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TRANS-BORDER INSTITUTE

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News Report

## MONTHLY SUMMARY

*Cartel-related killings slightly up in first quarter of 2010, centering around northeastern border states and “Golden Triangle” • U.S.-Mexico summit and renewed commitments to bi-national security cooperation • Ciudad Juarez transitions power from Army to Federal Police • Struggle between government and telecommunications companies over cell phone registries • Two jailbreaks in Tamaulipas highlight security issues • Some 100 police relieved of their duties in Monterrey • Mexico City proposes reforms to increase citizen participation • Calderón targets monopolies • Senate passes legislation to give CNDH greater authority • Inter-American Human Rights Court hears rape case of indigenous women • CNDH criticizes neglect of juvenile justice system • Chihuahua and Coahuila vie for positions in pilot unified police model •*

## LAW AND ORDER

### CARTEL-RELATED VIOLENCE

#### **Cartel-related killings up slightly in first quarter of 2010; centered around northeastern border states and the “Golden Triangle”**

Cartel-related killings, or *ejecuciones*, were slightly higher in the first quarter of 2010, rising by roughly 5% as compared to the final quarter of 2009, according to *Reforma*. As of April 17, the national total stood at 3051, with nearly half of the total accounted for by Chihuahua and Sinaloa, which have accumulated 731 and 675 *ejecuciones*, respectively. Guerrero and Durango, with 231 and 225 *ejecuciones* respectively, both are on track to far surpass their totals for 2009. However, in the first few weeks of April, the number of such killings was down slightly in the state of Chihuahua.

Tamaulipas and Nuevo León, with 182 and 105 *ejecuciones* respectively, continue to feel the presence of a renewed turf battle in their states. Ramón Pequeño García, chief of the antinarcotics division of the

Federal Police, confirmed that an alliance has formed between the Gulf cartel and La Familia Michoacana in order to combat the Zetas in Tamaulipas. A conflict between the Gulf cartel and the Zetas, formerly employed by the Gulf cartel as hired assassins, erupted in that state in February, resulting in an undetermined number of deaths and panic among much of the citizenry, after more than two years of relative calm. Information about the alliance reportedly came from José Manuel Cuevas Arias, “El Borrego,” alleged lieutenant for La Familia Michoacana in the state of Guanajuato, who was arrested earlier this month.

In apparent fallout from the death of Arturo Beltrán Leyva in a Mexican government raid in December 2009, the state of Morelos has experienced a sudden surge of violence and intimidation tactics by members of organized crime groups vying for control over his organization. The state capitol of Cuernavaca, “the city of eternal spring,” has suffered more than 50 killings in 2010, apparently related to the efforts of U.S. citizen Edgar Valdez Villarreal, also known as “La Barbie” to take over the remnants of the Beltrán Leyva organization. In addition, rumors of impending violence from organized crime—spread among citizens by text and email messages—that caused businesses to close early during the weekend of April 16. Reforma newspaper columnist Miguel Ángel Granados Chapos noted that very few of these crimes have been investigated, and drug traffickers operate with such impunity that citizens are afraid to report even the bodies of homicide victims found in public places.

In Sinaloa and Guerrero, tourist towns have recently been hit with high-casualty attacks and terror campaigns. Much of the violence in Sinaloa has been centered in the tourist town of Mazatlán, where just last month six municipal police officers were ambushed and killed under AK-47 and grenade fire. About a week later, gunmen massacred a family in a gas station and set fire to the building. Hit men appear to be carrying out a campaign of terror in the city, burning three garages belonging to the same owner, along with a car lot. In Acapulco, Guerrero, a shootout between presumed members of the Beltrán Leyva cartel and Federal Police left seven dead on April 15, including two children 8 and 12 years old and their mother.

At a symposium to promote tourism in the country, President Calderón assured attendees that more than 90% of deaths resulting from cartel violence are criminals, emphasizing that civilians are rarely targets of cartel violence, as is the case with tourists. He described the small number of innocents caught in the crossfire as “collateral damage”. The president’s comments echoed statements in the past that seem to suggest that the fact that drug traffickers account for the majority of deaths in Mexico’s drug war lessens the security threat. He also pointed out to attendees that countries in the region including Jamaica, the Dominican Republic, Brazil and Colombia have higher homicide rates than Mexico.

However, the president’s remarks drew a harsh response from commentators in both Mexico and the United States, including an editorial in *The Los Angeles Times*, which asserted that “the president should listen to his people and adjust his message.”

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“De criminales, 90% de las muertes en lucha contra el crimen: Calderón.” *Notimex* April 16, 2010.  
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## U.S.-MEXICO COOPERATION

### **U.S.-Mexican governments renew binational commitment to fight drug trafficking**

Following a visit to Mexico alongside Homeland Security Secretary Janet Napolitano and other high-ranking U.S. officials, Secretary of State Hillary Clinton announced that the new phase of the Merida Initiative will have a greater focus on social services. The \$1.4 billion aid package, initiated by President Bush in 2007, has up until now included allocations for surveillance equipment, information technology, and training for Mexican security agencies, principally the federal Attorney General’s office. The support pledged by Secretary Clinton and her reassertion of the need for the United States to reduce demand for

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illegal drugs and stem weapons trafficking south into Mexico, was followed shortly after by an attack on the U.S. consulate in Nuevo Laredo, Tamaulipas, and the killing of a prominent rancher in southern Arizona, allegedly by drug smugglers.

While acknowledging that cooperation between the U.S. and Mexico on security issues is still important, Secretary Clinton stressed that a successful long-term strategy against the drug cartels must include measures to improve education and public health, and to spark social and economic development. She also reiterated a mea culpa she expressed early last year during her first visit to Mexico as Secretary of State, acknowledging the role of U.S.-side demand for drugs and supply of guns flowing south across the border. Clinton, alongside her Mexican counterpart Patricia Espinosa, outlined the future strategy for addressing the shared threat of organized crime, in four points:

- 1) dismantling criminal groups operating in both countries;
- 2) strengthening judicial sector institutions (judicial and police reform);
- 3) developing a secure, 21st century border; and
- 4) strengthening the social fabric in communities on both sides of the border.

