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Recent weeks saw a leveling off in cartel related violence, which Mexican officials attributed to the massive deployment of military troops and federal police, as well as government efforts to bring drug-traffickers to justice and crack down on corruption. Mexican organized crime remained defiant, however, with anti-government “narco-banners” appearing in at least 14 states in mid-May, and a spectacular raid by armed commando to release 53 inmates—including numerous drug traffickers—from a Zacatecas prison. Meanwhile, Congress passed new legislation regarding federal policing and asset forfeiture; the Senate approved legislation on penalties for arms smuggling and on the decriminalization of minor drug possession, but postponed debate on new security initiatives proposed by President Felipe Calderon. There was also a series of corruption scandals: televised statements (later recanted) by former-President Miguel de la Madrid alleged that Raul Salinas had ties to drug trafficking; allegations by controversial businessman Carlos Ahumada about the complicity of the Fox administration in the 2006 videoscandals; and the arrest of 10 mayors and at least 18 other government officials in the state of Michoacán on drug corruption charges. With regard to access to justice issues, domestic and international human rights organizations continued their efforts to address femicides, military and police abuses, prisoner mistreatment, violations of press freedom (including the May murder of journalist Carlos Ortega Melo Samper), and access to justice for indigenous people. Around the states, Mexico City sought to apply its asset forfeiture laws outside of its local jurisdiction; Tlaxcala promoted greater attention to the state’s justice reforms; and Chiapas human rights groups made allegations of torture.

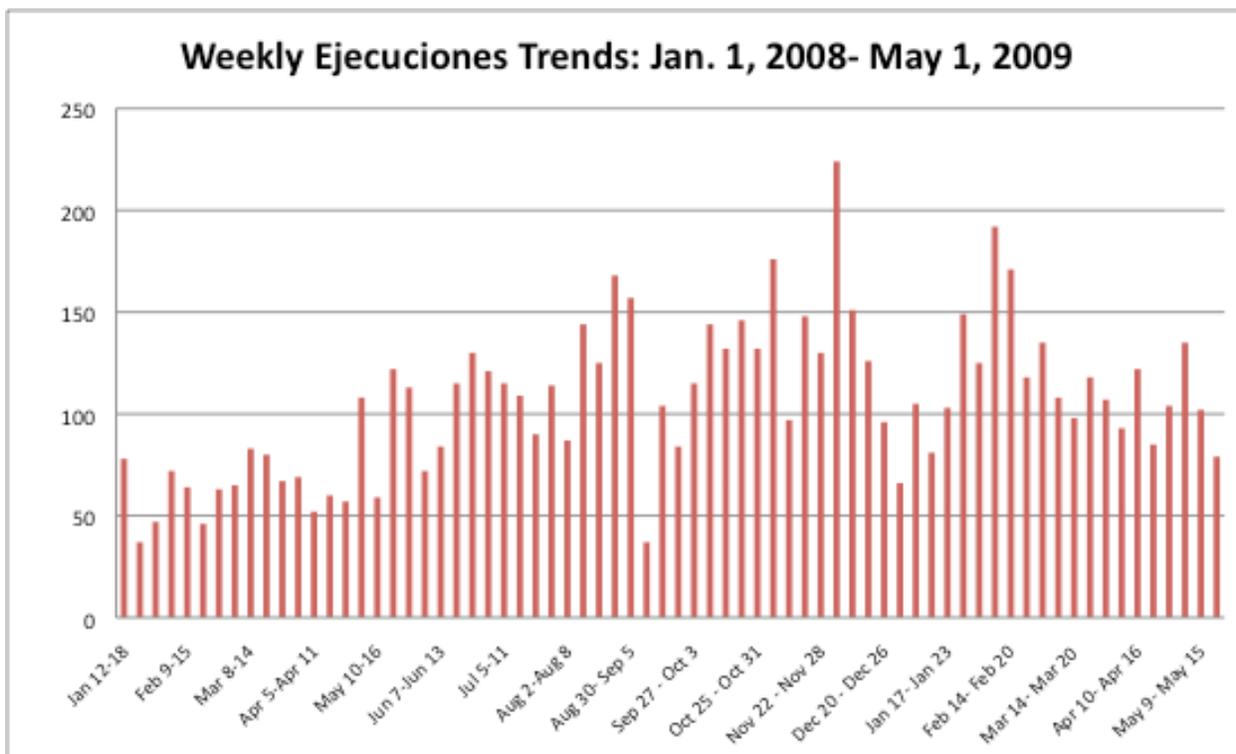
LAW AND ORDER

CARTEL VIOLENCE

Cartel violence levels off nationwide, though already nearing 2007 numbers; alleged cartel operators continue to fall

After a sharp downswing in cartel-related slayings, or *ejecuciones*, in reported in April’s news report, such killings have leveled off since our last reporting period, according to *Reforma’s Ejecutometro 2009*. As of

May 15, the number of nationwide *ejecuciones* was at 2238, up from 1815 a month before, and just 37 shy of the 2007 nationwide total. Chihuahua has remained calm over the past month relative to the levels of violence seen before thousands of soldiers and federal police were deployed there in March; though it still saw the most *ejecuciones* of any state, with well over 100. Durango and Guerrero, the next most troubled states, continue to register steady increases in cartel slayings, with 259 and 215, respectively. Durango currently has a smaller military presence than other troubled states, and cartel fighting in that state could in the future test the reach of President Calderón's strategy of deploying troops and federal police to combat surges in violence.



Baja California, which continues to see drastically lower levels of cartel killings as compared to the final months of 2008, nevertheless was the scene of some of the more high-profile killings over the past month. Over the period of an hour on April 29, seven police officers were shot dead and three wounded in five locations in Tijuana. Four were killed at one scene in the east end of the city. Regardless, nationwide killings of police have slowed in the first 19 weeks of 2009 to 151 total, as compared to 244 in the final 19 weeks of 2008. Also in Tijuana, four U.S. citizens residing in San Diego County were found murdered with signs of torture in a van in an eastern Tijuana neighborhood. The victims were between 19 and 23 years old, and Baja California Attorney General Rommel Moreno Manjarrez told said that he presumed they had criminal ties in Mexico and the United States.

The federal Attorney Generals Office (PGR) declared the operational collapse of the Arellano Felix cartel with the apprehension of Isaac Godoy Castro, or "El Dany." Police and soldiers arrested Godoy along with six others at his gym in late April. The PGR alleges that his role as gym proprietor was a front for a major drug trafficking operation under the command of Fernando Sánchez Arellano, or "El Ingeniero," believed to be the current leader of the Arellano Felix cartel.

