

JUSTICE IN MEXICO

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News Report January 2008

In the latest edition of the Justice in Mexico Project "Monthly News Report," we include a "year in review" that attempts to encapsulate some of the major justice-related developments that took place in Mexico in 2007, a year marked by emphatic cartel-related violence in heavy trafficking regions and the deployment of large-scale contingents of military troops and federal police to fight organized crime. The first full year of the Pres. Felipe Calderón administration also witnessed the negotiation – but not yet passage – of the "Mérida Initiative," a multibillion-dollar military aid package between the United States and Mexico that is intended to improve bilateral collaboration to fight organized crime but that critics fear will deepen the military's involvement in public security, to the detriment of the human rights situation. On the criminal justice reform front, a comprehensive bill that would usher out the traditional inquisitorial model for a system based on accusatorial-system forms and precepts won passage in the lower house. The bill is expected to be debated and voted by the Senate as early as February 2008, in spite of contentious provisions that critics warn could expand the surveillance and investigative powers of an incompetent police force. Also in 2007, the federal Supreme Court opted against issuing an indictment of Puebla Gov. Mario Marín even though a high court investigation determined he had violated the civil liberties of muckraking journalist Lydia Cacho. Marín was accused of violating Cacho's civil rights after he ordered police to detain her from out of state to face defamation charges springing from an exposé she wrote that implicated the governor's friends in a pedophilia ring.

RED DE JUSTICIA

NUEVO LEÓN WORKING GROUP MEETING

Justice in Mexico Project to host working group meeting in Nuevo León

The *Justice in Mexico Project* will host a working group meeting and bi-national forum on the challenges universities in Mexico face amid the recent legislation of new criminal justice forms, proceedings, and precepts. The conference, "El futuro de la educación legal: Pedagogía y práctica ante un panorama reformista"/"The Future of Legal Education: Pedagogy and Practice Amid Criminal Justice Reform," will be held Friday, Jan. 25, at the College of Law and Criminology of the Autonomous University of Nuevo León in Monterrey, N.L. Co-sponsored with the host institution and the National Center for State Courts, the bi-national forum is part of the *Justice in Mexico Project's* working group meeting/public forum series on criminal justice reform developments in Mexico. For more information, please visit the *Project* website at www.justiceinmexico.org.

2007: YEAR IN REVIEW

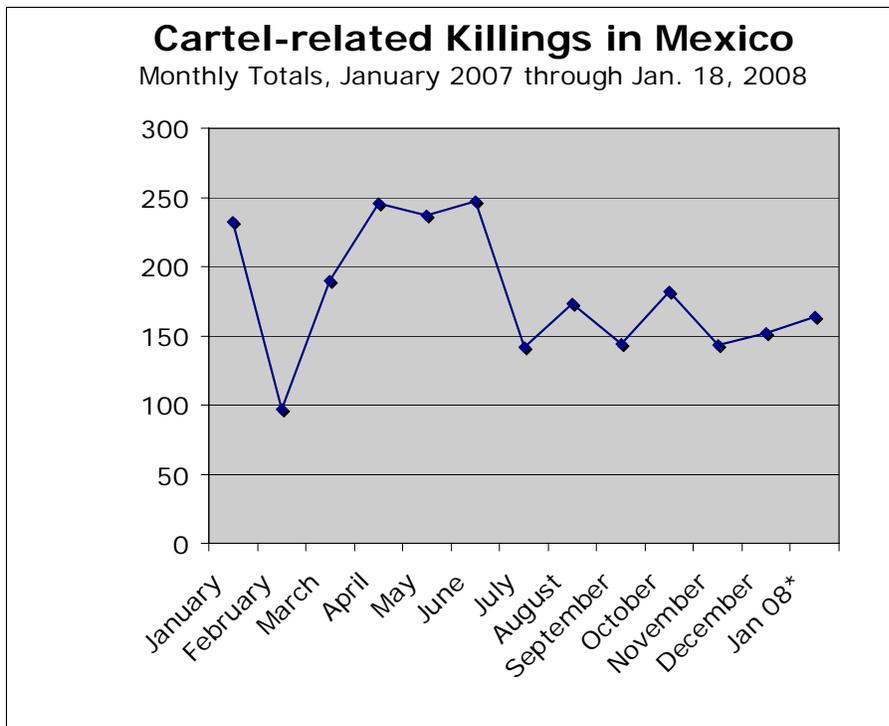
Cartel violence, human rights concerns on militarization, and record Mexico-U.S. extraditions mark '07

President Felipe Calderón entered office December 2006 promising to take a more aggressive stance toward drug cartels and organized crime, and has since deployed troops to key states to work alongside federal, state, and local police forces. A corresponding escalation in drug violence, particularly in the border states, left at least 2280 dead, surpassing the 2120 drug mafia killings in 2006, according to national newspaper *Reforma's* running tally of cartel related slayings. The violence stems from growing unrest among drug mafias and President Calderon's continued nationwide efforts to combat this social ill. Thousands of federal and military agents were deployed, resulting in the arrests of high profile mafia leaders and criminals, and historic drug seizures, but the costs were high for all groups involved.