The announcement of continued and expanded financial assistance for the Mexican government to support its campaign against organized crime preceded events on both sides of the border that highlighted the two countries' shared security concerns.

On Friday, April 9, the U.S. consulate in Nuevo Laredo, Tamaulipas was attacked with an explosive device, shattering several windows. Nobody was injured in the incident. Mexico's federal Attorney General's Office is investigating the incident, as are U.S. authorities. It is not clear who was responsible for the attack. The bombing followed a March 2 bomb threat against the U.S. consulate in Ciudad Juárez, which came a week before three people linked to the consulate were shot and killed in the city. Mexican authorities say that they detained an individual with alleged links to the drug gang "Los Aztecas" in connection to the killings. Citing unofficial sources, *El Diario* reported that the arrest of the 41-year-old Mexican man with at least 10 prior convictions in the United States was a result of investigations carried out by the FBI following the killings. The suspect has appeared in front of a due process judge, or *juez de garantías*, and is currently awaiting trial.

On the other side of the border in Arizona, the state attorney general Terry Goddard said that the killing of a well-known southern Arizona rancher, Robert Krentz, in late March was the work of a drug cartel scout. Goddard, a Republican, told the Associated Press that the evidence from the crime scene shows telling signs of scouts, which he says are employed by Mexican cartels to monitor and coordinate the movement of drugs across the border in remote areas. Investigators say they followed the presumed killer's tracks back to the U.S.-Mexican border. The killing of Krentz has been met with calls from Arizona officials and politicians, namely Senator John McCain and Governor Jan Brewer (both Republican), for the federal government to send more National Guard troops and federal agents to the border region. The demands have been echoed by Texas Governor Rick Perry, Republican, as well as New Mexico Governor Bill Richardson, a Democrat. Although Krentz was an Arizona rancher, his property was near the border with New Mexico, and he was a member of the Ranchers' Association of New Mexico. Federal legislators in New Mexico and area ranchers have joined in the calls to further militarize the southern border. The killing was followed in Arizona by unprecedented anti-immigrant legislation that would give police the authority to stop anybody they suspect of being an undocumented immigrant. In California, Republican gubernatorial candidate Steve Poizner has also taken a public security-based anti-immigrant stance in his campaign.

The upbeat and conciliatory tone set by Clinton during her visit was also tempered by reports of further comments by U.S. Homeland Security Secretary Janet Napolitano regarding Mexico's drug strategy. Just days after drawing an angry reaction from Interior Minister Fernando Gómez Mont for suggesting that the Mexican Army was not succeeding in its mission to restore order to the streets of Ciudad Juárez, Napolitano sparked a second flurry in the Mexican press when she announced on National Public Radio that Felipe Calderón had asked for Pentagon support in ground operations against the cartels in Mexico. *Proceso* reported on Pentagon documents that show evidence of U.S. military involvement in anti-drug

operations. These revelations contradict prior statements by President Calderón, and drew immediate reactions from critics in Mexico who say that such involvement is an affront to the nation's sovereignty.

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### **California voters to decide marijuana legalization initiative in November**

Petition gatherers obtained sufficient signatures to place an initiative on California's November ballot that would legalize the use, transportation, sale, and taxation of marijuana. The measure would also allow individuals 21 and older to possess up to an ounce of marijuana for personal use, and to grow up to 25 square feet of marijuana plants per residence or parcel.

Advocates of legalization argue that drug policy until now has failed in its implicit goal of curbing drug abuse and that legalization would provide the state with millions annually in tax revenue, a prospect they hope will carry water given ballooning state and local budget shortfalls. Opponents, who include some high-profile law enforcement officers such as the Los Angeles county district attorney, call the law poorly written, arguing that it would eliminate government control of the drug leading to widespread abuse, and includes language barring marijuana-specific taxes. California has long been a spearhead in liberalizing marijuana laws since 1975, when then Governor Jerry Brown signed a bill reducing marijuana possession to a misdemeanor, carrying a \$100 fine. In 1994, lawmakers passed legislation legalizing the medical use of marijuana, and 12 other states have since followed suit. The current effort to legalize marijuana in California follows a U.S. Justice Department decision deferring to states' laws regarding marijuana possession, breaking with the hard-line stance taken by the Bush administration. U.S. drug czar Gil Kerlikowske, however, has voiced his strong opposition to the measure.

Aside from touting the potential economic benefits of marijuana legalization, proponents also argue that it would undercut the Mexican drug cartels. Some analysts in Mexico, though, have reacted with ambivalence. Rubén Aguilar Valenzuela, press secretary under President Vicente Fox, accused the United States of not living up to its rhetoric: encouraging Mexico in its campaign against the drug cartels on one hand, while being soft on drug enforcement at home. He specifically named the California ballot initiative as evidence of this. Aguilar, however, does not oppose the ballot measure, countering Mexican Health Minister José Córdoba's assertion that legalization would only lead to increased consumption. Aguilar offers evidence from U.S. states where medical marijuana is allowed showing that consumption remained relatively flat. He sees the prospect of legalization in California and the implicit message of U.S. government complicity in legalization as an opportunity for Mexico to change its strategy. Pablo César Carrillo of *Milenio* echoed Valenzuela's arguments, pointing to liberalized drug laws in the United States as evidence of a "simulated" war on drugs that both countries are perpetuating. President Calderón has stated that decriminalizing drugs in Mexico would be an ineffective strategy if the United States does not act in kind, but many are waiting to see how the U.S. Justice Department reacts if November's ballot initiative passes in California, and the implications that might have on overall drug strategy.

