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TRANS-BORDER INSTITUTE

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October 2009  
News Report

## MONTHLY SUMMARY

According to *Reforma's* running tally, nationwide cartel-related killings are down 22% during this reporting period, but remain on track to surpass the levels seen in 2008. Also, the National Conference of Supreme Court Presidents and Attorneys General convened to discuss challenges inherent in the recently ratified *narcomenudeo* law, which decriminalized controlled substances deemed for personal consumption but may have the unintended effect of further burdening state judicial systems. Arturo Chávez Chávez was confirmed as Mexico's new federal Attorney General. A report in the *Journal of the American Medical Association* found that Mexico acted "swiftly, transparently, and efficaciously" to prevent the spread of the H1N1 virus earlier this year. Meanwhile, *Reforma* reported that 90% of Mexican law enforcement officials detained this year for corruption charges are local police forces. *Reporters Without Borders* (Reporters Sans Frontières) released a report faulting Mexico's state and federal governments for allowing crimes against journalists to go unpunished and blames excessive government bureaucracy as a primary culprit. Mexico's Supreme Court ruled Oaxaca Governor Ulises Ruiz Ortiz was responsible for human rights abuses inflicted in a crackdown on a May 2006 teacher strike. Also, Mexico's Senate hearings are working to select candidates to take over as Mexico's next Human Rights Ombudsmen.

## LAW AND ORDER

### CARTEL VIOLENCE

#### **Rate of cartel-related killings declines somewhat nationwide, though still on track to surpass 2008**

While violence has subsided nationwide since the last reporting period, the state of Chihuahua has continued on its trajectory and Sinaloa saw a significant spike in *ejecuciones*, or cartel-related killings, during September and the first week of October. According to *Reforma's* "Ejecutómetro," a running tally of *ejecuciones* nationwide and by state, such killings are down 22% during this reporting period, which saw

447 *ejecuciones* as compared to last, which saw 573. Most notable among states seeing relative calm over the past four weeks is Durango, which at 37 cartel killings is down 46% during the previous four weeks. Many analysts point to earlier spikes in violence in Durango as evidence that troop deployments to Chihuahua were pushing the violence south into more interior states.

**2009 Cartel-Related Killings by State Through October 9th**

Aguascalientes	24
Baja California	202
BC Sur	1
Campeche	2
Coahuila	132
Colima	10
Chiapas	21
Chihuahua	1581
Distrito Federal	141
Durango	502
Guanajuato	130
Guerrero	494
Hidalgo	29
Jalisco	149
Edomex	261
Michoacan	292
Morelos	46
Nayarit	22
Nuevo León	66
Oaxaca	6
Puebla	19
Querétaro	6
Quintana Roo	21
San Luis Potosi	7
Sinaloa	522
Sonora	76
Tabasco	49
Tamaulipas	46
Tlaxcala	3
Veracruz	53
Yucatán	0
Zacatecas	23

Source: *Reforma*

support for the President's strategy remains high.

For its part, Chihuahua, currently with 1,581 *ejecuciones* and nearly 11 weeks remaining in 2009 appears certain to surpass its 2008 total of 1,649. That state suffered 15 homicides over a 12-hour period on October 12, and the state Attorney General's Office reports that since the onset of Joint Operation Chihuahua the agency has opened over 1,000 murder investigations. In Sinaloa, where *ejecuciones* are up 30% over last reporting period, the State Attorney General's Office has advised police officers to avoid public gatherings, to always carry their firearms with them, and to avoid being seen in public with their family members as much as possible, as part of a new strategy to reduce attacks against police officers and their families in the state. This year, thirty-three police officers have been murdered in Sinaloa out of at least 360 nationwide.

Violence in Baja California also saw a jump after weeks of relative calm. That state, which by any realistic scenario will remain well below its 2008 *ejecuciones* total of 604 (it now stands at 202), still saw some of the more high-profile killings witnessed in recent weeks. In late September, gunmen opened fire on a group of police cruisers, killing three officers and wounding four. Early on October 9, the body of the man in charge of state driver's licenses was found naked, mutilated, and hanging from a bridge over the Tijuana-Playas de Rosarito highway. Upon revelation of the man's identity, Governor José Guadalupe Osuna Millán announced that there would be an investigation into the official's job functions.

Despite the recent nationwide downturn in violence, it appears likely that 2009 *ejecuciones* will surpass those of 2008, which will again raise questions as to the effectiveness of President Felipe Calderón's strategy of mass deployments of troops to troubled zones. Such questions are underscored by the apparent ineffectiveness of the strategy in Chihuahua in reducing cartel violence there, and the continued reports of human rights abuses and apparent inaction and lack of transparency on the part of the military justice system in addressing them. There was some speculation that the replacement of Attorney General Eduardo Medina Mora with Arturo Chávez Chávez signaled a coming change in strategy, although there is no clear indication that that is the case. Despite continued violence and alleged human rights abuses polls consistently show that public

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 "Ejecutómetro." *Reforma* accessed October 14, 2009.

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## POLICE REFORM

### Tijuana police officers to receive training in United States

Recently appointed U.S. Ambassador to Mexico Carlos Pascual has rescinded the U.S. State Department travel advisory for Tijuana, recognizing recent efforts to improve public security in the region. Such measures include purges of corrupt officers from the police ranks, U.S.-side training for Baja California ministerial police officers, and the creation of a tourism police force that will patrol the popular Tijuana-Ensenada corridor of Baja California.

City officials in San Diego and three municipalities of Baja California are working on a plan for San Diego police officers to train a group of 350 Baja California police officers that will form a bilingual “Metropolitan Police” to patrol the popular Baja California coastline. City officials in Tijuana, Rosarito Beach and Ensenada hope that the new police force, which will be easily distinguishable from other corporations by their distinct uniforms and patrol vehicles, will help to improve the negative image of the state formed in recent years by cartel violence and U.S. State Department travel advisories. Data suggests that violence in the city has decreased drastically since thousands of soldiers were deployed there late last year.

Tijuana mayor Jorge Ramos said that the new force will be the second phase of the Regional Public Security Plan, following the removal of 438 Tijuana municipal police officers deemed unfit for service. San Diego mayor Jerry Sanders expressed that the force would be good for his city, as San Diego is a gateway to Baja California, and that the two sides “share the same families, the same culture and the same business opportunities.”

In related news, six Ministerial Police officers from the Baja California Attorney General’s Office have received training from the Office of the Public Prosecutor in Seattle, Washington in methods related to the justice reforms set to go into effect in Baja California in 2010. Later this month another group of 14 state agents will receive training in Las Vegas, Nevada; and in early November 11 more will travel to Portland, Oregon for the same purpose. Currently 219 individuals in the State Attorney General’s Office (Procuraduría General de Justicia del Estado, PGJE) have received training for the new justice system.

As Baja California officials await the fruits of the above developments in police reform, authorities in Tijuana’s municipal police force have come forward to criticize the federal government for leaving them alone to combat organized crime in the city. Julián Leyzaola Pérez, Tijuana’s Secretary of Public Security, asserted that no other corporation confronts drug traffickers, pointing out that during Mayor Ramos’ first 21 months in office, 40 municipal police officers have been killed in cartel-related violence. Leyzaola Pérez, a retired Army colonel, said in an interview with *El Universal* that Tijuana police respond to an average of 2,000 citizen reports daily, a task made more daunting given the current protocol of squad cars operating in groups of three for reasons of safety. Mayor Ramos has requested that the National Security Council authorize the release of more federal agents to Tijuana—specifically from the Office of the Assistant Attorney General for Special Investigations and Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO)—to perform investigative functions for which the municipal police are not trained or equipped.

