

# JUSTICE IN MEXICO

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**News Report**  
**September 2008**

*Kidnappings continued to be a major concern over the last month, as officials responded to public calls for action last month, including a massive nation-wide march; experts estimate that the actual number of kidnappings far exceeds those reported to authorities. Although drug-related violence continued at slightly lower levels over the past month, a mass beheading of 12 bodies was discovered outside Mérida, Yucatán and numerous banners sporting messages from drug traffickers appeared throughout the country. Officials also believe that drug trafficking organizations were possibly involved in a grenade attack that targeted civilians in the central plaza of Morelia, Michoacán on September 15 during celebrations for Mexican Independence Day. Prison riots possibly involving organized crime killed at least 23 people and punctuated the brief calm in violence in the border city of Tijuana, Baja California. Meanwhile, authorities revealed new information on the status of Mexican law enforcement, dozens of law enforcement officials were brought down on charges of corruption, and non-governmental organizations successfully pressured the National Human Rights Commission to take stronger action to protect human rights in Mexico. Around the states, efforts were made to strengthen citizen oversight of police and PRI legislators worked to lower the punishable age for adult crimes in Mexico City; the use of adversarial criminal procedures spread to the Mixtec-speaking region of Oaxaca; and Ciudad Juárez's first oral trial resulted in a conviction.*

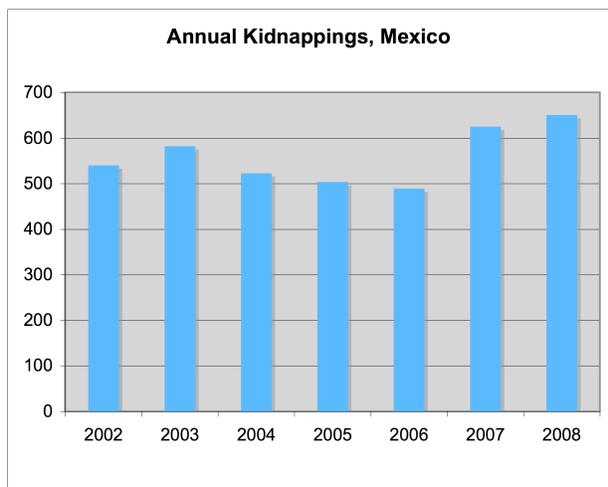
## LAW AND ORDER

### KIDNAPPING

#### **Kidnappings have spiked in 2008, according to official sources**

Official sources have answered increased press coverage of kidnappings in recent months, revealing an increase of such crimes, centered primarily in the Federal District and the State of Mexico. Meanwhile, arrests made in Veracruz and Nuevo León have linked municipal and federal agents to kidnapping organizations.

Monte Alejandro Rubido García, executive secretary of the Interior Ministry's Sistema Nacional de Seguridad Pública (SNSP), announced that the number of kidnappings reported during 2008 has already surpassed any previous year since before 2002, according to his agency's Diagnostic of Kidnappings in Mexico. Rubido said that 651 kidnappings were reported nationwide between Jan. 1 and Sep. 15 of this year, already 26 more than in the entirety of 2007. According to the report, there had been a slow but steady decline in reported kidnappings since 2003, before spiking to 625 in 2007 from 489 in 2006.



During 2008, the most affected states have been the Federal District, with 141; the state of Mexico, with 122; Baja California, with 103; Michoacán, with 39; and Guerrero, with 38. Storekeepers are the most targeted according to the report, followed by students, employees, businessmen, and housewives. The report also reveals that since 2001, 19 kidnapping rings have been broken up, and more than 900 suspected kidnappers arrested, 34 of which were police officers. In its own diagnostic released in August, the special kidnapping unit of the federal Attorney General's Office (PGR) revealed that the monthly rate of kidnappings rose 9.1 percent during the first five months of the year, to 64.6. The PGR attributes the spike in kidnappings to increased involvement of drug trafficking organizations in such crimes.

A survey of preliminary investigations of kidnappings reported by state governments between 1997 and 2007 conducted by the Instituto Ciudadano de Estudios Sobre la Inseguridad based on SNSP data also reveals a national decline after 2003 in reported kidnappings from 436 to 325 in 2004, followed by a spike to 601 in 2006, and remaining relatively flat in 2007. The states most affected were fairly consistent with SNSP's own report, with the Federal District leading in numbers with 1235 since 1997 and the state of Mexico following with 608. Two enigmatic cases are those of Tlaxcala, with 496, 434 of which were reported in 2006 and 2007; and Tabasco, which reported 318 in 1997, 76 in 1998, and its remaining 10 in 2007. Baja California is listed as eleventh with 312 reported investigations. Sonora and Chihuahua are the only other border states in the top 20, with 98 and 96 reported, respectively.

The irregularities in the reports highlight the problematic nature of quantifying and analyzing kidnapping data. Official reports, which reflect the numbers of kidnapping cases for which investigations have been opened, are certain to under-represent reality, as kidnappings are notoriously underreported. This is evidenced by the Fernando Martí case, in which Fernando's father chose to bypass official avenues in favor of private consultants and later the press, as he suspected early on that police were involved in the kidnapping.

In another high-profile kidnapping case, the family of Silvia Vargas – daughter of Nelson Vargas, ex-director of the National Commission of Athletics and owner of several swimming facilities – have offered US\$2 million for Silvia's return. Vargas was kidnapped September, 2007 on her way to school. Silvia Vargas' case has further fueled the presence of kidnappings in the national press.

