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Drug-related killings remain high so far in 2009, with more than 740 people killed by mid-February. Violence seems to remain concentrated in certain key states, as was the case last year, but if it continues at this pace, the death toll in key states—like Chihuahua and Durango—will far surpass that of 2008. As the federal government continues to apprehend cartel leaders and seize shipments, assassinations and police corruption persists. Also, Mexico's prisons have been scenes of turmoil in recent months, with deathly riots and escape attempts stemming from overpopulation and official corruption. Efforts to combat corruption include an expanding number of undercover investigations, a new Federal Telecommunications Law, and new legislation in the United States. Also, demonstrators emerged this month in the cities of Monterrey, Ciudad Juárez, Nuevo Laredo, and Reynosa to criticize the military's role in anti-narcotic efforts. President Felipe Calderón, the National Human Rights Commission, and local officials have denounced the demonstrations, stressing that rule of law needs to be maintained and military employment is necessary to combat drug cartels and official corruption. Meanwhile, groups such as the Baja California-based Citizen Association Against Impunity have emerged out of frustration with authorities' failure to identify unknown casualties of Mexico's drug war.

LAW AND ORDER

DRUG TRAFFICKING

Cartel-related killings at pace from 2nd half of 2008; Chihuahua bearing the brunt

Cartel-related killings, or *ejecuciones*, have remained at relatively high levels thus far in 2009 nationwide, according to *Reforma's* running tally. As of Feb. 13th, 743 people had been killed in 2009 as a result of cartel-related violence, with the embattled state of Chihuahua claiming over a third of the total, with 292 dead. Guerrero, Durango, and Baja California followed, with 66, 55, and 49 drug related killings, respectively.

So far this year, cartel-related violence seems to be following a similar trajectory set in the spring of last year, characterized by a concentration of violence in key states, mostly along the northern border and the Pacific coast. If they continue at their current pace, the states of Chihuahua, Guerrero, and Durango will

all far surpass their 2008 death toll in 2009. Durango, which shares the troubled “golden triangle” region with Chihuahua and Sinaloa, saw an over four-fold increase in *ejecuciones* between 2006 and 2008. The Pacific state of Guerrero, which more or less plateaued between 2007 and 2008, spiked late last year, averaging 14 *ejecuciones* per week over the last five weeks, and has stayed on roughly the same pace thus far in 2009. The state would double its 2008 numbers if it continued on its trajectory throughout the year. Chihuahua, which saw an over ten-fold increase in 2008’s *ejecuciones* compared to 2007’s, has thus far this year averaged nearly 50 killings per week, much higher than even its 2008 numbers. The states of Baja California and Sinaloa, though still averaging eight and 6.5 killings per week, respectively, have so far seen downturns in violence as compared to 2008.

Amid the violence, the governor of Chihuahua, Jose Reyes Baeza Terrazas, was attacked on Feb. 22nd by gunmen opening fire on his convoy. Baeza was uninjured in the incident, while one bodyguard was killed, and two others plus an attacker were wounded. It is not clear that Baeza was the target of the attack, and the governor declined to propose a possible motive. In Ciudad Juárez, police chief Roberto Orduña had no choice but to resign after threatening messages appeared, warning that one police officer would be killed daily until he stepped down. Gunmen killed a police officer and a jail guard, and hours later on Feb. 20th Orduña resigned from his post.

Michoacán and Tamaulipas, both among the first states to receive troop deployments in late 2006 and early 2007 respectively, continue to see substantially lower levels of violence than they suffered in 2006 before Pres. Calderón entered office. Michoacán, which saw 543 drug-related killings in 2006, the most of any state that year, fell to 238 in 2007 and 233 in 2008, and has seen 19 killed so far this year. Tamaulipas, which saw a slight up-tick in killings last year over 2007 with 110, was still down from its 2006 level of 181. That state, the sight of current public protests against continued military presence allegedly organized by drug cartels, has suffered seven cartel-related killings this year.

SOURCE:

“Ejecutómetro 2009.” *Reforma* Feb. 18, 2009.
“Governor of Mexico’s Chihuahua state downplays attack.” *The LA Times* Feb. 24, 2009.
“Mexico: Juárez Police Threatened.” *The NY Times* Feb. 21, 2009.

Chihuahua town again terrorized by brazen assassinations

Gunmen stormed the town of Villa Ahumada, Chihuahua in mid-February, abducting nine and killing six before engaging in a firefight with soldiers in which a helicopter was deployed to pursue the assailants. In the end, 21 people died – a soldier, 14 gunmen and six civilians. The six men kidnapped and killed reportedly included police officers. The killings prompted the Chihuahua government to announce that a new strategy is needed to combat the continued and escalating violence in the state, which by most counts has claimed over 1,700 lives in the state since Pres. Calderón stepped up efforts to combat drug trafficking nationwide. Over 2,000 soldiers and federal police were deployed to Chihuahua in March of last year as a turf battle heated up in the state between the Sinaloa and Carrillo Fuentes cartels, but cartel-related violence has only escalated since.

Villa Ahumada was highlighted in the international press last May as a symbol of the enormous challenges faced by the Calderón administration in its efforts against the nation’s drug cartels, when gunmen stormed the town, killing the police chief and five others. Days later, the rest of the town’s 20-member police force stepped down. Since then, the military has established checkpoints nearby and regularly patrols the streets, but such measures have proven to be insufficient in counteracting the violence. The town is roughly 80 miles from the U.S.-Mexico Border and is bisected by the Pan-Am Highway headed north to Texas, making it geographically desirable for drug trafficking.

The brazenness of the massacres in Villa Ahumada and the fear in which its citizens live illustrate the vast influence that criminal organizations exercise in municipalities in Mexico. The United Nations estimates that 60 percent of municipal governments and police forces have been infiltrated by drug cartels, telling of the vast financial and political resources the cartels have at their disposal, despite the record blows the Calderón administration reports having made against them over the past two years.

