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MONTHLY SUMMARY

Ejecuciones surpass 4,000 for 2010 • President Calderón meets with Obama administration in Washington • Politicians targets of violence in Guerrero and Tamaulipas • Lieutenant of Beltrán Leyva cartel, “El Indio,” arrested • PAN leader kidnapped from his ranch in Querétaro • Mexican Senate passes law on military’s role in public security operations • Mexican Senate approves kidnapping bill • Former Quintana Roo governor extradited to the US • Mexican army detains a dozen members of Guadalupe police force • New internet site to monitor use of public funds • Questions of Mexican government “collaboration” with Sinaloa cartel raised • Congress reforms transparency and private information laws • Mexico City hires and equips 250 new code inspectors • Lawmakers approve competition law to discourage monopolistic practices • Development of national prison database to combat torture initiated • Death of two children in Tamaulipas prompts examination of military justice system • Interior Minister Gómez Mont criticizes Chihuahua justice reforms • Two Otomí indigenous women released from prison • President Calderón follows up in ABC fire reparations

LAW AND ORDER

CARTEL-RELATED VIOLENCE

Ejecuciones surpass 4,000 for 2010, with Chihuahua and Sinaloa still hardest hit

According to *Reforma’s* running tally of *ejecuciones*, cartel-related killings, the nationwide total has now reached 4185 for 2010. With over seven months remaining and most experts predicting a continuation in the violence in the coming months, the 2010 tally is almost certain to surpass 2009’s total of 6,587. Nearly one-half of the total *ejecuciones* are centered in the states of Chihuahua and Sinaloa, which had accumulated 1082 and 863, respectively, as of May 21. Durango, which forms part of the “Golden Triangle” growing and trafficking region with Chihuahua and Sinaloa, and Guerrero, the site of an internal

power struggle between the remaining factions of the Beltrán Leyva cartel, had 336 and 310 *ejecuciones*, respectively, both on track to surpass their 2009 totals.

While some news outlets had reported a Sinaloa cartel victory in Ciudad Juárez over the rival Juárez cartel and speculated on a possible resulting drop in violence, Joseph M. Arabit, special agent heading the Drug Enforcement Administration in El Paso, said his agency believes that the battle for the lucrative trafficking corridor is far from over. TBI data obtained from *Reforma's* tally of *ejecuciones* support this claim. Such killings have averaged roughly 75 per week since our April reporting period, as compared to about 48 for previous months in 2010. 78 were killed during the week of May 15-21 alone, including a campaign organizer for the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), a church pastor, and a student from the Autonomous University of Chihuahua.

In Sinaloa, *ejecuciones* continue to mount, having already surpassed the state's 2009 total. Included in the list of recent victims was the director of the Navolato jail, who was gunned down by automatic rifle fire on his way to work on May 15. Also killed, apparently in a targeted assassination, was a Navy nurse and her husband, who were shot dead in their home on May 7. On May 14, PGR, Army and Navy personnel raided several properties reportedly belonging to the Sinaloa cartel leader Joaquin "El Chapo" Guzmán in Culiacán, Sinaloa. During the operation, officers arrested Griselda López Pérez, El Chapo's ex-wife, questioned her, and released her the same day. 20 attorneys representing the Guzmán family had reportedly showed up at the PGR offices where López Pérez was being held, demanding her release.

In the days leading up to his state visit to Washington, D.C. and a day following the apparent kidnapping of his friend and fellow National Action Party leader Diego Fernández de Cevallos (discussed below), President Calderón admitted that there are some similarities in Mexico to the violence lived in Colombia in the late 1980s and early 1990s, but rejected that the country has fallen headlong into a process of "Colombianization." He pointed out that Mexico has not yet seen events of the same magnitude as the murder of a presidential candidate or the kidnapping of a Supreme Court justice, as happened during Colombia's drug wars. He took the opportunity, though, to compare the fall of Arturo Beltrán Leyva, three years after he initiated his frontal assault on the nation's drug cartels, to the death of Pablo Escobar, which took a decade for Colombia to achieve.

SOURCES:

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POLITICAL VIOLENCE

Influential PAN leader kidnapped from his ranch in Querétaro

In the most recent case of apparent aggression against politicians, "El Jefe," Diego Fernández de Cevallos, disappeared in Querétaro on May 16, sparking a multi-state search, spanning Querétaro, México, Hidalgo and Guanajuato. His car was found at his ranch with some evidence of violence, but investigators have been slow to reach conclusions about the motives behind the kidnapping. Fernández, a former senator, was the 1994 presidential candidate for the National Action Party (Partido de Acción Nacional, PAN), and has remained an influential member of the party since. It remains unclear whether he was taken by ransom-seeking kidnappers, or by drug traffickers. Some fear that it could be a move by drug trafficking organizations to ramp up their assault on the Mexican state, by demonstrating through the abduction of a high-profile lawyer, politician, and friend to President Calderón that nobody is beyond their reach.