Recent press coverage reflects growing public concern over the problem, and industry has answered. Adding to private consultants who act as intermediaries between kidnappers and victims' families and insurance policies now available to protect families against the financial burden of potential kidnappings, Querétaro-based company Xega is offering a subcutaneous chip that can be tracked by satellite in order to locate kidnapping victims.

Public concern over police involvement in kidnappings has been answered by two high-profile cases implicating public officials. Arrests in Veracruz and Nuevo León point to involvement of both municipal and federal agents in kidnapping rings. In Veracruz, officials have charged eight presumed members of a

kidnapping ring known as Los Tabasqueños and suspected of abducting a veterinarian early September, who was later rescued without injury. Among those arrested was Juan Carlos Valerio, commander of the municipal police department of Alvarado, suspected of offering protection to the presumed kidnappers. In Nuevo León, Sonia Virginia Bastida, active agent in the Federal Agency of Investigations (AFI), is being held by the state Attorney General's Office, suspected of leading a group of kidnappers who held two men for a ransom of MEX\$3 million. Another member of the AFI was also reportedly detained.

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## PUBLIC SECURITY

### National security pact draws some skepticism from analysts, concern from human rights groups

The 75-point security pact *Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad*, signed in late August by Pres. Calderón, representatives of the legislative and judicial branches and state governments, and members of civil society representing unions, commerce, and religious groups, has drawn a wide swath of responses from security analysts and human rights advocates. The points, allowed between three months and three years for implementation, stress cleansing national, state, and municipal police forces, formulating national policies for addressing crimes of kidnapping and money laundering, facilitating information sharing between governmental agencies, among other measures. The agreement was signed in the midst of public outcry over kidnappings and suspected police involvement in the Fernando Martí kidnapping case. Calderón has characterized the document as a clear, measurable plan for bringing integrity to the nation's law enforcement agencies, but some analysts claim that the goals of the pact are unrealistic for the time allotted, and that the *Acuerdo* is at its core meant to quell public criticism of Mexican authorities' inability to control the violence, official corruption, and impunity reported daily in the press and directly experienced by many Mexicans.

The pact immediately met with criticism from analysts claiming that many of the proposals are echoes of measures already in place that have reached with no tangible results, and that the pact consists too much of generalities, lacking specific details as to how the goals will be met. Several analysts have argued that the institutional changes outlined in the *Acuerdo* will take much longer to implement than is allocated in the document, and question how these changes will be realized when most public functionaries serve terms of three years. Fernando Mejía Barquera of Milenio points out that on Sep. 20, 2004 the federal secretary of Public Security and Marcelo Ebrard, then secretary of Public Security for the Federal District and now the city's chief of government, revealed "Alerta T," an "immediate reaction against crime... activated by citizen complaint [that] can mobilize dozens of police while at the same time radio and television broadcast information about vehicles and kidnappers in the case of, for example, the kidnapping of a minor." Ebrard left his post five months later, and the federal SSP secretary died the following September. The project never came to fruition.

Several days before the *Acuerdo* was released to the public, president of the National Commission for Human Rights (CNDH) José Luis Soberanes requested that Pres. Calderón include in the document a request that Congress reform Article 102 of the Constitution to establish independent bodies to investigate police and other federal officials when suspected of committing crimes. Otherwise, Soberanes said, any attempts in the coming months and years to cleanse law enforcement agencies will fail to address the fundamental problem of impunity. During a press conference, Raúl Plascencia of the CNDH echoed Soberanes in stressing that without independent oversight of law enforcement any proposals for

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increased controls and harsher penalties for public servants will effectively mask the more fundamental need to address the issue of impunity.

Plascencia was accompanied by representatives of civilian groups serving the interests of public security, criminal justice, and commerce. Plascencia pointed out that only 2 percent of reported crimes are ultimately brought to sentencing. "Rather than thinking about applying strenuous punishments, what we need to reflect on is how to ensure that all crimes are investigated so that they are reported and those responsible are brought to justice," he said. On Sep. 2, the CNDH signed a pact with various civil organizations that resolves to monitor the outcomes of Calderón's security pact. The participating civil organizations, which include the Consejo Ciudadano de Seguridad Pública y Procuración de Justicia of the Federal District, the Red de Especialistas en Seguridad Pública and the polling group Consulta Mitofsky, among others, will convene for a series of conferences on Sep. 25, Oct. 16 and Nov. 6 to discuss the proposals and advancements of the security pact.