Since the beginning of the Calderon administration in December 2006, more than 24,000 troops and agents from the Mexican Army, Federal Investigative Agency (AFI), and Federal Preventive Police (PFP) have been deployed to Michoacán, Guerrero, Baja California, and the "Golden Triangle" area, which comprises parts of Chihuahua, Durango, and Sinaloa. 3,300 troops and agents were further deployed to Nuevo León and the neighboring border state of Tamaulipas. "Operación Conjunta Michoacán" as it became known in that state corresponded to significantly reduced drug mafia killings in 2007, with only 238 killed in comparison to the 543 slain in 2006. Killings in Tamaulipas were also reduced by half, and in Baja California, they more or less remained the same.

High profile drug violence however still continued to threaten the rule of law nationwide, even in states where federal troops were present. Killings of rank-and-file law enforcement personnel continued, and open assaults and murders of state and national level politicians were also frequent. Tabasco Public Security Secretary Gen. Francisco Fernández Solís escaped an ambush by heavily armed gunmen, prompting the federal government to send 500 federal agents to the state and neighboring Veracruz. José Nemesio Lugo Félix, the newly appointed head of the intelligence unit of the Federal Attorney General's Office (PGR) and Sinaloa's head of investigative police Emigdio Córdova Herrera were slain. In Monterrey, Nuevo León, PRI state legislator Mario César Ríos Gutiérrez was shot and killed in broad daylight on June 12. Drug mafia violence also threatened press workers, as Mexico continues to be a dangerous country for journalists according to organizations like the Inter-American Press Society, Reporters Without Borders, and the International Federation of Journalists. At least six journalists were killed in Mexico last year for reporting on drug trafficking. Amado Ramírez, broadcast journalists for Televisa, was shot dead in a public square in Acapulco on Good Friday and two broadcast journalists from the TV Azteca affiliate in Monterrey were reported kidnapped May 13, and have yet to be found. Mexico now stands as the second most dangerous country in the world for journalists, after Iraq, according to a study by the Inter-American Press Society and the annual Reporters Without Borders list.

Government efforts in 2007 resulted in the arrests of several high profile criminals. The Sinaloa Cartel and Gulf Cartel were especially hit. Gulf Cartel lieutenant Juan Oscar Garza Azuara, aka "El Barbas" was arrested on April 16 in Reynosa, Tamaulipas and in August, the culmination of Operation Puma led to the arrest of 32 suspected traffickers for the cartel southern Texas. Sandra Avila Beltrán, a.k.a the "Queen of the Pacific" and her boyfriend Juan Diego Espinoza Ramírez, a.k.a "El Tigre", a leader of the Colombian cartel Valle del Norte, were also arrested in September. Avila is accused of being a chief liaison between Colombian cocaine suppliers and the Sinaloa cartel. Cocaine seizures during Calderon's first 11 months in office totaled over 53 ½ tons, including a historic 26 ton shipment from Colombia destined for the Sinaloa cartel that was seized in the port city of Manzanillo in November. A reported mid-year ceasefire between the rival Sinaloa and Gulf cartels was credited with causing a decline in cartel-related slayings. The government's deployment of federal troops to heavy-trafficking areas, which has forced cartels to fight off the better-equipped military, may have led to this apparent ceasefire. Although cartel related slayings rose once more in August and the following months, killings were overall lower than before this "ceasefire."



Cartel-related killings nationwide totaled 2,275 in 2007 versus 2,120 for 2006, according to Reforma. The first half of the year was the more violent as an alleged mid-year "truce" between two major cartels was credited by newspapers for causing a noticeable decline in weekly tallies of slayings beginning in mid-to-late June.

Sinaloa (15.2), Guerrero (11.1), and Michoacán (10.5) were the three states whose share of slayings accounted for more than 10 percent of the national total.