A week after Fernández' disappearance, investigators still had not determined who took him, as his aggressors had made no attempt to contact his family or authorities with demands. Mexican civilian and military intelligence organizations have requested the help of the U.S. FBI and DEA in sharing intelligence

that may be pertinent to Fernández' disappearance. While little is still known about the incident, it has been determined that Fernández was carrying around \$100,000 MEX (about \$8,000 USD) in his pocket, had a handgun strapped to his belt, and put up resistance at the time of his abduction. Investigators, however, still have not announced whether the blood found in Fernández' car was his or from one of his aggressors.

The federal Attorney General's Office (Procuraduría General de la República, PGR) has reportedly suspended its investigation, citing the wishes of Fernández' family, which it said fears that a continued investigation could endanger any possible negotiations for his release. Nevertheless, the ranch where Fernández disappeared remains under custody of state and federal police.

SOURCES:

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Méndez, Alfredo. "Se pide apoyo a DEA y FBI para localizar a Fernández de Cevallos." *La Jornada* May 20, 2010.
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Politicians targeted in states of Guerrero and Tamaulipas

In the weeks leading up to June's elections, a leader of the Worker's Party (Partido del Trabajo, PT) was assassinated in Guerrero, and later a mayoral candidate met a similar end in Tamaulipas. The politicians' killings have sparked outcries from their political allies, as well as calls to investigate the murders as political crimes, and to increase police protection for local candidates.

On April 25, an armed commando traveling in an SUV without plates assassinated Guerrero PT leader and former local mayor and deputy, Rey Hernández García. The assailants reportedly employed AK-47 rifles. Hernández García was promoting a coalition with the PRD and the PAN for the 2011 governor election. He was killed as he left his home in the Ometepec municipality, near Acapulco, on his way to meetings with the goal of forming political alliances in the Costa Chica region. Acapulco has been the scene of elevated violence since the death of Arturo Beltrán Leyva in December of last year, and an ensuing turf battle between his subordinates and with rival cartels. Members of the PT in Guerrero consider the killing to be political in nature, and demanded that the Attorney General's Office assume jurisdiction over the case and treat it as such. Hernández García's assassination was the second such killing in Guerrero in recent memory. In August 2009, Armando Chavarría was also executed as he left his home. Chavarría was one of the more prominent state leaders of the PRD, and was considered to be a likely future candidate for governor. The state Attorney General's Office has announced that it has identified two of Hernández García's three suspected killers, and has requested that the state ministerial investigative police locate and arrest them.

Four days after Hernández García was killed, an unidentified gunman shot and killed José Santiago Agustino, mayor of Zapotitlán Tablas, also in Guerrero. Members of the peasant advocacy group Antorcha Campesina say that Agustino, who was a member of the group, had received threats from the Southern Emiliano Zapata Revolutionary Agrarian League (Liga Agraria Revolucionaria del Sur Emiliano Zapata, LARSEZ).

Violence perpetrated against politicians continued in Tamaulipas on May 13, when the PAN mayoral candidate for Valle Hermoso José Mario Guajardo Varela was shot and killed, alongside one of his nephews in the business he owned. In response to the killing, PAN federal deputy Leticia Salazar demanded that the killing be thoroughly investigated, and that candidates from her party and their families receive additional police protection. Guajardo Varela had reportedly received threats prior to his killing, as have other PAN candidates in Tamaulipas.

SOURCES:

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Loya, Julio. "Urgen investigación sobre muerte de candidato." *El Universal* May 13, 2010.
Habana de los Santos, Misael and Sergio Ocampo Arista. "Identifica la PGJE a dos supuestos homicidas de líder del PT-Guerrero." *La Jornada* April 30, 2010.

Humanitarian convoy attacked in Triqui indigenous region of Oaxaca

In the latest episode during the ongoing unrest in the Triqui indigenous region of Oaxaca, gunmen ambushed a van carrying aid workers, teachers, and reporters on their way to the Triqui village of San Juan Copala, about 300 kilometers from Oaxaca City. Two humanitarian workers, one Mexican and one Finnish, were left dead, and several others missing. One of the goals of the caravan was to resume classes in the town, which houses roughly 300 school-aged children currently out of school due to the ongoing unrest in the region.