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## DRUG TRAFFICKING

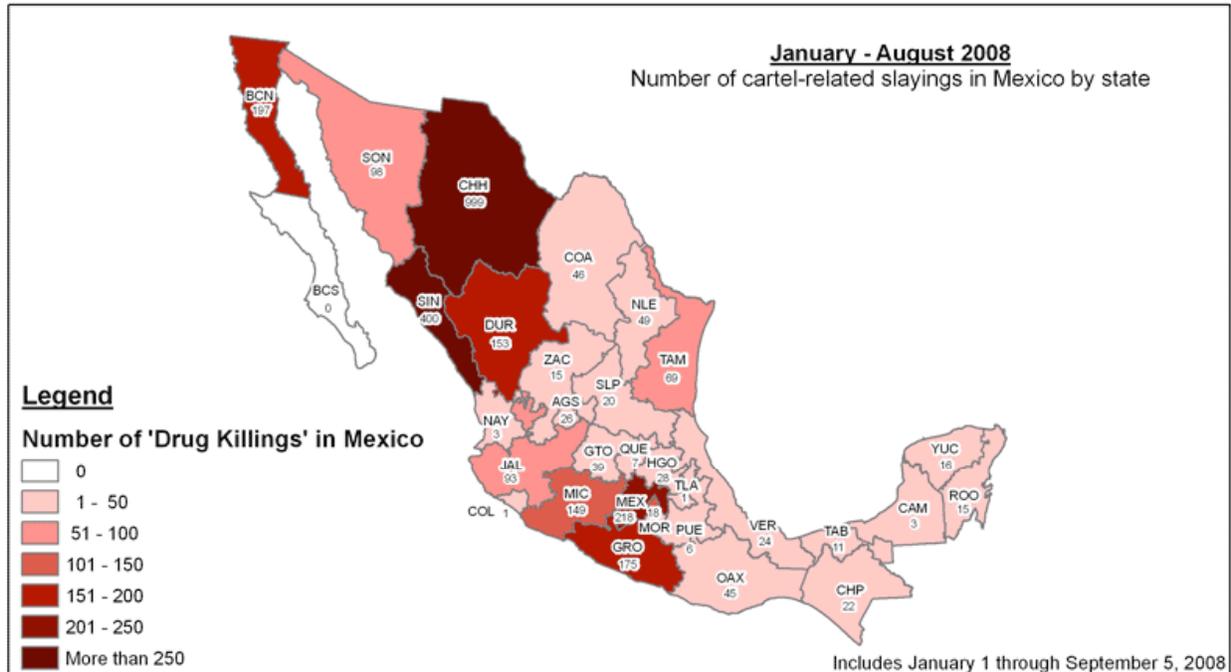
According to Mexico City newspaper *Reforma's* running tally, Chihuahua continues to lead the nation with a total of 1047 as of Sep. 19, roughly a third of the nation's total. Chihuahua has averaged just over 23 *ejecuciones* per week since the beginning of the year, and continues to lead all states in such killings. Attacks on police and beheadings remain regular occurrences in the state, where the rate of *ejecuciones* per 100,000 people is 31.47, as compared to about 16 for Sinaloa, and about seven for Baja California. While the reported number of cartel-related slayings has already surpassed that of 2007 by nearly a thousand, of particular note of late are the psychological tactics being employed by the cartels, and the public and official responses. The geographic distribution of drug violence through August 2008 is illustrated on the map on page 5. This and a more complete series of maps, indicating rates and proportion of killings by state, can be found online here: <http://www.sandiego.edu/tbi/projects/maps.php>.

Eighty agents of the Federal Agency of Investigation (AFI) were sent to Mérida, Yucatán immediately after 12 decapitated corpses were found outside the capital city in late August. Yucatán is not particularly known for cartel-related violence, though it is a known transit point for drug trafficking. Three presumed members of the Zetas, assassins of the Gulf cartel, were arrested shortly after the bodies were found on two ranches, and since two Cubans and nine more presumed Zetas have been arrested in connection with the investigation. The recent killings in Yucatán may be a sign of increased drug activity in the Gulf of Mexico and the Caribbean. Also, the mass beheading – one of the largest in recent months – highlights the prevalence of such acts throughout Mexico. According to *Reforma*, there have been 31 decapitations since Aug. 22, bringing the total number in Mexico to over 200 for the year. Beheadings, which are often accompanied by notes or "narcomensajes," are a relatively new phenomenon in Mexico; the first case linked to the ongoing drug war came in April 2006.

Early this year, large signs known as "narcomantas" began appearing in conspicuous locations, some accusing government officials and the military of protecting particular drug traffickers, and some apparently displayed by one cartel threatening or blaming violence on members of another. The first "narcomantas" to appear were hung over a busy thoroughfare in Reynosa, Tamaulipas, apparent recruiting banners for the Zetas. In late August, several days after Pres. Calderón and other government leaders signed their anti-crime accord, banners appeared in cities throughout all regions of the country accusing elements of the military of offering protection to members of the Sinaloa cartel. In another apparent attempt to appeal to public opinion, three "narcomantas" appeared throughout Morelia, Michoacán four days following an Independence Day grenade attack there. The banners, presumably hung by members of La Familia, the organization suspected of carrying out the attack, pointed to the rival Zetas as the true culprits of the bombing. Text messages had been sent to the cell phones of reporters

earlier carrying the same message. Some analysts have characterized these direct communications between cartels and the public as a real threat to public security; Pres. Calderón responded directly to the Morelia banners, urging citizens to stand united against organized crime.

## Number of 'Drug Killings' in Mexico



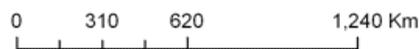
Source: State and national totals of cartel-related slayings in Mexico ("ejecuciones" and "narcoejecuciones") obtained from data provided by *Reforma* newspaper.

**Maximum and Minimum values:**

Maximum value: 999 in Chihuahua

Minimum value: No 'ejecuciones' were recorded in the state of Baja California Sur according to the source for these maps, *Reforma* newspaper.