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## **DRUG CONTROL STRATEGY**

### **Ciudad Juárez continues transition of power from Army to Federal Police**

Officials in President Calderón's security cabinet revealed to *La Jornada* that by 2011 Mexican soldiers will only engage in eradication and interception of drugs and "surgical operations" against drug capos, leaving the responsibility for coordinating public security duties such as patrols, home searches, and the majority

of arrests with the Public Security Secretariat (Secretaría de Seguridad Pública, SSP), currently headed by Genaro García Luna. The move would reduce from 94,000 to 35,000 the number of soldiers engaged in anti-cartel duties.

The report in *La Jornada* coincides with a recent announcement by President Calderón that the nation is moving into a “new stage” of the fight against the drug cartels, which if implemented successfully will see a gradual transfer of power to the nation’s police forces. Since Calderón took office in December 2006, his administration has initiated coordinated operations between the Army (Secretaría de Defensa Nacional, Sedena), and the Federal Police. *La Jornada* has reported its sources from both the SSP and Sedena as saying that this often resulted in tensions between leaders on the ground from the two corporations in the 18 states where they operated. In recent months and most notably in December with the target attack on Arturo Beltrán Leyva in which the drug kingpin was killed, special operations units of the Mexican Navy have been put in charge of executing precision operations. With García Luna reportedly soon to be at the helm of public security operations, the strategy will be to gradually enable municipal police forces to handle security detail in their respective localities. It is looking increasingly likely, though, that there will be an effort to unify each state’s respective municipal police forces under a single command structure.

Meanwhile, the Army, led by General Galván Galván, has requested that Congress pass legislation normalizing and legalizing the public security functions it has been carrying out over the past three years of deployments. The request has led to heated debate in Congress, which also includes the question of whether to require that soldiers accused of human rights abuses against Mexican citizens be tried in a civilian court as opposed to in the military justice system, as is currently the case.

In the areas surrounding Ciudad Juárez, the scene of a protracted battle between drug cartels vying for valuable trafficking routes, cartels are now reportedly terrorizing citizens not involved in the drug trade in efforts to force them from their towns. There are reports of hundreds of families fleeing the Valle de Juárez, a strip of border towns located about 50 miles east of Ciudad Juárez. Residents have reported receiving typed notes advising them to leave within hours. Homes have been burned down, and a church was set fire to on Good Friday in the town of El Porvenir. Reports from El Porvenir suggest that more than 90% of the town’s residents have vacated. The Valle de Juárez region is ideal for trafficking drugs, with its networks of dirt roads rarely patrolled by military or police. Moreover, the Río Bravo, which forms the border with the United States, is shallow enough to cross with trucks or on foot.

Small towns across the border from the Valle de Juárez are reporting significant influxes of entire families seeking refuge. The principal of a school in Fort Hancock, Texas, reported receiving 50 students from across the border this year, representing a 10% increase in enrollment. Asylum applications along the entire border have risen substantially: 338 for the fiscal year that ended last October, up from 179 two years before. Asylum applications are rarely approved, though, and displaced Mexicans are resorting to other means. Some were born in U.S. hospitals or married U.S. citizens but until now have not applied for citizenship, and others have obtained business visas or are choosing to overstay temporary tourist visas. Countless others are simply crossing without authorization.

The terror campaign is likely being perpetrated by the Sinaloa cartel attempting to eliminate witnesses to its activities along the border. U.S. officials have suggested that the Sinaloa Cartel appears to be winning in its two year battle against the Juárez cartel, blamed for the majority of the violence Ciudad Juárez and its surrounding areas have suffered during that time. The conclusion is based on reports from classified informants with direct ties to criminal gangs, as well as U.S. intelligence, according to an American undercover agent speaking on the condition of anonymity. Other sources have corroborated these reports. Andrea Simmons, FBI spokesperson in El Paso, told reporters that the majority of drug shipments passing through Ciudad Juárez into Texas belong to the Sinaloa cartel. Even if the U.S. intelligence proves true, Juárez mayor José Reyes Ferriz does not expect to see the violence in his city stop any time soon, however. He expects that gangs of drug dealers in the city with ties to the warring cartels will continue to fight over control of Juárez streets. Moreover, the anonymous U.S. agent warned that Vicente Carrillo Fuentes, leader of the Juárez cartel, is not likely to stop fighting while he is alive and free.

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Stevenson, Mark and Alicia A. Caldwell. "Carteles, dueños de la frontera." *Associated Press* April 16, 2010.  
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### **Struggle over controversial cell phone registry continues**

A federal mandate for all cell phone users in Mexico to sign on to a national registry has resulted in a standoff between the government and telecommunications companies in Mexico, particularly América Móvil, which controls the majority of cell phone communications in the country. The Mexican Congress instated the law last year after an outbreak of media attention to the use of cell phones in extortion schemes, particularly kidnappings – both real and staged. Proponents of the measure hope that it will discourage such activity through increased transparency, while opponents fear a resulting increase in cell phone thefts, and argue that the Mexican government does not have the infrastructure necessary for the measure.

The deadline for all cellular phones to be registered under the National Registry of Mobile Phone Users, or Renault, was midnight on April 10, at which point about 30% of mobile phone users were yet to register, and with the government still processing millions of registrations. América Móvil won a provisional court order allowing it to forego suspending unregistered users, although the company encouraged its customers who had not yet registered to do so. América Móvil said that there had not been enough time to register all of its users since the registry opened 11 months ago. One spokesperson said that the company had registered 100,000 customers a day since then.

The Communications Committee of the Chamber of Deputies was to question the president of Mexico's Federal Telecommunications Commission (Comisión Federal de Telecomunicaciones, Cofetel) Héctor Guillermo Osuna Jaime on April 20. President of the Committee José Adán Ignacio Rubí Salazar of the PRI has openly expressed his doubts as to the effectiveness and reliability of Renault. Osuna said that the purpose of the session would be to first determine whether the program should be carried out. If deemed worthwhile and salvageable, said Osuna, the task would then be to determine how to ensure a "solid, useful, and dependable Renault." Earlier in the month, the Chamber of Deputies approved an extension of the registration period that later stalled in the Senate.