The Triqui region has been one of the more violent areas of Oaxaca in recent months, registering several armed confrontations thus far in 2010, leaving at least ten people dead in San Juan Copala alone. Concepción Rueda Gómez, Oaxaca state delegate of the National Commission for the Development of Indigenous Peoples (Comisión Nacional para el Desarrollo de los Pueblos Indígenas, CDI), said that political and agrarian conflicts in the region have taken more than 600 lives over the past 30 years. Rueda Gómez said that recent federal allocations for development in the region, totaling over \$70 million pesos, do not answer the need for an active federal and state governmental presence in the area to provide the conditions necessary for dialog between rival parties.

Violence in the region reportedly stems from a struggle over political control between the Unifying Movement of Triqui Struggle (Movimiento Unificador de Lucha Triqui, MULT); the Unifying Movement of Independent Triqui Struggle (Movimiento Unificador de Lucha Triqui Independiente, MULTI), a splinter group of MULT; and the Social Welfare Union of the Triqui Region (Unión de Bienestar Social de la Región Triqui, UBISORT). Survivors of the attack reported masked gunmen invoking the names of MULT leaders.

In response to the death of the Finnish aid worker in the attack, the European Union (EU) has called on the Mexican government to investigate the case and bring those responsible to justice. The federal Attorney General's Office (Procuraduría General de la República, PGR) has assumed control of the investigation into violations of the federal firearms and explosives law, while President Calderón has assured the EU that the attackers will be brought to justice. Meanwhile, residents of San Juan Copala are said to be in desperate need of food and health and social services as a result of the conflict in the region. Another aid caravan is scheduled to set out for the town May 30.

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ARRESTS

"El Indio," high-ranking lieutenant of the Beltrán Leyva cartel, arrested in Mexico State

Following a confrontation in the Huixquilucan zone of the state of Mexico that left two members of the Beltrán Leyva cartel dead, Mexican soldiers arrested 19 presumed drug traffickers, among them José Gerardo Álvarez, "El Indio," a high-ranking operator for Édgar Valdés Villarreal, or "El Barbie." Valdés Villarreal reportedly controls cartel operations in the Morelos and Acapulco regions. Violence in those areas has risen since the Mexican Navy killed Arturo Beltrán Leyva, the leader of the cartel, in a special-forces operation in December of last year.

It is likely that El Indio will be tried in a U.S. court on drug trafficking charges, since an extradition order from a California federal court existed prior to his arrest, according to the Attorney General's Office's Special Prosecutor for Specialized Investigations into Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO). According to the Attorney General's Office (Procuraduría General de la República, PGR), he faced similar charges in 1999, and after nearly five years of legal proceedings he went free. Aside from his operational role in the states of Mexico and Guerrero, Army officials also said that Álvarez was the contact for trafficking groups in Central and South America for the purchase and movement of drugs destined for the United States.

Much of the violence in Mexico's so-called "central region" reportedly stems from a turf battle between "El Barbie" and Héctor Beltrán Leyva, Arturo's brother. The dispute has sparked the emergence of the so-called South Pacific cartel (cártel del Pacífico Sur, CPS), and elevated cartel-related killings in Guerrero and Morelos. According to officials, Álvarez controlled drug trafficking operations in the Naucalpan and Huixquilucan municipalities of the state of Mexico, as well as the Guerrero regions of Costa Grande and Acapulco. Intelligence reports that the battle between El Barbie and Héctor Beltrán Leyva also extends into the state of Nuevo León, where cartel presence has been increasingly visible since the death of Arturo Beltrán Leyva in December.

SOURCES:

Castillo, Gustavo, Alejandro Cruz and Silvia Chávez. "Detienen a El Indio, operador de La Barbie." *La Jornada* April 22, 2010.
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U.S.-MEXICO RELATIONS

President Calderón visits Washington in his first state visit during Obama administration

With the recent Arizona immigration law taking center stage in the state meeting that took place between Presidents Obama and Calderón on May 18, the Mexican president found himself having to navigate tricky ground. Calderón was notably voicing his concerns over possible human rights violations of Mexican citizens as a result of the strict new law, trying to convince the U.S. Congress to take more measures to curb the southbound flow of weapons into Mexico, while at the same time expressing confidence that the war with the cartels was one that Mexico can win. An unwelcome twist came just days before Mr. Calderón's visit when 1994 National Action Party presidential candidate and party leader Diego Fernández de Cevallos, a friend of President Calderón was apparently kidnapped. Many fear that kidnapping Cevallos could be an overt message of escalation from drug cartels.