National average: The national total of 'ejecuciones' (cartel-related slayings) Jan. 1 - Sept. 5, 2008 was 3,051



Maps produced by Theresa Firestone  
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The real and perceived threats to public security have had a tangible impact on Mexico's economy, according to secretary of the Treasury, Agustín Carstens. During a press conference, Carstens explained that Mexico's culture of insecurity will negatively impact Mexico's economic growth rate by 1%, which he attributed to a slowdown in international investments and employment. He also estimates that crime has directly increased businesses' expenses by between five and ten percent. According to the Economic Commission for Latin America and the Caribbean, Mexico's economy will have the slowest rate of growth in the region, at a projected 2.5%. These numbers are troubling, as mending the nation's economy is widely seen as fundamental in stemming the spread of organized crime.

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- "Mantas en ciudad Victoria acusan a Ejército de proteger al narco." *Milenio* 27 Aug. 2008.
- "Cercos de seguridad." *El Diario de Yucatán* 29 Aug. 2008.
- "Ahora, aparecen narcomantas en Morelia, presuntamente del cártel de la Familia." *Cambio de Michoacán* 22 Sep. 2008.
- "Inseguridad ha frenado PIB México hasta en 1 pct: Hacienda." *Reuters America Latina* 3 Sep. 2008.

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### **Independence Day grenade attack being blamed on La Familia organization**

Mexican Independence Day celebrations in Morelia, Michoacán on the night of Sep. 15 were cut short by a fragmentation grenade attack that left eight people dead and scores more wounded. The attack came during the opening ceremony in the city's crowded central square, and has been attributed by authorities to the drug trafficking organization La Familia de Michoacán. Officials have characterized the attack as an act of terrorism, and Pres. Calderón has pledged a military response.

Morelia is the hometown of Pres. Calderón, who addressed the public the same night, vowing to bring justice to the perpetrators, and urging Mexicans to "stand united" against organized crime. In an address delivered several days later alongside governors of Guanajuato and San Luis Potosí, Calderón appealed to the citizenry to not be fooled by criminal organizations' claims that they represent the interests of the people, emphasizing that Mexico's struggle against drug cartels is "not the work of a day, a year, or possibly not even six years," suggesting that the current campaign against organized crime will be inherited by the next president. Two individuals were arrested in Zacatecas following the attack, but were soon released, lacking any apparent ties to the attack. The federal Attorney General's Office (PGR) has announced a US\$10 million reward for information leading to the arrest of those responsible.

The symbolic nature of the attack is unmistakable, and thus far unprecedented in the Calderón administration's military-led campaign against drug trafficking organizations. Brazen attacks on civilians, however, are not entirely new in Mexico, as evidenced by last month's gangland-style killing of 13 partygoers in the Chihuahua town of Creel in which several teenagers, a university professor and a 1-year-old baby were killed; and a similar shooting the previous week of eight members of a prayer session at a drug and alcohol rehabilitation center in Ciudad Juárez.

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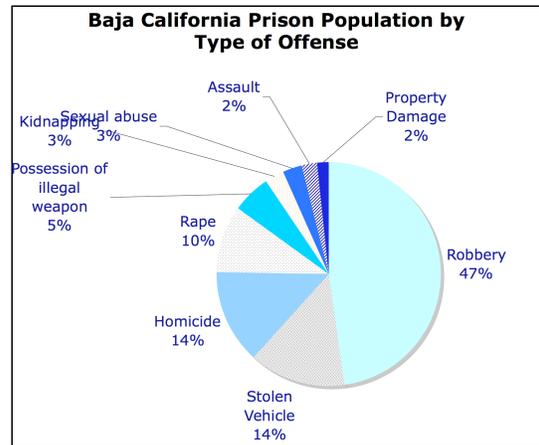
## **PENAL SYSTEM**

### **Tijuana prison riots kill at least 23 people**

After weeks of relative calm in Tijuana, two prison riots broke out in the La Mesa prison facility known as "La Peni," killing nearly two dozen people and bringing renewed violence to the border city in September. The first riot lasted from 2pm on Sunday, September 14 until police and soldiers stormed the prison at 2am the next morning. At least three people were killed in the riot. Eight prison guards and hundreds of visiting relatives were taken hostage before being released unharmed hours later. A second riot broke out around 1pm on Wednesday, September 17 in the women's section of the prison. The riot then spread throughout the facility, mobilizing roughly 2,000 prisoners and resulting in gunshots, stabbings, beatings, and fires that killed at least 19 people, including both guards and inmates. Nearly 50 prisoners, guards, and police were also injured in the riots. At least two prisoners who died were U.S. citizens serving sentences in Mexico, and two other U.S. citizens have apparently been injured. However, at the time of this report, authorities indicated that a full list of prisoners at the facility was not yet available.

Three convicts who attempted to escape were apprehended during the first riot, though the possibility of other successful escapes has not been ruled out. After the initial riot, roughly 1,000 relatives stood by outside the prison waiting for news of loved ones. Soon after the outbreak of the Wednesday riot, roughly 200 state and local police surrounded the facility and began moving people away from the prison. Federal and state law enforcement later assumed control over the prison with support from the military, seizing more than 370 sharp instruments.

One of the major criticisms of Mexico's criminal justice system is that criminals are often incarcerated for relatively minor charges, and for lengthy periods of pretrial detention. The La Mesa prison is intended to house accused criminals who are ineligible for release before trial and sentencing, but also contained convicted criminals. Statewide, Baja California's prisons house inmates primarily charged with minor crimes, such as robbery (47%), stolen vehicles (14%), and property damage (2%). However, roughly 40% of inmates in the state are held for violent offenses such as murder (14%), rape (10%), kidnapping (3%), sexual abuse (3%) and assault (2%), and an estimated 4,000 inmates are held in the state's prisons for federal offenses.