#### SOURCES:

- Martínez, Julieta. “Luchamos solos contra el narco, reclama Tijuana.” *El Universal* October 2, 2009.  
“Capacitan a ministeriales en procuraduría de Washington.” *La Crónica de Baja California* October 5, 2009.  
Berestein, Leslie. “City, Baja California officials working on tourist-friendly police force.” *San Diego Union Tribune* October 5, 2009.  
Martínez, Aldo. “Capacitará en SD policía turística.” *El Sol de Tijuana* October 5, 2009.

### **SSP Secretary García Luna proposes merging ministerial, municipal police forces**

The Secretary of Public Security (SSP), Genaro García Luna, has proposed to the Chamber of Deputies the nationwide merging of municipal police forces with state-level ministerial police. In defending the proposed measure, García Luna stressed the objective of streamlining resources and institutional capacity through a nationwide standardization of police methods and procedures. Under García Luna's plan, the nation's 2,022 municipal police forces would be integrated into the 32 state police corporations, each with unified operational parameters.

García Luna's plan received initial resistance from many Congress members, though the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) has since expressed its willingness to consider the proposal. A week following García Luna's appearance before the Chamber of Deputies, PRI Senate coordinator Manlio Fabio Beltrones cautiously applauded the plan. Beltrones said that representatives of the PRI in the Senate are awaiting a bill from President Calderón's office providing details of the proposal. Neither the congressional National Action Party (*Partido Acción Nacional*, PAN) nor the Democratic Revolutionary Party (*Partido de la Revolución Democrática*, PRD) has made a representative statement regarding the proposed reforms.

The proposal has met with resistance from officials in many states. José Soberón Tijerina, head of public security for Tamaulipas, warned that such a change would be accompanied by complicated and contentious federal constitutional reforms (specifically to articles 115 and 21), reforms to the state constitutions, drastic adjustments to fiscal laws, as well as difficult labor-related questions. For his part, Javier Gándara Magaña, PAN mayor of Sonora's capitol, Hermosillo, rejected the proposal, stressing that local control of police is crucial in addressing specific local public security needs. President of the Public Security Committee in Michoacán's congress, Juan Carlos Ponce Campos (PRD), said that professionalizing municipal police forces should be the focus before trying to incorporate them into the state police organizations. Some PAN and PRI legislators in Michoacán also expressed their disagreement with the proposal.

#### **SOURCES:**

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Beyliss, Marcelo. "Hermosillo rechaza eliminar policías municipales." *El Universal* September 25, 2009.  
Rivera Millán, Rafael. "Critican en Michoacán propuesta de desaparecer Policía Municipal." *El Universal* September 28, 2009.  
Muñiz, Víctor. "Desaparecer policía municipal es complejo jurídicamente." *Milenio* September 29, 2009.  
Franco, Luciano. "El PRI en el Senado espera iniciativa de Calderón para desaparecer policías municipales." *La Crónica de Hoy* October 5, 2009.

### **The PGR admits to missteps in apprehension of Mexico City bank bombing suspect**

A federal district court judge ordered the release of Ramsés Villarreal Gómez, three days after he was arrested under suspicion of carrying out a series of bomb attacks on Mexico City businesses. The court order came on the grounds that Federal Ministerial Police (Policía Federal Ministerial, PFM) failed to obtain a warrant or demonstrate *flagrancia*, or imminent risk of a crime being committed, before searching Villarreal's home on October 1, the day after he was arrested by Federal Police officers. Agents found nothing incriminating in his apartment, though he was promptly incarcerated in the Reclusorio Sur prison in Mexico City on terrorism charges.

The incident comes as an early embarrassment to the newly formed PFM, created earlier this year as part of broad national police reforms that also replaced the Federal Preventive Police (Policía Federal Preventiva, PFP) with the Federal Police, which now has investigative as well as preventive functions. The PFM is meant to be an investigative body and a step toward the goal of a more professional, scientific Federal Attorney General's Office (Procuraduría General de la República, PGR). The PFM replaced the Federal Investigations Agency (Agencia Federal de Investigación, AFI), one of a series of Mexican investigative police agencies —preceded by the Federal Security Directorate and the Federal Judicial Police— that has been shut down over the last two decades under allegations of corruption.

The PFM arrested Ramsés Villarreal as part of an investigation into several improvised explosive device (IED) attacks in Mexico City, attributed to a Mexico-based eco-anarchist group. The IED attacks, totaling seven, began in early September. Five of the attacks targeted local banks. No one was injured in the

attacks. PFM investigators say that following an anonymous tip they identified Villarreal in a video recorded by an ATM security camera at the time of an attack, and were investigating him for possible connections to a suspected member of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC). Villarreal is a recent graduate from the Autonomous University of Mexico in Xochimilco. He maintains, along with his friends and family, that he is not the person seen in the surveillance tape.

The PGR was forced to admit to a *juez de control*, a judge assigned to cases to ensure that the rights of those involved in the investigation have been protected, that it was mistaken in its belief that agents would find weapons, bomb making equipment and information linking him to domestic eco-terror groups in the suspect's apartment. The PGR testimony before the *juez de control* acknowledging that no incriminating evidence was uncovered at Villarreal's home contradicts early media reports that investigators found two guns and computer files that likely linked the 27 year-old to subversive groups. The PGR withdrew terrorism charges against Villarreal and requested the case file back in order to resume the investigation.

Meanwhile, Ramsés Villarreal has said he will file a formal complaint against the PGR, claiming that during his 10-hour interrogation agents threatened him and his family if he did not accept a deal to act as a protected witness and turn over other individuals involved in the bank attacks. His attorney also said he will pursue complaints of robbery and defamation by the PGR stemming from the illegal home raid and false statements made in the press.

**SOURCES:**

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Gómez, Francisco. "Otorgan libertad a 'terrorista.'" *El Universal* October 3, 2009.  
Méndez, Alfredo. "Admite la PGR equivocación en pesquisa contra Ramsés Villarreal: fuentes judiciales." *La Jornada* October 8, 2009.  
García, Dennis A. "Ramsés Villarreal demandará por tortura a la PGR." *La Crónica de Hoy* October 13, 2009.

## DRUG CONTROL POLICY

### **States not equipped to handle *narcomenudeo* law, warn state officials**

During the Ninth National Conference of Supreme Court Presidents and Attorneys General, there was consensus among participants that there are currently insufficient resources for implementing the recently ratified *narcomenudeo* law, which mandates maximum amounts of controlled substances to be deemed for personal consumption. Under the parameters of the federal law, states have a year to reform their own legal frameworks to align with federal mandates, and three years to take necessary action for the law's implementation.

Conference participants concluded that as far as the *narcomenudeo* law is concerned, there needs to be a state-by-state assessment of existing judicial infrastructure in comparison to what the new law will require. They agreed to create a committee to prepare an action plan for the states for implementing the law. They also agreed to create inter-institutional working groups in each state in order to standardize law and order and judicial procedures for drug possession infractions covered by the law. This latter point is in response to the planned Strategic Operational Centers (Centros de Operación Estratégica, COEs), state-level headquarters in which personnel from the Federal Attorney General's Office (Procuraduría General de la República, PGR), the State Attorney General's Offices (Procuraduría General de Justicia del Estado, PGJE), along with federal and state police will collaborate to address cases of drug possession addressed by the law. As one of his first acts as Mexico's Attorney General, Arturo Chávez Chávez inaugurated a pilot COE in the state of Hidalgo on October 1.