Although the government's efforts to combat drug trafficking has led to key drug seizures and arrests, cases of abuse by deployed military personnel were presented before State and National Human Rights Commissions. Both Amnesty International and the United Nations' High Commissioner for Human Rights in Mexico strongly question the move. Michoacan alone reported at least 117 cases in 2007. Ten people were allegedly injured and at least two tortured by Mexican army units in the Tierra Caliente region of the state. In the town of Nocupetaro, soldiers who accused four teenage waitresses at the La Estrellita restaurant of working for the Zetas drug gang reportedly accosted them, along with the female owner of the business. The women charged that the soldiers then raped them. In Sinaloa, federal troops were accused of gunning down three children and two women in La Joya de los Martínez as they traveled by car.

A proposed bi-national effort to combat organized crime, drug trafficking, and terrorism known as the Merida Initiative was announced by Presidents Calderón and Bush in October. The plan calls for US\$1.4 billion in U.S. aid to Mexico over three years to provide its security forces with improved surveillance equipment and training. The first annual installment of US\$500 million was planned for 2008, but a final vote in the U.S. Congress on the allocation has been tentatively pushed back to mid-2008, presumably because of many lawmakers' concerns for the secrecy under which the aid package was developed, as well as for perceived widespread corruption in Mexico's security forces and reports of human rights abuses in the wake of troop deployments to combat organized crime. Proponents of the bill emphasize the shared security risk of international organized crime, and the United States' responsibility in aiding in the combat against drug trafficking through Mexico. They also point to a reported 37-percent rise in the price of cocaine in U.S. cities during the first half of 2007, which they attribute to effective enforcement measures by the Calderón administration.

Further fueling arguments in favor of the Merida Initiative is the increased number of extraditions of wanted criminals from Mexico to the U.S., which neared 100 in 2007, up from 63 in 2006. An editorial in the *Washington Post* in Nov 2007 argued that this demonstrates an atmosphere of cooperation between the two governments that the U.S. has a responsibility to uphold. President Calderón set the tone of cooperation with U.S. demands shortly after taking office in January by extraditing four alleged top drug traffickers, including purported Gulf Cartel leader Osiel Cardenas. In November, Francisco Javier Arellano Félix, the leader of the Tijuana cartel, extradited in Sep 2006, was sentenced to life in prison in November by a U.S. court. Francisco

Javier's brother Francisco Rafael Arellano Félix, also extradited Sep. 2006, was sentenced to six years in prison, also in a San Diego court.

SOURCES:

- "Al menos 134 periodistas muertos en 2007: FIP." *Milenio* 8 Jan. 2008.
Justice In Mexico Project. *Monthly News Report*. March 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-march2007news-report.pdf>.
- Justice in Mexico Project. *Monthly News Report*. April 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-april2007news-report.pdf>.
- Justice in Mexico Project. *Monthly News Report*. May 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-may2007news-report.pdf>.
- "The Drug War Role of the Mexican Army Debated." *Mexidata.com* 25 June 2007.
Justice in Mexico Project. *Monthly News Report*. July 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-july2007news-report.pdf>.
- Justice in Mexico Project. *Monthly News Report* October 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-october2007news-report.pdf>.
- Justice in Mexico Project. *Monthly News Report*. November 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-november2007news-report.pdf>.
- Justice in Mexico Project. *Monthly News Report*. December 2007. <http://www.justiceinmexico.org/news/pdf/justiceinmexico-december2007news-report122107.pdf>.

ORDER

CALDERÓN ADMINISTRATION

Calderón taps Camilo Mouriño to be Interior Secretary, to replace Ramírez Acuña

Pres. Felipe Calderón has picked his 36-year-old chief of staff to take the post of Interior Secretary in an attempt to improve negotiations and relations with legislators and governors from the opposition parties. Juan Camilo Mouriño Terrazo replaces Francisco Ramírez Acuña, the former governor of Jalisco, who took the powerful post upon Calderon's ascension to the presidency in December 2006.



Juan Camilo Mouriño Terrazo. (Photo: Secretaría de Gobernación)

ORGANIZED CRIME



Gun battle between suspected AFO affiliates, government forces leads to deaths of police, discovery of dead kidnapping victims, and imposition of heavy security presence in downtown Tijuana

The three-hour standoff also led to the arrest of four presumed members of the Arellano Félix organization, one of whom has been identified as a municipal police officer. The conflict began at around 10:30 in the morning of Jan. 17 when gunmen opened fire on municipal police. The officers pursued the group for several kilometers before they took refuge in various houses on the street Ermita Sur, near the U.S.-Mexico border. Officers from federal and state police forces as well as soldiers responded to requests for backup. 120 students were evacuated from a nearby daycare center, and local police stood watch over two other nearby schools. After the firefight abated, officers found the bodies of six executed people in one of the homes. All told, seven presumed cartel members were dead at the scene, and four police officers were wounded, two of whom later died of their injuries. The confrontation came two days after three police officers and three civilians were killed in a wave of police-targeted attacks.