**Baja California Prison Populations and Estimates of Overcrowding**

Location	Population (2008)	Estimated Capacity	Estimated Overpopulation	Percent Overcrowding
Tijuana	8,002	4000	4002	100.1%
Mexicali	4,494	3700	794	21.5%
El Hongo	3,778	3300	478	14.5%
Ensenada	2,133	1000	1133	113.3%
<b>Total</b>	<b>18,407</b>	<b>12,000</b>	<b>6,407</b>	<b>53.4%</b>

Sources: Population reported by Centros de Readaptación Social (CE.RE.SO.) and estimates of overcrowding based on recent public statements and reports by government officials.

Officials attributed the riots mainly to overcrowding, which is a severe problem throughout Mexico. Reportedly, the La Mesa prison population has a capacity for 4,000 prisoners, but grew from 6,400 in 2001 to over 8,000 in 2008. Baja California officials called for the construction of new facilities to help alleviate the pressure on the state's four prisons, which have official capacity for roughly 12,000 inmates but hold nearly 19,000. Meanwhile, in the aftermath of the riots officials relocated at least 250 inmates to the El Hongo

minimum security facility and a smaller facility in the port city of Ensenada. On September 23, Baja California Governor José Guadalupe Osuna Millan called for the La Mesa prison to be closed, and urged officials to begin plans for a new, more modern penitentiary.

In addition to severely overcrowded conditions, Baja California Human Rights Commissioner Francisco Javier Sanchez Corona blamed prison officials for the outbreak. Specifically, he alleged that the prison's director and other prison officials have used torture and committed other human rights abuses. Although authorities have indicated that organized crime groups operating inside the prison were probably involved in the outbreak of violence, they also acknowledged possible misconduct by prison officials.

A 19-year-old inmate named Israel Marquez Blanco was allegedly killed by prison officials when drugs and cellular founds were confiscated in a routine search by prison guards on September 13, possibly sparking the initial riot. Also, the women who started the second riot shouted to people outside the prison that inmates were being injured and killed inside. In light of these charges, the state's secretary of public security, Daniel de la Rosa, was removed from his post. Officials also announced the detention of several La Mesa prison officials, including prison director Carlos Arturo González, director of penitentiaries Miguel Ángel Canett, subsecretary of state prisons Simona Gamiño, and prison guard Alex Cervantes Jaramillo. However, despite charges against them, prison warden Antonio Ibarra Chavez and his deputy Daniel Perez Ibarra remained at large at the time this news report was compiled.

Regarding the involvement of organized crime, the San Diego Union Tribune reported that one of several prisoners accused of inciting the riot, Victor Eduardo Aguilar Sánchez, is the head of the "Sureños" prison gang. "Los Sureños" allegedly comprises members of the Mexican Mafia from the neighborhood of Barrio Logan in San Diego, and has ties to the Arrellano Felix organization. Following the riot, Aguilar Sánchez was transferred to the Almoloya maximum-security prison facility near Mexico City.

The La Mesa facility has a long history of problems, including the ambush and killing of the prison's wardens in 1978 and 1995. In 2002, the prison required a major reconstruction to eliminate irregular structures within the facility, including food stands and lush apartments for wealthy inmates. In 2004, the escape of five inmates with alleged ties to drug traffickers prompted the arrest of the former prison director, the former-prison guard commander and seven other employees of the prison.

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## U.S.-MEXICO SECURITY

### U.S. DEA reports arrests of 175 Gulf cartel members in a week; Italian citizens also implicated

The U.S. Drug Enforcement Administration (DEA) reported Sep. 18 the arrest of 175 members of the Gulf Cartel drug trafficking organization (DTO), along with record-setting drug seizures as part of "Project Reckoning." Italian officials also reported arresting 16 people in the joint operation, revealing officially for the first time the Gulf Cartel's reach into Italy. The Mexican press is reporting the operation as the biggest ever blow to the Gulf cartel. All told, Project Reckoning has resulted in the arrests of 507 suspected members and associates of the Gulf Cartel, which Justice Dept. officials claim represent roughly a third of the group's total membership. The arrests come after an April National Drug Intelligence Center (NDIC) report revealed that the Gulf Cartel has a presence in at least 43 U.S. cities concentrated mainly in Texas and Florida, but spanning much of the Midwest and East Coast.

The 15-month operation has resulted in a number of indictments across the United States – in Texas, New Mexico, Louisiana, Florida, North Carolina, New York and New Jersey. A separate federal indictment in the District of Columbia requests the extraditions from Mexico of Heriberto Lazcano Lazcano, leader of the Zetas, the military wing of the Gulf Cartel; and Ezequiel Cárdenas Guillén, brother of Osiel Cárdenas, who was extradited to the United States in 2007 and will face trial in Houston in March 2009. Both have been designated by the Organized Crime Drug Enforcement Task Force (OCDETF) as Consolidated Priority Organization Targets (CPOTs), a designation reserved for narcotics traffickers believed to be leaders of DTOs responsible for importing large quantities of narcotics into the United States. The DEA credits over 200 federal, state, local and international investigative agencies coordinated by DEA offices located in Colombia, Guatemala, Mexico, Panama and Italy with assistance from foreign counterparts in each of those countries.