In a joint session of Congress with roughly half of U.S. legislators in attendance, Calderón asked lawmakers to reinstate a ban on assault rifles that was allowed to expire in 2004. Congress members reacted predictably to the request, with Democrats generally applauding it, and Republicans rejecting it. Some Republicans also took issue with Calderón's call for immigration reforms. Attorney General Eric Holder drew criticism from Republicans in Congress and second amendment advocates when he suggested the possibility last year of reinstating the ban. While U.S. officials have reported success in prosecuting sellers who knowingly sell to "straw buyers" –proxy buyers who purchase weapons on behalf of traffickers– and stepping up searches of southbound trucks and vehicles heading into Mexico, the Obama administration has shown little will to pursue an outright ban on assault rifles. According to the Mexican government, roughly 80% of the 75,000 firearms confiscated in Mexico and submitted for ATF tracing last year were linked to sellers in the United States.

On the U.S. side, the Obama administration has announced a revamped strategy that will focus more on drug treatment, with specific emphasis on the goal of reducing addiction rates among young people. Specifically, the plan establishes five-year goals, including reducing the rate of youth drug use by 15%; decreasing drug use among young adults by 10%; reducing the number of chronic drug users by 15%; reducing the incidence of drug-induced deaths by 15%; and reducing the prevalence of drugged driving by 10%. Obama has requested \$15.5 billion for 2011 to fight drugs, of which about \$5.6 billion, or 36%, would be spent on prevention and treatment. This shows a modest increase over the 2010 budget request of just over \$15 billion for federal drug control spending, with just under \$5.2 million, or 34%, presently destined for treatment and prevention. However, the 2010 drug control budget actually fell 10.6% short of FY2009 in the area of prevention, while increasing treatment by 4.4%. Gil Kerlikowske, Director of the Office of National Drug Control Policy, admitted that the numbers do not match up with the rhetoric, but stressed that change comes slowly.

SOURCES:

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National Drug Control Strategy FY 2010 Budget Summary. *Office of National Drug Control Policy* May, 2009.

SECURITY LEGISLATION

Mexican Senate passes a series of laws clarifying military's role in public security operations

The Mexican Senate has approved national security legislation first sent by President Calderón in April 2009. During the legislative session, the Senate approved 12 legal reforms along with new laws involving rural development and other fiscal issues. Among the more significant reforms approved was the legitimization of the participation of soldiers in certain public security functions, as well as a reform increasing penalties against soldiers found to be colluding with organized crime. All of these reforms currently await approval by the Chamber of Deputies.

With 105 votes in favor, one opposing and one in abstention, the Senate approved a reform that officially recognizes the function of the Mexican Army, Navy and Air Force to act in the case of a danger to public security, given a specific time frame and in coordination with police. The law stipulates that governors and state legislatures will be able to petition the National Public Security Council (Consejo Nacional de Seguridad Pública, CNSP) for a declaration of a threat to public security in states and municipalities requiring the deployment of the armed forces. The CNSP must first turn the request over to the Mexican Senate, and then to the President for final approval. When the law goes into effect, governors and congresses with current troop deployments would have 90 days to request their continued presence, or else the troops would return to their barracks.

Senators from the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) and the National Action Party (Partido de Acción Nacional, PAN) expressed their confidence that the measure finally clarifies the role of the military in maintaining public order and will ultimately help to protect the human rights of Mexican citizens. However, following some erroneous reports in the Mexican media claiming that the reforms stipulated that soldiers accused of human rights abuses be tried in civilian courts, PRI senator Jesús Murillo Karam clarified that the legislation leaves military jurisdiction intact for the time being.

While the Army regularly rotates troops so that they do not become too embedded in any one location, concern still remains about the potential for corruption in the ranks. In response, the Senate voted to reform the Military Justice Code in order to strengthen the consequences for soldiers involved in organized crime. The reforms would allow for sentences of up to 60 years and immediate dismissal for military personnel found to be part of, or collaborating with organized crime. Collaborating with organized crime is defined by 11 specific acts, including using official equipment to aid criminals, providing them with information, not carrying out orders, falsifying or altering documents, and freeing members of organized crime.

The laws were passed with majorities from the PRI and the PAN, while some senators from the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD), the Labor Party (Partido del Trabajo, PT), and Convergencia considered the reforms to be excessive. PRD Senator Tomás Torres pointed out that the proposed sentence of 30-60 years for soldiers who join organized criminal groups exceeds that for aggravated murder (homicidio calificado). PAN senators defended the measures, arguing that much of the violence being carried out in Ciudad Juárez is perpetrated by former Army special operatives, and that public security depends on loyalty and discipline being safeguarded in the nation's armed forces.

