenade attacks on police buildings in Guanajuato, and a confrontation with soldiers in Nuevo León accompanied by the escape of 23 prisoners from a nearby pre-trial detention center.

The Michoacán-based La Familia drug cartel responded to the arrest of one of its leaders in Guanajuato, Cristóbal Altamirano Piñón, by launching grenade and gun attacks against police offices in the city on November 19 and 20. The five attacks, four of which were coordinated grenade attacks occurring within three minutes of each other, were an echo of similar reprisal attacks last July following the arrest of another cartel boss. The attacks claimed no lives, although officials reported substantial property damage. The state Attorney General's Office has since announced the arrest of 14 people suspected of involvement in the attacks.

In Chilpancingo, Guerrero on December 4, gunmen attacked a *narcomenudeo* police unit – responsible for pursuing small-time drug dealers and others in possession of small amounts of controlled substances – leaving five dead, including three agents. According to the Guerrero Public Security Secretariat, the unit was carrying out an operation near the border of Michoacán when they were attacked. As of December 4 the Federal Attorney General's Office (Procuraduría General de la República, PGR) had opened an investigation into the killings.

The PGR has also initiated investigations into seven attacks on federal police officers in Michoacán over the span of 24 hours on December 9 and 10. Nine were killed in the attacks, including four federal police officers, four presumed gunmen and one civilian. Governor Leonel Godoy tried to calm fears following the attacks, emphasizing that schools, hospitals, and other services were still functioning and pointing out that violence in the state continues to decline, albeit slowly.

On December 4, a group of presumed Zetas rammed the gates of a detention center in Escobedo, Nuevo León. Two guards were killed, and 23 detainees escaped. The incident at the detention center followed shortly after a group of presumed Zetas engaged in a firefight with soldiers from the Army and Navy, leaving 14 dead. Three days after the attacks, a federal judge ordered the 40-day detention of five guards from the detention center. All are state police officers suspected of involvement in the December 4 escape. The guards were taken to the Center for Federal Investigations where they will be held pending charges.

The detention center in Escobedo, known as “Casa del Arraigo 2,” is a facility for holding individuals suspected of involvement in organized crime while prosecutors build their cases. The 40-day “arraigo” is a tool apportioned to public prosecutors by last year’s federal justice reform legislation in the interest of fighting organized crime. Days following the breakout, soldiers and state investigators inspected two detention centers in Nuevo León including the one in Escobedo to determine their levels of security.

**SOURCES:**

- “Guanajuato en alerta por represalias de ‘La Familia.’” *El Universal*. November 21, 2009.  
Álvarez, Xóchitl and Nurit Martínez. “Detienen a 14 por atentados.” *El Universal*. November 22, 2009.  
“Inicia PGR indagatoria por ataque en Guerrero.” *Notimex*. December 4, 2009.  
Tapia, Jonathan. “Zetas se enfrentan al Ejército: 14 muertos.” *El Universal*. December 5, 2009.  
“Arraigan a cinco custodios por evasión de 23 reos en NL.” *Notimex*. December 8, 2009.  
“Abre PGR 2 averiguaciones por ataques.” *Reform*. December 10, 2009.  
López Betancourt, Gilberto. “Inspeccionan militares casas de arraigo.” *El Porvenir*. December 15, 2009.

**Death of alleged drug kingpin deals major blow to Beltrán Leyva cartel, but benefits Sinaloa cartel**

Mexican authorities reported that alleged drug kingpin Marcos Arturo “El Barbas” Beltrán Leyva was killed in a 3-hour confrontation with naval forces on Thursday, December 16. Authorities believe that Beltrán Leyva, also known as “El jefe de jefes” (The Boss of Bosses) is the head of a major drug trafficking organization that broke from the so-called Sinaloa cartel in 2007, contributing to Mexico’s elevated violence over the last two years. Experts noted that his death constitutes a major blow for both the Beltrán Leyva organization and its allies, but also strengthens the hand of their chief rivals in the Sinaloa cartel.

Marcos Arturo Beltrán Leyva was born on September 27, 1961 to a family of five brothers, and acquired numerous nicknames throughout his lifetime: “El Barbas” (The Beard), “El Fantasma” (The Phantom), and “Don Arturon” (Big Don Arthur). He and his family members entered the drug trafficking business along with other prominent crime figures from Badiraguato, Sinaloa. In the 1980s and 1990s, they developed ties to such well-known traffickers as Miguel Angel Félix Gallardo, Héctor “El Güero” Palma, Joaquín “El Chapo” (Shorty) Guzmán, and Ismael “El Mayo” Zambada.

In a Dec. 17 article in *Río Doce*, analyst Ismael Bojórquez asserts that Marcos Arturo Beltrán Leyva appears to have had a falling out with the Sinaloa cartel after the arrest of his brother, Alfredo “El Mochomo” Beltrán Leyva, in January 2007. According to Bojórquez, Beltrán Leyva believed that Alfredo could have avoided arrest in 2007 had he been tipped off by Guzmán, who allegedly obtained critical information from corrupt PGR officials that 100 federal troops were preparing to raid his home in Mexico City. Alfredo was reportedly captured without a single shot fired, and was ultimately sent to Puente Grande maximum security prison.

Hard feelings allegedly prompted the Beltrán Leyvas to break from the Sinaloa cartel, and thereby contributed to the wave of extreme violence that broke out in early 2007. One of the casualties of that conflict was Edgar Guzmán, the son of the Sinaloa cartel leader, in May 2008. Over time, the Beltrán Leyva cartel has reportedly developed a string of alliances with other major drug trafficking organizations that also oppose the Sinaloa cartel, including the Arellano Felix organization, the Juárez cartel, and the Gulf/Zeta cartel.

On Thursday, December 16, Mexican government sent over 200 marines from the Secretary of the Navy (SEMAR) to an upscale neighborhood in Cuernavaca, Guerrero, half an hour south from Mexico City. Government sources report that, despite orders to surrender, Beltrán Leyva’s men opened fire and a melee ensued. Amid heavy shooting with high-powered assault weapons and explosive grenades in a multi-story apartment building, Beltrán Leyva and six of his men were killed. One of the men apparently died from suicide, while one marine was reportedly killed and two others were wounded. There were no

reported civilian casualties, as residents of the apartment complex had been carefully evacuated prior to the raid.

At the time of his death, the U.S. State Department reported that Beltrán Leyva was under indictment in Washington, D.C., New York, and Illinois. The *Los Angeles Times* also reported a statement by President Felipe Calderón indicating that Marcos Arturo Beltrán Leyva was among the “three most-wanted” drug traffickers in Mexico, and that there was a \$2.1 million dollar reward for information leading to his arrest. Beltrán Leyva had previously escaped a Friday, December 11 raid on a holiday party that killed three other Beltrán Leyva cartel members and arrested eleven. That same raid netted norteño singer Ramon Ayala, whose band was performing at the party, though he was later released without charge.

Reacting to Beltrán Leyva’s killing analysts predicted a significant shift in Mexico’s drug war, though not an end. *La Jornada*’s editorial section indicated that, while a devastating loss for the Beltrán Leyva cartel, Beltrán Leyva’s downfall spells certain gains for his rivals, chiefly in the Sinaloa cartel. Indeed, the killing of Marcos Arturo Beltrán Leyva comes in the wake of blows to the Gulf and Arellano Felix Organizations, as well as recent government offensives against the La Familia Organization based in Michoacán. Analysts predicted that the fall of “El Barbas” is almost certain to benefit “El Chapo,” already identified by *Forbes* magazine as one of the world’s richest people. Moreover, *La Jornada* asserts, “the death of Beltrán Leyva affects neither little nor much the economic, social and financial conditions that make so profitable the illicit business of drug trafficking, and it would be erroneous to suppose that this phenomenon will be reduced or become nonviable.”

**SOURCES:**

- La Jornada Editorial, “El narcotráfico despues de Beltrán Leyva.” *La Jornada*, December 17, 2009.  
Bojórquez, Ismael, “Choque de trenes en el narco; El Mochomo fue la manzana de la discordia” *Rio Doce*, [www.riodoce.com.mx](http://www.riodoce.com.mx), December 17, 2009.  
Bureau of International Narcotics and Law Enforcement Affairs, “Marcos Arturo Beltrán-Leyva,” U.S. State Department, December 17, 2009.  
Alonso, Oswaldo and Alexandra Olson. “Mexican Navy Kills Top Cartel Kingpin in Shootout,” Associated Press. December 17, 2009.

**Recent reports show cartels expanding into new moneymaking enterprises**

Recent reports from the *Washington Post* and the *Dallas Morning News* citing official statements show Mexico’s drug cartels expanding into new moneymaking enterprises, in some cases involving businesses in the United States.