The *narcomenudeo* law is likely to create a larger caseload for states. Rather than "legalizing" small amounts of drugs, as has been reported in U.S. and Mexican press at times, the law instead defines what is meant by "small amounts" of drugs, currently not punished with jail for first-time offenders. The law in turn stiffens penalties for small-scale drug dealers found in possession of amounts exceeding the established maximum amounts. Specifically, the new provisions call for prison terms of 4 to 8 years for

those caught dealing; and if the buyer is a minor or otherwise incapable of fully comprehending the consequences of his or her actions, the penalty increases to 7 to 15 years. These penalties will be doubled when: 1) the crime is committed by law enforcement officials or judges; 2) the crime is committed within 300 meters of an educational, support or police facility or detention center; and 3) when the crime is perpetrated by health sector professionals, technical assistants, or other staff. The provisions call for a sentence of 3 to 6 years for those found in possession with intent to deal, and sentences of 10 months to 3 years for those possessing amounts exceeding the maximums by up to 1,000 times but without an established intent to sell.

The law emphasizes the “sharing” of prosecutorial responsibilities in retail drug dealing (*narcomenudeo*) cases between federal, state, and local law enforcement agencies, whereas these tasks were previously the sole responsibility of federal authorities. It also stipulates that even those found in possession of drugs lower than the specified amounts must appear before the local prosecutor, who must determine if the possession was with intent to sell. Questions remain regarding the extent to which responsibilities will be “shared” with state and local authorities, and at what levels the required infrastructure building, training, and hiring of needed personnel will be funded by each level of government.

**SOURCES:**

“Reforms to the General Health Act, the Federal Penal Code, and the Federal Code of Criminal Procedures. Fact Sheet.” *Embassy of Mexico* August 2009.

Ramírez, Roberto. “Es necesario compartir las responsabilidades.” *El Sol de Hidalgo* October 1, 2009.

“Procuradores e impartidores de justicia exigen más recursos.” *La Jornada* October 3, 2009.

## TRANSPARENCY & ACCOUNTABILITY

### CABINET APPOINTMENT

#### **New Attorney General approved, vows to attack corruption**

Arturo Chávez Chávez, President Felipe Calderón’s nominee for federal Attorney General, was approved 75-27 by the Senate on September 24 to replace Eduardo Medina Mora as head of Mexico’s equivalent of the U.S. Department of Justice. The new attorney general took office amid complaints by civic groups that he failed to properly investigate crimes against women in his home state of Chihuahua, and criticisms that the Senate failed to press him on this and other issues.

Chávez served previously as state attorney general in the state of Chihuahua and the state’s top federal prosecutor, and is a close associate of President Calderón. His term as state prosecutor took place from 1996 to 1998, at the height of a series of disappearances and brutal murders of women in the border city of Ciudad Juárez. At least 350 women have died since the murders were first detected in 1993, and most remain unresolved.

Critics blame, shoddy police work and a lack of political will for the failure to solve many of the crimes; some allege abuses including torture and falsification of evidence. Political commentators took the Senate to task for failing to raise questions about these issues during Chávez’s nomination process, in which he received bipartisan support from the PAN, the president’s party, and the PRI, which aspires to retake the presidency in the upcoming 2012 elections. Political commentator John Ackerman praised PRD legislator Pablo Gómez as the sole senator who truly questioned Chávez about how he will run the agency. However, generally speaking, critics perceived that the Senate—which only approves nominations for this single cabinet post—lost an opportunity to provide a real check on the executive branch.

Taking office, Chávez pledged to crack down on corruption, and weeks earlier had indicated that his first official act would be to submit everyone in the agency – including himself – to regular background and psychological tests to prevent infiltration by crime groups. He started with the federal group that is charged with investigating organized crime, the Assistant Attorney General’s Office for Special Investigations and Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO). According to *Agencia Reforma*, 25 agents with SIEDO were recently removed from

their posts after failing to pass tests created to evaluate their integrity and weed out agents suspected of working with organized crime groups.

Problems with corruption have historically frustrated the ability of the Mexican Attorney General's office to capture and prosecute certain criminals, and previous high-ranking law enforcement officials have made similar vows. Chávez said he is committed to preventing corrupt functionaries from being part of the agency. Chávez credited his predecessor, Medina Mora, for making great strides in attacking crime, but said that "these have not been sufficient." Chávez is calling for greater professionalization of law enforcement forces in order to better combat organized crime.

**SOURCES:**

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De la Luz, Maria. "En PGR, corrupcion 'historica': Chavez." *El Universal* September 26, 2009.  
Ackerman, John. "Senado: El beneficio de la certeza," September 27, 2009.  
[http://www.proceso.com.mx/opinion\\_articulo.php?articulo=72761](http://www.proceso.com.mx/opinion_articulo.php?articulo=72761)  
Mendoza, Gardenia. "Nuevo fiscal promete fin de corrupcion." *La Opinion* September 29, 2009.

## TRANSPARENCY

### **Mexico gets praise for its transparency in handling the H1N1 virus outbreak**

Mexico acted "swiftly, transparently, and efficaciously" to prevent the spread of the H1N1 virus when it became a threat earlier this year, according to an analysis published in the *Journal of the American Medical Association*. The analysis was based on a series of interviews of residents and public officials in July 2009.

Mexico put into practice for the first time in the country's history special emergency health powers that included school closures, public gathering bans, isolation, quarantine and "social distancing." During the crisis, Mexico was able to bridge political differences between parties in order to confront immediate challenges. To avoid confusion, the government assigned one central spokesman to provide information during the crisis, Health Secretary José Ángel Córdova. This streamlined the communication of messages and encouraged the public to adopt recommended protective measures quickly, according to the article's authors, Alexandra Minna Stern and Howard Markel.

Mexico was hampered by inconsistent and incomplete case reporting data. Additionally, the government's messages did not reach some members of the population. However, the report concluded that "Mexico's transparency and rapid response not only helped other countries react properly but also set a high bar for how the 21<sup>st</sup>-century global community must cooperate to share information about impending epidemics."

**SOURCES:**

- Stern, Alexandra & Markel, Howard. "What Mexico taught the world about pandemic influenza preparedness and community mitigation strategies." *Journal of the American Medical Association* Vol. 32 No 11, September 16, 2009.

### **Mexico City mayor sees statistics as a measure for greater transparency**

Marcelo Ebrard Casaubón, the mayor of Mexico City, is calling for the creation of a new Institute of Information and Statistics to collect and generate data as a means of improving government accountability. The idea is supported by the Federal Institute for Access to Public Information (IFAI), as well as the Federal District's Legislative Assembly.

According to Ebrard, its purpose would be to "generate information that through an autonomous manner would permit evaluating the work of the government here." Ebrard noted that the number of requests for public records information has doubled since 2008. Residents have also been filing appeals in response to their requests for information being rejected.

The Mexico City Institute for Access to Public Information is attempting to create a stronger culture of openness by reprimanding public officials who fail to divulge information without good reason. According to a report in *El Universal*, 77 public servants in the Mexico City government have been singled out over the past three years for failing to provide information that was determined to be available to the public.

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Since 2006, the Mexico City Institute for Access to Public Information has received more than 340 complaints from members of the public who were not satisfied with the information that was provided to them through their public records requests. In one case, a resident wanted to know how much money was owed by federal agencies for water from the city's water system. The water system agency determined this information was considered private. However, the resident appealed this decision and the Institute ruled in the person's favor.