#### **SOURCES:**

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## **PRISON SECURITY**

### **Two jailbreaks in Tamaulipas cast doubt on state's ability to secure its prisons**

Two prison breaks in the state of Tamaulipas have led to arrests of dozens of guards and an admission by the governor that the state does not have the resources necessary to secure its prisons. On March 25, 41 inmates fled the state prison in Matamoros, the state's capitol. No blood was shed during the escape, and the federal Attorney General's Office (Procuraduría General de la República, PGR) has announced that the 50 guards on duty when the prisoners escaped are facing possible criminal proceedings. Of the inmates that escaped the medium-security prison, 38 were imprisoned for federal crimes, and three for common crimes. An unnamed source told the press that between three and five in the morning a convoy of 15 trucks arrived at the prison and loaded them as they left through the front door. The director of state prisons and the warden of the Matamoros prison were immediately removed from their positions. Authorities believe that the prison break was orchestrated by the Gulf cartel in order to strengthen its forces for its battle with the Zetas over Reynosa and Matamoros.

On April 2, several armed men arrived in trucks at a Reynosa prison, and freed 12 prisoners, of whom 11 had been jailed for federal crimes. Unlike the Matamoros jailbreak, the assailants were met with resistance from guards, resulting in the deaths of three inmates. In this case, seven guards were detained due to suspected involvement in the prison break. Federal authorities said that the escaped prisoners were also likely members of the Gulf cartel. The last known prison break in which the Gulf cartel was implicated was in October 2008, when 17 federal prisoners were freed from the state prison in Reynosa. In May 2009,

presumed members of the Zetas freed 53 prisoners, the majority convicted on drug trafficking charges, from the state prison in Cieneguillas, Zacatecas.

After the Reynosa prison break, Tamaulipas governor Eugenio Hernández Flores requested the assistance of the federal government in maintaining security in its state prisons, which house around 700 federal prisoners. In doing so, Hernández Flores recognized that the presence of so many dangerous criminals has overwhelmed his state's capacity to secure its own prisons, requiring assistance from the Federal Public Security Secretariat (Secretaría de Seguridad Pública Federal, SSPF). The governor specified that of the state's eight state prisons in Tamaulipas, five need federal police presence: those in Nuevo Laredo, Reynosa, Matamoros, Victoria and Altamira, with a presence of 100 federal police each.

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## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Business experts: Corruption costs Mexico almost 1 billion pesos**

Mexican businesses set aside as much as 10 percent of their earnings to pay bribes aimed at cutting through bureaucratic red tape - such as obtaining land use permits and fulfilling other public service requirements - according to statistics shared during an April gathering of business groups attempting to combat corruption. The figure came from representatives of the international organization, the World Economic Forum, as well as the Mexico-based Center of Economic Studies of the Private Sector (CEESP) during an April press conference. Corruption is the second most problematic factor for businesses that operate in Mexico, according to polls by the World Economic Forum among more than 12,000 business groups around the world.

The director of the Center of Economic Studies of the Private Sector Luis Foncerrada, said that bribes represent spending of between 7 and 9 percent of the gross domestic product, or almost 1 billion pesos (approximately \$82 million USD) spent in corruption to hammer out agreements between businesses and the government. Foncerrada called the totals "extraordinarily high," according to a report in *Milenio*. During the announcement, representatives of the World Economic Forum introduced the "Initiative Against Corruption" to encourage businesses to adopt a policy of "Zero Tolerance for Corruption" and to develop programs to discourage the practice of bribery. Foncerrada noted that between 10 and 25 percent of all businesses turn to bribery to facilitate obtaining permits and legal process.

According to news reports, Mexico has signed and approved three international conventions aimed at combating corruption: Convención Interamericana contra la Corrupción de la Organización de Estados Americanos (OEA); Convención para Combatir el Cohecho de Servidores Públicos en Transacciones Comerciales Internacionales de la Organización para la Cooperación y el Desarrollo Económico (OCDE), and the Convención de Mérida de la Organización de las Naciones Unidas (ONU).

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#### **Ongoing online survey tracks bribery**

A total of 85 percent of all bribe demands in Mexico are from people with ties to Mexico's government, according to information released by an online bribe information service called BRIBELine. BRIBELine was created by a nonprofit group called TRACE International, and allows people from around the world to anonymously report alleged bribe requests by filling out multiple questionnaires through the Internet.

Available in 21 languages, the program was created in 2007 with the intent of tracking bribe trends around the world.

Findings from Mexico's 151 reports filed between July 2007 and January 2010 were published Thursday by the U.S.-based program. Looking closely at government professions, 45 percent of all the bribe demands in Mexico came from police and 12 percent from people linked to the federal government. The remainder of bribes allegedly originated from local officials (6 percent), the judicial branch (4 percent), the military (2 percent), and ruling political party officials (2 percent). In about 50 percent of the cases, the bribe demands were meant to avoid personal or commercial problems and in less than a third of the cases the bribes were demanded in order to receive some form of favor, such as obtaining a contract.

BRIBELine results also found that more than 65 percent of the reported bribe requests in Mexico were for amounts of less than \$5,000 (USD). Ten percent of the demands were for amounts greater than \$10,000 and 4 percent were for about \$100,000. In addition, the results showed that 55 percent of the demands were recurring bribes. In these cases, 80 percent of the bribes were paid up to 20 times during the year while 15 percent were paid more than 100 times during the year. Cash bribes were the preferred exchange form, totaling 80 percent. Other demands included a greater role in business settings (5 percent), sexual favors (4 percent), gifts (4 percent) and trips (2 percent).