Chihuahua has been particularly hard-hit by drug violence since March of last year, with over 1,600 killed in 2008, and roughly 300 so far this year.

SOURCES:

Trotti, Ricardo. "Cielito lindo, con nubarrones." *El Universal* Jan. 28, 2009.
"Choques entre presuntos sicarios y Ejército dejan al menos 21 muertos en Chihuahua." *La Jornada* Feb. 10, 2009.
Breach, Miroslava, Rubén Villalpando. "Cuestiona el gobierno de Chihuahua los resultados de la lucha contra el narcotráfico." *La Jornada* Feb. 12, 2009.

Investigation of slain general in Cancún leads to arrest of police chief

Recently retired brigadier general Mauro Enrique Tello Quiñones was killed in Quintana Roo in early February, apparently by members of the Zetas, the Gulf Cartel's armed wing. Tello Quiñones is the highest-ranking military member to be assassinated in Mexico by organized crime elements. Found alongside Tello Quiñones were also the bodies of his bodyguard and his driver, also the mayor's nephew. All showed signs of torture.

Tello Quiñones had recently been appointed to head public security in Cancún, given the task of cleaning up the local police force and taking on organized crime. Official sources also revealed that he had already consulted on public security for Cancún, and was in the process of preparing intelligence and police task forces comprising soldiers and ex-soldiers as well as Mexico City police officers to confront drug cartels operating in the tourist city. Before retiring from the military, Tello Quiñones had coordinated military efforts against organized crime in the state of Michoacán, and had consulted on intelligence strategy in Mexico City. He was also the subject of controversy in the late '90s when he was imprisoned at the order of a military tribunal for overseeing an operation in which six young men were killed. He was exonerated a year later.

While Quintana Roo has largely escaped the levels of violence suffered by some Pacific and border-states, it is a major point of entry for Colombian cocaine en route to the United States, and has been heavily infiltrated by the Gulf Cartel and the Zetas. A strong military presence has been established in and around the city, and heavy protection has been afforded to high-profile public servants.

Thus far, investigations into Tello Quiñones' murder have focused on members of the Cancún police force, and have led to a suspected cell of the Zetas led by an ex-Mexican soldier. According to the federal Attorney General's Office (PGR), Tello Quiñones had been investigating suspected links between local public security officers and organized crime, and was preparing a report to release to Cancún mayor Gregorio Sánchez as well as the brigadier general in charge of military operations in and around the city. The PGR's Assistant Attorney General for Special Investigations of Organized Crime (SIEDO) has detained Francisco Velasco Delgado, the local police chief also known as "The Viking." The army also occupied the municipal police station to review identifications and weapons registrations of municipal police officers.

On Feb. 11th the army announced the capture of "El Gori 4," an ex-soldier accused of leading a cell of the Zetas which the PGR alleges is not only responsible for the death of general Tello Quiñones, but also 11 soldiers found stabbed and decapitated in Monterrey, Nuevo León last year. El Gori 4's apprehension came as a result of an anonymous tip. A large cache of weapons was also seized in the operation. The PGR alleges that the cell led by El Gori 4 colluded with police chief Velasco Delgado, who offered them protection to operate in the area.

Quintana Roo Gov. Félix González Canto has since recognized that organized crime's infiltration into Cancún's police has reached "an extreme," and promised a complete cleaning of police forces, including the state police. Three years ago Cancún's police force underwent restructuring, with eight-hour workdays and incentive pay for performance and professionalism. At the time it held up as an exemplary new model of public security to be replicated elsewhere.

SOURCES:

- Aranda, Jesús, Gustavo Castillo and Alfredo Méndez. "Ejecutan a general que preparaba estrategia antinarco en Cancún." *La Jornada* Feb. 4, 2009.
- Blancas Madrigal, Daniel. "Policías y funcionarios de Cancún, bajo investigación por caso Tello Quiñones." *La Crónica de Hoy* Feb. 6, 2009.
- Medellín, Alejandro. "Presentan a asesinos de general Quiñones." *El Universal* Feb. 11, 2009.
- Gibbs, Stephen. "Drug violence mars Mexico city." *BBC News* Feb. 19, 2009.

Federal government announces continued blows to cartels

The federal government has announced significant blows to organized crime in the past month, including the apprehension of several major cartel leaders, record cash seizures during the first two years of the Calderón administration, and a large cocaine shipment intercepted in international waters off the Pacific coast.

Pres. Calderón's security cabinet announced that between Dec. 1, 2006 and Jan. 1, 2009 authorities seized US\$312 million in cash, as well as 132 million pesos connected to organized crime. These seizures are significantly higher than those achieved by either of the previous two administrations during the same period. The numbers include the historic seizure of \$205 million in the raid of Zhenli Ye Gon, trafficker of precursor chemicals for methamphetamines. By comparison, the Zedillo administration (1994-2000) decommissioned about \$500,000 during its first 25 months, and the Fox administration \$30 million.

In another blow to an undisclosed drug trafficking organization, the U.S. Coast Guard and the Mexican Navy in a coordinated effort seized a fishing boat loaded with more than seven tons of cocaine in international waters roughly 1,300 kilometers off Mexico's Pacific coast. The five individuals apprehended, all citizens of Sinaloa, were turned over to federal authorities in Oaxaca. The origin and intended destination of the cocaine have not been made public.

Mexican security forces also continued a steady string of apprehensions of suspected major cartel players over the past month. In late January, soldiers from the 9th military zone in Baja California captured Santiago Meza López, more commonly known as "El Pozolero," the suspected clean-up man for the criminal band led by "El Teo" García Simental. Meza López has reportedly admitted to dissolving at least 300 victims in acid before disposing of the remains in septic tanks. El Teo, a former lieutenant of the Arellano Félix cartel, emerged in April 2008 in alliance with the Sinaloa cartel, and has since engaged in a turf battle with Fernando Sánchez Arellano, "El Ingeniero," for control over the lucrative Tijuana-San Diego trafficking corridor.