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## ACCOUNTABILITY

### TRANSPARENCY

#### **Federal officials discuss implications of public security data**

The Instituto Federal del Acceso a la Informacion Publica (IFAI) wants Mexican governmental agencies to create electronic archives to make records more accessible to the public. Jacqueline Peschard, the commissioner of the institute, made the comments September at a seminar on "The Future of Electronic Archives in Mexico." The commissioner said that Mexico is taking steps in this direction through the Comision Intersecretarial para el Desarrollo del Gobierno Electronico, to pursue these goals. One of the main obstacles in Latin America for the access of information, however, is a lack of clear rules in managing public documents, she said. Peschard has also stated in previous occasions that institutions such as the federal Attorney General's office (PGR) and the federal Secretary of Public Security (SSP) need to open up case files and other documents related to public security issues that aren't deemed as classified. She said that resistance seems to stem from different interpretations of the country's transparency laws.

Some data released this month by a member of the congressional Commission of Public Security painted a gloomy picture of the systemic and financial challenges faced by Mexico's law enforcement officers. A majority of the local, state and federal law enforcement officers earn less than \$460 a month, which isn't enough to support a family, according to Edgar Olvera Higuera, president of the commission. The statistics show that the best-paid officers work at the federal level with an average monthly salary of \$1,070. State police in Tamaulipas earn about \$1,100 per month and those in Baja California earn about \$1,000 a month. In comparison, Oaxaca police officers earn about \$276 per month.

A report provided to legislators in August by the executive secretary of the National System of Public Security documented the lack of schooling among Mexico's police forces. According to the report, 10.73 percent have just an elementary school education, 42 percent completed the equivalent of middle school, and 13.7 percent have a high school degree. About 18 percent have a college degree or have completed postgraduate work. The report found that 64 percent of police officers believe their agency stations are in poor conditions, and 53 percent admit their equipment is deficient and obsolete. The National System of Public Security also released scores from extensive police evaluations between 2004 and 2006 in which the average scores for tested officers were between 5.98 and 7.52 on a scale of 10. Referring to some of these findings, Genaro Garcia Luna, the federal Secretary of Public Security said the problem isn't the people but the system and that over the next year the model will be transformed through modifications of the law to improve the professionalism of Mexico's police forces.

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### CORRUPTION

#### **Law enforcement officers arrested in Coahuila and Tabasco**

Mexican federal authorities arrested dozens of law enforcement officials during the month of September in the states of Coahuila and Tabasco who were suspected of working for major drug cartels. In the case of Coahuila, the Sept. 7 detentions stemmed from the arrest of a group of five or seven drug trafficking suspects in Toraon. A team of city officers who were apparently working collusion with the suspects engaged in a shootout with federal authorities. At least one of the police officers died during the gunfire exchange, and the rest were captured. Afterwards, Mexican authorities identified the 35 police officers as suspected collaborators with members of Gulf Cartel. The Gulf Cartel was originally controlled by suspected trafficker Osiel Cardenas, who was deported last year to the United States to face drug-related charges north of the border. The cartel, which formed ties with a group of mercenaries called the

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Zetas, continues to operate south of the Texas border though internal rifts appear to be disrupting the links between the two groups.

Meanwhile, in the state of Tabasco, federal officials detained more than a dozen officials, some of them also with suspected links to the Zetas.. In Villahermosa, the director of the state police force that is part of the state Secretary of Public Security, Jesus Arellano Flores, was detained in his own agency's office in Villahermosa. The city of Cardenas' police department administration was essentially dismantled following the detention of the director and five of his top officials. Federal authorities arrested an additional eight officers in the community of Balancan on Sept. 8.

According to an investigation by the federal Attorney General's special investigations unit in organized crime, all the local, state and federal corporations that operate in the 11 main municipalities in Tabasco have elements who work for organized crime and that the Zetas distribute about 5 million pesos each month to buy off more than 200 law enforcement officials in this part of Mexico. Mexican President Felipe Calderon has announced that the country's public security forces will receive 50 percent more funding in the upcoming fiscal year to 31 mil millones de pesos, (roughly \$2.9 billion) including additional resources to combat corruption and impunity.

**SOURCES:**

"Protejan municipales a presunto narcos en Torreon: SPPF.: 8 Sept, 2008.  
"Seguridad y política social." *El Universal*. 9 Sept., 2008.  
Barboza, Roberto. "Caen mandos ligados a 'narcologista' en Tabasco *El Universal*. 6 Sept., 2008.  
Ellingwood, Ken. "Mexico safety chief's tough job: policing the police." *Los Angeles Times*, 11 Sept., 2008.

## **HUMAN RIGHTS**

### **NGOs pressure CNDH to take action on human rights**

Jose Luis Soberanes Fernandez, president of Mexico's National Commission of Human Rights (CNDH), came under criticism from several non-governmental organizations that champion human rights groups. Luis Arriaga, director of the Centro Miguel Agustin Pro Juarez, said the commission has become an 'accomplice' of the government, in particular in cases of abuses of power. Specifically, Arriaga said Soberanes failed to demand that military officers who violate fundamental citizen guarantees should face charges in the ordinary courts – and not the military system.