SOURCE:

"Convierten Tijuana en zona de guerra." *Reforma* 18 Jan 2008.

Wave of police-targeted slayings sweeps Tijuana

Five Tijuana police officers have been murdered since the onset of 2008 in a wave of violence presumed to be perpetuated by remnants of the Arellano Félix drug cartel.

On Jan. 3, the bodies of Office of Public Security District Chief Jesús Rodríguez Meraz and a subordinate officer were found in a car in a canyon off of the Tijuana-Rosarito highway. The two had been kidnapped on New Year's Eve by a group of armed men, Rodríguez Meraz from his own home. Two of their fellow officers are under investigation by the Federal Attorney General's Office (PGR), and are currently being detained in Mexico City. One of the men accused of the murders, Jesús de la Torre Escobar, was Rodríguez Meraz's bodyguard. The other victim was Jorge Alberto Ovalle Guerrero, nicknamed "El Soldado." Ovalle Guerrero was a soldier in the Mexican Army prior to becoming a police officer. Both the victims and the assailants had reportedly been involved in the theft in mid-December of a shipment of marijuana belonging to elements of the Arellano Félix drug cartel.

A wave of police-targeted violence in the early morning of Jan. 16 increased the number of slain Tijuana police officers to five. Hours after a failed theft of an armored car led to 11 arrests and the death of one of the suspects, a substation chief and his deputy were shot to death in the chief's Ford Escort. These murders were followed four hours later by the assassination of Los Pinos Police District Chief Margarito Saldaña, 45, in his home. Saldaña's wife and 12-year-old daughter also died as a result of gunshot wounds sustained in the attack. Minutes later, presumably in search of Saldaña's chief of security, the assailants claimed three more victims, one 3 years old. All three officers had received threats after the foiled armor car robbery, reportedly over their police radios.

Baja California Gov. Jose Guadalupe Osuna Millán said at a news conference that he expects such violence to continue as law enforcement and military elements increase pressure on organized crime in the state. Many analysts believe that the escalating attacks targeting police officers are a direct response to recent promises by Osuna Millán and recently elected Tijuana Mayor Jorge Ramos to battle drug cartels and fight corruption in the city's police force. Baja California Secretary of Public Security Daniel de la Rosa announced Jan. 16 that more troops will be requested to add to the 1,000 that arrived in Tijuana this month as part of *Operación Baja California*.

Officer-targeted slayings have not been confined to Tijuana. On Jan. 6, Germán Díaz Lozano was executed just six days after assuming the position of first commander of the Tres Valles Police Dept. in Veracruz. He was gunned down in the middle of the day steps away from the market where he had just eaten lunch, and a half-block from the municipal palace. He was dressed in civilian clothing. Mexico's Attorney General Eduardo Medina Mora compared the recent escalation of violence to the rise in cartel-related slayings during the months of March and April of 2007, in the wake of bolstered military operations in a government effort to put pressure on trafficking routes. Like Osuna Millán, Medina Mora does not expect the violence to subside in the near future.

SOURCES:

Herrera, Rolando. "Cobarde asesinar familias.- PGR." *Reforma* 16 Jan. 2008.
Heras, Antonio, Javier Valdez and Sergio Ocampo. "Ejecutan a tres jefes policiaicos en Tijuana." *La Jornada* 16 Jan. 2008.
Marosi, Richard. "9 die in Tijuana attacks." *Los Angeles Times* 16 Jan. 2008.

Two suspected kidnapers freed in confrontation between armed group and state police agents in Zacatecas

In Zacatecas on Dec. 28, seven state police agents were killed and two more wounded when they came under attack while transporting three prisoners between prisons. The prisoners had been captured in foiled kidnapping attempt earlier the same day.

The armed group managed to escape with two of the prisoners, and the remaining prisoner was transported to Mexico City where the case is now under investigation by the Federal Attorney General's Office (PGR). Concerned by what she says is an unprecedented scale of drug-related violence in Zacatecas, the state's governor, Amalia García, has announced a new plan for bolstering public security in the state, which includes

higher salaries for police officers who are increasingly confronting elements of organized crime, presumably members of the Zetas, the enforcement wing of the Gulf Cartel. Recently 12 ministerial police resigned, and several others threatened to do the same, demanding more resources for confronting armed groups. Since February 2007, reports have surfaced in blogs and in internet chatrooms reporting the presence of armed groups, principally traveling in Suburbans, some without license plates, and others with Texas plates.