Initially, the Institute found that most requests for public information were coming from journalists, government officials, non-governmental organizations and students. Increasingly, requests are being filed by others as well, including housewives, workers and business people.

**SOURCES:**

Castillo, Miriam. "El GDF duplica solicitudes de informacion en un año." *Milenio* September 29, 2009.  
No name. "Inaugura Ebrard primera feria de la transparencia en el Zocalo." *Notimex* in *Milenio* September 28, 2009.  
Grajeda, Ella. "Transparencia gana terreno en la capital." *El Universal* September 21, 2009.

### **Reforms planned to create greater transparency for school parents' associations**

The Secretary of Public Education is preparing to reform rules that regulate the role and powers of parents' associations in an attempt to prevent the squandering of donations meant for school supplies.

The parents' associations regularly collect money from parents to cover school needs, but it is not clear what happens to all the money. Media reports have documented cases in which members of parents' associations pocketed the money for personal use. A study by researchers from the National Autonomous University of Mexico (Universidad Nacional Autonoma de Mexico, UNAM) and the Iberoamerican University (Universidad Iberoamericana) found that in 2004 there were more than 100 cases of fraud in schools from the misuse of the funds. In one case, the treasurer of the parents' association in a school in Tlaxcala fled with all the money. In other cases, parents' associations coerced parents to pay money by threatening to prevent students from registering.

The Secretary of Public Education wants to change this by making information on the funds more open and available for public perusal. The plan is to make information regarding the amount of funds collected and how the money is being used available online. The aim is to provide greater transparency regarding the collection and destination of donations.

The President of the National Federation of Associations of Parents, Leopoldo García López, said that parents' associations have been forced to take on greater economic responsibilities, such as maintaining schools and paying for new classrooms, because the government does not pay for all of the school needs.

**SOURCE:**

Martinez, Nurit. "Cuotas escolares se pierden en red de intereses." *El Universal* October 4, 2009.

### **Mexico to start a housing price index**

Mexico's deputy finance minister announced a plan to establish a housing price index with the aim of providing better metrics for the country's housing market and create greater transparency for potential investors. The index would provide more open pricing information and allow for the development of financial products linked to mortgages, according to an interview with Deputy Finance Minister Alejandro Werner in *Bloomberg*. The new index for home prices is expected to make it easier to track the housing market's ups and downs, and the data will provide a more open environment for investors to make financial decisions. The measurement tool would be similar to an index used in the United States that tracks home prices in selected U.S. cities called the Case-Shiller index.

**SOURCES:**

Gould, Jens. "Mexico will soon unveil new housing price index." *Bloomberg* September 18, 2009.

## CORRUPTION

### **Corruption detected in anti-corruption unit in Mexico City law enforcement agency**

Manuel Mondragón, the Secretary of Public Security of the Federal District admitted in October that corruption has infiltrated his agency's own anti-corruption unit.

Secretary Mondragón spoke in response to allegations in the media regarding the anti-corruption unit called the Commission of Honor and Justice. The agency processes claims against law enforcement officials. However, some members of the commission were apparently demanding bribes from law enforcement officials in exchange for helping them avoid or delay pending sanctions.

Mondragón said that he plans to name a new director of the Commission of Honor and Justice who will be tasked with reviewing approximately 1,000 pending claims against officials. During 2008, more than 1,000 law enforcement officials with the Federal District's Secretariat of Public Security (SSP) were removed for improper behavior, according to Mondragón.

#### **SOURCES:**

No name. "Policia Mexicana admite que corruptos penetraron organo anticorrupcion." *EFE* October 6, 2009.

### **Some agricultural unions pocketing federal funds meant for rural women**

Women agricultural workers in the state of Jalisco are being taken advantage of by some promoters and technical assessors who serve as middlemen for obtaining financial assistance through the Secretary of the Agricultural Reform, according to an article in *Milenio*.

The middlemen are targeting the residents because many of them are poorly educated and easily intimidated. In some cases, the residents have been asked to hand over more than 50% of the funds they receive which are intended to go directly to rural projects ranging from expanding a storefront to buying goats. *Milenio* reported that in some cases the middlemen were members of the National Farm Workers Confederation of Jalisco.

In one example, a group of women in Puerto Vallarta wanted to purchase sewing machines and were assisted by a middleman to obtain funds for the purchase through the Secretary of Agricultural Reform. After obtaining the funds, the middleman used them to set up a beauty salon, failing to deliver any of the funds to the women.

The head of the Agriculture agency in Guadalajara said that as a result of their own investigation, they have suspended checks for 25 projects with a value of about \$377,000 to prevent the misuse of money. District Secretary Alejandro Hernandez Gonzalez said his office has encouraged the women to file formal complaints with their office as well as the Mexican Attorney General's office. However, Hernandez said many of the women are afraid to pursue the case.

The middlemen involved have denied their relation with the National Farm Workers Confederation and said that they have a right to charge 30% of the total funds for the assistance they provide. They also allege that the investigation is being fueled by political motives based on differences between the ruling National Action Party (Partido Acción Nacional, PAN) administration and the unions, which are typically aligned with the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI).

#### **SOURCES:**

Del Castillo, Agustin. "Red de corrupcion merma apoyos de la Reforma Agraria." *Milenio* September 21, 2009.

Del Castillo. "Secretaria de Reforma Agraria asesora a afectados por chantaje." *Milenio* September 21, 2009.

Del Castillo, Agustin. "Asesores niegan actos de corrupcion en programas de la SRA." *Milenio* September 22, 2009.

### **Federal law enforcement officers arrested in Michoacán**

Three federal law enforcement officials based in Lázaro Cárdenas, Michoacán, were detained on suspicion of ties to organized crime. The three allegedly provided information to organized crime groups

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in exchange for money, according to the Federal Secretary of Public Security (Secretaría de Seguridad Pública, SSP).

The three men were identified as Juan Manuel Pineda Barroterán, 33; Eriko Muñoz Martínez, 38; and Isidro Pascual Pineda, 37. Pineda was allegedly found with the equivalent of \$25,000 that federal authorities believe was received from a drug group. The drug group was not identified, but members of groups such as La Familia Michoacána, the Sinaloan cartel, and the Gulf cartel, are all known to reside in Michoacán.

The apprehended officers were identified as working for the Fuerzas Federales de Apoyo. This group was created by the Secretary of the National Defense in 2007, with the aim of assisting in the fight against organized crime. The Fuerzas Federales de Apoyo is also the name of a police force formed under the SSP.

**SOURCES:**

No name. "Tres federales detenidos por ligas con crimen." *Informador* September 28, 2009.

### **High number of municipal police among law enforcement detentions this year**

Of the 357 Mexican law enforcement officials detained this year, 90% belonged to local police forces, according to a tally by *Reforma*.

Broken down by type of agency, the totals were: 319 local police officers; 15 state investigators; 4 state preventive police; and 19 federal law enforcement agents. The totals were compiled primarily through the Mexican Attorney General's office and the data was collected through the end of July. The state of Hidalgo had the highest number of detained law enforcement officials at 121, followed by Nuevo Leon, which has 100. Tabasco reported 60 detentions of law enforcement officials.

Municipal police are often seen as more vulnerable to corruption because they have fewer tools, materials, and economic resources. Their involvement typically includes assisting drug groups in allowing for the passage of drugs, acting as escorts for drug traffickers and providing confidential information on investigations. The detained police officers were suspected of being linked to the drug trafficking groups of La Familia de Michoacán, the Sinaloa Cartel, Beltrán Leyva and the Arellano Félix Cartel.