According to another study on bribery in Latin America by the Organization of American States and the United Nations Development Program, Mexico tops the list of residents who have paid a bribe to a police officer with 22.8 percent of respondents. Mexico is followed by Bolivia (20.5 percent), Peru (18.8 percent), Paraguay (11.6 percent), the Dominican Republic (10.7 percent), and Haiti (10.2 percent). In regards to bribes paid to public officials, the OAS-UN study ranked Mexico third highest – behind Ecuador and Bolivia - with 13.7 percent of respondents. Mexico also ranked third highest for bribes paid to municipal officials with 24 percent of respondents.

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"Personal del gobierno, en 85% de actos corruptos." *El Universal*. March 26, 2010.

Zepeda, Aurora. "Mexico es lider en AL en sobornos a policas." *Excelsior*. March 31, 2010.

**More than 100 police in Monterrey are relieved of their duties**

A total of 107 officers with the Monterrey, Mexico police force were forced out of their posts in April following an investigation that included a review of internal and external complaints as well as exams to determine their trustworthiness. The 107 municipal police were among 700 police officers whose backgrounds have been being reviewed since December when the city started a program called "Zero Tolerance for Police Abuse." They will be replaced by more than 100 soon-to-be graduates of the police academy, according to the city's mayor Fernando Larrazabal Breton.

Among the criteria used to evaluate the removed officers' professionalism was whether the officers had used personal telephones and radios during the work hours. Such activities can sometimes indicate that officers are advising criminals about law enforcement operations. Some of the 107 officers were facing complaints of extortion, robbery, and improper treatment of citizens. In addition to the officers who were let go, investigations continue into 92 other officers for less serious administrative violations.

Also in Monterrey, more than 40 members of the Federal Preventive Police have been forced out of their posts as a result of an internal investigation that found reason to suspect they were linked to corruption and criminal activities, according to a report in *Milenio*. In the entire state of Nuevo León, an estimated 481 city and state police officials have been forced out of their posts during recent months for their presumed links to organized crime and other abuses of authority, according to Mexican media reports.

**SOURCES:**

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## TRANSPARENCY

### **Mexico City proposes political reforms meant to strengthen citizen participation and transparency**

Mexico City legislators are considering an initiative that would drastically reconstruct the government structure in a way that some supporters say would allow for residents to participate more openly in the governmental process and promote greater government accountability.

National Action Party (PAN) legislator Gabriela Cuevas presented an initiative in April that would transform the Mexico City government into a state administration in which delegations would be converted to municipalities overseen by elected mayors. Meanwhile, a faction of the Institutional Revolutionary Party (PRI) has proposed that the Mexican capital be converted into one large mayoral government agency. The PAN initiative is being challenged by some members of the Democratic Revolutionary Party (PRD). PRD member Alejandro Encinas argued that changing the delegations to cities with mayors would not be a good idea because of the poor track record of mayoral administrations in general. He said the better solution would be to strengthen the faculties of the delegations in terms of services they can provide.

The proposed reforms are intended to address issues such as increased citizenship, accountability from authorities, a balance of power and responsible practice of power. In order to stress these points the initiative would emphasize more ways of exercising direct democracy, such as making it easier to start a citizens' initiative and referendums to shape the direction of public work projects and political orientation. The initiative would also include the creation of what is being described as a multi-faceted system that incorporates an autonomous tribunal to monitor funding and administrative actions of public servants.

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### **Monterrey places video cameras in agency to prevent corruption**

In an attempt to combat allegations of bribery and extortion, the Mexican city of Monterrey has installed 30 cameras that record video and audio throughout the municipality's office of transportation and vehicles. The cameras are intended to prevent or document alleged acts of corruption and to supplement the more traditional complaints system. The department is also using technology to register the arrival and departure of employees through a face recognition "check in" system. These kinds of additions are meant to ensure that employees of the transit and vehicles department are acting professionally. Other Mexican law enforcement agencies have also used cameras to combat corruption. In 2008, the Chihuahua Police Department posted video cameras inside its installations and allowed human rights workers to view the live footage from their own offices as a way of deterring abuses within the jails.

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### **Push for fiscal reform continues, pressure on Bank of Mexico**

The Mexican government is moving forward with its fiscal reform efforts which include making the Bank of Mexico more open and accountable. The Secretary of Finance, Ernesto Cordero, said that discussions are being held with legislators, politicians and economists in an effort to draft a proposal that would be accepted by Congress. One of the reforms being considered to the Organic Law of the Bank of Mexico is to require bank policy to be determined by formal actions that are voted on by committee members. These decisions would be detailed in records to create greater accountability in explaining the reasons for fiscal

intervention. The Bank of Mexico could also take the initiative in the reform movement by creating its own transparency policy, according to Senator Jose Isabel Trejo of the National Action Party (PAN).

Some of the pressure to make the bank more transparent comes from a series of recommendations from the Switzerland-based Bank for International Settlements, or *Banco Internacional de Pagos* (BIP), an international organization that fosters monetary and financial cooperation and serves as a bank for central banks around the world. The BIP has called for more regular reports on inflation figures, explanations of the monetary policies that are enacted, and a record of votes that determine monetary policy. However, some economic specialists said that forcing the changes could negatively impact the country's economic improvement. In March of 2009, the BIP provided recommendations to the world's financial organisms in regards to transparency of monetary policy. In turn, Trejo presented an initiative that ordered the central bank to become more transparent in order to raise Mexico's standing in the global economy and join other countries that have enacted such standards such as Australia, Brazil, Canada, Chile, and the United States.

Mexico is also facing pressure to improve its budgetary transparency. According to the Latin American Index of Budget Transparency, Mexico obtained 48 out of 100 points in an analysis of the transparency of public resources, which placed the country in fifth place after Costa Rica, Peru, Panama and Brazil. In the most recent rankings, Mexico obtained the worst results in six years, according to *La Cronica*.