On May 18, elements of the Mexican military also captured in Monterrey, Nuevo León Rodolfo López Ibarra, or "El Nito," the suspected leader of the Beltrán Leyva cartel in the region. According to Mexican authorities, López Ibarra replaced Héctor Huerta Ríos, who was detained in March of this year. On May 22, the military also captured alleged Gulf Cartel operative Raymundo Almanza Morales, alias "El Gori," a

key lieutenant of the organization who is also listed on the list of Mexico's top 37 most wanted drug-traffickers.

SOURCES:

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"Narco-banners" appear in at least 14 states

So-called "narco-banners" were hung in cities throughout Mexico in mid-May, including the border states of Chihuahua, Tamaulipas, and Sonora, the Pacific state of Guerrero, and the Gulf state of Veracruz. As in the past, the banners were displayed in high-profile locations, such as above highway overpasses. They bore messages similar to previous banners, charging high-ranking Calderón administration officials, including Public Security Secretary Genaro García Luna, with complicity in drug trafficking operations. The banners began to appear shortly after a federal judge authorized the federal Attorney General's Office to detain 14 suspected members of the Beltrán Leyva cartel captured in Cuernavaca, Morelos.

Banners hung in Chihuahua also corresponded with President Calderón's May 14 visit to Ciudad Juárez, during which he lauded troops for the progress they have made in battling the drug cartels. As though to preempt his statements, the banners leveled accusations of torture and other injustices at the hands of federal police.

These banners also seemingly attempted to take a moral high ground, requesting that President Calderón not interfere with presumed cartel operatives' family members, and to acknowledge the "class of people" in charge of the war on the drug cartels. "We do not commit injustices, and never break our codes," said one. Police have reportedly arrested and detained parents, brothers and sisters, and in some cases grandparents of the La Familia and Beltrán Leyva organizations.

It is not clear whether such public messages sway public opinion one way or another, but the banners do demonstrate a high level of coordination, and authorities are always quick to respond. Nevertheless, no one has been indicted on charges related to making or hanging the banners. Members of the National Action Party (PAN), of which President Calderón is a member, insist that the narco-banners are a sign that the president's efforts in combating organized crime have been effective in putting drug cartels on the defensive.

Ironically, the day after the banners were hung in Chihuahua demanding respect for the sanctity of cartel members' families, gunmen killed a municipal police commander, his wife and two children, 16 and 9 respectively, three other members of his family and a neighbor near Villahermosa, Tabasco. No possible motives or suspects have been mentioned in the press to date.

SOURCES:

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PUBLIC SECURITY LEGISLATION

Calderón proposes new security initiative; Senate postpones debate until after election

The Senate has decided to postpone its debate over public security proposals recently sent by President Calderón until after the June elections. The proposals seek to reform the penal code to increase sentences for military personnel involved in organized crime, and for those carrying out attacks on public servants and candidates for public office, as well as to increase punishments for possession of

unauthorized firearms. Senators have expressed concern that discussion on the important measures could be “contaminated” by the electoral process.

Specifically, Calderón’s military justice initiative proposes a sentence of up to 60 years in prison for members of the Mexican armed forces found in collusion with organized crime. According to University of Guadalajara professor Marcos Pablo Moloeznik in a forthcoming Trans-Border Institute publication titled *Police and Public Security in Mexico*, defection presents a very serious concern for the Mexican military.

All told, during the course of the Fox administration from December of 2000 to December of 2006, the Ministry of National Defense lost 123,218 elements, some of whom –Moloeznik notes– likely joined the ranks of organized crime, as was the case for the elite military units that formed Los Zetas, which defected to form part of the Gulf Cartel. The total number of desertions over the Fox administration amounted to slightly more than a third of the total number of personnel currently enlisted in the military. Moreover, it is not clear that military defections are on the decline. During the first six months of Calderón’s term alone, the number of defections increased by a rate of roughly 1,000 troops per month.

The Calderón initiative also seeks to protect public servants, with penalties of between 10 and 20 years in prison for those who kidnap public servants or candidates for public office. The president has also requested modifications to the National Security Law that would clearly define the circumstances and procedures under which the military participates in matters of public security. The National Security Law initiative coincides with a Human Rights Watch report charging the failings of the military justice system in over 70 cases of alleged abuse by soldiers over the past two years. The HRW report is discussed in the Access to Justice section below.

SOURCES:

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Congress makes ground on legislation regarding drug possession, asset forfeiture, arms smuggling and federal police powers

The Mexican Congress passed a flurry of legislation in the waning days of April defining terms for drug prosecutions, asset forfeiture laws, and surveillance powers for federal police. The rapidity with which the bills were passed has received some criticism from abstaining legislators and the press.

On April 30, the Federal Police Law made its final passage through the Chamber of Deputies after the Senate made its final changes to the bill. The law allows agents from the Federal Police to listen in to telephone conversations and monitor internet correspondence in efforts to prevent crime. The law requires authorization from a judge, and agents will operate under the jurisdiction of the Attorney General’s Office.

Also at the end of April, the Senate approved a reform to the Federal Firearms and Explosives Law to strengthen penalties against public servants found to be complicit in the trafficking of weapons into Mexico. The reform would impose prison sentences in such cases of a minimum 15 years and a maximum 45 years. The bill, which was proposed by six senators from the Institutional Revolutionary Party (PRI), currently awaits deliberations in the Chamber of Deputies.

With 87 votes in favor and 10 abstentions, the Senate also approved a law establishing parameters for prosecuting possession of controlled substances in amounts exceeding those deemed reasonable for personal use. The law designates up to 5 grams of marijuana, 2 grams of opium, 50 milligrams of heroin, and 500 milligrams of cocaine as amounts destined for personal, immediate consumption, and not to be prosecuted. Those found possessing amounts exceeding these will face stiffer prosecution under the new law. The law also stipulates that the Secretary of Health must develop a nationwide strategy for the

prevention and treatment of drug addiction. Under the law, treatment programs would be optional until an individual's third referral from the Attorney General's Office, at which point treatment would become obligatory. Known as the *ley contra narcomenudeo*, the bill also awaits discussion in the Chamber of Deputies.

For its part, the Chamber of Deputies modified the asset forfeiture legislation passed by the Senate in April that would authorize the Attorney General's Office, armed with a court order, to seize assets suspected to aid in or be the product of criminal activity. Most importantly, the justice committee voted to establish judges specializing in matters of asset forfeiture, a change ultimately accepted by the Senate in the bill's final passage. The law now goes on to the executive for signing. A similar law is already in effect in the Federal District.