SOURCES:

"Mata commando a 7 policías en Zacatecas." *Reforma* 28 Dec. 2007.
"Investigará PGR emboscada a siete policíes en Zacatecas." *El Universal* 29 Dec. 2007.
Mejía, Irma. "Alista gobernadora Nuevo plan de seguridad para Zacatecas." *El Universal* 4 Jan. 2008.

Three Zetas killed and 10 detained in conflict in Tamaulipas

Five federal police officers and five soldiers were wounded in a standoff with members of the Zetas, the enforcement wing of the Gulf Cartel, in Tamaulipas on Jan. 7.

The confrontation, which occurred in Rio Bravo, came after federal police and soldiers gave chase to an SUV after it ran a roadblock. The group of Zetas employed grenade launchers and automatic rifles, which suggests a "new level" of violence, according to Patricio Patiño Arias, the deputy minister for intelligence and strategy at Mexico's Public Security Ministry. Three of the Zetas were killed, and 10 were captured. Patiño Arias emphasized that there is increasing cooperation between Tamaulipas and the armed forces, and points to a more direct, confrontational approach to combating organized crime in the state, where the Gulf Cartel is based. There are currently 2,300 soldiers deployed in Tamaulipas, more than double the number of federal police. After the confrontation in Rio Bravo, gunmen fired at three federal police officers after a car chase in nearby Reynosa, killing two of them. The confrontations prompted deployment of military and federal police elements to various cities in the state. Local governments in Texas near the border with Tamaulipas have also deployed their own SWAT teams to monitor the border.

One U.S. law enforcement official, who requested to remain anonymous, said that the Mexican government seems to have realized that "putting out small fires" has proven to be ineffective in the long term, and so are now "entering the gates of hell" in pursuing key figures. One of these is Heriberto Lazcano, the alleged leader of the Zetas, who is believed to be in hiding in the Tampico area. Another is Miguel Treviño, who is believed to be a subordinate of Lazcano's, and who is said to control a key trafficking route between Nuevo Laredo, Texas, and the city of Monterrey in the neighboring state of Nuevo Leon.

SOURCES:

De la Luz González, María. "Fuerzas federales enfrentan a comando en Tamaulipas." *El Universal* 8 Jan. 2008.
Ilf, Laurence. "Mexico takes fight to Zeta drug gang." *The Dallas Morning News* 10 Jan. 2008.
Otero, Siliva. "Tienden México y EU cerco a Zetas." *El Universal* 11 Jan. 2008.

DRUG TRAFFICKING

U.S. National Drug Intelligence Center says Mexico now the top supplier of methamphetamine to U.S.A.

According to the National Drug Intelligence Center's 2008 report on methamphetamine, production of that drug in Mexico has increased since 2004, and that country is now the primary supplier in U.S. drug markets. These increases in Mexican production correspond with a more aggressive stance by officials in the United States to combat domestic production. Recent years have seen a crackdown on methamphetamine labs in the United States, resulting in the seizure of an estimated 5,804 laboratories. According to some estimates, 90 percent of methamphetamine produced in Mexico is exported to the United States.

The National Drug Intelligence Center's report acknowledged steps that the Mexican government has taken to try to stem methamphetamine production such as requiring a prescription for purchasing pseudoephedrine, an over-the-counter decongestant and key ingredient in the production of methamphetamine. However the report pointed out that these measures have not led to reduced production. Federal methamphetamine seizures in 2005 were 10,342 pounds, of which 6,377 came from Mexico. The previous year recorded almost identical figures.

In the face of a government crackdown on methamphetamine, traffickers have adapted by importing non-restricted precursor chemicals and even mislabeling chemicals in order to trick customs officials. On Jan. 15, 18,519 cases of pseudoephedrine and loratadine, an allergy medication, were stolen by four armed men from a warehouse belonging to the Mexican Social Security Institute in Nuevo León. The value of the stolen medicine has been estimated at MX\$370,000. The case is currently under investigation by the Federal Attorney General's Office.