In related news, Gerónimo Gámez García, suspected financial leader of the Beltrán Leyva drug cartel, was captured in Mexico State on Jan. 29th. According to the federal Public Security Secretariat, he was responsible for purchasing and monitoring cocaine shipments from Colombia to Sinaloa via Mexico City. Along with Gámez García, cousin of Arturo "El Barbas" Beltrán Leyva, the suspected representative in Mexico of the Colombian Valle del Norte cartel and seven other suspected members of the Beltrán Leyva cartel were also arrested. All of them will be held under *arraigo* for 40 days awaiting formal charges.

Also captured in Mexico State was Alberto Martín Alamillo Quintero, suspected leader of the La Familia drug trafficking organization. Alamillo Quintero and nine others were apprehended on Feb. 10th in three separate home searches.

SOURCES:

- Otero, Silvia. "Actual gestión multiplica golpes a estructura financiera de bandas." *El Universal* Feb. 1, 2009.
- "Capturan al operador financiero del cártel de los Beltrán Leyva." *La Jornada* Feb. 4, 2009.
- "Cae operador de 'la Familia' en Edomex." *Reforma* Feb. 10, 2009.
- "Semar decomisa 7 toneladas de cocaína en un buque." *El Universal* Feb. 15, 2009.
- "Presenta Semar a detenidos que transportaban cocaína en buque." *Milenio* Feb. 16, 2009.

PRISON SECURITY

Three killed and nine escaped as a result of Coahuila prison break-in

Armed men passed through the main entrance of the state prison in Torreón, Coahuila, killing three inmates and freeing nine others. The three slain prisoners accused of kidnapping and homicide had been admitted less than two hours earlier on a forty day detention order. The victims, one of whom was an ex-member of the Mexican armed forces, were reportedly beaten by the eight assailants before being covered in gasoline and burned alive. The three prisoners killed were themselves accused of kidnapping a Nuevo León businessman before setting him ablaze and abandoning him on the Saltillo-Monterrey highway. The nine prisoners who were freed by the armed men had all been convicted of federal charges involving drug trafficking and organized crime. To date, none of them have been recovered.

The federal Attorney General's Office (PGR) announced that three guards have been brought before the federal judge who handles presumed acts unbecoming of public servants. The three men, one of whom was the prison's chief of security, are accused of aiding the assailants in entering the prison. The PGR also announced that arrest warrants have been administered for the prison director as well as 18 other prison guards. Meanwhile, federal and state police have taken over security in the facility.

Mexico's prisons have been scenes of turmoil in recent months, with deadly riots in Baja California, Tamaulipas, and Durango, pointing to rival gangs vying for operational control. Government officials and security experts have showed concern over the increasing overpopulation in Mexico's prisons, which is often blamed for eruptions of violence and official corruption. In January of this year, the Public Security Secretariat reported that the population of the two principal federal prisons in Mexico City, Altiplano and Occidente, surged by more than 20 percent between October 2007 and October 2008.

SOURCES:

Brito, Luis. "Saturan penales de alta seguridad." *Reforma* Jan. 20, 2009.
"Ingresa comando a Cereso; mata a 3." *Reforma* Feb. 10, 2009.
Mata, Atalo. "Consignan a guardias de prisión de Torreón." *Excelsior* Feb. 14, 2009.

KIDNAPPING AND EXTORTION

Government lays groundwork for national cell phone registry

The Mexican government has reformed the Federal Telecommunications Law to compel the nation's telecommunications companies to create the National Mobile Telephone Registry with the goal of combating extortion and threats via cellular phones, particularly in relation to kidnappings, both real and staged.

The telecommunications companies now have a period of 60 days to create the registry, which will include around 73 million entries. Aside from the personal data of all of their clients, the companies will have to track data on calls and text messages sent and received from each phone. The government also added a measure that requires cellular phone users to submit a copy of an official identification as well as their fingerprints, also to be included in the registry. Those who subscribed to a service before the law enters into effect will have a year to comply with its requirements before their service is disconnected.

While most Mexican telecommunications companies have expressed support for the new law, Carlos Slim, owner of América Móvil, the largest cellular phone company in the country, has expressed his doubts as to the capacity of the new law to reduce telephone extortion. He says that too often in those cases the phone in question is stolen, and that the amount of fraud and manipulation of user data will be impossible to overcome.

SOURCES:

"México aprueba norma que obliga a crear registro nacional de telefonía móvil." *El Universal (Venezuela)* Feb. 10, 2009.
Martínez, Fernando. "Respaldan padrón de celulares en el DF." *El Universal* Feb. 10, 2009.
"¿Será el fin para la extorsión vía celular?" *Milenio* Feb. 10, 2009.

ARMS TRAFFICKING

U.S. legislators appeal to Obama to ban importation of assault weapons

Fifty-three U.S. legislators have signed a letter to U.S. Pres. Obama requesting that he reinstall a ban on importing assault weapons into the United States, in the interest of slowing the flow of these arms into Mexico. Such arms are no longer manufactured in the United States, but are imported principally from Eastern Europe and China. The ban was in effect when former Pres. George W. Bush entered office, but was removed during his tenure. Given the political will, the ban is enforceable under the 1968 Gun Control Act.

In a press conference, Rep. Eliot Engel, president of the House Subcommittee on the Western Hemisphere, pointed out that over 90 percent of the weapons confiscated in Mexico can be traced back to sellers in the United States. Mexican lawmakers have stepped up appeals to their counterparts in the United States to prioritize the problem of the southbound flow of weapons across the border since discussion began on the details of the Merida Initiative, the \$1.6 billion, 3-year aid package destined for Mexico and Central American countries to aid in their fight against drug trafficking. Last month, the U.S. Congress released the first \$465 million installment of the aid package to Mexico.