The *Washington Post* reported that drug traffickers have used sophisticated drilling and siphoning equipment to pilfer nearly \$1 billion in oil from the state oil company Pemex over the past two years. Some of the oil was then transported in stolen tanker trucks to be sold to companies in the United States. According to court documents and U.S. officials investigating into Texan oil services firms, some of the firms buying the oil were aware of its origin. Theft of oil, Mexico’s largest industry, has long been a problem, but the *Washington Post* reports that such activity has increased since Mexican President Felipe Calderón escalated the state’s conflict with the drug cartels, which have also branched out into kidnapping, human trafficking and smuggling, among other illicit activities in recent years.

Much of the theft has been attributed to the Zetas, who run a “parallel government” in their areas of influence, principally the oil-rich states of Tamaulipas and Veracruz, according to Eduardo Mendoza Arellano, secretary of the Energy Commission in the House of Deputies. He says that the Zetas control much of the territory through which Pemex pipes travel, where they either engage in the pilfering themselves or impose a “tax” on other thieves operating in the area. An official at the Public Security Secretariat (Secretaría de Seguridad Pública, SSP) said that the Zetas often work with ex-employees of Pemex with detailed knowledge of the company’s infrastructure.

Earlier this year, four Texas oil executives pleaded guilty in a U.S. court to felony charges of conspiracy to buy and sell stolen oil condensate. All denied knowledge that the oil belonged to Pemex and investigators said there was no evidence of direct links to drug cartels. Following the convictions, the U.S. government presented Mexico with a check for \$2.4 million to repay some of the losses. The gesture is unlikely to have

offered much comfort for Pemex, though, having reported \$715 million in losses due to oil theft last year alone. The company projects losses of approximately half that amount for 2009.

Along with stealing from Mexico's oil supply, the Zetas are seeking to establish deeper, more "legitimate" roots in cities such as Nuevo Laredo and Reynosa, Tamaulipa and Ciudad Acuña, Coahuila along the border with Texas as well as cities on the U.S. side, according to a recent report in the *Dallas Morning News*. U.S. and Mexican law enforcement officials are cited as saying that the Zetas are branching out from extorting local businesses to owning them outright. Nuevo Laredo Mayor Ramón Garza was quoted as saying that citizens of his city have learned to "coexist" with the Zetas, lacking the resources to fight them.

The Zetas are included in a U.S. Treasury list of drug kingpin organizations to which the Beltrán-Leyva cartel is the newest addition, allowing for the freezing of assets linked to these groups and prohibiting U.S. residents from engaging in business with them. Likewise, in May of this year, the Mexican Congress passed an asset forfeiture law (la Ley de Extinción de Dominio), allowing the government to seize properties deemed to be the fruits of organized crime proceeds. Federal law enforcement officials have been slow to apply the law thus far, citing the need for a careful process of determining links to organized crime.

As is the case with drug cartels' forays into other means of profit, it is not clear whether these particular ventures are a product of necessity stemming from the Mexican government's pressure on drug trafficking activity, or of the impunity under which cartels often brazenly carry out their activities. Nonetheless, the theft of oil and apparent resignation of local officials to the presence of drug cartels in their communities are clear symbolic affronts to the Mexican state at a time when its strategies in confronting the drug cartels are under increasing attack, both domestically and internationally.

**SOURCES:**

Rodríguez, Elsa. "Sin aplicarse la Ley de Extinción de Dominio a delincuentes procesados." *El Golfo*. October 26, 2009.  
Corchado, Alfredo. "Mexico's Zetas gang buys businesses along border in move to increase legitimacy." *The Dallas Morning News*. December 7, 2009.  
Fainaru, Steve and William Booth. "Mexico's drug cartels siphon liquid gold." *Washington Post*. December 13, 2009.

## LAW ENFORCEMENT STRATEGY

### **Midway through his term, President Calderón defends strategy against cartels**

In press conferences marking the midway point of his six-year term, Mexican President Felipe Calderón asserted that the military would remain in the front lines of the government's campaign against drug cartels. When asked about their eventual withdrawal from the streets, the president said that process would be slow and deliberate. There are currently over 40,000 soldiers deployed to Mexico's most troubled regions. In some states, such as Michoacán and Tamaulipas, the tactic has seemed to reduce the number of cartel-related killings, while in others—particularly Chihuahua—such slayings have continued to mount.

Meanwhile, influential voices are requesting a change in strategy. Most recently, Hugo Valdemar, spokesman for the Mexican Archdiocese, called on the Mexican government to prioritize the formation of an effective national police force so that troops can be withdrawn from the streets. Valdemar argued that soldiers are not a viable substitute for law enforcement officers, and expressed concern regarding mounting complaints of human rights abuses by the military.

Manlio Beltrones, coordinator of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) in the Senate, has taken a middle ground in the debate, on one hand criticizing the lack of promising results from the president's drug control strategy while saying that it would be a mistake to withdraw troops in the absence of "modern, trained, and efficient" police forces. Beltrones is a proponent of the proposal to integrate the nation's approximately 2,100 municipal police forces into 32 state police corporations.

Juan Salgado, a legal expert at the Center for Research and Teaching in the Social Sciences (Centro de Investigación y Docencia Económicas, CIDE) criticized another aspect of the nation's municipal police –

the growing trend of militarization. He argued that the practice of placing military officers in command of local police forces, while sometimes effective in “sanitizing” those forces, has not consistently proven effective in improving the prevention of crimes, the primary function of the police. Salgado highlighted the case of Ciudad Juárez, where instances of robberies of vehicles, in homes, and on public transportation have “exploded” this year, despite the militarization of the city’s police forces. Thirty-nine municipal police departments are or have been under the control of military officers this year across 19 states.

For its part, the U.S. government remains supportive of the Calderón Administration’s efforts to weaken the drug cartels. The nearly \$447 billion omnibus spending bill the U.S. Congress recently sent to President Obama includes \$231.6 million in new money to assist Mexico in its battle with the drug cartels. The allocation includes funds for counter-narcotics, law-enforcement and economic development, as well as justice reform measures. When combined with the \$254 million allocated in the 2009 supplemental budget, the total security funding for Mexico totaled \$485.6 million for 2009.

**SOURCES:**

Ramos, Jorge. “El Ejército seguirá en las calles: Calderón.” *El Universal*. November 29, 2009.  
“US Congress sends Obama major spending bill.” *AFP*. December 13, 2009.  
“Critican eficiencia de jefes militares.” *Reforma*. December 14, 2009.  
Ballinas, Victor and Andrea Becerril. “Error, retirar el Ejército: Beltrones.” *La Jornada*. December 15, 2009.

## POLICE REFORM

### **Advances reported for federal police information systems while some criticize recruiting inefficiencies**

Accompanied by Mexican President Felipe Calderón, members of his security cabinet, U.S. Ambassador to Mexico Carlos Pascual, and others, Mexico’s Public Security Secretary Genaro García Luna inaugurated the federal police department’s Central Intelligence System, an underground information hub meant to capture and analyze data from more than 600 state and municipal stations and 169 federal police stations. García Luna touted the intelligence system as the next step toward a viable, professional national police force.

Meanwhile, *El Universal* reported that some applicants to the federal police are complaining of a slow recruiting process that can last between three and seven months between the time of application and the time of hire. During this period, aspirants said that they are required to report every day to the command center while receiving no pay.

In the summer of this year when the corporation was created, it announced a goal of recruiting 10,000 new officers, the majority university graduates. Sources within the agency, though, say that it has not yet reached half that amount.

**SOURCES:**

de la Luz González, María. “SSP descarta uso político de datos de inteligencia.” *El Universal*. November 24, 2009.  
“Lento el reclutamiento en la PF, acusan.” *El Universal*. December 6, 2009.

### **Public debate continues over future of municipal police forces**

Mexican President Felipe Calderón seems to be standing behind the proposal of Public Security Secretary Genaro García Luna to consolidate the approximately 2,100 municipal police departments into 32 state police corporations. During the 27<sup>th</sup> reunion of the National Public Security Council, he announced that the council would study the proposal in the interest of generating a national police model that can effectively combat “criminality without scruples and without defined territories.” He stressed the need to seriously discuss the pros and cons of “organizing, for example, solid state police [forces] to make up for the weaknesses and vulnerabilities of the municipal [forces].”

According to a preliminary diagnostic by the Public Security Secretariat (Secretaría de Seguridad Pública, SSP), 1,200 municipal forces – nearly half of the nation’s total – have fewer than 30 employees, which would facilitate their absorption by state police agencies. SSP officials estimate that the new model could

be implemented within 18 months. Under the plan, state police corporations would assume control of municipal operations nationwide, under the supervision of the federal police. Thus far, governors of Tabasco, Veracruz, and the state of Mexico have expressed their support for the plan.