Mexico's human rights record also came under criticism from The Office of the High Commission of the United Nations for Human Rights. Liliana Valina, the office's representative in Mexico, said that Mexico has been adopting and ratifying standards regarding human rights, but that's not enough. "It also depends on taking a series of actions, concrete programs and public policies so that there isn't just an adequate judicial standard but results and a respectful good practice of human rights," she said.

The Commission of Human Rights released a series of bulletins detailing their efforts to cooperate with outside groups to stop torture and abuses of power. They recently met with members of the United Nations sub-committee for the prevention of torture. During the reunion, the commission, in its capacity as the Mecanismo Nacional de Prevención de la Tortura, shared with UN representatives their work strategy and methodology used to visit detention facilities and other actions to prevent torture and improper treatment in the state, according to an Aug. 29 press release. Mexican human rights officials noted that between September, 2007, and August, 2008, the Mecanismo Nacional has visited 317 local, state and federal detention facilities ranging from migrant shelters to adolescent detention centers in Campeche, D.F., Durango, Queretaro and Tabasco.

The Commission also announced they will be evaluating how the government conforms to 75 actions approved in the National Agreement of Security, Justice and Legality. This includes making sure that law enforcement agencies act on arrest warrants issued by judges, "because the failure to comply with these orders is one of the boundaries of impunity that characterizes the procurement of justice in the majority of entities in our country," according to a Sept. 3 press release.

Pavon, Olivier. "Salida de Campa carece de transparencia: CNDH." *La Cronica de Hoy*. 3 Sept. 2008.  
Olivares, Emir. "En Mexico, disparidad entre teoria y practica en derechos humanos: ONU." *La Jornada*. 7 Sept. 2008.  
Olivares, Emir. "Grupos civiles se suman a criticas de Carpizo sobre omisiones de Soberanes." *La Jornada*. 11 Sept. 2008.

## ACCESS TO JUSTICE

### CITIZEN ACTION

#### **Calderón agrees to proposals by organizers of march protesting violence and culture of impunity in Mexico**

Pres. Calderón agreed to act on proposals from 14 civic leaders who organized simultaneous marches across the country in late August to protest public insecurity and to demand government action. Estimates of the number of participants in the marches range from 100,000 to 200,000, with the largest concentration marching on Mexico City's Paseo de la Reforma. Similar marches were held in 1997 and 2004, during the Zedillo and Fox presidencies, respectively. By most accounts, participation in the recent marches did not equal that of its predecessors. This march, organized principally by the civil organization Iluminemos México, came amidst growing public concern over the issue of kidnappings, brought to the foreground in the Mexican media by the kidnapping and murder case of Fernando Martí in August.

Calderón met with the 14 civic leaders the day after the marches to hear their proposals, which included the creation of a panel of citizens to monitor and evaluate the government's steps in preventing and combating crime. Also included was a proposal to create a map detailing the more troubled zones throughout Mexico, to be generated both by official reports and citizen input. Marco Antonio Hernández Murrieta, one of the civic leaders present in the meeting, explained that citizens need to have a more direct role in informing the public of matters of insecurity, as most crimes nationwide go unreported. Calderón stressed that the remaining proposals presented in the meeting have been addressed in the 74-point security pact signed in mid-August. Calderón has promised to release a detailed action plan addressing the group's proposals before the end of September.

Editorials in Mexico's major newspapers have largely downplayed August's march, stressing that the 2004 and 2008 marches each failed to draw the support enjoyed by the one previous, and that in the two past cases the government made promises to increase public security that ultimately went unfulfilled. An editorial in *La Jornada* characterized the majority of the organizers and participants of all three marches as being from the middle and upper classes, and argues that such a limited representation affords only a shallow reflection of the problem of insecurity in Mexico, one that impacts all Mexicans. This point is exemplified by the two cases that have brought the problem of kidnapping to center stage in the national press in recent weeks: those of Fernando Martí and Silvia Vargas, one the son of a wealthy Mexico City businessman and the other the daughter of an ex-government official.

Such a superficial take on a profoundly complex issue, *La Jornada* argues, compels public and official discourse to stray from seeking solutions that address the fundamentals of criminality – i.e. economic disparity – to answers consisting of heavy-handed enforcement measures and proposals such as citizen-based oversight committees, which by themselves will have little effect in altering the functioning of government.

#### **SOURCES:**

Olson, Alesandra. "Calderón acepta la exigencia ciudadana." *La Opinión* 1 Sep. 2008.  
"Inseguridad: sociedad dividida." *La Jornada* 1 Sep. 2008.  
Asenjo, Norberto. "Tercera marcha contra la inseguridad...¿Y?" *Milenio* 1 Sep. 2008.

### LEGISLATIVE REFORM

## PRD presents anti-kidnapping proposal to Congress

Members of the Democratic Revolutionary Party (PRD) have presented a packet of proposed constitutional reforms to define terms that they hope will strengthen officials' position in combating crimes of kidnapping.

The packet, presented to the Senate by President of the Committee for Legislative Studies Tomás Torres, proposes that individuals convicted in cases of kidnappings in which the victims are murdered be sanctioned separately for each of the crimes committed. Moreover, Torres said, the proposals aim to expedite the investigative process in cases of kidnapping, and to facilitate communication between state officials and the federal Attorney General's Office in order to increase the capacity to investigate such crimes at both levels. Also included is a proposal to facilitate wiretaps and home searches in cases of kidnapping. This last point is a change in tone from the PRD, who vehemently opposed allowing such measures as part of the justice reform package passed earlier this year, on the grounds that both were in direct conflict with presumption of innocence.