The so-called "fast-track" legislation that led to the passage of the *narcomenudeo* and asset forfeiture laws in the last days of April have received some criticism because the two measures received too little legislative and public scrutiny. Some abstaining legislators complained that they had not had time to read the bills in their entirety. Also, the legislation was largely ignored by the national media, which was caught up in tracking the progress of the H1N1 flu virus in the country.

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Gómez, Ricardo and Jorge Ramos. "Senado aprueba con cambios nueva Ley de la Policía Federal." *El Universal* April 30, 2009.
Arvizu, Juan and Andrea Merlos. "Mayoría en San Lázaro aprueba ley de extinción de dominio." *El Universal* April 30, 2009.
Mejido, Manuel. "Alto Poder." *El Sol de México* May 9, 2009.

POLICE REFORM

With violence down in Ciudad Juárez, police reform enters spotlight

In a visit to Chihuahua to talk with local and military officials about the security situation in the state, President Calderón acknowledged that the Mexican military is key in confronting the nation's powerful drug cartels, but reiterated that troop deployments cannot be a long-term strategy for addressing drug violence that has hit Ciudad Juárez particularly hard over the past year. While lauding soldiers' efforts in restoring order to the embattled city, he also called on local officials to step up the process of rebuilding the local police forces, currently under the control of the military.

For his part, Juárez mayor José Reyes Ferriz reports that advancements are being made in the process of evaluating and reforming the municipal police force. He says that the city of 1.4 million currently has 1,900 active police officers currently undergoing evaluations, and that he hopes for the number of "trustworthy" police officers to reach 3,000 by the end of the year. 700 officers have recently left the force, he said, and are being replaced by graduates of the city's new police academies. Reyes had said the previous week that troops will need to remain in the city at least until September, at which point municipal police forces will undergo a final evaluation to determine their readiness to take over security duties. At that point, he hopes to begin to slowly draw down military control over public security in the city.

SOURCES:

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PRISON SECURITY

Armed commando frees 53 prisoners from Zacatecas prison

In the early hours of Saturday May 16, an armed group entered the prison in Cineguillas, Zacatecas, and freed 53 prisoners without firing a shot. According to Zacatecas Governor Amalia García, preliminary investigations point to probable official involvement in the prison break, and the 20 gunmen who descended on the prison in 10 SUVs are presumed to be linked to the Gulf Cartel. Officials have speculated that the break-in was a direct response to recent arrests and drug seizures dealt to drug gangs in the region.

A search is currently underway by state and federal law enforcement agencies as well as the military, spanning the neighboring states of Aguascalientes, San Luis Potosí, Durango, and Jalisco. Officials are using two Blackhawk helicopters in the search, recently acquired from the U.S. government as part of the Merida Initiative.

Hortensia Aragón, president of the Democratic Revolutionary Party (PRD), told reporters that Governor García had submitted at least a dozen requests to the federal government for prisoner transfers from the prison, citing concern over the number of inmates linked to powerful drug gangs. For her part, García said she is working closely with the state Attorney General's Office to carry out a timely and thorough investigation.

In the meantime, *Reforma* newspaper published prison security videos on its website, which shows armed commandos dressed as government agents arriving at the prison, singling out their targets for release, and departing the prison in less than three minutes. State officials say that preliminary investigations suggest that the gunmen received some support from inside the prison, and are inquiring into how the gunmen were able to bypass federal checkpoints going to and from the prison.

The state's public security director, Alejandro Rojas Chalico, resigned on Friday May 22 in light of the prison break, after taking command of the agency only in March. The 40 guards who were at the prison during the break as well as the prison director are being held in isolation in order to determine their involvement. Elsewhere, state prison directors are currently under investigation in Durango and Chihuahua for suspected involvement in prisoner escapes, both in March 2009.

SOURCES:

Mejía, Irma. "Comando libera a 53 reos sin disparar, en Zacatecas." *El Universal* May 17, 2009.
Álvarez, Xóchitl. "Amalia García había pedido reubicar a reos peligrosos, advierten." *El Universal* May 17, 2009.
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U.S-MEXICO COOPERATION

U.S. Congress continues to be at odds over Mérida Initiative funding

As of May 15, the two chambers of the U.S. Congress were far from reconciled as to appropriations for Mexico as part of the Merida Initiative, the planned 3-year, \$1.6 billion aid package to supply Mexico – along with Central American and Caribbean countries– with surveillance equipment, training, and information technology. To date, Congress has released \$700 million to Mexico as part of the package, with the federal Attorney General's Office receiving the largest share. On May 15, the Mexican government received 8 armored vehicles as part of the aid package to help protect federal police agents during counter-narcotics operations.

On May 15, the House of Representatives approved an additional \$470 million as part of a supplemental spending bill to continue funding the wars in Iraq and Afghanistan, which also earmarks aid for the Pakistani government to help in its struggles with the Taliban. The appropriations would in part supply Mexico with four Blackhawk helicopters, and three additional surveillance aircraft. For its part, the Senate

only approved \$66 million to supply Mexico with two additional Blackhawk helicopters promised by Pres. Obama and Secretary of State Hillary Clinton during their visits to the country.

Pres. Obama has included an additional \$550 million for the Merida Initiative in his 2010 budget proposal, \$450 million of which would be destined for Mexico, accompanied by \$27 billion for border and transportation security, an 8 percent increase over this year.

In the U.S. Congress, House Foreign Affairs Committee chairman Howard Berman has introduced an appropriations authorization bill for the State Department's 2010 and 2011 budget that seeks to define a number of requirements for the executive branch to ensure appropriate application of Merida Initiative funds. The bill requires that the president designate a Coordinator of United States Government Activities to Implement the Merida Initiative responsible for overall strategy design, coordinating all involved U.S. agencies and participating nations, and coordinating with U.S. law enforcement authorities regarding border security. The bill also expresses the intent to direct more money to Caribbean countries, citing recent rises in murder rates in the region.

Aside from expressing a need to establish clear, research-based methods for measuring the success of resource allocations and requiring the president to report annual progress to congressional committees, the Berman bill also requires annual reports of human rights impacts of Merida Initiative assistance in accordance with the Foreign Assistance Act of 1961 and the Trade Act of 1974. The bill also requires assurance that the Mexican Federal Registry of Police Personnel serves its purpose of preventing rehiring from one police force to another after an officer has been dismissed for "corruption or other reasons." Finally, the bill requires detailed reporting on contracts awarded to private companies under the umbrella of the Merida Initiative, details on the phasing out of armed forces' participation in law enforcement activities in recipient countries, and impact reports on border violence and security.

The House Foreign Affairs Committee was scheduled to take up the authorization bill on Wednesday, May 20. While the authorization is far yet from reaching approval in Congress, it reflects human rights and accountability concerns voiced by many Democrats from both chambers since Pres. Bush first introduced the proposal in late 2007.