SOURCES:

Saldierna, Georgina. "Prohibir la importación de armas de asalto, piden congresistas a Obama." *La Jornada* Feb. 19, 2009.
"World briefs: U.S. lawmakers want ban on importing assault weapons enforced." *Fort Worth Star Telegram* Feb. 19, 2009.

TRANSPARENCY & ACCOUNTABILITY

ACCOUNTABILITY

Undercover operations raise questions of accountability

The growing use of undercover investigations as a means of attacking drug cartels may be yielding results, but the practice is raising questions over the lack of accountability and abuse of power among certain agencies that are taking on this role, according to an investigation by *El Universal*. "Without legislation, protocols or transparency that guarantee their legality and efficiency, the infiltration operations focused on public security have been becoming primary activities for civilian secret services and the Mexican military," according to the article.

The Federal Law against Organized Crime allows for the federal Attorney General's Office to conduct infiltration operations, but does not delineate the role of the secret service forces or the military. Nonetheless, the newspaper refers to classified documents and unnamed sources to report how these agencies are becoming increasingly involved in undercover operations against drug groups. In one example, the newspaper reports that the Secretary of the National Defense has been working with a retired general with an extensive background in these kinds of techniques as part of a wide scale effort to restructure their intelligence apparatus.

The newspaper quotes a researcher with the Metropolitan Autonomous University, Jose Luis Pineyro, as saying that without proper accountability, these kinds of investigations can lead to situations where undercover agents "can commit excesses and an eventual violation of human rights."

SOURCE:

Torres, Jorge. "Auge de espías de Mexico." *El Universal*. Feb. 9, 2009.

Attempt to obtain information on union leader's salary finally yields results

Over the past 17 years, the president of the education workers union has been collecting two salaries as a school director and a teacher, according to information compiled by *El Universal* through a public records request for the information that took more than six months. The salary for Elba Esther Gordillo, was 252,280 pesos for the year of 2007 and 106,503 pesos for the first six months of 2008, and is considered remuneration for her activities as a union leader.

El Universal first filed a petition for the information in July 2008, with the Federal Institute of Access to Public Information in the state of Mexico – where Gordillo is based out of– and was told that information was considered “reserved.” The paper filed a second request for information in August 2008, and got the same response, but this time the paper appealed before the IFAI.

In January 2009, the federal Secretary of Public Education declined to turn over information regarding Gordillo's salary on the grounds that the information was considered “personal information,” and that the figure was not in their files, according to several Mexican media reports. The IFAI confirmed that the proper source of the information should come from the State of Mexico. *El Universal* reported that the information they finally obtained from the State of Mexico was not complete, and lacked information the newspaper had requested about loans, bonuses and the name and place of the schools that Gordillo is technically “on leave” from. The newspaper nonetheless reported that she was being compensated for being on leave for two posts: school director and teacher.

The Social Democratic Party got involved in the search for information, calling for the National Syndicate of Education Workers to provide the information regarding Gordillo's salary as well as that of other union officials. Jorge Carlos Diaz Cuervo, national director of the Social Democratic Party, sent a letter to the union demanding the information: “It is fundamental that Mexican society knows the actual remunerations of the national and state directors of the SNTE.”

Critics say the information should not be so secretive, even though this information is protected in order to guarantee the autonomy of the union. Sergio Sarmiento, a journalist and political analyst, wrote that union leaders should nonetheless be held accountable for how money is being distributed within the unions as a way of preventing corrupt practices such as the enrichment of union leaders through extortion and other illicit means.

“We need to push forth a labor reform that eliminates the possibility that these leaders continue using the unions to extort businesses and that forces the unions to adopt internal democratic procedures supervised by an independent electoral authority so that they are required to make public the accounts of the unions and their leaders,” he wrote. Meanwhile, Mexican Senator Manlio Fabio Beltrones (PRI) is preparing a proposal to reform the labor law that would require greater transparency for unions. The proposal would require unions to provide periodic updates on how union money is being used.

SOURCES:

- Godinez, Victor. “Condiciona Beltrones ley de transparencia sindical.” *El Sol de Cordoba*. Feb. 20, 2009.
Montano, Maria Teresa. “Elba cobra \$21 mil al mes por 2 plazas.” *El Universal*. Feb. 4, 2009.
Sarmiento, Sergio. “Dinero de lider.” *El Diario*. Feb. 22, 2009.
Velasco, Elizabeth. “Datos sobre el sueldo de Gordillo, en el estado de Mexico: IFAI.” *La Jornada*. Jan. 22, 2009.
Vergara, Rosalia. “PSD emplaza al SNTE a divulgar salario de Gordillo.” *Proceso*. Jan. 22, 2009.

CORRUPTION

United Nations report on Mexico's actions against drug trafficking

Mexico has made significant efforts in combating drug trafficking through public security operations, but the effectiveness of these operations remains limited by institutional corruption, according to a United Nations report. The report comes from the International Narcotics Control Board, which publishes annual evaluations of international efforts to combat drug trafficking.

The report notes that organized crime groups continue to wield great power in certain parts of the country and that this has contributed to unprecedented violence in response to the government's efforts to combat the groups. However, the report recognizes the effort Mexico is making despite the challenges. "When a society has the kinds of threats as this one, which pervades the roots of the state, there is the risk that one will look the other way, but that is not the case in Mexico," according to the report.

The report recognizes that the Mexican government has improved its effort in the fight against drug trafficking since the last time the United Nations team visited Mexico in 2005 to assess the situation. Mexico now requires more documentation regarding the importation of chemicals that are considered the precursors to popular drugs. Mexico is also limiting the amount of these precursor substances, such as ephedrine and pseudoephedrine. The report also notes that the Mexican government has made a notable effort to eradicate the cultivation of heroin and marijuana while promoting alternative development projects to provide employment alternatives in these particular zones.