**SOURCES:**

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### **Transparency statistics of Federal District shared by InfoDF**

The president of the Institute for Access to Public Information in the Federal District (InfoDF) provided updated statistics on the state of public information transparency in Mexico's capital, characterizing it as a mostly positive "quiet political reform." The president, Oscar Guerra Ford, said that during its four years InfoDF has sanctioned 184 public officials for violating the city's Transparency and Access to Public Information law. In two of those cases, the individuals were prevented from occupying any public office for a year and in another case the penalty was for two years.

The total number of requests for public information in the Federal District was 96,233 in 2009, which represented an increase of 133.8 percent when compared to 2008. The number of requests at the federal level, in comparison, increased 81.8 percent during that same time period. Academics and students have filed the most requests for information, with this group consisting of 30.2 percent of all requests. In 2008, the group that filed the most requests for information were "workers" at 36.7 percent. The number of business people filing requests has increased from 1.6 percent in 2008 to 6.4 percent in 2009.

**SOURCES:**

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### **Baja California cities rated for transparency**

An evaluation of Baja California and its five main cities found that Rosarito Beach was the most transparent municipality in regards to access to public information and Tijuana was the least transparent. The city of Tijuana obtained a score of 7.13 compared to a score of 9.2 in Rosarito Beach. Tecate scored second highest with 8.53, followed by Mexicali with 7.87 and Ensenada with 7.35. The entire state government received a score of 8.9.

Among the categories that contributed to Tijuana's low score were: access to documents related to properties, annual summaries of access to information, paperwork related to the public bidding process, and registries of special funds. The scores were presented by the *Proyecto Fronterizo de Educacion Ambiental*, a nongovernmental organization that regularly documents the state of public information in the region.

**SOURCES:**  
"Falta aun avanzar en la transparencia." *La Cronica*. March 12, 2010.  
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## ACCOUNTABILITY

### **Calderón targets monopolies**

In April, Mexican president Calderón presented to the Chamber of Deputies a 10-point proposal that targets monopolies, trusts, and other anti-competitive businesses in Mexico. The President stated that this legislation would help make Mexico more competitive as well as assist consumers since 30 percent of household expenditures go to markets lacking in competition. The proposal would give the Federal Competition Commission (Comisión Federal de Competencia, Cofeco) greater oversight powers and restructure the agency to improve both its efficiency and transparency. One of these features involves introducing oral trials in which parties of the dispute will physically argue the matter before the Cofeco panel. The proposal would permit Cofeco to impose heavy penalties on companies or trusts that engage in monopolistic practices. Businesses that engage in "relative monopolistic practices" could be fined up to 8 percent of the revenue they receive from such practices. "Absolute monopolistic practices" could carry a fine up to 10 percent and a prison sentence of three to ten years.

The legislation would not affect state-owned monopolies like the petroleum company PEMEX (Petroleros Mexicanos). This point led Salomón Presburger Slovik, the President of the Confederation of Industrial Chambers of Mexico (Confederación de Cámaras Industriales de México), an interest group composed of dozens of associations and chambers in the industrial sector, to say that while the proposal is admirable, it does not go far enough in fostering competition since it does not address monopolistic practices by the state itself.

**SOURCES:**  
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Alonso, Ramiro and Juan Arvizu. "Concamin: necesario revisar servicios que presta el Estado." *El Universal*. April 6, 2010.

### **Universidad Autonoma de la Ciudad de Mexico falls under scrutiny**

The top administrator of the Autonomous University of Mexico City (UCAM) declined to attend a roundtable he had been invited to by the Transparency Commission of the Mexico City Legislative Assembly in order to discuss alleged irregularities at the institution. Members of the National Action Party (PAN) and the Institutional Revolutionary Party (PRI) have accused the UACM of failing to live up to standards of transparency. The university was founded in 2001, and the top administrator is Manuel Perez Rocha.

Among the questions faced by the university is the lack of transparency in informing the Legislative Assembly how the budget is managed. Lia Limon, of the National Action Party, noted that the university has received millions of pesos since 2001 but that there have been no complete audits into how the money is being used. The university received 113 million pesos in 2003 (about \$9 million USD) and its budget has risen to 755 million pesos (\$62 million USD). Legislators say they are not opposed to providing more funds, but that they would like to be better informed about how the money is being spent. Other accusations include failing to provide complete information on the Internet, and questions over the academic backgrounds of some of the institution's professors. The university has only graduated 28 students over the past nine years, according to a news report in *El Sol de Mexico*.

The inquiry is expected to look into how many students drop out and what kind of employment outcomes exist for the graduates. It is also expected to look into how many professors are on leave. The teaching staff currently earns between 3,000 and 56,000 pesos (between \$244 and \$4,572 USD) for their monthly salary. In addition, assistant cooking staff earn 8,795 pesos (\$718 USD) pesos per month in comparison to 3,562 pesos per month (\$290 USD) at the National Autonomous University of Mexico.

Meanwhile, the PRD has criticized the focus on the UCAM as having political motives, with some PRD members backing Perez' refusal to attend the roundtable. Alejandro Sanchez Camacho said that forcing Perez to come before the Commission would "violate the autonomy of the academy," according to a *Notimex* story.

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## ACCESS TO JUSTICE

### HUMAN RIGHTS

#### **Senate passes legislation that would expand powers of the CNDH**

Mexico's senate passed legislation that would give more weight to the recommendations issued by the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) and to expand that organization's investigative powers. Raúl Plascencia, CNDH president, said that the law would require officials to accept the commission's recommendations, whereby currently groups who are subject to the commission's recommendations, such as the federal Attorney General's Office (Procuraduría General de la República, PGR) and the Army, have the option of ignoring them. Under the legislation, parties could be asked to testify in front of Congress as to their reasons for dismissing the Commission's recommendations. The changes would also hand the CNDH responsibility for investigating "grave" human rights violations, currently under the jurisdiction of Mexico's Supreme Court. In order to become law, the legislation must first be approved by the chamber of deputies and the congresses of a majority of states.