**SOURCE:**

Guerrero, Claudia and Ariadna García. "Presenta PRD paquete antisequestros " *Reforma* 27 Aug. 2008.

## AROUND THE STATES



### Strengthening citizen oversight of police in Mexico City

A citizens' oversight group that was created last year in the Federal District to provide oversight to government programs could be getting more legal powers. Marcelo Ebrard, the head of government of the Federal District, submitted an initiative Sept. 17 to the legislative assembly that would require government agencies to comply with recommendations proposed by the Observatorio Ciudadano group. In addition, the initiative would call for expanding the role of residents to observe and supervise the quality of services in the city in conjunction with the representatives of the Observatorio Ciudadano, which was formed Feb. 27, 2007 as a way of incorporating the input of academic institutions, autonomous groups and civil organizations to assess the quality of government services. The initiative also details the legal faculties for higher education institutions such as the UNAM and the Colegio de Mexico to do their own studies and evaluations of the government. In addition, the city government submitted another initiative proposal to the legislative assembly that would strengthen the institutional character of the Citizens Council of Public Security by also legally recognizing the role of the council, which provides oversight of the local police agency.

**SOURCE:**

Cuenca, Alberto. "Buscan que ciudadanía audite a la policia local." *El Universal*. 20 Sept. 2008.

### PRI in Mexico City House of Deputies proposes allowing those 16 and older to be tried as adults

Federal District Deputy Tonatiuh González of the Institutional Revolutionary Party (PRI) submitted a packet of proposed constitutional reforms to the House of Deputies in September, which included a proposal to lower to 16 the age at which an individual can be tried as an adult for crimes of drug trafficking, kidnapping, homicide, and rape. González supported the move by arguing that nearly 35 percent of individuals detained for such crimes in Mexico are minors, who are released upon turning 18. Also included in González's packet is a proposal to allow prosecutors to seek the death penalty in certain homicide cases, specifically those involving drug trafficking, kidnapping, and rape. González also supports more widely accepted proposals for applying life sentences for crimes of kidnapping involving mutilation of victims, and for restructuring prisons so that those sentenced to life imprisonment or death be separated from the rest of the prison population.

Representatives of the Democratic Revolutionary Party (PRD) have rejected the PRI's proposal to allow minors to be tried as adults, as it would "criminalize youth." Daniel Ordóñez, of the Justice Committee in the lower house, was one of the more vocal opponents. "The proposal goes against what the Legislative Assembly has promoted in this legislature with the Law of Adolescents," he said.

**SOURCES:**

"Propone PRI reducir la edad penal de 18 a 16 años." *El Universal* 10 Sep. 2008.  
Cruz, Abigail. "Rechazan en ALDF propuesta del PRI para reducir edad penal." *El Sol de México* 11 Sep. 2008.



**Adversarial system in effect in Mixtec region of Oaxaca**

A new, adversarial justice system was inaugurated in the Mixtec region of Oaxaca on Sep. 9, bringing oral trials to the ethnically and linguistically diverse population. Some experts had expressed doubt that such a quick implementation would be possible, urging a more gradual process, but proponents insist that sufficient preparations are in place. One of these advocates is president of the state's Supreme Court Anuar Mafud Mafud, who has for months touted Oaxaca's recent reforms as vanguard, and a model for other states, as well as other nations throughout Latin America. At the inauguration, Mafud stressed that the vast majority of the over 1500 investigations brought to a close thus far have been resolved within 4 months, which he says is an indication that the Mixtec region will be served by an efficient system of justice. For his part, Attorney for Indigenous Defense, Jacobo Sánchez, said that the presumption of innocence inherent in the new system has most benefited those who have the least, in alleviating some of the financial burden of an "arrest to investigate" model.

**SOURCE:**

Gómez, Samuel. "Arrancan juicios orales en la Mixteca." *El Imparcial* 10 Sep. 2008.



**Ciudad Juárez holds its first oral trial since justice reforms took hold on Jan. 1 of this year**

Juan Mario Ramírez Hernández was found guilty of auto theft at the conclusion of the first oral trial conducted in Ciudad Juárez since Chihuahua's recent justice reforms took hold there on Jan. 1 of this year. The unanimous guilty vote by the three-judge tribunal came after four hours of testimony, in which the defendant admitted that he had stolen the car, a government vehicle, but that he should be exonerated because he had committed the crime under the influence of marijuana. Government officials, judges, attorneys, and law students filled the courtroom to witness the historic trial, conducted because the case was unable to be resolved via mediation.

**SOURCES:**

"Se llena la sala, pero poco a poco la desalojan." *El Diario* 9 Sep. 2008.  
"El acusado es...¡culpable!" *El Diario* 23 Sep. 2008.

The Justice in Mexico Project *researches justice-related reform developments in Mexico at the national and sub-national levels. Through its coordinating institution, the Trans-Border Institute (TBI) at the University of San Diego, the Project disseminates research organized under three broad categories: order, accountability, and access to justice. As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments. An archive of these reports is available at <http://www.justicemexico.org>. Click on the news tab and then the news archive selection to access the archive.*

*Summaries for this report were compiled by TBI research associates Cory Molzahn and Anna Cearley, with research assistance from Judith Davila, Morayma Jimenez, and Ruth Soberanes.*

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