SOURCES:

"La corrupcion, principal freno a lucha antinarco en Mexico: ONU." *La Jornada*. Feb. 19, 2009.
"Asegura informe internacional que Mexico avanza en lucha antinarco." *El Financiero*. Feb. 19, 2009.
International Narcotics Control Board. "Report of the International Narcotics Control Board for 2008." Available online:
<http://www.incb.org/incb/annual-report-2008.html>

Union leader sought by Mexican government on fraud charges

Mexico is seeking the extradition of Napoleon Gomez Urrutia, a union leader who has been living in Canada while facing fraud charges and other accusations in his home country. The charges include the alleged misuse of \$55 million that had been designated for retirees of the mineworkers union he heads.

In 2006, federal labor officials removed Gomez from his post overseeing Mexico's largest mine union, the *Sindicato Nacional de Trabajadores Mineros, Metalurgicos y Similares de la República Mexicana*, and his ousting led to widespread protests since workers have split loyalties between Gomez Urrutia and his designated successor, Elias Morales. The embattled Gomez has been coordinating strikes from the Canadian city of Vancouver by using communications technologies such as cell phones, e-mail, and video links. Gomez Urrutia has claimed he is a victim of a smear campaign orchestrated by opponents of independent unions, according to *Reuters*.

SOURCES:

Barrera, Diaz. "Mexico wants Canada to extradite mine union leader." *Reuters*. Feb. 4, 2009.
Roberts, Mike. "Mexico will have to put up a fight to get him back," *The Vancouver Province*. March 6, 2007.
"Mexico requiere a Canada la extradicion de Gomez Urrutia." *La Jornada*. 4 Feb. 4, 2009.

TRANSPARENCY

Study ranks transparency in state Web portals

State governments need to do a better job of providing functional web sites that present the public with easily accessible information, according to an analysis by a researcher from the Autonomous University of Mexico State.

The study was conducted by a team of researchers headed by Professor Rodrigo Sandoval Almazan, and it is based on a series of standards proposed during the 2006 Forum of Transparency and Technology. The discussion led to the creation of six standards that include "ease of navigation," "classification of information" and "value of information." The study did not rank the ease or difficulty in accessing public information through the government web sites because the sites use different mechanisms that make an across-the-board analysis difficult to measure.

The researchers included a comparison of how the state web sites have improved from 2007 to 2009. The six standards were measured using a Likert scale, ranging from 1-5 and the sites were also separated into categories ranging from "basic" to "complete." The study's results showed an increase in

the number of states that can be categorized as being at an “advanced” stage, from four in 2007 to 13 (41.9%) in 2009. The state web sites with the most user-friendly interfaces included Yucatan (#1), Sonora (#2) and Tabasco (#3). The state of Durango dropped from second highest in 2007 to ranking at the bottom of the list. The state of Queretaro improved the most, from ranking #27 in 2007 to #15 in 2009.

The study concludes that despite overall improvements, the sites need to incorporate more measures to become even more accessible. For example, many use PDF files on the sites rather than place information online. This means the information does not always download properly, or the information takes too long to download. Also, many sites have complicated architecture that makes simple search tasks difficult, such as finding the correct email address or telephone number for a government official. The sites also tend to rely too much on legal terminology rather than everyday language.

SOURCE:

Sandoval Almazan, Rodrigo. “Ranking of Web portals for transparency: The 2009 measurements.” *Politica Digital* website: <http://politicadigital.com.mx>

Recommendation to preserve government-related e-mails

The Federal Institute for Access to Public Information (IFAI) recommends that e-mails pertaining to government activities be preserved to conform to public information standards already required for traditional paper documents.

Under the recommendation, the government would keep track of which e-mail accounts belong to which government workers so that the source of the e-mails can be clearly identified in response to public information requests. The e-mails should also include an automatic notification that the information inside these e-mails is subject to requests for public information. However, the recommendations only apply to those e-mails that have to do with government duties and subjects. Personal e-mails would not be subject to public information requests.

SOURCE:

“Dan recomendacion para conservar correos electronicos institucionales.” *El Financiero*. Feb. 10, 2009.

Coyoacan representative accused of lack of transparency

Some residents and workers in the Mexico City neighborhood of Coyoacán are accusing their district representative of failing to provide sufficient transparency in relation to several municipal projects, including one plan to overhaul the historic section. A group of residents organized under the name “Pro Coyoacán” have denounced a number of alleged irregularities in the El Rosedal colonia, including construction work without permits and violations of land use codes. Some residents are also questioning an alleged delay in work planned for the historic section, while a group of artisans are upset about a plan to prohibit them from selling their work in several neighborhood plazas.

District representative Heberto Castillo Juárez said the improvements for the historic section were on schedule and that a new space for the artists will benefit them and their clients. A number of people who were upset with Castillo were prevented from attending a meeting held by the district official to provide updates on the project. This provoked even more outbursts from the activist group which accused Castillo of preventing its members from exercising their right to enter the meeting at the Casa de Cultura Reyes Heróles.

SOURCE:

Cruz, Alejandro. “Reclaman delegado en Coyoacan falta de transparencia en obras de remodelacion.” *La Jornada*. Jan. 23, 2009.

Information temporarily blocked in Lydia Cacho case

An attempt by journalist Lydia Cacho to obtain access to court documents related to her own case has been temporarily squashed. The delay is due to a reform in the Federal Code of Penal Procedures that prohibits access to certain investigation documents.

The reform went into effect in December 2008, and officials are trying to determine how to proceed in light of the new regulations. Cacho's lawyers have attempted to obtain the information under the Federal Law of Transparency since June 2008. Cacho is attempting to retrieve thousands of pages that are part of her case file, but the release has been delayed. Court officials said they tried to determine which parts of the case could be made public and which parts fell under protected standards regarding confidential information.