SOURCES:

"US Justice Department: Mexico the main methamphetamine supplier to US drug markets." *The Associated Press* 6 Jan. 2008.
"Roban 19 mil cajas de pseudoefedrina." *Milenio* 15 Jan. 2008.
Interiano, Jose Roberto. "Methamphetamine: Among Mexico's most Dangerous Exports to the U.S." *Council on Hemispheric Affairs* 16 Jan. 2008.

ACCOUNTABILITY

HUMAN RIGHTS

Police officials respond to human rights organization's demands in Mexico City

The Secretary of Public Security for the Federal District (SSPDF) agreed in part to demands from the capital's Center for Human Rights (CDHDF) for improved procedures for investigating SSP officers accused of abuses. The request comes as a response to allegations by two SSP officers that they were detained and beaten by fellow officers and illegally interrogated.

The SSPDF rejected an item demanding that they update procedural guidelines for its Office of Internal Affairs to ensure that investigations are impartial, legal, and that they respect human rights. SSPDF argued that they cannot interfere in the processes of Internal Affairs, as that office answers directly to a separate auditor in the central government of the Federal District. CDHDF rejects this assertion. SSPDF did agree to an item urging the drafting of a manual that would detail disciplinary procedures for errant officers.

The requests come as a response by CDHDF to allegations it received from officers of the SSPDF that they were detained by fellow officers in the midst of pursuing a suspected stolen vehicle and subsequently beaten, humiliated, and otherwise treated inhumanely. The officers claim that they were later interrogated by the Office of Internal Affairs without the presence of an attorney. For its part, the SSPDF has admitted that human rights violations took place. The CDHDF has requested that the SSPDF reconsider its rejection of broader reforms of its Office of Internal Affairs.

SOURCES:

Prado, Henia. "Atiende SSP parcialmente recomendación." *Reforma* 2 Jan. 2008.
Bolaños, Claudia. "Rechaza SSP-DF parte de una recomendación de la CDHDF." *El Universal* 2 Jan. 2008.

Army announces Office of Human Rights

In the midst of the ever-increasing role of the military in Mexico's so-called war on drugs, the Office of the Secretary of National Defense (Sedena) announced the creation of an internal Office of Human Rights, which will hold the responsibility of assessing Sedena in their adherence to national and international human rights laws, and respond to reported human rights violations at the hands of military forces. A Senate women's rights committee and a retired general are now calling for the creation of a military ombudsman, stressing the need for an impartial auditor.

Sedena's announcement has been widely applauded by Mexican legislators as a meaningful step to ensure that Mexico's armed forces carry out their duties in a manner that respects human rights. Legislators belonging to the National Action Party (PAN) are especially optimistic about the move. PAN Senator Teresa Ortuño characterized the proposed office as a necessary link between Sedena and civil society, which will adequately address heightened concerns of human rights violations at the hands of the military.

Sedena's announcement has not been without its skeptics, however. Marciela Contreras Julián, president of the Committee for Equality and Gender in the House of Deputies, warned of the risk that the office will be no more than a "screen" projecting the illusion of attention to human rights within the military and will serve only as another bureaucratic instrument for Sedena. "What we want is a military ombudsman with his own independence, liberty, and structure, whose decisions do not depend on the military," she said. "The Mexican Army, some of its elements, have increasingly been involved in violations of human rights of civilians ... because the Executive has put them in a very delicate situation in having them pursue and combat narcotrafficking, tasks for which they are not prepared."

Former Brig. Gen. José Francisco Gallardo Rodríguez has long been a proponent of installing a military ombudsman to address civilian claims of human rights abuses by the military. In an interview with Cimacnoticias, a news agency concerned with the rights of women, former Brig. Gen. José Francisco Gallardo Rodríguez characterized the creation of Sedena's Office of Human Rights as a "strategy of Calderonist administration." He claims that President Calderón is preparing the groundwork for the proposed Mérida Initiative, and that the ultimate goal is to achieve immunity from civilian trials for soldiers and officers accused of human rights abuses. He also claims that the Calderón administration is trying to mollify domestic and international concern about perceived impunity for human rights abuses at the hands of increasingly empowered military forces. Gallardo Rodríguez was jailed in 1993 on what are widely believed to be fabricated charges of corruption and illicit enrichment after he made public denunciations of human rights violations by Mexican armed forces. At the behest of the Inter-American Commission on Human Rights (IACHR), he was released from prison by the Vicente Fox administration in 2001.