SOURCES:

Gorman, Anna and Peter Nicholas. "Obama budget puts security first at the border." *Los Angeles Times* May 6, 2009.
Brooks, David. "Condicionará el Congreso de EU los recursos de Iniciativa Mérida." *Vanguardia* May 16, 2009.

TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Former-Mexican President de la Madrid issues allegations of corruption; later retracts statements

Former-Mexican President Miguel de la Madrid Hurtado (1982-88) expressed his disappointment with his successor, Carlos Salinas de Gortari (1988-1994), in an interview with talk show host Carmen Aristegui on April 15.

In the interview, which was broadcast on May 13 and remains available online in [written](#) and [audio format](#), former-President de la Madrid indicated that he was disappointed with the "immorality" of the Salinas administration, and specifically alleged impropriety on the part of Salinas' brothers —Raúl and Enrique— in procuring government contracts from PEMEX. In addition, the former-president acknowledged that he had access to intelligence information indicating that Raul was complicit with drug cartels and helped to launder their funds through Swiss bank accounts.

While most of his condemnations targeted Raúl Salinas, De la Madrid also indicated that there was a strong possibility that President Salinas may have stolen from the “secret budget line” (*partida secreta*) that permitted the president the discretion to use federal funds without disclosure to Congress. Regarding his selection of Salinas as his successor, De la Madrid stated, “I feel very disappointed, I was wrong.” However, de la Madrid stopped short of asserting the need for a criminal investigation of Carlos Salinas, stating, “it would not be convenient.”

After his statements were aired, the 74-year-old former president blamed his statements on ill health and confusion, and retracted his comments. Carlos Salinas also issued a statement indicating that he was pained because he believed his predecessor to be ill, and that he felt “indignation for the lack of respect [showed to de la Madrid] and to the viewers.” However, the notion that de la Madrid was disoriented was challenged by political commentators and medical experts who perceived his responses to be “lucid.”

According to an account reported in the daily newspaper *El Universal*, de la Madrid’s retraction was allegedly encouraged by members of the former-president’s family and close friends. Enrique and Federico de la Madrid and high-level operatives from his own administration —former-PEMEX director Francisco Rojas, former-personal secretary Emilio Gamboa, and former-Mexico City mayor Ramón Aguirre— reportedly spent seven hours urging de la Madrid to recant his statements. According to the same accounts, this effort was allegedly orchestrated by Carlos Salinas from his current residence in London.

Despite his retraction, de la Madrid’s allegations prompted the Secretaría de la Función Pública (SFP), Mexico’s federal ministry of public administration, to review its legal mandate to investigate Salinas’ use of the *partida secreta*.

SOURCES:

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Ruth Rodríguez, “Está lúcido, dice experto,” *El Universal* May 14, 2009.
“El día que ‘enfermó’ De la Madrid,” *El Universal* May 15, 2009.
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Zacatecas senator takes a leave of absence on allegations of family drug-ties

Ricardo Monreal Ávila, former-governor of Zacatecas (1998-2004), took leave of his senatorial position in response to charges that his brother, Cándido, is involved in drug trafficking. Rumors about the Monreal family have circulated for several months, with the recent charges bringing national attention to a series of allegations and counter-claims that reveal long-standing tensions in local Zacatecas politics.

The Monreal family has been at the center of several controversies in the state of Zacatecas in recent months. According to *El Universal*, in the fall of 2008, a series of anonymous e-mails —attributed to the Monreal family— charged that Governor Amalia García was involved with *Los Zetas*, a commando unit that is believed to have taken over the operations of the Gulf Cartel. Later, David Monreal, the mayor of Fresnillo and the brother of the senator, issued a complaint that the Zacatecas state government was distributing pamphlets bearing false claims against his family, including alleged ties to organized crime.

In the most recent round of allegations, Cándido Monreal was indicted on Friday, May 22, on charges of harboring more than 14 tons of marijuana on one of his properties. Despite calls from political opponents for a full investigation of Senator Monreal as well, the Federal Attorney General’s office (PGR) indicated that there were presently no charges or inquiries pending against him. In proclaiming his leave of absence, Senator Monreal issued a formal statement defending his 33-year history as a politician, and describing it as one characterized by hard and honest work.

Further, the senator alleged that he and his family were the victims of a vicious “mud-slinging campaign” by Governor García, as well as members of the National Action Party (PAN). A fellow Workers’ Party (PT) senator, Alejandro González, also asserted that the affair was a “smokescreen” to distract from the 53

felons who escaped from the maximum security prison in Cieneguillas, Zacatecas a few days before. Ricardo Monreal went even further by intimating the possible complicity of the García administration with drug-traffickers as a factor that may have facilitated the prisoners' escape. García responded that it was an act of "cowardice" to make such charges without proof.

The controversy belies long-standing tensions between the former- and current-governor, and brings national attention to local politics in Zacatecas. Over a decade ago, after several years of service in the Institutional Revolutionary Party (PRI), Monreal was passed over for his party's gubernatorial nomination. After this snub, Monreal defected and ran instead as the candidate of the Party of the Democratic Revolution (PRD). His election in 1998 gave the left-leaning opposition party its third state-level victory in history (after Baja California Sur and Mexico City).

At the end of his term in 2004, Monreal's chosen successor for the PRD's gubernatorial nomination was unable to defeat Amalia García, a challenger from a rival faction with deeper roots in the party. During the state's midterm elections in 2007, Monreal ran afoul of the governor and the PRD's national party leadership when he openly supported candidates for opposing parties (including his brother David's successful mayoral candidacy for the PT in Fresnillo). The PRD thereafter initiated proceedings to expel Monreal from the PRD, finally leading him to defect to the PT in December 2008 (his separation from the PRD was finalized on May 10, 2009).

On Saturday, May 23, Monreal indicated that he and his family were analyzing the possibility of returning to his post in the Senate as early as the following week.

SOURCES:

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de la Luz González, María. "Cándido Monreal, indiciado" *El Universal* May 20, 2009.
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Ramos Pérez, Jorge. "Monreal analiza su regreso al Senado," *El Universal*. May 23, 2009.

Carlos Ahumada levies allegations against Salinas, Fox, and Fernández de Cevallos

Carlos Ahumada has released a new book levying charges against former-President Carlos Salinas, former-President Vicente Fox, and former-Senator Diego Fernández de Cevallos. Ahumada is an Argentine-born businessman whose family moved to Mexico in his youth, and who was at the center of the 2006 "video scandals," in which he allegedly attempted to corrupt Federal District officials from the center-left Democratic Revolution Party (PRD) with tens of thousands of U.S. dollars in cash.