**SOURCES:**

Baranda, Antonio y Rolando Herrera. "Halla narco socio dentro de Policía." *Reforma* September 25, 2009.  
"Integrar corporaciones municipales a las policías estatales propone García Luna a diputados." Boletín N°. 0094. LXI Legislatura September 24, 2009.

### **Nepotism found in Chiapas federal courts**

An investigation by a newly-formed National Commission of Judicial Ethics has determined that nepotism is a problem in the Chiapas federal judicial system. The commission recommended that the Commission of the Federal Judicial Branch, which oversees the circuit courts, address the issue by including a norm that prohibits any agreements between magistrates or district judges to provide jobs to family members. The case stems from a complaint filed by a man who alleged that nepotism in the courts affected the outcome of his case.

In his complaint, filed with the Commission of the Federal Judicial Branch, Julio César Puerto Osalde claimed that family members of ten justices in Yucatan created an atmosphere of nepotism in which the judges in different districts agreed to provide jobs to family members as a way of exchanging favors. The result, according to Puerto, was that conflict of interests resulted in an unfair trial.

The Commission of the Federal Judicial Branch, however, determined that there was no evidence to suggest that this situation prevented justice from taking place. The Commission ruled that there was enough reason to believe the postings of family members were natural: "It's a fact that...family relation[s] influence the kinds of professions that are chosen by family members."

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The National Commission of Judicial Ethics disagreed. In its ruling, the commission noted that if the head of the judicial office names as a Secretary or Actuary a spouse of someone else who heads a judicial office, then this favor cannot be reciprocated. The Commission also recommended that in cases where family members are hired by judges and magistrates they should be required to pass an aptitude test.

Such cases of nepotism are not isolated to Chiapas, according to *El Universal*. The recommendations are meant to address the problem nationwide. In reaction to the finding, PAN senator Gustavo Madero Muñoz called for a stop to the favoritism, stating, "We have to eradicate these practices and move forward in the professionalization of the public administration."

**SOURCES:**

Aviles, Carolos. "En el Poder Judicial federal trafican plazas." *El Universal* September 22, 2009.  
Ramos, Jorge. "Madero pide erradicar nepotismo de jueces." *El Universal* September 22, 2009.

### **Reduction of government-sponsored advertising draws criticism**

Some magazines and other publications are receiving less revenue from government-sponsored advertisements, and the reductions are being interpreted by critics as a blow against transparency and freedom of speech.

*Proceso* is pursuing a complaint through the National Commission of Human Rights that alleges the Mexican government is squelching the media's ability to encourage government transparency and accountability since the ad reductions are creating a financial hardship for some media groups. This month, the magazine reported that other national magazines are being affected as well, though the advertisements will apparently continue appearing in electronic publications and in some newspapers to a lesser degree.

According to *Proceso's* complaint, made public in May, the Mexican government has deliberately reduced its paid advertising as a way of intimidating the media into presenting information about the government in a more favorable light. The exact reason for the more recent reduction of advertisements from the government remains unclear. Some media groups are calling it a boycott, though the Mexican media's dependence on such advertisements has also raised questions regarding conflict of interest. The advertisements often focus on the work being done by various government agencies, such as Mexican Petroleum (Petróleos Mexicanos, PEMEX) and the Secretary of Governance (Secretaría de Gobernación).

In the case of *Proceso*, the magazine reported that a government boycott took place against the publication in 2005 in response to an article about whether the religious marriage ceremony between Marta Sahagún and then-president Vicente Fox was valid. The magazine alleges that the number of government-paid advertisements continue to decline in greater numbers during the Calderón Administration. In 2008 *Proceso* counted 5.16 pages of federal government advertisements, compared to 166.4 in *Vertigo*, 111.83 in *Milenio Semana* and 75.5 in *Ememequis*. All three publications had much lower subscription numbers than *Proceso*.

**SOURCES:**

Araizaga, Jorge. "Golpe de Calderon contra revistas." *Proceso* October 4, 2008.  
Rodríguez Manzo, Graciela and Luis Miguel Cano López, Publicidad oficial: criterios arbitrarios," *Proceso* October 4, 2008.

### **Parents of children killed in Sonoran daycare fire demand greater accountability**

Parents of the children who were killed in a Sonoran daycare fire have filed complaints against some of the judges overseeing the case in Hermosillo for alleged corruption and irregularities.

The parents claim that bail was set too low for the owners of the ABC day care center. Bail was set at \$2,000 pesos (or about \$146). Apparently, four people with connections to the center have been allowed to remain free while awaiting trial on charges of manslaughter and abuse of authority. The parents have also filed an administrative complaint that alleges influence peddling between defendants and judges, according to media reports.

The June 5, 2009, fire at the day care center left 49 children dead and over 80 injured. The Mexican Attorney General's office has been pursuing investigations against more than 24 people in connection with the case.

#### **SOURCES:**

No name. "Padres de bebes muertos en la ABC presentan queja contra juez corrupto." *Proceso* October 5, 2009.  
No name. "Victims' Kin Criticize Judges in Mexico Day Care Fire." *Latin American Herald Tribune* October 6, 2009.

### **Secretary claims greater accountability exists in Oportunidades program**

Programs which provide financial assistance to Mexico's poor, such as Oportunidades, have taken measures to ensure greater transparency and accountability to prevent misuse of funds, according to Mexico's Secretary of Social Development (Secretaría de Desarrollo Social, SEDESOL).

Ernesto Cordero, the Secretary of Social Development, made his claim in reaction to criticism from Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) and Democratic Revolution Party (Partido de la Revolución Democrática, PRD) congressional members who say the program, and others like it, have not shown any concrete results. Critics allege that these types of programs aggravate problems of government bureaucracy. Others argue that the program is being used as a re-election tool for members of the National Action Party (Partido Acción Nacional, PAN).

Speaking before a group of congressional members in September, Cordero said that the program is no longer susceptible to the influence of politics and that programs like Oportunidades should be rewarded with continued funding in the upcoming year's budget.

"It is not the politics of this government to use the SEDESOL with electoral intentions, the institutions and laws do not permit this," he was quoted as saying in *El Financiero*.

Oportunidades provides grants to people who take steps to improve their lives, such as seeing a doctor regularly and remaining in school. Opposition congressional members say the program has not been effective, since poverty has increased from 11 million to 70 million during the administration of PAN President Felipe Calderón. Cordero countered that this increase was due to the current economic crisis and demonstrated the need for additional funding for the program.

Cordero said that the program uses transparency mechanisms to eliminate misuse of the funds and other control mechanisms to make sure the resources get to the people who need it most. The program also has agreements with the Federal Electoral Institute (Instituto Federal Electoral, IFE), Transparency Mexican, and the United Nations Development Program (UNDP, which have provided oversight and encouraged greater openness.

However, accusations of corruption persist. A group of legislators from the state of Guerrero alleged that SEDESOL functionaries connected to the PAN party have demanded "commissions" from contracting businesses that provide services for SEDESOL in Guerrero.

#### **SOURCES:**

Cervantes, Jesusa. "Acusa la oposicion al gobierno de uso de clientelar de los problemas sociales." *Proceso* September 22, 2009.  
Damian, Fernando. "A Oportunidades, 90 certificaciones." *Milenio* September 23, 2009.  
Luna, Jose. "Piden diputados frenar casos de corrupcion en la Sedesol-Guerrero." *El Sol de Mexico* September 22, 2009.  
Merlos, Andrea. "La oposicion reprueba la politica social de FCH." *El Universal* September 23, 2009.