There have been several reports of human rights abuses at the hands of the military, particularly against women. The Mexican Commission for the Defense and Promotion of Human Rights has expressed concern for these reported cases, which involve rapes, illegal searches, and illegal detentions, but insist that there are many more that have not been reported. The National Center for Human Rights (CNDH) points to the military's lack of preparation for handling issues of law enforcement as the principal cause for the abuses. CNDH has called for an end to military involvement in combating drug trafficking. This is unlikely to come to pass, though, as Pres. Calderón's approval rating remains relatively high. A poll performed by Consulta Mitofsky revealed that 58.9 percent of respondents approved of Calderón's performance at the end of November 2007. In the North, the only region of the country where security and crime outranked the economy as the uppermost concern in the minds of respondents, Calderón received a 73.7-percent approval rating, 13 percentage points above any other region. State and local governments have also widely supported Calderón's policy of deploying joint federal police-military forces to combat drug trafficking and organized crime.

SOURCES:

- "Evaluación ciudadana: Felipe Calderón al cumplir un año de gobierno" *Consulta Mitofsky* Nov. 2007.
"El Ejército crea oficina de derechos humanos." *Milenio* 2 Jan. 2008.
Franco, Luciano. "Que Derechos Humanos para militares no sea pantalla." *La Crónica de Hoy* 3 Jan. 2007.
"Avalan creación de oficina de Derechos Humanos en la Sedena." *El Financiero* 4 Jan. 2007.
Godínez Leal, Lourdes. "Con Dirección de DH, Sedena evitará juicios civiles a militares." *Cimacnoticias* 10 Jan. 2008. Web site: <http://www.cimacnoticias.com/site/08011009-Con-Direccion-de-DH.31673.0.html>.

CORRUPTION

Attorney General warns of cartels' intentions to influence elections

In a press conference on Jan 4, Mexico's Attorney General Eduardo Medina Mora warned that drug cartels are seeking to influence elections in at least two Mexican states by means of kidnapping political candidates or otherwise trying to influence elections.

He said that the risk is especially great in the border states of Baja California and Tamaulipas, as well as in Gulf and Pacific states, particularly Michoacán. "In states such as Tamaulipas and Michoacán we have data, reports from candidates who were intimidated or kidnapped, who received threats with the pretense of influencing the results and the conduct of the candidates." He pointed out that organized crime groups have

also infiltrated local police forces. Medina Mora's comments underscore a growing domestic and international concern that drug cartels are threatening to undermine Mexico's fragile democratic processes. They represent a rare official acknowledgement of the depth of cartel involvement in Mexican politics. George Grayson, an expert on Mexican politics at the College of William and Mary, suggested that Medina Mora's statement could signal that he is positioning himself to be the face of the government's struggle against the cartels. The academic also attributed the comments to the political climate that has arisen in the run-up to the anticipated implementation of the Mérida Initiative, a multibillion-dollar military aid package that is ostensibly designed to help Mexico better fight the drug cartels. "There is a lot of jostling going on regarding who is going to be in charge of Mexico's so-called war on drugs. The Mérida Initiative is like this big piñata. Different agencies are trying to position themselves to get fixed-wing airplanes and helicopters once it's struck."

SOURCES:

"Intentan narcos infiltrarse en política mexicana: Medina Mora." *El Universal* 4 Jan. 2008.
Roig-Franzia, Manuel. "Mexican Drug Cartels Threaten Elections." *Washington Post Foreign Service* 5 Jan. 2008.

ACCESS TO JUSTICE

CRIMINAL JUSTICE REFORM

Senate poised to debate, vote comprehensive criminal justice reform bill in February

Debate and vote on a comprehensive criminal justice reform bill will be at the top of the legislative agenda when the Senate convenes Feb. 1, top Senate leaders say. The comprehensive criminal justice reform legislation, which passed overwhelmingly in the lower-house Chamber of Deputies on Dec. 12, calls for the enshrinement in the Mexican Constitution of accusatorial-system forms and precepts, as part of a migration away from the traditional inquisitorial model that is faulted as overly inefficient and inequitable. For example, the new legislation would call for the adoption of adversarial courtroom proceedings, reaffirm the concept of presumption of innocence, and seek to put the defense and the prosecution on the same level playing field. A positive portent for the legislation is the fact that the national consensus on the need for a criminal justice overhaul is deep-seated and cross-partisan. Also suggestive of broad support for the bill, the legislation is considered a harmonious synthesis of the several criminal justice reform proposals that different parties and coalitions submitted to Congress in 2007. However critics fault provisions in the legislation that they say would expand the investigative and surveillance powers of the federal police without imposing commensurate judicial oversight. Critics also say the legislation fails to address rampant police abuse and prosecutorial misconduct. *Please see previous news reports.*

AROUND THE STATES...