Some city and borough officials resigned from their posts after the release of the videos, which were initially made public by members of the Institutional Revolutionary Party (PRI) and the National Action Party. The scandal was believed to have had negative implications for PRD presidential hopeful Andres Manuel López Obrador, who served as Mexico City mayor from 2003 to 2005. López Obrador's former-personal secretary and close confidant René Bejarano was among those implicated in the affair.

For his part, Ahumada initially fled to Cuba, reportedly to avoid prosecution by Mexican authorities. Ahumada was later apprehended, brought back to Mexico, and prosecuted on charges of corruption. However, in May 2007, he was released from prison upon acquittal.

In May 2009, Ahumada released a tell-all book in which he alleges that the entire video scandal was masterminded by Carlos Salinas, who allegedly paid him 35 million pesos (approximately \$3.2 million USD) for copies of the videos. Ahumada claims that Salinas —the "brains" behind the video scandal— informed him that then-President Fox and PAN Senator Fernández de Cevallos were complicit in the release of the videos, with the evident objective of hobbling the PRD in the lead up to the 2006 presidential elections. In exchange for the videos, Ahumada alleges that Salinas obtained amnesty from prosecution for his brother Raul, who was released from prison in June 2005. Ahumada alleges that Fernández de Cevallos served as the "coordinator" in releasing the videos.

Since Amuhada has a history checkered with multiple criminal charges for influence peddling, many viewed his charges with skepticism. However, an editorial by *El Universal* urged that his allegations be taken seriously, “because in this country his accusations are credible: manipulation of the judicial system against political adversaries, corruption of high level officials, governors who take money from public funds at the behest of former-presidents and other de facto powers in electoral contests.”

SOURCES:

“Videoescándalos: ‘Salinas, el cerebro y Diego, el coordinador.’ *Proceso* May 6, 2009.
 “Cronología del caso Ahumada,” *El Universal* May 8, 2009.
 “¿Le creemos a Ahumada?” *El Universal*

Federal crackdown on corruption in Michoacán: Nearly 30 local officials arrested

The Federal Preventive Police (PFP) and the office of the Special Assistant Attorney General for Organized Crime (SIEDO) detained several mayors and other local officials in the state of Michoacán, the home-state of President Felipe Calderón and a long-time locale for the production and transit of drugs. The local officials arrested are believed to have ties to the “La Familia” organization, one of multiple cartels operating in the state, including the Gulf Cartel and the Cartel del Milenio organization. For all those in federal custody, SEIDO had 96 hours to decide its next legal steps, and to implement the use of *arraigo* —detention without sentencing— if necessary.

Mayors Arrested in Michoacán on Drug Corruption Charges		
Name	Municipality	Party
Gernaro Guizar Valencia	Apatzingán	PRD
Uriel Farias Alvarez	Tepalcatepec	PRI
Jairo Germán Rivas	Arteaga	PRI
Antonio González Rodríguez	Uruapan	PAN
Audel Méndez Chávez	Coahuayana	PRI
Osvaldo Esquivel Lucatero	Buenavista	PRD
Adán Tafolla Ortiz	Tumbiscatio	PRI-PVEM
Juan Antonio Ixtlahuac Orihuela	Zitácuaro	PRI
José Cortez Ramos	Aquila	PRI
José Luis Ávila Franco	Ciudad Hidalgo	PAN

Ten mayors were arrested simultaneously on May 26th and transported to Mexico City during an unprecedented federal operation in at least 12 of the state’s 113 municipalities. The next day, *el Universal* reported the arrest of an eleventh mayor — Francisco Estrada García a PRI mayor from the municipality of Nuevo Urecho— who was transported immediately to Mexico City. However, Milenio

subsequently reported that Estrada García was not arrested, and was attending to his public duties in Nuevo Urecho. In addition to the mayors in federal custody, the press reported that Armando Medina Torres (PRI mayor of Nueva Italia and leader of the state’s mayoral organization) and Manuel Sánchez Pardo (PRI mayor of Parácuaro) were also wanted and still at large in the wake of the operation. Including these two fugitive mayors from the PRI, the arrests netted eight mayors from the Institutional Revolutionary Party (PRI), and two each from the National Action Party (PAN) and the Party of the Democratic Revolution (PRD).

At least 18 other state and local officials were also arrested in the operation. These officials included Mario Bautista Ramírez (the state’s former-director of public security and head of the state’s police training institute), Ricardo Rubi Bustamante (state director of industrial promotion), Ramon Ponce Ponce (coordinator of the states prosecutor’s office), Miguel García Hurtado (a former state attorney general who turned himself in voluntarily on March 26th), various heads of local police agencies, as well as high-ranking officials and advisors in the administration of PRD Governor Leonel Godoy Rangel. PRD officials complained that the state’s governor, also from the PRD, had not been informed prior to the operation.

Given the proximity of the July 2nd midterm elections, the arrests have major implications for the electoral contest in Michoacán and perhaps nationally. The electoral atmosphere in Michoacán was already tense, given that the PAN appeared poised to rally in the PRD-governed state. Earlier in May, one poll in the state indicated that 38% of respondents supported the PAN, while 33% supported the PRD and 24%

supported the PRI. PRD officials rejected the idea that the arrests would damage the party's prospects in the upcoming election.

Geographic dimensions of the raid:

Most of the 10 mayors and other officials arrested on May 26th came from municipalities in the southwest portion of the Pacific coastal state. Drug cartels likely benefited from access to rural production areas and proximity to coastal smuggling routes. One exception was the city of Uruapan, the largest municipality targeted by the operation, located in the center of the state and home to nearly 300,000 people. Of the municipalities in question, Uruapán was also the one with the most cartel-related killings (25) in 2008.

Yet, the timing of the operation in the weeks before the election raised suspicions that the federal government was intervening in state politics to give an advantage to the PAN, the president's party. Adding to these suspicions, President Calderón's sister, Luisa María Calderón Hinojosa, is in charge of the PAN's campaign operations in the state, and had clashed publicly with one of the fugitive mayors, Medina Torres, over electoral issues.

PRD party chairman Jesús Ortega urged that the fight against crime not be used for political purposes. Governor Godoy indicated that he had informed the federal government about possible corruption among local mayors in Michoacán since 2008, and questioned the government's decision to act only two months before the election. Andres Manuel López Obrador, who narrowly lost the 2006 election to President Calderón, charged that the operation was part of a long line of distractions—from the *chupacabras* to the H1N1 scare—orchestrated by both the PRI and the PAN to

manipulate Mexican public opinion. Campaigning in Oaxaca for candidates in the midterm election, López Obrador further charged that an operation is needed to root out the "cartel de Los Pinos" (referring to the Mexican White House).