Cacho was briefly detained in 2005 on libel charges in connection with her book, Los Demonios Del Eden. The book alleges that Mexican businessman Jean Succar Kuri led a pedophile ring involved in sexual abuse and child pornography. Cacho later filed a federal suit against various governmental officials involved in her detention, and a Supreme Court commission found that the Puebla governor and a group of his government officials conspired to violate Cacho's rights.

SOURCE:

"Corte frena transparencia en el caso Lydia Cacho." *Informador*. Feb. 5, 2009

Study finds Mexico lacks budget transparency

Mexico does not provide sufficient public information about its own federal budget, and that means citizens aren't able to weigh in on the use of public funds, according to a study by the International Budget Partnership. The group, which is based in Washington DC, determined that Mexico placed in the 54 percentile, scoring below Argentina, Colombia, Peru and Brazil. The lack of information means that Mexico's citizens aren't able to play a significant role in making sure the budget is being handled properly.

"In Mexico, the budget provides some information to the public, which signifies that the citizens don't have a complete idea of the government's plans of investments and spending," according to the study's conclusions. In particular, the budget lacks sufficient information on government debt, and fails to provide clear information on various sub-commissions created by the federal government and other ancillary investments such as pension funds. The "Index of Open Budgets 2008" evaluates the amount and type of information that governments make available in public budget documents throughout the year. The Index also considers how countries take into account the process of budget input, in particular for the federal executive branch's budget. The public and legislature should have access to the budget proposal prior to final approval, and should provide sufficient time for analysis and public debate, according to the study.

With regard to changes to the budget during the fiscal year, the study found that although Mexico does provide budget updates, they lack important details and that the final budget assessment does not provide sufficient information to determine exactly how much money was spent and collected. The study did note that Mexico's public information access laws provide a means for citizens to seek information on the budget, but that the country still needs to do more to make it easier for citizens to participate in budget analysis and to participate in discussions over how the money is used.

SOURCE:

Velasco, Elizabeth. "Mexico, reprobado en transparencia presupuestaria, segun estudio de ONG." *La Jornada*. Feb. 3, 2009.

Most transparent agency in the Federal District: Human Rights Commission

The Federal District's Human Rights Commission has once again been honored for being the most transparent institution in the capital area. The designation comes from the Federal District's Institute of Access to Public Information.

The institution received a 99.1 from an index used to measure how efficient agencies are in providing transparency. Five other agencies were recognized for having the "best transparent practices," including the special commission for Mexico City's Historic Center, Azcapotzalco Delegation, and the Firefighters Agency of the Federal District. The agencies that received the lowest ratings in the assessment were the Secretary of Public Security, Metrobus, and the Legislative Assembly of the Federal District.

SOURCES:

Grajeda, Ella. "Reconoce Info-DF Transparencia en dependencias y organismos." *El Universal*. Jan. 28, 2009.
Notimex. "Es CDHDF la institucion capitalina mas transparente." *El Universal*. Feb. 1, 2008.

ACCESS TO JUSTICE

PUBLIC PROTEST

Alleged "narco-protests" against military operations emerge in several border-states

Beginning in mid-February, groups of demonstrators protesting the military's role in anti-narcotics efforts and alleged abuses have blocked major entry points, including border crossings, in the cities of Monterrey, Ciudad Juárez, Nuevo Laredo, and Reynosa. Government officials claim the protests, which have at times erupted in violence directed at police attempting to control the protests, have been instigated by organized crime.

The protests began in Monterrey, Nuevo León on Feb. 9th, and have continued in that city since. The majority of the protestors are reportedly women, some with children, and the elderly. Also present have been the alleged leaders of the protests, younger men with faces covered, earning them the name *Los Tapados de Monterrey*, or "The Masked Men of Monterrey." By some official accounts, these men receive payments from drug cartels for their participation in the demonstrations. Thus far, police have broken up the protests in Monterrey several times, only to have them re-form in other parts of the city. Similar protests have since emerged in Ciudad Juárez, Chihuahua, and Nuevo Laredo and Reynosa, Tamaulipas, at times blocking border crossings in those cities.

On Feb. 17th, twelve protests with blockades were registered across four states. On that day, the protests spread to the Gulf state of Veracruz, where demonstrators blocked a main entry point into the city of Veracruz demanding an end to "military violence." As was the case with protests along the border, the majority of the attendees were reported to be women with children and the elderly. Veracruz has seen a heavy military presence since Pres. Calderón deployed troops there in early 2007.

President Felipe Calderón, Nuevo León Gov. Natividad González Parás, and the state's Secretary of Public Security Aldo Fasci Zuazua have all alleged that the protests in that state were organized by drug cartels, with the intention of undermining the military's efforts to stem the flow of drugs into the United States. Since the Calderón administration began deploying troops to troubled states including Tamaulipas and Nuevo León in late 2006, public support for the operations has remained fairly high, as Mexico's military is commonly seen as being relatively untouched by the corruption that has long plagued its police forces.

Nevertheless, the National Human Rights Commission (CNDH) reported last month that complaints of human rights abuses at the hands of the military had risen substantially in 2008 over the previous year. As of Dec. 15th, CNDH had received 631 complaints against the military, up nearly 100% from 2007. For its part, though, the CNDH has denounced the demonstrations, stressing that the rule of law must be maintained, and also emphasizing the current need to employ the military in combating drug cartels and police corruption.

SOURCES:

"Lidera Sedena quejas presentadas a CNDH." *Reforma* 26 Dec. 2008.
López Velasco, Miguel Ángel. "Bloquean entrada a Veracruz en protesta contra militares." *Notiver* Feb. 17, 2009.
Tapía, Jonathán. "Desaloja Policía Federal a *tapados* en Monterrey." *El Universal* Feb. 17, 2009.
Gutiérrez, Noemí. "CNDH pide actuar ante manifestaciones contra Ejército." *El Universal* Feb. 18, 2009.
Emmott, Robin. "Calderon Slams Anti-army Street Protests," Reuters, Feb. 20, 2009.