While the plan has received support from some federal lawmakers as well – perhaps most notably Senator Manlio Beltrones of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) – other lawmakers from all three major parties have been quick to criticize the plan. PRI deputy and former president of the National Federation of Municipalities of Mexico (Instituto Nacional Para el Federalismo y el Desarrollo Municipal, INAFED) Omar Fayad criticized it as “simplistic,” arguing that fighting organized crime has never been the work of municipalities. Ramón Galindo Noriega, senator for the National Action Party (Partido Acción Nacional, PAN), emphasized the argument made by some security experts that the municipal police are a primary link between the state and the public that must be preserved. Guadalupe Acosta Naranja, deputy for the Democratic Revolutionary Party (Partido de la Revolución Democrática, PRD), argued that a discussion regarding the matter is premature without a detailed plan from the president.

Whether or not they are to be expected to confront the drug cartels, municipal police forces continue to come under intense pressure, particularly in rural areas. This month, the entire police department of the Tancítaro municipality in Michoacán resigned in the face of threats and intimidation from criminal gangs. Members of the Mexican Army and state police rushed in to take command of operations in the small town 15 km from the capitol, Morelia. The mayor and members of the town council also resigned their positions, and the town remained without governing authorities for over a week. During that time, schools were closed and streets remained empty in what has been characterized as the culmination of months of generalized fear.

The United Nations Office on Drugs and Crime (UNODC) characterized the existence of such situations as “terrible,” stressing the importance of strengthening the presence of the state through security forces to allow civic leaders and local populations to resume their functions in society. All those involved agree that reforming the nation’s municipal police forces will be key to restoring public security in troubled areas. However, much disagreement remains as to the direction that reform should take.

**SOURCES:**

- de la Luz González, María. “FCH pide suprimir la policía municipal.” *El Universal*. November 27, 2009.
- Merlos, Andrea, Juan Arvizu and Sergio Javier Jiménez. “Diputados califican de ‘simpolista’ la idea de eliminar policías municipales.” *El Universal*. November 28, 2009.
- López, Lorena and Susana Hernández. “Ni pactos ni persecución ilegal al hampa’: Calderón.” *Milenio*. November 27, 2009.
- “Renunciaron todos los integrantes de la policía de Tancítaro, Michoacán.” *El Universal*. December 5, 2009.
- “Tancítaro intenta recuperar seguridad.” *El Universal*. December 14, 2009.

## SPECIAL REPORT: MUNICIPAL POLICE SURVEY IN GUADALAJARA

In December 2009, the Justice in Mexico Project released the results of a groundbreaking survey titled ***Justiciabárometro: Zona Metropolitana de Guadalajara***, which was developed in collaboration with the Center for Innovation and Governance at the University of Guadalajara (UdG) and the Western Technical Institute for Higher Learning (ITESO). The survey was implemented by the polling firm Data Opinión Pública y Mercados (DATA-OPM), and represents the largest independent study of a police force ever published in Mexico.

Focusing on the Zona Metropolitana de Guadalajara (ZMG), one of the largest metropolitan areas in the country (second only to Mexico City), this study surveyed nearly 80% of the 6,873 municipal police officers currently serving the more than 4 million inhabitants of the ZMG. Due to its magnitude, breadth of inquiry, and high level of participation, this study makes a noteworthy contribution to the study of public security issues in Mexico. While much of the survey documents things many common observers of Mexican police know intuitively, the study also provides an unprecedented empirical basis for thinking critically about police reform in Mexico.

For the ZMG, this survey provides a benchmark for evaluating future progress. Moreover, given that Mexico's president has recently proposed the elimination of local police forces, this study could not have come at a better time to inform policy makers at the national level. For Mexico, as a country, this study shines light on many of the flaws of municipal police forces, while identifying current strengths, possible areas for reform, and recommendations for improvement.

## SPECIAL REPORT (Continued)

Among the findings of the study was the emphasis that officers placed on promoting community engagement in crime prevention and public security matters, compared with other measures such as buying more equipment or hiring more officers:

- Only 14% of the 5,422 local police we interviewed in the ZMG were female; less than half the proportion found in advanced industrial democracies. While the median age of respondents (38) was rather high and 90% had families of their own, there were relatively few homeowners (40%) and half had fewer than 10 years experience on the force.
- While low by international standards, education levels among local police exceeded Mexico's national averages, with ZMG police attaining higher levels of middle school (47%), high school (30%), and university and post-graduate (14%) education.
- Respondents described excessively long working hours (70% work more than 50 hours a week with no overtime); a fifth of the force reported extremely extended shifts (a 24-hour shift for every two days off); and 68% reported 30 minutes or less for meals or breaks.
- More than 80% of the force earns less than \$800 USD per month, which is relatively low compared to other public sector employment. On average, women tend to earn less (\$564 USD monthly) than their male counterparts (\$612 USD monthly). Despite civil service protections in the law, 67% felt that raises and promotions are not based on merit, and 72% felt that the procedures for raises and promotions were unfair.
- A large majority of respondents (60-90%) demonstrated adequate knowledge on jurisdictional and technical questions, though more expressed a desire for directing greater resources towards training than towards equipment.
- Roughly a third of the force perceives severe problems of corruption; 40% showed little trust in their superiors; and 68% say that is corruption is concentrated at high levels of local departments. Only about half (52%) felt that there are mechanisms for investigating corruption. Women were significantly more sensitive to issues of corruption. Women were far more likely to observe "high" levels of corruption, and 46% more women than men indicated that fighting corruption is the key to improving local public security.
- 32% indicated that the problem most concerning to citizens is drug trafficking; 29% indicated that the problem most difficult for local police to solve is drug trafficking; and 45% said that the problem in which local police are most likely to be involved is drug trafficking.
- More than better equipment (13%), more police (14%), or reducing police corruption (26%), the largest proportion of respondents (45%) indicated that greater community participation was key to combating crime; a possible indication that local outreach and community-oriented policing programs may be a critical avenue for improving local public security.

The local research team was led by Marcos Pablo Moloeznik, David Shirk, María Eugenia Suárez de Garay, and included Dante Haro, Carlos Mercado, Marcos Pablo Moloeznik, Pablo Parás, and Guillermo Zepeda. The study benefited from the input of a bi-national committee of U.S. and Mexican experts, including: Elena Azaola, John Bailey, Lázaro Gaytán, Octavio Rodríguez, and Daniel Sabet. USD students Judith Dávila ('09) and Nicole Ramos ('12) provided invaluable research assistance for this project.

To access the full study (in Spanish) please visit the TBI Justice in Mexico Project website:

<http://www.justiceinmexico.org/resources/publications.php>



## VIOLENCE AND SOCIETY

### **“Reconstruction” focused on restoring social services planned for Ciudad Juárez amidst continued violence**

Mexico’s Interior Ministry has announced an upcoming campaign to improve social programs in the border city of Ciudad Juárez, Chihuahua, a city which has been upended over the past two years by violence generated by warring drug cartels. In a conference with foreign press, Interior Minister Fernando Gómez Mont acknowledged that amidst the violence and insecurity in the city certain sectors of society have cooperated with organized crime, and said that the city needs a “reconstruction of [its] social fabric.”

Seeming to place the blame on Juárez’ citizens, Mont said that “the society has realized that it has opened the doors to people who today threaten their own homes.” He did not give specific details of the plan other than suggesting that it would begin in coming weeks. Gómez Mont did point out that a “good part” of the city’s gangs are involved in small-time drug dealing (known as “*narcomenudeo*” in Mexico) and made reference to thousands of marginalized youths involved in that activity who need to be reintroduced to mainstream society. Mexico recently introduced a bill defining the legal terms of *narcomenudeo* and drug possession for personal consumption, which also places an increased level of responsibility on state and local governments in handling violators.

Gómez Mont also linked the violence in border cities, particularly Ciudad Juárez and Tijuana, Baja California to “phenomena” in the U.S. cities they border, namely El Paso and San Diego. By some accounts, violence in Ciudad Juárez has claimed around 2,400 lives in 2009, despite the presence of thousands of soldiers and federal police officers. On December 6 the Mexican Army announced the arrest of two men accused of being responsible for at least 70 killings in Ciudad Juárez. The men, both Sinaloa natives, are allegedly members of the “Gente Nueva” group of assassins that operates on behalf of the Sinaloa cartel in Ciudad Juárez. According to a press release, one of the men, Sergio Omar Ramos Arredondo, confessed to perpetrating at least 40 killings. The other individual, Luis Hernán Romero, also reportedly confessed to killing at least 30 people in Ciudad Juárez, including four state police officers. On the same day, more than a thousand people turned out in Ciudad Juárez to protest the ongoing violence in that city. In the demonstration, called “Solution for Juárez,” participants demanded action from authorities, carrying signs displaying messages such as “If we pay extortions we cannot pay taxes.”