### **IFE checking for use of drug-trafficking money in pre-campaign season**

The Federal Electoral Institute (Instituto Federal Electoral, IFE) has not found evidence that money used for electoral pre-campaign activities originated from drug trafficking funds, according to IFE president Leonardo Valdés.

The IFE acknowledged, however, that they would be looking closely at the campaign of Julio César Godoy Toscano, a candidate with the Democratic Revolutionary Party (Partido de la Revolución Democrática, PRD) in Michoacán who has been accused by the Mexican Attorney General's office of having ties to drug traffickers. Godoy, a congressman-elect, never showed up for his swearing-in ceremony on September 1.

The agency reviewed 4,300 reports filed by political parties and their pre-candidates. Meanwhile, Mexican political analyst Denise Dresser reaffirmed during a September speech in Tamaulipas that drug traffickers do finance politicians. Dresser did not provide specific examples.

#### **SOURCES:**

Cortes, Nayeli. "IFE no detecto recursos del narco en precampanas." *W Radio* October 6, 2009.  
Rodriguez, Sofia. "Se extiende narcopolitica e impunidad en Mexico: Denise Dresser." *Metro Noticias de Tamaulipas* September 24, 2009.  
Zepeda, Aurora. "No hubo dinero ilicito en precampanas: IFE". *Excelsior* October 6, 2009.

### **The IFE fines five political parties for improper campaign activities**

The Federal Electoral Institute (Instituto Federal Electoral, IFE) is fining the Democratic Revolutionary Party (Partido de la Revolución Democrática, PRD) approximately \$74,000 dollars for failing to follow pre-campaign rules and regulations during the 2008-2009 year.

The electoral oversight agency discovered receipts for cash donations to party members that did not include the signature of the donor. In addition, the Institute found that documentation often lacked required information, such as source of revenue information. Other omissions included failing to provide paperwork regarding interbank transfers of cash.

The IFE fined four other political parties lesser amounts, with the total amount of fines adding up to \$75,410. This was the first time that the IFE scrutinized pre-campaign activities. Its scrutiny can be traced to political reforms approved in 2007 and 2008.

The Workers' Revolutionary Party (Partido Revolucionario de los Trabajadores, PRT) was fined approximately \$8,500. The National Action Party (Partido Acción Nacional, PAN) was fined about \$1,600. The Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) was fined about \$720 and the New Alliance Party (Partido Nueva Alianza, PNA) was fined about \$400. The IFE found very minor oversights with the activities of the Ecologist Green Party's (Partido Verde Ecologista de México, PVEM) and decided to issue that party a public warning with no fines.

#### **SOURCES:**

Urrutia, Alonso. "El IFE multara hoy al PRD con \$976 mil por irregular informe en gastos de precampana." *La Jornada* October 6, 2009.  
No author. "Preve IFE multar a cinco partidos por mas de un millon de pesos." *Milenio* October 5, 2009.

### MISCARRIAGE OF JUSTICE

#### **PGR rejects liability in Francisco Marcial case**

The Federal Attorney General's Office (Procuraduría General de la República, PGR) has rejected calls to pay reparations to Jacinta Francisco Marcial, an Otomí indigenous woman released from prison in September over three years after she was imprisoned for the kidnapping of four Federal Investigations Agency (AFI) agents in March 2006. In a statement sent to the Chamber of Deputies, the PGR stressed that Francisco Marcial was released because reasonable doubt had been established in her case when it was revisited last month, but that this did not establish her innocence. The two women convicted alongside Francisco Marcial, Alberta Alcántara Juan and Teresa González Cornelio, remain in prison. The PGR maintains that reasonable doubt cannot be established in the cases of Alcántara Juan and González Cornelio, and that they will be required to serve out the remainder of their 21-year terms. The agency made the same claim about Francisco Marcial just weeks before admitting to the irregularities in the prosecution of her case that led to her release.

#### **SOURCE:**

Garduño, R. and E. Méndez. "Descarta la PGR reparar los daños causados a la indígena Jacinta Francisco." *La Jornada* September 23, 2009.

#### **Atenco residents demand justice for alleged 2006 police abuses**

A group of residents of San Salvador de Atenco in the State of Mexico has completed the third leg of a 12 state tour to gain support for efforts to free 12 community members arrested when police responded to civil unrest there in May 2006. The events stemmed from the expulsion of eight downtown flower vendors by the police. Mass demonstrations followed, precipitating the deployment of 3,500 police officers to the town of 42,000. In all, 207 people were detained, including the 12 currently remaining in prison in Mexico City, whom Atenco activists refer to as "political prisoners." Allegations of arbitrary detentions, physical abuse and sexual assault soon followed; however to date no officers or officials have faced trial.

While the 12 convicted Atenco residents await results of the recent mobilizations on their behalf, legal representatives of women claiming to have been assaulted during the 2006 police raids continue to push for prosecution. On September 22, the special prosecutor for crimes of violence against women and human trafficking for the Federal Attorney General's Office (Procuraduría General de la República, PGR) exonerated federal police involved in the 2006 Atenco operation of perpetrating sexual violence against women in Atenco. Special prosecutor María Guadalupe Morfín Otero last month singled out 34 Mexico State police officers as those responsible for human rights abuses documented by the National Commission on Human Rights (Comisión Nacional de los Derechos Humanos, CNDH) and other human rights organizations and recognized by the Supreme Court. Her finding, realized in July of this year but not made public until September, effectively places subsequent investigations of alleged police abuses in the hands of Mexico State authorities, who thus far seem to have little inclination to pursue them. It must also be noted here that Morfín Otero's decision comes at a time when she is an aspirant to the position of CNDH President.

In responding to the PGR special prosecutor's decision, Jacqueline Sáenz, attorney for the human rights group Miguel Agustín Pro Juárez that is advocating for the 11 women still seeking attention to their cases, announced that she would appeal to the state judiciary to arraign the 34 officers implicated. However, she fears that the "lack of political will" demonstrated by the PGR will carry down to the state level.

Edith Rosales, one of the women who have come forward seeking the prosecution of officers involved in the alleged abuses, expressed in a press conference her distrust of the Mexican justice system, and hopes that the Inter-American Human Rights Commission (IACHR) will honor a complaint filed on behalf of the Atenco women last April. Rosales also rejected the PGR special prosecutor's decision to exonerate the federal police officers, reiterating her original declaration that federal police were involved in the alleged abuses, and identifying them by their "grey-blue" uniforms.

**SOURCES:**

Henríquez, Elio. "Comenzó en Acteal segunda etapa de Libertad y Justicia para Atenco." *La Jornada* September 11, 2009.  
Norandi, Mariana. "Buscan que comparezcan 34 policías por el caso Atenco." *La Jornada* October 4, 2009.  
Norandi, Mariana. "Fiscalía especial exonera a policías federales de violaciones sexuales a mujeres de Atenco." *La Jornada* September 23, 2009."

**Supreme Court may order release of 31 more prisoners jailed for 1997 Acteal massacre**

Mexico's Supreme Court is deliberating the possible release of 31 prisoners convicted in 1997 of perpetrating the massacre of 45 Tzotzil Indians in the Chiapas village of Acteal. The Supreme Court decided in August of this year to release 20 prisoners twelve years after their arrest. As in the August ruling, the Supreme Court deliberations hinge not on the guilt or innocence of the defendants – indeed, five of those released under the recent decision have pleaded guilty – but rather on investigative and prosecutorial irregularities including evidence tampering and coerced testimonies.