DISAPPEARANCES

Baja California citizen group to create foundation to search for disappeared

Cristina Palacios Roji de Hodoyán, president of the Citizen Association Against Impunity, announced in early February that by the end of the month her group would create a foundation to raise funds to purchase DNA equipment in the hopes of locating missing family members presumably murdered by drug gangs.

Members of the citizen group have expressed frustration at the authorities' failure and lack of resolve to identify unknown bodies, and have taken it upon themselves to test the DNA of bodies interred in communal graves in Baja California. Family members have for a time expressed interest in obtaining DNA testing equipment, but such requests have increased since the arrest of Santiago Meza López, "El Pozolero," discussed in the Order section of this news report. Meza López is accused of dissolving more than 300 victims in acid from killings tied to the drug gang led by "El Teo" Simental..

For its part, the state Attorney General's Office had publicly committed to purchasing the equipment, but later admitted that it did not have the necessary resources, an estimated 16 million pesos. The U.S. government reportedly has offered to donate the equipment on the condition that it be operated by the FBI. Cristina Palacios has said that her organization prefers to acquire less sophisticated equipment and to operate it independently from the FBI.

The Citizen Association Against Impunity has identified 430 cases of disappeared persons, most of which occurred between the years 2006 and 2008. As is the case with kidnappings across the nation, however, that number is almost certainly lower than the actual number of disappearances, since many cases go unreported because of families' fear of retribution or suspicion that police were involved in the kidnappings. Indeed, since the capture of "El Pozolero" in late January, around 100 people have gone to the Citizen Association Against Impunity to report the disappearance of friends or family members. The group turned the cases over to the federal Attorney General's Office (PGR).

Since the Citizen Association's announcement, the PGR revealed that it had found human remains in the house where El Pozolero was arrested and that it will test and check the remains against the cases presented by the Citizen Association.

SOURCES:

Martínez, Julieta. "Crearán fundación para buscar personas desaparecidas en BC." *El Universal* Feb. 9, 2009.
Torres, Alberto. "PGR tiene material genético en el caso del Pozolero." *El Universal* Feb. 17, 2009.

HUMAN RIGHTS

Interior minister Gómez Mont addresses UN regarding human rights

In his first visit to the United Nations since assuming the position of interior minister late last year, Fernando Gómez Mont addressed the international body's human rights commission regarding the impact of organized crime and the domestic deployment of the army on the enjoyment of human rights in Mexico. The presentation came as part of the Universal Periodic Review (UPR) that each of the 192 member nations is subject to every four years.

Gómez Mont recognized that the kidnappings, extortion, and violence perpetrated by criminal gangs as well as institutional corruption are the primary and fundamental challenges to citizens' human rights. He also said that in certain regions of the country the power and resources of organized crime eclipses that of local law enforcement, necessitating the intervention of the armed forces. The interior minister emphasized that the participation of the military is on a strictly temporary basis, offered at the request of state and local authorities, and only part of an "integral security strategy" that hinges on training and professionalizing the nation's police forces.

Madeleine Penman, spokesperson for the Human Rights Center Miguel A. Pro in Mexico City criticized the report for evading the question of abuses by the military and the lack of legal resources for those suffering such abuses, which go largely unpunished. While she recognized that the government has made some advances in addressing “uncomfortable” issues of disappearances, torture, and abuses of power, she also pointed out that formal complaints of human rights abuses by the military have tripled during the Calderón administration. Penman signaled that there is a fundamental disconnect between the international human rights agreements that Mexico has signed, which improve its image abroad, and actual legal resources available to purported victims.

The U.N. Human Rights Council handed down 83 recommendations, including reestablishing of the Office of the Special Prosecutor for Social Movements and Past Politicians (Femospp), ending *arraigos*, or detentions pending charges, reforming military justice, and revisiting the legal definition of organized crime. The recommendations specifically targeted the question of impunity in human rights abuses by the military and police, particularly against women and children, indigenous populations, and journalists. They also stressed the need to ensure that alleged human rights abuses, particularly those involving the military, are handled in civilian courts. The Council also recommended that the military code be revised to agree with international agreements to which Mexico has committed.

Juan Manuel Gómez Robledo, subsecretary of Multilateral Affairs for the Exterior Relations Secretariat (SRE), expressed agreement with the recommendations, saying that they were in line with current national strategy. He projected that Mexico will respond to the recommendations in June.

SOURCES:

Otero, Silvia. “Temporal, uso de Ejército contra narco: Gómez Mont.” *El Universal* Feb. 10, 2009.
Saldierna, Georgina, Emir Olivares, and Fabiola Martínez. “Exhorta a ONU a México a suprimir la tortura y los abusos de militares.” *La Jornada* Feb. 14, 2009.

Medina Mora and former Mexico Gov. Peña Nieto exonerated in case of 2006 Texcoco and Atenco police abuses

In a vote of eight to three, Mexico’s Supreme Court justices absolved Mexico State Gov. Enrique Peña Nieto and former federal Public Security Secretary Eduardo Medina Mora (currently Federal Attorney General) of any responsibility for human rights abuses committed in the Mexico State communities and Texcoco of San Salvador Atenco in May 2006. The court also exonerated several other federal and state police commanders who planned the operation of nearly 2,700 federal, state, and municipal police officers to put down public protests over community land rights that left several community members dead and numerous complaints of rape, illegal detentions, and other physical violence.