Chihuahua: Justice reforms take effect in Juárez

At 12:01 a.m. on Jan. 1, Chihuahua Attorney General Patricia González Rodríguez inaugurated a new justice system for Chihuahua's Bravos District, which includes Ciudad Juárez. The reforms went into effect in Chihuahua, the state's capital, on Jan. 1 2007, and enactment for the state's remaining districts is scheduled for July 1 of this year. With the reform's implementation in Bravos, 24 new judges, including nine special "oral trial" judges, assumed their positions.

The new justice system applies to crimes committed after Dec. 31, 2007. All cases awaiting trial involving crimes committed before Jan. 1 2008 will be tried under the traditional criminal justice system.

There is widespread optimism among judges and attorneys that the new system has the support it needs to succeed at the state level. Chihuahua has drawn international recognition for its justice reforms, which have been lauded by some experts as the most advanced in Latin America. The new penal code came as a

cooperative effort between all three branches of government as well as civil society organizations, and if they go into effect statewide on July 1 as planned, Chihuahua will be the first Mexican state to apply an accusatorial justice system to all crimes at a statewide level.

The reforms, however, are not free of concerns. For one, the Ciudad Juárez city council attempted to further delay the implementation of the bill in order to allow time for municipal police to be properly trained. Municipal police attend to the lion's share of public complaints and emergency calls, and under the new penal code are now responsible for filing various reports on the crime scene, collecting evidence, and interviewing witnesses – responsibilities they did not have under the previous penal code. At the same time bar associations are fretting that the reformed criminal code's preference for out-of-court settlement will whittle down their client base. Also of concern are restrictions that would apparently limit the media's access to local prosecutors. Rodolfo Acosta Muñoz, the state supreme court chief justice, has expressed concern that the application of the new penal code will be particularly complicated in Ciudad Juárez due to the city's proximity to the border and the resulting risk of accused persons fleeing to the United States. Under the new system, pretrial detention is relegated to extreme circumstances, and may need to be reevaluated for the particular context of Juárez.

SOURCES:

Saucedo, Javier. "Hoy, primera audiencia." *El Diario de Chihuahua* 1 Jan. 2008.
Salmón, A., A. Quintero. "Arranca nuevo sistema penal con 24 jueces y 16 defensores." *El Diario de Chihuahua* 1 Jan. 2008.
Red Nacional a Favor de un Sistema de Juicios Orales y Debido Proceso Legal. Web site. <http://www.forojuiciosorales.com/avances.htm>



Morelos: Oral trials for juveniles

Morelos officially initiated its movement toward a reformed justice system on Jan. 14 with the installation of three oral trial judges who will handle cases involving juvenile defendants. The first trial was set to take place on Jan. 15. After witnessing the installation of the Unitary Court of Justice for Adolescents, speaking in front of the three judges and the president of the Juvenile Court, Morelos Gov. Marco Adame Castillo pointed out that Morelos is part of a wave of Mexican states that have adopted oral trial proceedings. He described this measure as a first step in a complete incorporation of oral trials in the procurement of justice in Morelos. "... Beginning today we will have before us adversarial justice with the advantage that it represents in terms of dignity and law the opportunity of defending a cause, of knowing the accuser and of advancing the effort to promote justice as the best means of guaranteeing peace."

SOURCE:

Millán, Alberto. "Inicia justicia oral con adolescentes." *El Sol de Cuernavaca* 15 Jan. 2008.



Durango: Oral trials planned for end of 2008

The president of the Supreme Court of Durango, Apolonio Betancourt Ruiz, has announced that oral trials will be implemented in the state by the end of 2008. He pointed to preparations underway in the areas of training and infrastructure, which are necessary for the success of the planned reforms. In the arena of training, a Master's program in law with an emphasis on oral trial procedures will be introduced in February at the Universidad Juárez in Durango. As for infrastructure, Betancourt Ruiz pointed to progress being made toward the construction of courtrooms in the cities of Durango and Gómez Palacio. In a recent roundtable discussion, Durango's executive, legislative, and judicial branches agreed to collaborate on a comparative study of legal systems in other Mexican states as well as other Latin American countries to contribute to the conceptual framework for implementing oral trials.

SOURCES:

"Va en serio la meta de los Juicios Orales." *El Siglo de Durango* 12 Jan. 2008.
Nava, Francisco. "Latinoamérica influirá en juicios orales de Durango." *El Siglo de Durango* 15 Jan. 2008.

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

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

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