#### **SOURCES:**

“Segob da un viraje en Juárez; promoverá ‘programas sociales.’” *Proceso*. November 21, 2009.  
“Reconstruirán Ciudad Juárez.” *El Diario de Yucatán*. November 21, 2009.  
“El ejército mexicano detiene a dos sicarios relacionados con 70 homicidios.” *EFE*. December 6, 2009.

### **Peasant groups, military, and government offices warn of cartels’ influence in rural areas**

While members of the Calderón Administration maintain that there is no part of Mexico that the state does not control, recent statements from a leading national peasant leader as well as statements from military officials and government offices cited in a recent report by *Proceso* suggest that drug cartels present a real threat to the functioning of society in rural areas across the country.

Speaking at the inauguration of the 2<sup>nd</sup> Annual Meeting of Women in Mexico City in late November, José Jacobo Femat, president of COCyP (La Central de Organizaciones Campesinas y Populares) an association of peasant organizations, said that more than 1 million people are employed by the illegal drug trade in Mexico, including around 200,000 women. Femat said that the number is a direct result of the Mexican government’s failure to address the economic woes of its rural communities, leaving residents – particularly women – with few choices but to join the drug economy. His organization estimates that people in rural Mexico employed by the drug trade earn between 5,000-10,000 pesos per week (about \$384-\$770 per week). In a press conference, Femat said that groups linked with drug traffickers have invaded communal lands in Sinaloa, Sonora, Chihuahua, Oaxaca, Tabasco and Chiapas for the cultivation of marijuana and opium poppies, in some cases with the complicity of agrarian and state authorities. He demanded that federal and state governments adhere to Article 27 of the constitution, designed to protect rural land rights.

In an article released early this month, *Proceso* cites reports from the Public Education, Health, and Social Development Ministries of social services being directly disrupted by drug cartels. On November 28, a 23 year-old teacher in the Chihuahua town of Tomochi was stopped by hooded men, ordered to step out of her vehicle, and taken away. Her body was found the next day with a bullet hole in the temple. Two months prior, a kindergarten teacher was raped and murdered in the Guazapares municipality, also in Chihuahua.

In such rural, mountainous areas there are also reports of cartel members stealing food and blankets from schools, daycare centers being closed due to extortions of administrators, and medical personnel fleeing their own clinics. Meanwhile, government rural assistance programs such as Piso Firme and Oportunidades, in the states of Mexico and Durango respectively, have failed to reach some of their target communities because of a lack of security in those areas.

*Proceso* also reported that the Social Development Ministry (Secretaría de Desarrollo Social, SEDESOL) has a map designed by the Army (Secretaría de la Defensa Nacional, SEDENA) in 2007 detailing the areas dangerous for implementing social programs and where illicit crops were being cultivated, namely in rural areas of Chiapas, Durango, Guerrero, Nayarit, and Oaxaca. While the SEDENA document warned of the risks of entering these areas, it also “consider[ed] it necessary that SEDESOL apply aid programs” there.

José Jacobo Femat’s claims of the expansive drug economy in rural areas and *Proceso*’s report detailing disruptions in social services challenge the Calderón Administration’s claim that the Mexican state maintains a strong presence in every corner of the country. They paint a picture of broad swaths of rural Mexico where a recurring and deepening cycle has taken hold in which fear of criminal organizations has led to neglect from the state, which in turn leads to dependence on the illicit economy of cultivating and trafficking drugs.

**SOURCES:**

“A Million Mexicans Work for Drug Traffickers.” *Latin American Herald Tribune*. November 27, 2009.  
Pérez U., Matilde. “Grupos de narcos ocupan tierras ejidales y comunales, acusa la Cocyp.” *La Jornada*. November 27, 2009.  
Turati, Marcela. “En la Sierra, trabajar puede costar la vida.” *Proceso*. December 5, 2009.

## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Swiss firm accused of bribing Mexican officials**

ABB, a Swiss electrical engineering company, is suspected of receiving \$81 million worth of lucrative contracts in Mexico in exchange for doling out thousands of dollars in bribes to Mexican officials with the Federal Commission of Electricity (Comisión Federal de Electricidad, CFE), according to U.S. prosecutors. U.S. officials have arrested and charged two suspects in the case. Meanwhile, CFE officials announced that they are conducting their own investigation into the complicity of Mexican officials. In the United States, John O’Shea, a former general manager of the Texas unit of ABB, is charged with conspiracy to violate the Foreign Corrupt Practices Act and has reportedly been released on bond. Fernando Basurto, a Mexican citizen who was aligned with a Mexican company that worked with ABB on CFE contracts, was arrested earlier this year by U.S. officials. Basurto plead guilty in November to conspiring to violate the Act.

Quoting indictment documents, Mexican media sources reported that a total of approximately \$1 million in bribes were paid to four high-ranking functionaries from the CFE. The unidentified functionaries allegedly asked for and received the bribes which were covered up through false receipts for maintenance services. In one case, one of the CFE officials used the money to pay for his son to attend a military school in the United States, according to *SDPNoticias*.

ABB received a \$44 million contract in 1997 to upgrade the platform of Mexico’s electrical network system, according to a press release from the U.S. Department of Justice. The contract had allegedly been

obtained after O'Shea agreed to have the firm pay off certain CFE officials, according to a federal indictment reviewed by *Forbes*. Some of the payments were purportedly made by Fernando Basurto, in the form of checks to CFE officials.

In 2003, CFE approved a \$37 million contract to ABB to maintain and upgrade Mexico's electrical network. It is believed that the contract was obtained in exchange for an agreement to give CFE officials a cut of the revenue. The money transfer was allegedly masked by false invoices submitted by the CFE, according to the U.S. Department of Justice. Basurto was also implicated in this arrangement.

The U.S. Department of Justice states that O'Shea was fired in 2004 and the U.S. federal investigation began in 2005.

A CFE spokesman said the company learned about the bribery case in November from the U.S. Department of Justice and is now conducting its own investigation. However, many of the high-ranking officials at the time of the alleged activities are no longer with the CFE. The spokesman, Estéfano Conde, said the company also had informed the Mexico's Attorney General's office and the Secretary of the Public Function that it would be opening a formal investigation south of the border.

**SOURCES:**

- Hernandez, Victor. "Gobierno mexicano sabia de los sobornos a funcionarios de CFE." *SDPNoticias.com*. November 30, 2009.
- "CFE pide que corrupcion se investigue a fondo." *El Universal*. November 24, 2009.
- Vardi, Nathan. "ABB entangled in corruption case." *Forbes*. November 23, 2009.
- U.S. Department of Justice. "Former general manager of Texas business arrested for role in alleged scheme to bribe officials at Mexican state-owned electrical utility." published in *Fox Business News* November 23, 2009.

**U.S. Chamber of Commerce provides black market estimates**

Almost 90% of Mexicans buy products on the black market, resulting in a total loss to the Mexican economy of about \$75 million, according to a study commissioned by the U.S. Chamber of Commerce in Mexico.

The total represents 9% of the country's GDP, and it is expected to increase to 1 billion pesos in 2015. The findings were based on a survey of 1,008 people between the ages of 16 and 55 which was conducted by a marketing firm, IDM, and supported by U.S. companies such as Nike, General Motors, and General Electric.

From the pool of respondents, 88% admitted to have obtained "pirated" goods. The most commonly acknowledged goods purchased on the black market were CDs and DVDs. Clothing and shoes were also purchased this way, though in significantly lesser amounts. A total of 95% admitted buying a "pirated" CD because it cost less than the original, or because it was easily available. However, the survey found that Mexicans are not as likely to buy pirated alcohol, cigars or medicines.

The survey found a greater tendency to buy pirated goods among respondents between the ages of 25 and 44, and those with lower incomes. In addition, the survey found regional differences; respondents in Monterrey obtain less pirated goods than those in Guadalajara and Puebla.

In November federal agents confiscated 25 tons of counterfeit products, including falsified designer clothes, during a sweep of a Guadalajara market suspected of being a popular place to sell black market goods, according to *La Crónica de Hoy*. The investigation also resulted in the closure of two laboratories that were being used to reproduce video games.

**SOURCES:**

- Alonso, Ramiro. "Pirateria genera en Mexico 75 mil mdd." *El Universal*. November 25, 2009.
- Gonzalez, Lilia. "Nueve de cada 10 Mexicanos consume pirateria: AmCham." *El Economist*. November 24, 2009.
- "Decomisan 25 toneladas de productos 'pirata' en Jalisco." *La Crónica de Hoy*. November 28, 2009.

### **Oaxacan police officer arrested after allegedly attempting to bribe Marine officers**

A high-ranking police official in the state of Oaxaca was detained after he allegedly attempted to solicit a bribe from a group of marine officers.

The state officer, José Manuel Robles Ballesteros, had set up a checkpoint where he and two other police officers were apparently attempting to extort drivers along a major road. It was unclear whether the officers were aware that the person they were trying to bribe was a military official at the time of the incident.