During the two-day proceedings, the justices recognized that grave human rights abuses did occur, but the exoneration of Medina Mora, Peña Nieto and other public security officials signals that no public official will be held to account for the numerous human rights violations that even Gov. Peña Nieto has admitted took place. By contrast, six members of the San Salvador Atenco community group Peoples’ Front in Defense of Land (FPDT) have since been captured and sentenced to prison terms of 112 years or more.

SOURCES:

Aranda, Jesús. “SCJN exonera a Peña Nieto y Medina de abusos en Atenco.” *La Jornada* Feb. 12, 2009.
Editorial. “Suprema Impunidad.” *La Jornada* Feb. 13, 2009.
Torres Pastrana, Sandra. “Represión en Atenco, necesario precedente para decidir voto ciudadano.” *CIMAC Noticias* Feb. 17, 2009.

AROUND THE STATES

Oral trials in State of Mexico in August; reforms to be applied regionally to all crimes



Congress in the State of Mexico (Edomex) approved a new criminal justice code on Jan. 26th in accordance with the federal constitutional reforms passed in March of last year. Authorities say that the reforms will begin implementation by August of this year. If Edomex succeeds in its implementation plans, it will be the first state to apply oral trials to all crimes.

The new system will be applied to all crimes beginning Aug. 1st in the Toluca District, and then in a new district every six months. Authorities expect the reforms will be applied statewide by August 2011. This regional implementation is similar to the path taken by Chihuahua, which as of June of last year is now applying oral trials statewide. Edomex and Chihuahua contrast with Nuevo León, whose authorities opted for a statewide implementation that is gradually applied to different crimes. Chihuahua and Nuevo León, both having embarked on their justice reform process before federal reforms passed through Congress, have acted as bellwethers for other states. To date, Chihuahua has, generally speaking, received much more positive assessments from legal experts for its implementation of justice reforms than has Nuvo León, a fact largely obscured by the rampant violence and high levels of impunity in the state.

As in other states, Edomex will install *juces de garantías*, judges who will be responsible for determining that arrests, detentions, and ensuing investigations have followed legal procedures and preserved human rights. In the case of “common” crimes, there will be one presiding judge who will hear oral arguments from defending and prosecuting attorneys, and will administer judgments and sentences. Felony trials will be heard by a panel of three judges.

It is hoped that speedier criminal proceedings along with out-of-court settlements and limited use of pretrial detention will relieve some of the burden that the state’s penal system now endures. Currently, 60 percent of state prison inmates have not yet been sentenced, according to state deputy Carlos Alberto Pérez Cuevas.

SOURCES:

“Aplicarán juicios orales en el estado de México a partir de agosto.” *El Informador* Feb. 1, 2009.
Nieto, Martha Yolanda. “Amplía Edomex oralidad a delitos graves.” *Excelsior* Feb. 3, 2009.

Mixed reports of implementation of oral trials in Oaxaca’s indigenous regions



The implementation of justice reforms in Oaxaca’s indigenous Tehuantepec and Mixtec regions has met with controversy since before it began. Implementation continues to be controversial as preliminary assessments come forth from state authorities and private attorneys.

The Attorney General for Indigenous Defense (Prodi), the office created as part of the reforms to provide legal defense to indigenous defendants who cannot afford an attorney, reports that it is currently attending to 310 case files in the Isthmus of Tehuantepec and Mixtec regions, recently included in Oaxaca’s regionally-applied justice reforms. According to Jacobo Sánchez López, head of Prodi, only six individuals have been assigned to pretrial detention, suggesting a presumption of innocence as well as relief for detention facilities, both stated principles of the reforms. Moreover, he said that the cases of 1,800 indigenous inmates accused of felonies prior to justice reform implementation are currently under review.

While Prodi and the president of the state Supreme Court have both characterized the implementation of justice reforms in indigenous regions of Oaxaca as achieving stated goals thus far, private attorneys have expressed an opposing viewpoint. Aside from general criticisms that the new system is out of line with

traditional indigenous practices, some attorneys claim that it also reduces the indigenous populations' access to legal defense. Valerio Loyola Benavides, head of an attorney association in the Mixtec region, complains that the new system institutionally favors public defenders, in effect excluding more than 500 private attorneys practicing in the indigenous regions. He added that conciliatory justice resolutions, negotiated by public defenders and public prosecutors with the goal of avoiding trial, are contributing to a culture of impunity.

SOURCES:

Gómez, Samuel. "Presumen inocencia de 1,800 indígenas presos." *El Imparcial* Feb. 12, 2009.
Lucero, Erika. "Más de 500 abogados excluidos de juicios orales en la Mixteca." *NSS Oaxaca* Feb. 14, 2009.

Leading Tijuana attorney expresses doubt as to readiness for justice reforms

According to *El Sol de Tijuana*, Baja California state authorities have said that the new justice system approved by the state congress and scheduled to begin implementation this year may be postponed due to a lack of training and infrastructure.

The announcement came during a meeting of the attorneys association Tijuana Attorneys College (CAT) and justices from the California Supreme Court of San Diego County. In a statement to the participants, Enrique Gómez Llanos León, CAT president, emphasized the responsibility of attorneys to ensure that they are properly trained for the fundamental changes faced by the profession in the new accusatory justice system. He also pointed to the backlog of thousands of case files as further rationale for not attempting to implement a radically new justice system with improperly trained personnel and insufficient facilities.

Just in December 2008, state justice officials announced that oral trials would be ready for implementation in Mexicali, the state's capitol, this year, and in Ensenada and Tijuana in 2010 and 2011, respectively. According to federal justice reform legislation passed last spring, the states have eight years to complete implementation.

SOURCES:

García Ochoa, Sonia. "Posible aplazamiento del nuevo sistema de justicia penal en BC." *El Sol de Tijuana* Feb. 13, 2009.
García Ochoa, Sonia. "Falta preparación para juicios orales: Enrique Gómez-Llanos León." *El Sol de Tijuana* Feb. 15, 2009.

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

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

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