The victory for the CNDH comes a month after Mexico's Supreme Court dealt the Commission two serious blows – first limiting its ability to issue recommendations based on international treaties to which Mexico has signed, and second granting the PGR power to deny requests by the CNDH for documents if it was deemed to jeopardize an investigation or to endanger anyone involved in the investigation. Additionally, in the same legislative reform package, the Senate voted to expand rights to undocumented immigrants, in keeping with international standards. The legislation would guarantee immigrants the right to challenge their deportation, as well as to apply for asylum if desired.

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#### **Inter-American Human Rights Court hears cases of indigenous women raped by soldiers in Guerrero**

The Inter-American Human Rights Court in Lima, Peru (Corte Interamericana de Derechos Humanos, CIDH) heard the case of an indigenous woman who claims she was raped by soldiers in 2002. Inés Fernández Ortega, who was 25 at the time of the incident, claims that a soldier raped her in her home while others stood by. When the local public prosecutor failed to act on her report of the incident, she filed a claim with the Inter-American Commission on Human Rights in June of 2004. The case was then handed over to the CIDH for investigation.

During the hearing, the Mexican government recognized violations to the Inter-American Convention for Human Rights in the case of Fernández Ortega in not providing due medical attention to the victim, particularly psychological treatment, and also when key physical evidence was lost during the initial investigation. The Mexican attorney emphasized, however, the state's belief that the investigation can still arrive at the truth, evidenced by the fact that the case has remained open since 2002. He also argued that the Inter-American Human Rights Commission, the victim and her lawyers have failed to provide evidence

proving that the Mexican state is responsible for Fernandez' rape. Fernandez' representatives testified to the psychological damage she has suffered from the incident, as well as social and familial problems suffered from officials' neglect of her case. Her court date was April 15 and a decision is expected by April 24. The Court is also set to hear a similar case in which another indigenous woman, Valentina Rosendo Cantú, claims she was raped by soldiers in February of 2002. Her court hearing is May 27-28.

The incident has had repercussions extending beyond Fernández into the community of human rights defenders in Guerrero. Before her ordeal, Fernández was known as a community leader who advocated for local infrastructure projects, greater access to medical services, and participated in the Indigenous Organization of the Mixtec and Tlapaneco People (Organización Indígena del Pueblo Mixteco y Tlapaneco). She states that when the organization was founded, the soldiers began to enter the communities more often, actions she believes were meant to silence her. After filing her complaint, Fernández, her family, and civic organizations supporting her began to be harassed and receive death threats. In February 2008, Lorenzo Fernández, one of Inés's brothers, was killed. Threats also reportedly escalated against other human rights advocates in Guerrero after the CIDH took Fernández' case. The death threats led the Inter-American Court to order the Mexican government in spring of 2009 to take measures to guarantee Fernandez' protection, as well as that of over one hundred other people involved in the case or related to her.

The hearing marked the first time the CIDH has heard a case against the Mexican government for using sexual assault to torture an indigenous woman. Mario Patrón Sánchez, legal counsel to Fernández, says that her story is sadly not unique. Besides Inés, Amnesty International has information on five other indigenous women who were raped by soldiers in Guerrero. The organization says that of the five cases that the CIDH has taken involving Mexico, four involve military abuses in Guerrero.

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Gómez Durán, Thelma. "CIDH juzga a México por abuso a indígena." *El Universal* April 15, 2010.  
Meza Carranza, Francisca. "Acepta Estado mexicano dilación en caso de la indígena Fernández." *La Jornada Guerrero* April 16, 2010.

## JUVENILE JUSTICE

### **CNDH criticizes federal government for neglecting juvenile justice**

Raúl Plascencia, president of the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), criticized the Mexican government for ignoring the issue of juvenile justice, having failed to pass legislation to back up reforms passed in 2005. He said that this has resulted in states being forced to handle cases in which youths are implicated in organized crime, a task that should be carried out in federal courts.

Plascencia gave his statements during the Forum for Adolescent Justice held at the Federal District Supreme Court (Tribunal Superior de Justicia del Distrito Federal, TSJDF). He added that nationwide there are 56 juvenile justice centers that handle roughly 8,000 youths, with an average age of 16 in the case of boys and 15 among girls. Around 60% are incarcerated for robbery, while 90% have substance abuse problems. Édgar Elías Azar, president of the TSJDF, said that the failure to pass federal legislation has led to disorder, resulting in an inability to reintroduce offending juveniles into society.

The laws regarding juvenile justice are consistent with international norms, but Plascencia criticized that what is lacking is the infrastructure and resources needed to hire personnel specializing in the unique needs of adolescents in the justice system. He added that the CNDH will release a full report addressing the issue in August.

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## AROUND THE STATES

### COAHUILA AND CHIHUAHUA

#### States and municipalities vying to pilot unified police model

As the prospect of forming unified, state level police forces becomes more likely, states and municipalities – most recently Chihuahua and Torreón, Coahuila – have expressed their interest in serving as pilot programs for the controversial model. The mayor of Torreón, Coahuila, Eduardo Olmos Castro, said that new recruits to the city's police force could begin work within six months, once they have undergone requisite screening. Currently, there are some 600 police officers in the city, of which 200 are federal police, 300 state police, and 150 municipal police officers who have stayed on during the transition to a new force, hopefully cleansed of corrupt and otherwise inadequate officers. Of the roughly 500 municipal police officers currently suspended in Torreón, around 200 have requested to be laid off, for which the city has prepared severance packages, while 300 have asked to be screened for rehire. Those 500 went on strike March 13 demanding the resignation of the city's police chief. Mayor Olmos Castro stood behind him, however, and stopped the payroll of the striking officers.



Olmos Castro has suggested that Torreón could be a pilot program for the proposed unification of municipal police forces. Under the proposal supported by Public Security Secretary Genaro García Luna, the country's nearly 2,000 municipal police forces would be integrated into unified, state level operational and bureaucratic frameworks. While proponents of the plan say that unifying police salaries, hiring criteria, and operations would make corporations more efficient and fight corruption, opponents worry that the move would undermine municipalities' fundamental role in determining their own public security policies and strategies. The change would

require constitutional amendments at both the federal and state levels, and a timeline for such legislation remains unclear. There has been little or no opposition voiced in the Mexican Congress.