Shortly after the alleged bribery attempt, a convoy of military officers initiated a search to locate the officials in the town of Puerto de Salina Cruz. Marine officers confiscated the three officers' guns and turned them over to federal investigators to face charges.

**SOURCE:**

Rodriguez, Oscar. "Detienen a alto mando policía en Oaxaca, acusado de soborno." *Milenio*. November 27, 2009.

### **Charges filed against nine former Nuevo Leon police officers**

Nine former Nuevo Leon police officers who were detained during a massive military sweep in November face charges of organized crime activities and drug trafficking.

A judge determined sufficient evidence existed to proceed with the federal court process. The nine former officials are suspected of working for "Los Zetas," a group of former Mexican military officers who served as the enforcement arm of the Gulf Cartel but have been operating more independently in recent years.

In the Nuevo Leon case, the officers are accused of providing protection to the Zetas in various ways, such as sharing classified information from their own police agencies about drug trafficking investigations. Charges were filed in the cases of: Mario Martínez Luévano and Erick Iván Moreno Suárez, of the Benito Juárez police force; Rafael Domínguez Sifuentes, of the Monterrey police force; Guadalupe Cruz Ramírez of the Lampazos police force; Raúl Camacho Vigil and Noé Manuel Blanco Gallegos of the Apodaca police force; José María Oyervédez Martínez of the Trevino police force; Eduardo Alejandro Morales Ocañas of the Santiago police force; and Federico Baldemar Treviño Rayas of the Sabinas Hidalgo police force.

**SOURCES:**

"Dictan auto de formal prisión contra ex policías de Nuevo Leon." *Notimex* in *SDPNoticias*. December 1, 2009.  
Presidency of Mexico. "Dictan auto de formal prisión contra 71 consignados por la SIEDO de los cartels del Golfo, de Juárez, del Pacífico y de las organizaciones de los Arellano Félix, los Beltrán Leyva y 'La Familia.'" Sala de Prensa del Gobierno Federal. December 1, 2009.

### **Federal police officers arrested for links to drug crimes at the airport**

Two Mexican federal police officers who worked at the Mexico City airport have been arrested as part of an investigation into the transportation of drug trafficking funds from Mexico to Panama.

The officers are among nine people, including a relative of the Panamanian president, who have been detained during the investigation by Mexican federal investigators. The latest Mexican police officer to be arrested was Isaías Reyes Sánchez.

Mexican authorities suspect the network collaborated with the Beltrán-Leyva drug cartel. As of early December, all the detainees were awaiting a decision from a judge as to whether sufficient evidence exists to file formal charges.

**SOURCE:**

"Cae policía del AICM ligado a red de envío de dinero ilícito a Panamá." *La Jornada*. December 4, 2009.

### **Former Monterrey mayor facing expulsion from the PAN for alleged corrupt activities**

A former mayor of Monterrey, Nuevo León from the National Action Party (Partido Acción Nacional, PAN) is facing expulsion by the PAN for his alleged involvement in corrupt activities and misuse of funds during

his administration. Among other accusations which Adalberto Madero faces, an investigation is being conducted into the disappearance of millions of pesos from the city's parking meters.

In December, the PAN state committee in Nuevo León voted for the expulsion of Madero from the party. The move was supported by PAN party leader, José César Nava Vázquez, who claimed that the case brought "irreparable damage" to the party.

The corruption case is being investigated by state authorities. Madero's supporters have argued that he is being unfairly accused of corrupt activities during his administration despite the possibility that he may not have been directly involved. Meanwhile, federal government officials with the Secretary of Public Function (Secretaría de la Función Pública, SFP) announced that more than 100 federal public servants have been formally accused this year of corrupt activities. Salvador Vega Casillas, who heads the SFP, said that this is the largest number of cases pursued through the justice system by the SFP in the history of the government branch.

Casillas also announced that between September 2008 and August 2009, 13 public servants were found guilty of abusing their posts. The SFP has also initiated 7,600 sanctions during this same time period against public officials who were involved in illicit or improper activities.

**SOURCES:**

- Alanis, Ricardo. "Dan carpetazo a corrupcion en parquímetros." *El Milenio*. December 2, 2009.  
Jimenez, Horacio. "Madero causo dano irreparable al PAN: Nava." *El Universal*. December 8, 2009.  
Otero, Silvia. "SFP denuncia a mas de 100 funcionarios." *El Universal*. December 9, 2009.  
"Expulosa PAN a ex alcalde de Monterrey por acusaciones de corrupcion." *Notimex in La Jornada*. December 8, 2009.

## TRANSPARENCY

### **Study finds Mexican cities lack transparency in sharing budget information**

A recent study by the Mexican Institute for Competitiveness (Instituto Mexicano para la Competitividad A.C., IMCO) has determined that the majority of Mexican municipalities do not provide sufficient information on their budgets.

The study—the Municipal Index of Budgetary Information (Índice Municipal de Información Presupuestal)—focused mostly on web page information provided by 373 municipal governments that represent 65% of the country's total population. On a scale of 1 to 100, with 100 representing the highest score possible, the average for the cities was 28.

One hundred of the cities did not have an official web page to provide basic budget information online and 53 did not even have a functioning page on the Internet. Of the rest, only 35 offered an option for people to request public information online. The study found that 97 of the cities published their budget on the Internet and 89 did not publish the information.

Representatives of IMCO said that municipalities lag behind the federal government in terms of being open about their budgetary information. When compared to assessment of state and federal budget transparency, the average was 50 for states and 63 for the federal government, compared to the average score of 28 for cities.

Mexicali ranked the highest in terms of the best availability of such information, with 58 points, followed by Zapopan, La Paz, and Ciudad Juárez. The study detailed "best practices" among the top scorers. For example, Mexicali keeps a detailed account of spending costs on its web page, and Atizapán, publishes a chart of government salaries.

**SOURCES:**

- Lombera, Manuel. "Falta transparencia en dinero de municipios." *El Universal*. December 3, 2009.  
"Enterate: Los 10 mejores presupuestos municipales." *El Universal*. December 3, 2009.  
"Reprueba el IMCO en transparencia, a principales municipios del país." *Milenio*. December 2, 2009.  
"Impide mejorar transparencia en estados y municipios." *Notimex via El Economista*. December 2, 2009.

### **Commission calls for greater transparency from car loan creditors**

Creditors who offer car loans must provide greater transparency regarding fees and commissions or risk facing fines, according to Mexico's National Commission for the Protection and Defense of Financial Services Users (Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros, CONDUSEF).

CONDUSEF warned the creditors, including banks and other agencies, that fines could range from \$11,600 to about \$85,000 for violations of transparency recommendations. In the case of the worst offenders, the CONDUSEF could require creditors to conform to more open standards in order to be properly licensed to make loans. The Commission is attempting to protect consumers from being duped into accepting loans that carry additional fees and commissions which are not clearly disclosed in documentation.

The Commission recently released a ratings guide for groups that provide car loans in an attempt to encourage the businesses to improve their transparency. On a scale of 1-10, with ten being the highest score, the average score for creditors within the industry was 7.8. Scores were based on available documentation provided by creditors such as information on their web sites and contracts.

#### **SOURCES:**

Moreno, Tania. "Creditos automotrices sacan 7.8." *CNN Expansion*. December 1, 2009.  
"Aplicaran sanciones ante falta de transparencia en credito automotriz." *Milenio*. December 1, 2009.

## ACCOUNTABILITY

### **President Calderón calls for greater accountability from political parties**

While expressing concern that organized crime is attempting to infiltrate Mexican political campaigns, Mexican President Felipe Calderón called for political parties to be more open about their budgets and how their money is spent.

Mexican officials have differing opinions over who should be responsible for monitoring the fiscal openness of political parties, with some favoring oversight by the Superior Audit of the Federation (Aditoría Superior de la Federación, ASF) and others calling for a greater role for the Federal Electoral Institute (Instituto Federal Electoral, IFE).

Speaking at an event marking the 185<sup>th</sup> year of the country's fiscal agency, Calderón singled out political parties in particular, encouraging them to be open to greater scrutiny. "The political parties...have the obligation, perhaps, more than other groups to provide prompt accountability of the public resources that they use," Calderón was reported as saying in *La Jornada*.

The idea of opening up the spending and budgets of Mexico's political parties to public scrutiny had been previously advocated by the head of the ASF, Arturo González de Aragón. Arturo González de Aragón, has been arguing that the agency should have greater authority to sanction public servants, constitutional autonomy, and the ability to take on other responsibilities meant to guarantee fiscal reform.

Meanwhile, Congressional members have spoken up in favor of similar reforms, but it is not clear how their versions would compare with the revisions being proposed by González de Aragón, whose calls for greater openness have reportedly received a cool reception by certain groups. The leader of the National Action Party (Partido Acción Nacional, PAN), José César Nava Vázquez, has stated that he agrees with Calderón's plans regarding fiscal openness of political parties. However Nava said that oversight should be carried out by the IFE as opposed to the ASF.