The gravity of the massacre itself and the revelations of a miscarriage of justice by the Federal Attorney General's Office (Procuraduría General de la República, PGR) have resonated strongly in the Mexican press as reforms pass through federal and state legislatures apportioning greater investigative powers to the nation's police forces as the nation slowly transitions to an accusatory justice system, particularly with the inception of oral trials. According to unofficial reports, the Supreme Court was set to deliberate the case on October 14.

The Acteal massacre took place on December 22, 1997 when gunmen opened fire on a prayer group, killing 45, including pregnant women and young children. The killings created a public outcry in Mexico and internationally, in response to which then-President Ernesto Zedillo ordered a thorough investigation that led to around 100 arrests.

Between December 1997 and March 1998, the PGR, led at the time by Jorge Madrazo Cuellar, opened 13 investigations and detained 87 indigenous community members and 15 public officials in connection with the killings. The PGR maintained throughout the investigation that the massacre was the culmination of a months-long dispute between the Acteal-based civil group "Las Abejas," and an opposing group that stemmed from either land rights or the assassination of a leader of the opposing group. Such a line of investigation ignored the widely held belief that the massacre was carried out by a paramilitary group formed to impede the influence of the Zapatista movement in the region. In the end, the few public officials who were tried and convicted served sentences of no more than 8 years, while the 81 indigenous community members convicted were sentenced to between 18 and 40 years in prison. To date, only five of them have admitted involvement in the massacre. Many of those released and those awaiting possible release, however, have been positively identified by survivors of the massacre.

Chiapas-based Human Rights group Fray Bartolomé de las Casas (CDHFBC), which expressed concern in August that the 20 prisoners released might return to the community seeking revenge for their imprisonment, has said that the pending decision is even more troubling given the fact that the 31 prisoners include 5 confessed participants. A CDHFBC statement said that there exists an "imminent danger" to surviving victims who are unprotected against possible reprisals, and who "have seen their right to justice damaged." Meanwhile, members of "Las Abejas" have warned that they will work with families of the victims to bring about "alternative, popular justice" should the prisoners be released. Las Abejas leader Sebastián Pérez Vázquez, would not provide specifics to reporters, although he expressed confidence that the 31 men would be released. The civil group has long maintained that the prisoners formed an arrangement with authorities establishing the time that they would serve before being released on legal technicalities.

**SOURCES:**

Bellinghausen, Hermann. "Podría SCJN liberar a 31 acusados más por caso Acteal: Centro Fray Bartolomé." *La Jornada* October 5, 2009.  
Mandujano, Isaín. "Pide el Frayba a la SCJN 'valorar riesgos' de liberar a más implicados en masacre de Acteal." *Proceso* October 5, 2009.  
Mandujano, Isaín. "Amenazan 'Las Abejas' con hacer justicia popular en el caso Acteal." *Proceso* October 12, 2009.

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## PRESS FREEDOM

### **Reporters Without Borders faults Mexican officials for continued violence against journalists**

Just days after a controversial veteran television and radio reporter was gunned down in his editing office in Casa Grandes, Chihuahua in late September, the France-based organization Reporters Without Borders (Reporters Sans Frontières, RSF) released a report detailing findings from a fact-finding mission to Mexico in July focusing on the states of Michoacán and Guerrero. The Federal Attorney General's Office (Procuraduría General de la República, PGR) has thus far been quiet about its investigation into the murder of Norberto Miranda Madrid, saying only that there are currently "two lines of investigation." RSF, however, has claimed that the shooting was clearly the work of the Juarez Cartel.

The RSF report released on September 28, "Mexico: Behind the scenes of impunity," faults state and federal governments for effectively allowing crimes against journalists to go unpunished. The organization documents 55 journalists slain and eight disappeared in Mexico since 2000. According to the report, bureaucracy is primarily to blame for crimes against the press. It recognizes Mexico for having more agencies and entities charged with protecting journalists and press freedom than any other nation, but claims that tensions between these entities, which function at local, state and national levels, effectively neutralize the efforts of each. The report also criticizes officials' direct involvement in human rights violations, which are carried out under the banner of public security.

The RSF report examines the issue of impunity in crimes committed against journalists through the lens of selected cases, which highlight the complicated jurisdictional questions of such crimes, referred to in the report as "judicial ping pong." For example, if a missing journalist is labeled a "disappearance," the case is handled by the state Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE); but if it is labeled a "kidnapping" the case belongs to the Federal Attorney General's Office (PGR). PGR Deputy Attorney for Human Rights Juan de Dios Castro estimates that 90% of crimes committed against journalists are handled by the states, despite the creation in 2006 of the Special Federal Attorney's Office for Combating Violence against the Media (Fiscalía Especial de Atención a los Delitos cometidos contra Periodistas, FEADP), an office within the PGR for which the RSF investigators found almost universal criticism—among journalists, families, and state and federal officials alike. Currently there is a bill stalled in the Senate that would make federal all crimes against press freedom, and would presumably apportion more resources to the PGR for investigating and prosecuting such crimes.

Amidst this "judicial ping pong" the report found in Michoacán a culture of self-censorship among journalists, many of whom suspect that municipal and state police have a hand in "no trace" kidnappings. Such self-censorship has been an effect of the unchecked violence in Chihuahua as well, where journalists have reported receiving regular threats over phone lines and police scanners.

RSF investigators also found government intimidation of news outlets, documenting the January 2009 raid of an indigenous radio station in rural Michoacán in which the station's 5W transmitter was seized on the grounds that it was operating without a license, despite the fact that the station had been trying to legalize its status since 2002. The operator of a nearby indigenous radio station asserted that such stations, often critical of recent military deployments in the area, are under close scrutiny by the federal government. Indeed, no new radio permits have been authorized under the Calderón administration, which came to power in December 2006.

The report also found that in many cases investigators have attempted to frame journalist killings as reprisals for their involvement in organized crime, when there is no empirical evidence to support such claims. In the rare cases resulting in convictions, the report points to federal and state Human Rights Commissions' findings of investigative irregularities and forced confessions.

The authors were particularly critical of the FEADP, pointing out that while FEADP Director Orellana Wiarco claimed in July that the office had handled 298 cases, an *El Universal* report in February said that the office had taken on only 88 of the 274 cases brought to its attention between its creation in February

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2006 and November 2008, and had initiated criminal proceedings in only three of them. The same article outlined the FEADP staff as comprising only 10 federal agents and six PGR employees, in addition to one in each state. Moreover, the office's jurisdictional powers end when it is determined that organized crime was involved, at which point the case is turned over to the PGR's special office for organized crime, the Office of the Assistant Attorney General for Special Investigations and Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO).

The report issued a number of recommendations, including an overhaul of the PGR as well as federal legislation pertaining to violence against journalists to ensure that all such crimes are handled effectively at the federal level; stronger legislative and civil oversight of the FEADP; increased protection for families, attorneys, and other advocates for journalists; and complicity by the federal government with international standards for the promotion of community media. The report also includes recommendations for the U.S. government, including pressuring the Mexican government to look into the investigation of the murder of U.S. filmmaker Brad Will; adding to the list of important foreign drug trafficking organizations; withholding Merida Initiative funding tied to Mexico's compliance with human rights standards; and ratifying the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials in order to stem the southward flow of firearms. This last recommendation comes at a time when polls show Americans' support for gun control at an historic low.