Victor Valencia, recently named assessor for the Creation of a Unified State Police in Chihuahua, told state officials that García Luna believes Chihuahua is uniquely equipped with tools that would aid in implementing a unified police force, such as an accusatory justice system and state laws and infrastructure for screening police recruits. The proposal was recently endorsed at the National Governors' Conference (Conferencia Nacional de Gobernadores, Conago). Moreover, the governors of Durango and Nuevo León have also expressed interest in piloting unified police forces, though concrete implementation plans have not yet materialized.

#### SOURCES:

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### QUINTANA ROO

#### Spying operation broken up by the Army sparks political turmoil



The federal Attorney General's Office (Procuraduría General de la República, PGR) has opened an investigation into Juan Ramírez, suspected of spying on a number of public figures from two locations in Quintana Roo. The PGR announced that the Mexican Army had conducted searches of two houses in Cancún, where they found surveillance equipment meant for listening in on phone conversations. The list of people Ramírez had allegedly spied on include the governor of Quintana Roo Félix González Canto, the mayor of Isla Mujeres Alicia Ricalde, National Action Party

director Sergio Bolio, and his counterparts in the Party of the Democratic Revolution and the Institutional Revolutionary Party, Rafael Quintanar and Cora Amalia Castilla, respectively. The list also includes local representatives, social activists, and journalists. Also implicated in the spying operation is Manuel Vera

Salinas, director of Cancún's police academy, for which leading state politicians have requested the resignation of Quintana Roo's attorney general Francisco Alor Quesada.

Several days after the discovery of the espionage centers, on April 19 Quintana Roo PRI President Cora Amalia Castilla demanded that Gregorio Sánchez Martínez of the PRD give up his aspirations for governor, as he, too, had been accused of involvement in the spying operation. For his part, Sánchez Martínez announced that he would file a complaint against the Social Communications System of Quintana Roo (Sistema de Comunicación Social de Quintana Roo, SCSQ) with the National Human Rights Commission for defamation, claiming that the ruling PRI party in the state has used the scandal to quash opposition. He also reported having received death threats against his family, for which he said he would file a complaint with the state Attorney General's Office.

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## **CANCÚN, QUINTANA ROO**

### **Slow progress in the investigation into the murder of a U.S. citizen in Cancún**

The family of Monica Burgos, wife of television producer Bruce Beresford-Redman, has asked that U.S. authorities intervene in the investigation into her murder in Cancún. The body of Monica Burgos was found showing scratches and signs of asphyxiation blunt-force trauma to the head in a hotel sewer in early April, and her husband remains the sole suspect. Witnesses told authorities that the couple had been fighting the night before Burgos' body was found. Mexican authorities have requested that he not leave Mexico pending the results of forensic tests.

The Quintana Roo Attorney General's Office denied a U.S. Consulate request for Bruce Beresford's passport on April 15, after 11 days of waiting for its forensic results from the federal Attorney General's Office. Burgos' family has asked that the Los Angeles County District Attorney's Office assist in the investigation. Moreover, Quintana Roo assistant attorney general Rodolfo García Pliego said that his office received a notice from the U.S. Department of Justice announcing the involvement of an FBI agent in the investigation. Asked to comment, García Pliego responded that the agent had yet to materialize, and that in any case the FBI does not have jurisdiction in Mexico.

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## **FEDERAL DISTRICT**

### **Mexico City considering proposals to better regulate late-night bars and discos**

In an attempt to combat the presence of underground clubs and the corruption that allows them to proliferate, the Mexico City government is considering ways to better regulate these establishments. Nightclubs and discos are technically supposed to stop selling alcohol at 2 a.m. and close their doors at 2:30 a.m. in the Federal District, according to *El Universal*, which conducted a survey in 2009 of residents. The survey found that 66 percent viewed the rule as unenforceable due to the large number of clandestine operations.

The Democratic Revolutionary Party (PRD) has presented an initiative that would modify a law overseeing such establishments. Bars, discos and other late-night establishments would be able to obtain a specific license for their operations called a license "C" as long as they conform to certain requirements, such as security measures, and pay a tax in order to stay open until around 5 a.m. National Action Party (PAN) members are said to be open to evaluating the proposal. Mariana Gomez del Campo of the National Action Party reportedly said that a new system is needed to prevent late-night establishments from paying bribes to code enforcers and other officials in exchange for operating beyond their current permit

restrictions. Gomez del Campo also reportedly said that the establishments must first show that they are able to guarantee the security of their clients before they can obtain the new license.

The proposed modifications allowing establishments to stay open until 5 a.m. if they follow certain requirements would only be provided after the business had been open at least a year without being sanctioned. The businesses would also have to comply with certain security measures, such as setting up a video vigilance system, a metal detector for firearms, and security guards certified by the local Secretary of Public Security. The proposal would include a 3 percent tax which would go towards a campaign to discourage people from drinking and driving. The president of the Federal District branch of the business association Coparmex noted that any changes to the law should ensure that the changes are evenly enforced across all delegations. He also stated that the distribution of permits be handled with transparency and with punishments for business people who present false information or documents during the permit application process.

The proposed changes are in part motivated by the January assault of a famous soccer player – Salvador Cabanas - at an after-hours Mexico City club. The incident renewed attention on how corruption facilitates the operation of bars and other night-time establishments. Furthermore, in 2007, Mexico City government officials identified widespread corruption that involved both city code and compliance officers and the establishments. The after-hours nightclubs were apparently paying money to government workers so they could continue operating and selling alcohol past official closing hours. Owners of discos and nightclubs in Mexico City have also alleged that they must pay bribes of between \$1,000 and \$77,000 (USD) each month to “operate without problems,” according to *El Universal*.

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

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

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