A decision on the reforms is not likely until next year and González de Aragón will not be around to see them through, since he has announced that he will not seek an additional appointment to his post which is

set to expire soon. As of early December, 42 candidates had registered their intentions to apply for the position.

**SOURCES:**

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Herrera, Claudia. "Apuntala Calderón al auditor superior; los partidos deben ser fiscalizados, senala." *La Jornada*. November 28, 2009.  
Merlos, Andrea. "Diputados, por fortalecer la ASF." *El Universal*. November 29, 2009.  
Saldierna, Georgina. "Nava apoya una mayor fiscalizacion a los spartidos, pero mediante el IFE." *La Jornada*. November 29, 2009.  
Tellez, Cecilia. "Llama Calderón a partidos a transparentar uso de recursos." *La Cronica*. November 28, 2009.

**U.S. tech expert proposes a system for crime tips to be reported through cell phones**

A technology expert working for the U.S. Secretary of State is planning to start a program in Mexico next year that would allow people to pass on crime tips through cell phones.

Alec Ross, who works for Secretary of State Hillary Clinton, is trying to get U.S. and Mexican telecommunications companies to offer a free text messaging service that would be used for crime tip purposes. Users' information would be safeguarded by non-governmental organizations that would screen any personal information before passing the tips and locations of reported crimes to police, according to *National Public Radio*.

"People are simply not walking up the literal or proverbial steps of the police station house. They fear retribution, and those fears are very reasonable," Ross said on NPR. "The idea is to bring technology and transparency and accountability to the fight against drugs and also to take the fear and impunity out of reporting crime."

Ross is a co-founder of One Economy, a non-profit organization based in Washington D.C. According to their web site, One Economy is attempting to bridge the digital divide by equipping lower-income communities with the tools and knowledge to use technology to better their lives.

**SOURCE:**

- Kelemen, Michelle. "U.S. Diplomacy makes a call to tech support." *National Public Radio*. December 9, 2009.

**Proposed reforms to political process include re-election, accountability for certain elected officials**

Calling for greater accountability in the political process, Mexican President Felipe Calderón introduced a proposal in December that would allow local elected officials and federal legislators to run for re-election. The move is seen by some analysts as a way to allow Mexico to transition toward a more modern democracy by giving voters the chance to judge for themselves whether or not an elected official deserves another chance in office. The re-election proposals would affect mayors, city council members and federal lawmakers and would allow them to be elected for up to 12 years, according to the *Los Angeles Times*. The proposed reforms would not apply to elected officials who serve six-year terms, such as the president and state governors.

The proposal was part of a package of political reforms introduced by Calderón which analysts say is intended to break the gridlock that appears to have prevented Mexico from consolidating its democratic process.

Other reforms include allowing for a second round of votes when no presidential candidate receives more than 50% of the votes, as was the case in the 2006 election when candidate Andrés Manuel López Obrador of the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) challenged the voting results in a close race against Calderón. The second round is intended to avoid such conflicts and ensure the winner has greater support when stepping into office.

An additional proposal includes reducing the numbers of Congressional seats which would mean that the number of senators would dip from 128 to 96 and the lower house of Congress would be reduced from 500 members to 400 members, according to the *Wall Street Journal*.

Mexico was governed for more than 70 years by the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), but the National Action Party (Partido Acción Nacional, PAN) has been the dominant party since voters elected Vicente Fox to office in 2000. Voters then elected another PAN presidential candidate, Felipe Calderón, to the top post in 2006.

**SOURCES:**

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Harrup, Anthony and Iliff, Laurence. "Calderón proposes ballot-law overhaul." *The Wall Street Journal*. December 16, 2009.  
Ramos, Jorge. "FCH propone decalogo de reformas politicas." *El Universal*. December 15, 2009.

## ACCESS TO JUSTICE

### FOREIGN NATIONALS IN THE JUSTICE SYSTEM

#### **Cousin of Panama's president detained for alleged links to Beltrán-Leyva cartel**

Ramón Ricardo Martinelli Corro, second cousin of Panamanian President Ricardo Martinelli, was detained by federal police in a Mexico City hotel on November 24, accused by Mexico's Attorney General's Office (Procuraduría General de la República, PGR) of laundering money for the Sinaloa-based Beltrán-Leyva cartel.

Martinelli's arrest came after the arrest of four men by the federal police in the Mexico City airport who had \$409,740 in their possession. The men reportedly told police that they had accomplices waiting in the hotel where Martinelli and the other three men were arrested. Also arrested was a federal police officer stationed at the Mexico City airport and accused of providing protection to the alleged criminal network engaged in moving money from Mexico to Panama for the purchase of drugs for the Beltrán-Leyva cartel.

President Martinelli has confirmed the identity of his second cousin. Last July, Mexican President Felipe Calderón attended Martinelli's inauguration and the two, along with Colombian President Álvaro Uribe, announced an alliance to combat organized crime and drug trafficking.

Following their arrest, Ramón Martinelli and his alleged accomplices were placed under a 40-day pre-trial detention while prosecutors build a case against them. The practice of 40-day pre-trial detention in cases of suspected involvement with organized crime, known as "arraigo" in Mexico, was legitimized with the passage of the federal justice reform legislation in the spring of last year, amidst the objections of human rights organizations. Mexico's Supreme Court ruled the practice unconstitutional in early 2006. However, Calderón did not include its removal in the justice reform bill, arguing that it was a necessary tool for combating drug traffickers. Earlier this year, Mexico dismissed a United Nations Human Rights Council (UNHRC) recommendation that it end the practice based on the argument that it does not adhere to international human rights standards.

**SOURCES:**

Saldierna, Georgina. "Rechaza México recomendaciones de la ONU sobre arraigo y justicia militar." *La Jornada*. June 12, 2009.  
"PGR investiga a primo del Presidente de Panamá." *Milenio*. November 23, 2009.  
Méndez, Alfredo. "Arraiga la PGR a primo del presidente de Panamá; le imputa lavado de dinero." *La Jornada*. November 24, 2009.

#### **Foreign Ministry rules out returning Florence Cassez to France**

Following the decision by Mexico's Foreign Ministry to ratify Mexican President Felipe Calderón's announcement in June that Mexico would not return convicted kidnapper Florence Cassez to her home country of France due to concerns that she would not serve her full term there, French authorities say they have reason to believe the trial was flawed. Without revealing specifics, a spokesman said that there are doubts that Cassez' defense saw to it that all of her rights as a defendant were upheld.

Cassez was arrested in 2005 and sentenced to 60 years in prison for kidnapping, involvement in organized crime, and weapons possession. Her alleged involvement in the kidnapping ring led by her Mexican boyfriend has been questioned in France, and doubts were escalated when it was revealed that the



dramatic, televised arrest of Cassez and other alleged members of the kidnapping gang Los Zodiacos had been staged by police the day before.

French President Nicolas Sarkozy traveled to Mexico in March to try to gain Cassez' release. It was this trip that government spokespeople say produced the evidence of missteps in her trial.

Almost concurrently with the final decision on the Cassez case, on December 10, Mexico and the United States announced the "exchange" of 13 American prisoners for 20 Mexican prisoners. The exchange was initiated to allow prisoners to fulfill their sentences in their respective countries near their families, in the interest of rehabilitation. The exchanged prisoners have been found guilty of a range of crimes, including drug infractions, homicide, aggravated assault, aggravated robbery, sexual abuse and rape, among others.

**SOURCES:**

"Creemos que Cassez no tuvo juicio justo: Francia." *El Universal*. December 9, 2009.  
Avilés Allende, Carlos. "México y EU intercambian reos." *El Universal*. December 10, 2009.

## CRIME, PUNISHMENT AND PRISONS

### **New CIDE Study on "Delinquency, Marginality, and Institutional Performance" in Central Mexico**

The Center for Economic Research and Teaching (CIDE) recently released the results of a new study coordinated by Elena Azaola (CIESAS) and Marcelo Bergman (CIDE). The study includes the results of CIDE's third survey of prison inmates conducted in early 2009. Azaola and Bergman are frequent collaborators with the Justice in Mexico Project, their earlier research on this topic in 2002 and 2005 formed the basis for the 2007 publication, "The Mexican Prison System," in the edited volume *Reforming the Administration of Justice in Mexico*. This latest survey involved collaboration from CIDE researchers Ana Laura Magaloni and Layda Negrete.

The 2009 CIDE prison population study was sponsored by Mexico's national science consortium (CONACYT), the John D. and Catherine T. MacArthur Foundation and The William and Flora Hewlett Foundation. The survey was distributed to a representative sample of 1,321 prisoners in Federal District (647) and the State of Mexico (665), including roughly 83% men and 17% women. The findings of the survey provide a probing look at crime in Mexico, as well as the institutional performance of the Mexican penal system.