**SOURCES:**

"Hay dos líneas de investigación en crimen vs. periodista." *El Diario* September 25, 2009.

"Mexico: Behind the scenes of impunity." *Reporters Without Borders* September, 2009.

## HUMAN RIGHTS

### **Supreme Court finds Oaxaca Governor Ruiz responsible for 2006-2007 human rights abuses**

Mexico's Supreme Court ruled on October 14 that Oaxaca Governor Ulises Ruiz Ortiz is responsible for human rights abuses inflicted in that state's capitol during the demonstrations and police and paramilitary responses stemming from the May 2006 teacher strike. The Court, however, exonerated ex-President Vicente Fox and members of his cabinet of any responsibility for abuses suffered. The ruling states that there were "grave" violations of the right to justice, personal integrity, life, freedom of movement, work, thought and expression, education, property, peace, and access to information.

The justices had been divided over the question of whether to issue a recommendation against Fox, with at least two justices arguing that he shared responsibility for human rights abuses in Oaxaca for his failure to respond to the situation when it became clear.

Along with Governor Ruiz, the Court singled out Oaxaca Public Security Director José Manuel Vera Salinas; Director of the Ministerial Police Navío José Moreno Rivas; and Director of the Auxiliary, Banking, Industrial and Commercial Police, Darío Berges y Dorantes.

The Court's decision will be sent to President Felipe Calderón for his review, as well as to Congress, the Federal Attorney General's Office, Oaxaca legislature, and other authorities so that further penal, civil, administrative or political measures may be taken if deemed appropriate.

**SOURCES:**

Avilés Carlos. "Ministro acusa a Fox de omisión en caso Oaxaca." *El Universal* October 14, 2009.

Avilés Allende, Carlos. "Corte culpa a Ruiz de violaciones en Oaxaca." *El Universal* October 14, 2009.

### **Senate hearings underway to select next CNDH president**

Mexico's Senate has reduced to 26 the number of candidates aspiring to replace José Luis Soberanes as President of the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) in November. The term will last from November 16, 2009 through November 15, 2014. There were originally 39 applicants for the position, but the Senate human rights, justice and legislative committees disqualified 13 for not carrying any organizational support.

Included in the candidates are Richard Sepúlveda, human rights consultant for the Organization of American States (OAS); Emilio Álvarez Icaza, President of the Human Rights Commission for the Federal District and whose term there is also coming to an end; Javier Moctezuma Barragán, former CNDH Technical Secretary and Ambassador to the Vatican; Mauricio Farah, Susana Thalia Pedroza and Raúl Plascencia, all former or current CNDH investigators; General José Francisco Gallardo Rodríguez; Luis Raúl González Pérez, attorney for Mexico's National Autonomous University (Universidad Nacional Autónoma de México, UNAM); Guadalupe Morfin Otero, former Special Prosecutor for Juárez femicides; and Patricia Olamendi, former Sub-Secretary of Human Rights for the Foreign Ministry (Secretaría de Relaciones Exteriores, SRE).

Senate testimonies by CNDH presidential candidates will begin Monday, October 19 and will conclude on Thursday, October 22.

**SOURCES:**

Gómez, Ricardo, Sergio Javier Jiménez and Nurit Martínez. "Ricardo Sepúlveda se apunta para la CNDH." *El Universal* October 7, 2009.

Saldierna, Georgina. "Hay 34 candidatos a presidir la CNDH." *La Jornada* October 10, 2009.

Gómez, Ricardo. "Adelgazan de 39 a 26 lista de aspirantes a ombudsman." *El Universal* October 12, 2009.

## AROUND THE STATES

### **"Madres de Plaza Tijuana" demand attention to disappeared in Baja California**

Families of at least 320 missing people have returned to the streets of Tijuana, Baja California to demand action from authorities. Wielding pots and pans in the spirit of the "Abuelas de Plaza de Mayo" in Argentina, demonstrators have promised to make an appearance every Friday unless authorities follow through with promises made to families to investigate the disappearances, according to Fernando Ocegueda Flores, Secretary of the Citizens' Association Against Impunity (Asociación Ciudadana contra la Impunidad). Ocegueda Flores charges that officials in the office of Baja California's Special Prosecutor for the Disappeared as well as the Anti-Kidnapping Group of the state Attorney General's Office have "recommended" that families forget about the issue. As they have done in the past, in response to what they characterize as a dismissive attitude from authorities, demonstrators will gather together and display photographs of the disappeared.

Ocegueda Flores emphasized to reporters that despite suggestions that security in the state has improved in recent months, kidnappings continue at the rate of around four per month. He pointed out that on September 21 a group of armed men entered a Tijuana home and abducted eight people, some of whom were minors. Authorities have not revealed any leads in the investigation of the multiple kidnapping.

The group made their presence known in February of this year after the arrest of Santiago Meza López, "El Pozolero," who confessed to dissolving the bodies of approximately 300 victims of the Sinaloa Cartel-linked gang led by Teodoro "El Teo" García Simental.

Most recently, people belonging to the Citizens' Association Against Impunity have been seen near the San Isidro border crossing warning travelers of the risk they face of being kidnapped or killed while visiting Tijuana. The demonstrations come at a time when Baja California tries to improve its image as a tourist destination. One measure the state has undertaken is its planned "tourism police," a bi-national U.S.-Mexico effort to create a police corporation that will patrol the popular Tijuana-Ensenada corridor.

**SOURCES:**

Martínez, Julieta. "Cacerolazos" en Tijuana por personas desaparecidas." *El Universal* September 25, 2009.

Martínez, Julieta. "Habitantes de Tijuana alertan por violencia a turistas de EU." *El Universal* October 10, 2009.

### **Oral trials in effect in four districts of Mexico State**

On October 1, judicial reforms went into effect in the Lerma, Tenancingo, Tenango, and Toluca districts of Mexico State. The reforms, approved by the state congress after moving through the federal legislature in

Spring, 2008, seek to professionalize the criminal justice system from investigation to conviction or acquittal. The cornerstone of the reforms is a move to an accusatory justice system incorporating oral trials. As in other states having already passed and implemented such reforms, alternative justice seeking reparative measures rather than jail sentences are strongly emphasized, with the hope of relieving an overflowing prison system.

Mexico State, by far the most populous in the country, will undergo a gradual geographic implementation of the reforms. Districts will be incorporated every six months, with full incorporation expected in April of 2011.

On the first day of implementation of the reforms, two cases were heard in oral trials. The first dealt with an election official who was engaged in a physical altercation by a voter and sustained superficial injuries. The two parties were quickly able to reach a mutual agreement involving an apology and a promise by the assailant to stay away from the official in the future. The second case, however, involved the attempted kidnapping of an infant. In that hearing, the prosecutor first presented his case to the judge and then the details of the investigation to the *juez de control*, a judge in charge of ensuring that the arrest and ensuing investigation were performed while preserving the constitutional rights of those involved. With both judges satisfied, a date was set for the trial.

**SOURCE:**

Alonso, Eduardo. "Edomex resuelve dos juicios orales." *El Universal* October 2, 2009.

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

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

Summaries for this report were compiled by TBI Research Associates Cory Molzahn and Anna Cearley, with editing by Heidi Knuff and research assistance from Elisse Larouche, Theresa Firestine and Nicole Ramos. Any opinions expressed in attributions for this summary are those expressed in the media reports and op-ed pieces cited, and not those of the Trans-Border Institute or the University of San Diego.

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