The operation was unprecedented in scope and brought to national attention to the pervasiveness of local corruption in Michoacán. In light of this revelation, the civic group Mexico United Against Crime urged other states to investigate other local officials for possible ties to organized crime. The group's director, Ana Franco, said that "it seems to me that there are also governors involved in narco-trafficking and that they should also be detained and arraigned."

Indeed, the fallout from the operation may go well beyond those officials already arrested, with reports circulating that dozens more—possibly including some federal legislators—are currently under investigation and may be indicted for organized crime ties.

SOURCES:

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Rivera, Rafael. "Federales detienen a otro alcalde michoacano." *El Universal* May 27, 2009.
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De la Luz González, María and Francisco Gómez. "Histórico: PGR pega al gobierno en Michoacán." *El Universal* May 27, 2009.
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Morales, Alberto. "Muñoz Ledo percibe uso electoral de operativo en Michoacán." *El Universal* May 27, 2009.
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Sánchez, Virgilio. "Operativos deben ser en Los Pinos—AMLO." *Reforma* May 27, 2009.
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Notimex, "Citan a 36 personas más por caso Michoacán." *El Universal* May 28, 2009.

HUMAN RIGHTS

Human Rights Watch and Amnesty International: Mexican authorities committing human rights abuses in the drug war

In Mexico's fight against organized crime, members of the Mexican military and police have committed grave human rights violations—including extrajudicial killings and torture—according to Human Rights Watch and Amnesty International (AI).

The deployment of 45,000 military troops and thousands of federal police around the country has raised serious concerns among domestic and international human rights advocates. In April, Human Rights Watch (HRW) appealed to the Mexican government to hold the military accountable for what it characterized as systematic human rights abuses against detainees, contradicting previous official statements that abuses happened at the hands of only a few rogue soldiers. HRW characterized the military justice system as ineffective and ultimately undermining security and antidrug efforts.

In its 76-page report, "Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations," HRW examines 17 cases of abuse, many during 2007-2008 and involving alleged acts of killing, torture, rape, and arbitrary detention of over 70 victims. According to the report, none of these alleged violations has led to the conviction of a soldier in a military court. One civilian investigation resulted in the conviction of four soldiers in Sinaloa last year.

A central criticism of the report is that with the military justice system in place the Secretary of Defense maintains both executive and judicial control over the armed forces, resulting in the lack of a true system of checks and balances. By invoking the Code of Military Justice, the military has exerted jurisdiction over cases of alleged abuse at the hands of military officers while "in service." The situation has been complicated by the military's ever-increasing role in domestic security operations.

The report advises President Calderón to move all investigations of alleged human rights abuses to civilian courts to lend transparency to the proceedings, ensure public trust, and ultimately strengthen the Mexican government's ability to improve public security.

In May, Amnesty International released its annual [Mexico country report](#) for 2009, highlighting "grave abuses" by military and police, many of which had also been previously identified by the Mexican Human Rights Commission. According to the AI report, 2008 brought a sharp increase in complaints against military personnel for "unlawful killings, torture, ill-treatment, arbitrary detention and illegal house searches," as well as complaints against police for widespread use of "unlawful killings, torture, excessive use of force and arbitrary detention."

The AI report provides several illustrations of human rights violations in Mexico: military personnel opening fire on a vehicle occupied by unarmed civilians; police shooting without apparent cause or warning at a car (killing 17 year-old pedestrian nearby); the apparent extrajudicial execution of four indigenous people; excessive use of force by authorities that provoked deadly riots in the La Mesa state prison; the use of suffocation and tear-gas to extract a confession from two indigenous crime suspects; the beating of protestors who were also forced to walk on hot cinders; official beatings, rape and other harassment of migrants by Mexican immigration authorities; and on-going failure of authorities to resolve a series of brutal murders of women in the state of Chihuahua.

For its part, Mexico's National Human Rights Commission (CNDH) in Chihuahua recently documented alleged cases of torture by soldiers of detainees in that state. The CNDH has also criticized the use of military courts to try soldiers accused of committing abuses against Mexican civilians. Nonetheless, human rights groups including HRW have criticized the CNDH, and its president José Luis Soberanes in particular, for not fully exercising the organization's powers to protect Mexico's citizens against abuses of power.

SOURCES:

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- Amnesty International, "Mexico," <http://thereport.amnesty.org/en/regions/americas/mexico>
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- "El discurso de Soberanes no corresponde con su actuación en la CNDH, dice ONG Ángeles Cruz Martínez." *La Jornada* March 22, 2009.
- "Mexico: Hold Military to Account on Rights Abuses." *Human Rights Watch* Press Release April 29, 2009.
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Mexico City Human Rights Commission offers recommendations on 2008 police abuses in disco

In June 2008, 12 people, including 9 minors, were killed during a police action targeting the News Divine discotheque in the Gustavo A. Madero delegation of Mexico City. Almost one year later, the media revisited issues related to a disastrous police crackdown on a crowded discotheque by Mexico City authorities.

The newspaper *El Universal* reported on the ongoing investigation into the case, which has been characterized as one of the largest, most complicated in the capitol's history. Judges and litigants in the case agreed that few cases have been more complex or far-reaching in recent memory than the investigation of the News Divine case. Proceedings have been ongoing daily for the last several months, with 17 lawyers defending police from the Federal District Ministry of Public Security (SSP-DF) and the Federal District Attorney General's office (PGJDF). The investigation has resulted in legal proceedings against 37 people, as well as the filing of dozens of injunctions. Prosecutors have requested the indictment of an additional 11 people, which would bring the number of defendants to 48 people.

To date, only two people are being held in preventive prison as a result of the investigation: club-owner Alfredo Maya Ortiz, who is charged with 7 to 12 years in prison, and policeman Jesús Estaban Cortés Alcántara. Maya was unable to obtain bail because of concerns that he was a flight risk, while Cortés was unable to pay the amount of his bail.

Former-UNIPOL commander Guillermo Zayas González is charged with 12 counts of manslaughter, and faces between 8 and 20 years in prison if found guilty. In addition to possible jail time and fines, public officials may also be removed from the force and/or deprived of future public sector employment for up to 10 years. Alejandro Garniño Tejeda, 2006 policeman of the year in his unit, was also charged with inappropriate conduct and abuse of authority.

Meanwhile, also in May, the Federal District Commission on Human Rights (CDHDF) accepted the critique and recommendations made by the National Human Rights Commission (CNDH) regarding omissions made by the CDHDF in the investigation of the News Divine case. At the same time, authorities from the CDHDF also noted that the national commission, headed by José Luis Soberanes, had no legal mandate to review CDHDF investigations.