According to official statistics, the Federal District and Mexico State have the largest prison populations out of 32 Mexican states, for a combined total of about 28% of Mexico's entire prison population. Since 2002, the prison population has grown by 84% to around 39,500 prisoners in Mexico City, and by 86% to around 19,300 in the State of Mexico. Partly as a result, prison overcrowding in both states is extreme, with prisons at 212% capacity in the Federal District (1st place nationwide) and 183% capacity in the State of Mexico (4th place).

The researchers found that, as in 2002 and 2005, small-time property theft continues to account for a significant share of Mexico's prison population. Roughly 40% of inmates were in prison for petty theft (less than \$500 value) and small-time drug dealing or possession (less than \$100 in value). Moreover, one quarter of those incarcerated for theft stole goods valued at less than \$55, and a similar proportion of those arrested for drugs possessed quantities valued at around \$15.

Moreover, Azaola and Bergman again found that the poor are significantly over-represented in the penal system, with two-thirds of inmates coming from indigent homes, and a significant majority of poor inmates incarcerated for relatively minor offences. Other key findings include the following:

- 40% of inmates are between the ages of 18 and 30 years old.
- 71% of male inmates and 86% of women have children.
- 25% of women inmates and 3% of men have a significant other in prison.
- 21% of inmates never went to school or did not complete elementary school

- 12% of inmates formerly served as police or military personnel.
- 29% of inmates reported prior criminal incarceration.
- 75% of prisoner arrests occurred within 24 hours of committing the crime.
- 56% of inmates were promptly informed of the crime with which they were charged.
- 80% of inmates were not able to speak to the judge who tried their case.
- 60% switched from their first public defender because of the attorney's perceived indifference.

According to the CIDE study, the circumstances of prisoners appear to be growing worse over time. Based on the two previous surveys of prisoners in 2002 and 2005, researchers found that provision of basic services, sanitary conditions, and rates of recidivism have all worsened. For example, 74% in Federal District and 71% in Mexico State reported that they did not have enough food, up from 61% and 39%, respectively. Furthermore, prisoners' appraisals of key justice sector personnel —preventive police, investigative police, prosecutors, public defenders, and judges— are at lower levels than in previous surveys. Azaola and Bergman were especially troubled by the lack of adequate legal defense for prisoners, particularly from public defenders (who represented roughly 75% of inmates). Two out of three inmates reported that their defense attorney failed to explain what was going on during their case and offered no proof in their defense.

The researchers also cite evidence that many inmates entered prison without prior drug use, but developed an addiction once in prison. This implies added social costs, Azaola and Bergman argue, since addicted prisoners are more likely to become connected to other delinquents and develop full-fledged criminal careers.

Azaola and Bergman raise concerns about the unnecessary burden on Mexican prison system caused by harsh penalties for minor offences, and major systemic malfunctions that detract from rehabilitation and promote recidivism. Particularly troubling is the lack of due process and adequate legal representation for mostly indigent defendants. Azaola and Bergman conclude that “a good number of inmates may be innocent or could have avoided incarceration with an adequate [legal] defense.”

**SOURCES:**

Azaola, Elena and Marcelo Bergman. *Delincuencia, Marginalidad y Desempeño Institucional: Resultados de la tercera encuesta a población en reclusión en el Distrito Federal y el Estado de México*. Centro de Investigación y Docencia Económicas, 2009.

## GENDER CRIMES

### **Inter-American Human Rights Court finds Mexico guilty of human rights abuses in treatment of Juárez femicides**

The Inter-American Human Rights Court, based in San José, Costa Rica, has found the Mexican government guilty of violating the human rights of three women killed in Ciudad Juárez in 2001 when it conducted insufficient investigations into their cases. The verdict of the Court, part of the larger Organization of American States (OAS), cannot be appealed.

Complaints were originally filed by the victims' families in March of 2002 to the Inter-American Human Rights Commission, which finally turned the complaints over to the Court in November 2007. Deliberations in the case were initiated in April of this year in Santiago, Chile. Several Latin American-based legal and human rights organizations provided legal support to the prosecution.

There were more than 300 femicides registered in Juárez between 1993 and 2003, with impunity the norm in the majority of the cases, according to Amnesty International. In 2003 Mexico's National Human Rights Commission released a special report detailing 263 murders and 4,587 disappearances since 1993, and accused authorities of “grave omissions” in investigating those cases.

Humanitarian organizations point out that violence against women continues in the border city, and has claimed 110 lives this year. Irma Casas, director of the non-governmental organization Casa Amiga, attributes the deaths to “structural violence,” and hopes that the Court's ruling will prompt the Mexican government to address the impunity with which violence against women is perpetrated. Responding to the

ruling, María de la Luz Estrada, from the National Citizens Femicide Observatory (Observatorio Ciudadano Nacional del Femicidio, OCNF), emphasized that femicides are not particular to Chihuahua, pointing out that in the first six months of the year 459 women were killed in 15 states, of which only 2% have been fully prosecuted. Those numbers followed 700 homicides of women and girls in 2008 and 1000 in 2007, she said.

The Court's finding came at a time of demonstrations in Mexico and throughout Latin America demanding that officials take greater measures to counteract violence against women in the region.

The Court handed down an order for Mexico to create a committee made up of national and international observers to oversee the terms of the judgment for the Mexican government, which include monetary reparations for victims' families, publicly recognizing that it violated fundamental human rights, modifying laws for addressing gender crimes, and further investigating the murders of the three women highlighted in the case and the failings of public officials responsible for carrying out the original investigations.

There are currently two other cases against Mexico in front of the Inter-American Human Rights Court. One involves the 1974 disappearance of Guerrero community leader Rosendo Radilla Pacheco, and the other the rape of two indigenous women by Mexican soldiers in the same state in 2002.

**SOURCES:**

"Mexico, Estado feminicida." *La Jornada*. November 20, 2009.

Otero, Silvia. "Exigen se cumpla sentencia de CIDH." *El Universal*. December 12, 2009.

Olivares Alonso, Emir. "Histórico, el fallo de la CIDH sobre tres *feminicidios* en México: abogados." *La Jornada*. December 12, 2009.

## PRESS FREEDOM

### **Reporters, watch groups highlight difficulties, dangers of reporting crime in Michoacán**

Michoacán state has become an exceedingly hostile place to practice journalism due to the current wave of violence, according to watch groups Reporters without Borders and the Committee to Protect Journalists (CPJ), as well as Michoacán-based news directors, editors and journalists. The groups met this month to discuss current conditions for journalists in the state and agreed that organized crime has "killed the spirit of journalism" in Michoacán.

In a press release, the group cited that reporters can no longer engage in investigative journalism for fear of reprisals, and added that the citizenry likewise cannot report crimes to authorities for the same reason.

CPJ was in Michoacán investigating the disappearance of María Esther Aguilar Cansimbe, public security and justice reporter for *El Diario de Zamora* and correspondent for *Cambio de Michoacán*. Aguilar disappeared on November 11. Her disappearance has prompted the Inter-American Press Association (IAPA) to denounce the increase in kidnappings and killings over the past several years, and to call on the Mexican Congress to resume work on pending legislation to federalize crimes against the press. Three weeks after Aguilar's disappearance, Michoacán's Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) said that it is looking into reported phone calls she received prior to the time she went missing. Investigators say they have not been able to definitively link her disappearance with her work as a police reporter, and also point out that her family has not yet been contacted to pay a ransom for her release.

Aside from investigating Aguilar's disappearance, CPJ investigators visited press outlets around the state and obtained statements from reporters charging that they had received intimidation not only from members of the dueling La Familia and Gulf cartels, but also from local and federal police. Aside from the drug war that has by official tallies killed 14,000 in the past three years, reporters in Michoacán and other troubled states claim to be caught in the middle of a publicity war between the cartels and the Mexican government. At issue are the "narco-banners" sometimes found alongside victims of cartel violence, carrying threatening messages for rival cartels and at times accusing officials of corruption. Reporters interviewed by CPJ and quoted in *AFP* and *Proceso* claim that such banners are always followed by pressure from all sides to either report or not report the messages.

According to Reporters without Borders, Mexico continues to be the most dangerous country in the world for journalists, with 57 assassinated and 10 disappeared since 2000. No one has been convicted yet for any of the 12 murders of reporters registered so far this year.

**SOURCES:**

“SIP urge a Michoacán hallar a periodista.” *El Universal*. November 20, 2009.  
“Descartan secuestro de reportera en Michoacán.” *Notimex*. December 3, 2009.  
“Periodistas en Michoacán, bajo la amenaza del narco.” *Proceso*. December 8, 2009.  
“No indagar ni opinar, amagan narcos a la prensa en Michoacán.” *AFP*. December 12, 2009.