SOURCE:

- Martínez, Diana. "Acepta CDHDF recomendación," *Reforma* May 20, 2009.
- López, Yáscara. "Rezan por las víctimas del News." *Reforma* May 21, 2009.
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Inter-American Commission on Human Rights hears Juárez femicide case

Hearings in the Inter-American Human Rights Court (CIDH) on the case of three young women murdered in Ciudad Juárez in 2001 concluded on April 29 in Santiago, Chile. Esmeralda Herrera Monreal, Claudia Ivette González and Laura Berenice Ramos Monárrez were found dead in a cotton field outside the Chihuahua border city in November 2001 showing signs they had been tortured and raped.

The case was presented to the CIDH in November of last year by the Inter-American Commission on Human Rights, which charged the Mexican government with "a lack of prevention and negligence" in the three femicides, along with an estimated 400 more since 1993. Families of the victims and other

advocates have long spoken out against institutional violence and negligence on the part of Mexican law enforcement officials that they say continue to contribute to femicides in Juárez and beyond.

Specifically, the Commission charged the Mexican government with violating the women's right to life, and their right to access to the justice system, as outlined in the American Convention on Human Rights. It also leveled the charge of permitting the existence of violence against women, thus breaking with the Inter-American Convention for Preventing, Sanctioning and Eradicating Violence against Women, also known as the Convention of Belem do Pará.

The Spanish attorney representing the three women's families expressed his satisfaction that their voices had been heard by the court, and that Mexico will be compelled to respond. Around 50 civil organizations from Mexico and other countries signed and sent a petition to the court urging it to recognize the "grave and persistent violations of human rights of women that the Mexican state has incurred."

For their part, Alejandro Negrín, director of human rights and democracy for Mexico's State Department, and Patricia González Rodríguez, attorney general of the state of Chihuahua, acknowledged that there were omissions and irregularities in the investigations surrounding the deaths of the three women at issue in this case along with many more. Nonetheless, their case focused on attempting to demonstrate to the court that since 2004 Mexico has employed its judicial, police, and administrative institutions in making honest efforts to impart justice in cases of gender violence. González told the court that Mexican authorities had established the identities of two suspects in the killings of two of the women, and that 201 Juárez femicides have resulted in sentences, claims that mothers of the three victims present at the hearing flatly denied. The CIDH requested that the Mexican government provide it with detailed accounts of those trials.

Both sides must now submit their respective cases in writing to the CIDH by June 1 of this year. A decision by the court, which could include sanctions for the Mexican government, is expected by November of this year.

SOURCES:

Marín, Francisco. "Concluyen en Chile las audiencias por feminicidios en Juárez." *Proceso* April 29, 2009.
Velasco C., Elizabeth. "Organizaciones internacionales exigen pronunciamiento sobre Ciudad Juárez." *Reforma* May 7, 2009.

Human rights commissions take on abuse allegations at prisons, rehabilitation centers

Recent allegations of human rights abuse in correctional institutions and rehabilitation centers have led both the National Human Rights Commission (CNDH) and the Federal District Human Rights commission (CDHDF) to open investigations.

In responding to a prisoner riot in the Reclusorio Sur prison in Mexico City on May 19, capital riot police fired rubber bullets and tear gas at the prisoners, controlled them with the use of attack dogs, and stripped down 50 inmates, forcing them to lay face down in the courtyard where they were rounded up. 18 prisoners were injured as a result of the use of force.

The Reclusorio Sur riot was the fifth Mexican prison riot in three weeks, all of which have been attributed to restrictions on family visits imposed to inhibit the spread of the H1N1 flu virus in the nation's prisons. The CDHDF, which is investigating what it has characterized as an excessive use of force in controlling the riot, has said that the institutional food allowance in the prison is insufficient in sustaining the prisoners, who rely on food provided by family members during visits to make up the deficit.

While CDHDF director Emilio Álvarez Icaza acknowledged the concern about the recent flu outbreak, he insisted that corruption and overpopulation in the prisons are the city's most critical issues, and urged local legislators to take up a prison reform proposal sent by CDHDF in April.

In related news, the president of the Durango state office of the CNDH reported to *El Siglo de Durango* that CNDH personnel will visit state prisons, district and municipal jails, juvenile detention centers and

psychiatric hospitals throughout the country to monitor for conditions or irregularities that infringe on inmates' and patients' human rights. The visits are in accordance with the Istanbul Protocol, a set of international guidelines for investigating, documenting and reporting alleged acts of torture.

SOURCES:

Ramírez, Laura. "Cárceles y reclusorios, bajo la lupa de la CNDH." *El Siglo de Durango* May 19, 2009.

Bolaños, Claudia. "Motín en Reclusorio Sur deja saldo de 18 heridos." *El Universal* May 20, 2009.

Bolaños, Claudia. "CDHDF investiga trato dado a internos en motín." *El Universal* May 20, 2009.

INDIGENOUS RIGHTS IN COURT

Judge denies access to translation services for indigenous defendant in kidnapping case

In the state of Querétaro, a judge condemned an Otomí indigenous woman to 21 years in prison on charges of kidnapping a half dozen members of the Federal Investigative Police (AFI) in March 2006. Jacinta Francisco Marcial, the defendant, was charged along with two other women for allegedly kidnapping AFI agents who were deployed on an operation to break up an illegal operation involving the sale of pirated merchandise in a local market in the town of Amealco de Bonfil.

At the time of her arrest, Marcial was selling beverages at a nearby stand and attempted to leave the scene while the agents were confronting vendors selling illegal pirated merchandise. The agents allege that Marcial fled the scene because she was the mastermind of a plot to kidnap them.

Lawyers for the defendant filed a complaint because their client was denied access to a translator during a hearing held on May 26, 2009. The defense lawyers observed that the rights of indigenous people are frequently neglected in the Mexican criminal justice system. Nonetheless, the judge found all three women guilty of the charges and sentenced them to more than two decades in jail and a fine of 2,000 times the minimum daily wage (approximately \$10,000).

SOURCE:

Arreola, Juan José. "Juez niega traductor a acusada de secuestro." *El Universal* May 27, 2009.

PRESS FREEDOM

Journalist investigating official corruption assassinated in Durango

Tiempo de Durango reporter Carlos Ortega Melo Samper was killed by gunmen who attempted to kidnap him while returning home in the Santa María El Oro municipality on May 4. Ortega had recently published an article alleging police corruption and unsanitary working conditions at a local slaughterhouse. Four days before he was killed, he sent a letter to the editor of his paper saying that he had been threatened by the mayor of El Oro, Martín Silvestre Herrera, along with two other officials including an agent with the local Public Prosecutor's Office. His letter was never published.