## MILITARY HUMAN RIGHTS ABUSES

### **Amnesty International reports on new evidence of military human rights abuses**

In its report “Mexico: Human rights violations by the military,” Amnesty International (AI) has joined other international organizations including the United Nations in criticizing the Mexican military for not adequately investigating alleged abuses by soldiers engaged in the nation’s drug war. The report cites the nearly 2,000 complaints received by Mexico’s National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) between the start of 2008 and June of 2009 as compared to only 367 in 2007 and 182 in 2006. AI notes that this does not even fully represent the extent of abuses carried out by Mexico’s armed forces, citing a human rights organization in Nuevo Laredo, Tamaulipas that received 70 complaints between January 2008 and September 2009, of which only 21 were officially reported.

The report goes on to detail five serious abuses committed against 35 individuals involving unreported, arbitrary detentions and disappearances in the states of Chihuahua, Tamaulipas and Baja California. One case involved a man, reportedly detained extra-officially by soldiers, who disappeared and whose body was found months later with massive head trauma. The investigation into his murder was assumed by state officials and never focused on military involvement.

AI also criticizes the military justice system, which is also denounced by the United Nations and numerous domestic human rights organizations as lacking transparency and the will to prosecute its own personnel for alleged human rights abuses.

**SOURCE:**

“Mexican civilian authorities must investigate pattern of serious abuses by military.” *Amnesty International*. December 8, 2009.

## SECURITY OF POLICE INFORMANTS

### **Protected witness gunned down in Federal District Starbucks**

Armed men entered a Starbucks in the Del Valle neighborhood of Mexico City and gunned down Edgar Enrique Bayardo del Villar, a former high-ranking officer for the Federal Preventive Police (Policía Federal Preventiva, PFP), now known as the Federal Police, who had been arrested last year for supplying operational information to Ismael ‘El Mayo’ Zambada, a leading figure in the Sinaloa cartel. Bayardo was acting as a protected witness for the Federal Attorney General’s Office (Procuraduría General de la República, PGR). At the time of his killing, he was assisting with investigations into the Sinaloa cartel’s infiltration into federal law enforcement agencies known as “Operación Limpieza,” under which he had also been arrested. In exchange for his cooperation, Bayardo was released from his charges and paid a monthly salary as an informant. The PGR has opened an investigation into Bayardo’s assassination.

Following Bayardo’s assassination, Attorney General Arturo Chávez Chávez has ordered a thorough review of the PGR’s witness protection program. Established in 1996, the program specifies that protected witnesses are to be housed in a secure facility, although they are at liberty to leave at any time with or without bodyguards. According to a PGR spokesman, when Bayardo was killed he had gone out without first notifying personnel.

Bayardo's death was the second loss of a protected witness for the PGR in less than a month. On November 21, Jesús Zambada Reyes, nephew of Ismael Zambada, was found hanged by a shoelace, and his death was ruled a suicide. Jesús Zambada was housed in the same facility as Edgar Bayardo. He was also acting as an informant for the PGR against the Sinaloa cartel.

**SOURCES:**

"Ejecutan en cafetería del DF a ex mando de PFP; era testigo protegido." *La Jornada*. December 1, 2009.

"México revisa su programa de testigos, tras asesinato de uno." *El Diario de Yucatán*. December 2, 2009.

"PGR pierde a testigo protegido." *El Universal*. December 6, 2009.

## AROUND THE STATES

### **Federal District applies asset forfeiture law to hospital, addiction center**

A hospital in the Federal District (Distrito Federal, DF) at which doctors allegedly sold newborns on the black market after telling their parents they had died at birth will be handed over to the DF Ministry of Health, according to officials. The process, which awaits approval by a judge, has been delayed slightly following the 30-day extension of the "arraigo," or pre-trial detention of the suspects by the DF Attorney General's Office to gather more evidence. The move comes as part of the DF's new asset forfeiture law (*Ley de Extinción de Dominio*), which allows the government to seize properties linked to criminal activities.

DF officials are also seeking the forfeiture of the Hospital Santo Tomás, a drug rehabilitation center in the city where investigators say that more than 100 patients were subjected to physical abuse and forced to work in a clandestine operation on the grounds that manufactured designer handbags. In that case, 25 suspects are under "arraigo," and officials have requested that a DF judge grant the forfeiture on the grounds that the property was used for labor and sexual exploitation.

Since the DF and the Mexican Congress both passed asset forfeiture laws earlier this year, the former has been far more aggressive in seeking to apply the law, meant to weaken the financial structures of organized crime syndicates.

**SOURCE:**

Archundia, Mónica. "Tras extinción de dominio, GDF alista 2 inmuebles." *El Universal*. November 27, 2009.

### **DF Human Rights Commission closes investigation into 2008 nightclub deaths**

With the removal from office of Joel Ortega Cuevas as the head of the Public Security Secretariat of the Federal District (Secretaría de Seguridad Pública del Distrito Federal, SSP DF), Rodolfo Félix Cárdenas as attorney general, and Francisco Chiguil Figueroa as delegate, Gustavo A. Madero of the DF Human Rights Commission (CDHDF) said that CDHDF's recommendations, stemming from the police raid of the News Divine nightclub in June of last year resulting in the deaths of 9 youths and 3 police officers, had been "satisfied."

Luis González Placencia, the newly appointed CDHDF president and the organization's primary investigator in the case, insisted that the demands for "political and moral responsibility" had been met, and that the commission never established a need for criminal proceedings for the three officials.

For his part, attorney general Miguel Ángel Mancera Espinosa told the press that the decision by the Special Prosecutor of Public Officials to abide by CDHDF's recommendation to not file criminal charges against the three officials does not constitute impunity in the case, as 36 more individuals are still under investigation. The DF Supreme Court anticipates that the first sentences linked to the case will be handed down in January 2010.

**SOURCES:**

Cruz Flores, Alejandro "Exculpan a Joel Ortega y Francisco Chiguil por el caso News Divine." *La Jornada*. December 11, 2009.

Cruz Flores, Alejandro. "Niega Mancera impunidad en el caso Divine; la investigación sigue." *La Jornada*. December 12, 2009.

## Parents still seeking justice for Sonora ABC daycare fire

More than six months after the fire that killed 49 children at a daycare center in Sonora, parents of children killed and wounded in the tragedy are still trying to ensure that justice is attained for the victims of the fire, and that such a tragedy never happens again in the country.

After meeting with parents affected by the June 5 ABC Daycare Center fire, the director of Mexico's National Institute of Social Security (Instituto Nacional de la Seguridad Social, INSS) and Sonora Governor Guillermo Padrés Elías announced that they had arrived at eight points of agreement in seeking justice for the tragedy. They include the suspension of the director of the Eastern Medical Center, where many of the burned children were initially treated; access of parents to their children's clinic records; a commitment by the INSS to hold evacuation drills in daycare centers, including during nap time; the availability of an INSS-provided list of names of investors acquiring daycare centers, particularly in the case of ABC; support for mothers who, due to the tragedy, cannot continue working; support for children who survived the fire and for families who lost children in the fire; a commitment by IMSS to work with law enforcement to further clarify who is responsible for the tragedy; and a commitment from Governor Padrés and the director of IMSS to hold a future press conference to report on progress regarding the above commitments.

The following day, however, José García, the father of one of the children killed in the fire, told the press that the above-mentioned points were not an "agreement," but rather a proposal to be discussed by the parents. García then took issue with the governor's plan to hire a special prosecutor to continue the investigation into the daycare fire, insisting that the only investigator that parents would accept would be federal, yet independent of the Federal Attorney General's Office and approved by the families' legal advisors.

### SOURCES:

"Habrá justicia en el caso de la guardería ABC: Daniel Karam." *El Financiero*. December 10, 2009.  
"Rechazan padres creación de fiscalía especial para caso ABC." *Notimex*. December 11, 2009.

**About the Project:** *The Justice in Mexico Project studies rule of law developments in Mexico, and is coordinated through the Trans-Border Institute (TBI) at Joan B. Kroc School of Peace Studies at the University of San Diego. The Justice in Mexico Project conducts and disseminates research on three broad categories related to the rule of law: law and order, transparency and accountability, and access to justice. The project receives generous financial support from the William and Flora Hewlett Foundation and the Tinker Foundation. To make a financial contribution to our organization, please visit: <http://www.sandiego.edu/tbi/support>.*

**About the Report:** *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog at <http://wordpress.justiceinmexico.org>, and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Research Associates Cory Molzahn and Anna Cearley, with editing and research assistance from Heidi Knuff, Theresa Firestine, Elisse Larouche, and Nicole Ramos. Any opinions expressed in attributions for this summary are those manifested in the media reports and op-ed pieces compiled herein, and not those of the University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to [transborder@sandiego.edu](mailto:transborder@sandiego.edu).*

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