Joel Simon, Executive Director of the Committee to Protect Journalists (CPJ), called on local and federal authorities to cooperate in the investigation of Ortega's murder, given the nature of his reporting and his accusations of threats made against him by local authorities. According to Ortega's editor at the *Tiempo de Durango* Saúl García, the state's attorney's office is investigating the murder.

For his part, El Oro's mayor has denied any involvement in the murder, and has dismissed any possibility of stepping down as mayor while investigations move forward.

According to CPJ's annual survey *Attacks on the Press*, Mexico continues to be a dangerous place to practice journalism, with at least 25 journalists killed since 2000, at least 8 as direct retribution for their reporting. Seven more have disappeared since 2005. To date, two have been killed so far this year. CPJ has also been critical of state and local authorities' effectiveness in investigating crimes against the press. In April, Mexico's Chamber of Deputies passed a bill making such crimes federal offenses, but it has since stalled in the Senate.

SOURCES:

"Asesinan a balazos a un periodista en Durango." *La Jornada* May 5, 2009.
"Reporter who criticized officials is slain in northern Mexico." *Committee to Protect Journalists* May 5, 2009.
Maldonado, Saúl. "Rechaza alcalde de El Oro dimitir por crimen de periodista en Durango." *La Jornada* May 6, 2009.

Mexico City Human Rights Commission requests protection for Lydia Cacho

Emilio Álvarez Icaza, head of the Federal District Human Rights Commission (CDHDF), expressed his concern for the safety of journalist Lydia Cacho. Álvarez urged that authorities provide Cacho with protection as a result of possible threats posed by an unknown armed man who has been stalking her in recent week.

Cacho came to national attention when she was briefly detained in 2005 on libel charges in connection with her book, *Los Demonios Del Eden*. The book alleges that a Mexican businessman led a pedophile ring under the protection of Mexican authorities, and a Supreme Court commission later found that the Puebla governor and a group of his government officials conspired to violate Cacho's rights.

According to information provided by Cacho and other witnesses, she was being followed for several days by an armed man in a blue 2007 Chevy who took photos of the reporter, her home, and her car. While Álvarez Icaza urged that authorities provide protection for Cacho and other journalists, he indicated that "The best way to protect journalists is not with guards, patrols, or bodyguards. The best way to protect them is through justice, because there are not enough bodyguards."

SOURCE:

"CDHDF pide protección para Lydia Cacho." *El Universal* May 27, 2009.

AROUND THE STATES**MEXICO CITY****Federal District seeks to apply local asset forfeiture laws nationwide**

The government of the Federal District (DF) will seek to seize assets and properties located in any state of the nation if they are deemed to be used for criminal activities in the capital, or the product of such crimes. The announcement came from Leticia Bonifaz, judicial council for the DF government.

Since under law such assets are forfeited to the government agency ordering them, such measures by the D.F. would likely lead to legal battles with other states over seized properties, as federal judicial councils have pointed out.

Since the law went into effect on March 25 of this year, the DF government has initiated four asset forfeiture proceedings, one against a suspected kidnapping band, two related to charges of human trafficking, and another related to auto theft charges. The bill also seeks to establish a public reporting system that would allow citizens to register reports of alleged criminal activities that would then be entered into a database for future investigation.

SOURCES:

Cuenca, Alberto. "Publican reglas de ley de extinción." *El Universal* March 25, 2009.
Vela, Saul. "Buscará DF ejercer extinción de dominio en cualquier estado de la República." *Milenio* April 23, 2009.
Martínez, Fernando. "Van por inmueble de plagarios." *El Universal* May 6, 2009.

Federal District legislator denounces crimes against women in nation's capitol

Carla Sánchez Armas local deputy from the leftist Social Democratic Party alleged in late-April that there are serious crimes against women in the nations capital, citing the 244 "femicides" (feminicidios) in

Mexico City last year as the highest number of any state-level entity in the country. Last year the local legislature of the Federal District approved the Law of Women's Access to a Life Free of Violence, which seeks to address crimes and violence against women. Nonetheless, Sánchez blamed the femicides on the lack of legal protections for women in Mexico City.

SOURCES:

Rivera, Ricardo. "Estiman 244 feminicidios al año en DF," *Reforma*, April 21, 2009.

TLAXCALA

Tlaxcala Supreme Court president criticizes legislators for ignoring justice reforms

The president of Tlaxcala's Supreme Court Luis Aquihuatl Hernández has criticized state and federal legislators for not budgeting sufficient resources for the changes and modifications needed for implementing justice reforms, particularly oral trials. While acknowledging that under the stipulations of the federal reforms passed in the Mexican Congress in March of last year states have another seven years to implement the changes, Aquihuatl stressed the poor current state of justice facilities in the state, which will require adequate, careful planning and ample funding to upgrade to meet the new standards.

To date, six states (Chihuahua, Nuevo León, Oaxaca, Morelos, Zacatecas, and Baja California) have begun implementing the judicial reforms.

SOURCE:

Márquez, Yvonn. "Reprueba Aquihuatl falta de presupuesto para sustentar reformas." *E-consulta* May 13, 2009.

CHIAPAS

Human rights group alleges torture, arbitrary detention of eight suspected of assault in Chiapas

The Chiapas-based human rights group Fray Bartolomé de Las Casas (Frayba) has filed an injunction to halt legal proceedings against eight men accused of robbing vehicles traveling on the Ocosingo-Palenque highway. Frayba alleges that the men, who are members of the Tzeltal indigenous community in Chiapas, were arbitrarily detained, tortured, and ultimately forced to confess to crimes they did not commit. One of the men is affiliated with the EZLN and the others with another indigenous autonomy advocacy group, Otra Campaña.

The Chiapas Attorney General's Office has charged that the eight suspects, arrested in mid-April, are responsible for vehicle robbery and involvement in organized crime. Community members who participated in a march to demand the Tzeltals' release counter that the charges against the men were fabricated and that the real culprits remain free in neighboring communities and have operated in the region for the past two years with protection from state police. The defendants' attorney claims that their arrest was political in nature, coming from the highest levels of the Chiapas state government.

SOURCES:

Bellinghausen, Hermann. "Chiapas: ditan formal prisión contra ocho campesinos tzeltales." *La Jornada* May 8, 2009.
Mandujano, Isaín. "Formal prisión a ocho indígenas tzeltales en Chiapas." *Proceso* May 9, 2009.

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

As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments in Mexico. An archive of these reports is available at <http://www.justiceinmexico.org>. Click on the news tab and then the news archive selection to access the archive. To provide financial support for our organization, please visit: <http://www.sandiego.edu/tbi/support>. Finally, please report any questions, corrections, or concerns to transborder@sandiego.edu.

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