SOURCES:

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"Legitiman labor del Ejército en la lucha contra narco." *El Economista* April 27, 2010.
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Mexican Senate approves kidnapping bill

Just days after it seemed that the kidnapping bill that President Calderón had requested from the Mexican legislature would be put off until September, the Senate unanimously approved the measure, which imposes national sanctions for various categories of kidnappings. Advocates of kidnapping victims in Mexico had long criticized the absence of nationwide sentencing guidelines. The measure awaits approval in the Chamber of Deputies along with the National Security Law, passed just days earlier. Since the apparent kidnapping of “El Jefe,” Diego Fernández de Cevallos, pressure has mounted, including from within the Senate, for the lower house to hold an extraordinary session to approve both the kidnapping and national security laws.

The legislation establishes sentences of 15-40 years in prison and a 500-1000 days’ fine for “express kidnappings,” short-term abductions with the goal of securing a ransom, possibly with the threat of violence. A sentence of 20-40 years and 2,000-4,000 days’ fine will be imposed if the kidnapping is carried out violently; by a group of two or more people; or if the victim is a minor, over 60 years old, physically or mentally disabled, or pregnant. A sentence of 25-50 years will be imposed for acts of kidnapping perpetrated by current or former law enforcement and justice employees, members of the armed forces, and when the victim is tortured or sexually abused, or dies as a result of treatment perpetrated by the aggressors. Lighter sentences of between 2-16 years are imposed on those who release their victims within 3 days of the kidnapping, simulate a kidnapping to secure a ransom, or provide protection to kidnappers. The law also stipulates that those convicted of kidnapping will not have the possibility of having their sentences reduced or commuted. The final Senate version also included measures to protect victims of kidnappings. The law creates a federal fund to provide victims with food, health services, financial support if needed, as well as an attorney to assist in any legal proceedings resulting from the incident.

SOURCES:

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TRANSPARENCY & ACCOUNTABILITY

CORRUPTION

Former Quintana Roo governor extradited to United States

Mario Villanueva, the former governor of Quintana Roo, was extradited to the United States on May 8 for laundering millions of dollars of drug trafficking proceeds through Lehman Brothers bank. Villanueva served as the governor of Quintana Roo from 1993 to 1999, and if convicted he could face up to 20 years in prison on the drug charges and up to an additional 20 years on the money laundering charges, according to *Reuters*. Appearing in court, Villanueva pleaded not guilty to all the charges. In recent years, the extradition of drug traffickers to face charges in the United States has led to 12 convictions of top cartel leaders. The extradition of Villanueva is unique, however, because of his former role as a government official.

In a statement, Manhattan U.S. Attorney Preet Bharaha said that Villanueva in essence sold Quintana Roo’s infrastructure and police to drug traffickers. Villanueva allegedly received more than \$19 million (USD) from the Juárez cartel for protecting their operations in the state. In some cases his own state’s police force was assigned to provide protection to the drug traffickers. The drug trafficking group was also allowed to use the state as a base of operations for a crew of speedboats that transported drugs from Central America. Cocaine was brought through Cancún’s port cities of Cancún, Calderitas, and the capital of Chetumal, according to media reports. Villanueva’s collaboration allegedly allowed for 200 tons of Colombian cocaine to be smuggled into the United States. Villanueva then apparently received about half a million dollars for each shipment, as well as a cut from the sale of the drugs in the United States.

The money Villanueva received was purportedly distributed through a number of accounts to “clean” its source before reaching Lehman Brothers. Money transfers were arranged through a Lehman Brothers’

broker. The broker pled guilty to money laundering charges after admitting that she had established Lehman accounts to hold the money, and then helped liquidate those accounts through wire transfers, according to *BusinessWeek*. Villanueva fled Mexico after completing his term as governor in 1999, but was arrested several years later by Mexican authorities. He was extradited to the United States after completing a six-year sentence in Mexico for laundering money.

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Serrano, Richard. "Ex-Cancun mayor extradited to U.S. on drug charges." *Los Angeles Times*. May 11, 2010.

Mexican Senate approves punishment for military officials who join or aid drug groups

In response to concern that Mexican military officials are becoming susceptible to drug corruption, the Mexican Senate approved changes to the Military Justice Code that would result in prison terms of up to 60 years for members of the armed forces who desert their posts to work for drug traffickers and criminals. The reforms, which must also be approved by Mexico's equivalent of the House of Deputies, are meant to counter what some say is a growing problem as the military takes a more active role in drug-related issues in recent years. The penalties for officers who leave their posts to work for traffickers would range from 30 to 60 years. The reforms also address cases in which military officers assist drug trafficking groups through the use of boats, planes or other resources under their management. In those cases, the penalties would range from 15 to 60 years in prison.

While the April reforms are not directed against any specific group, former military officials and police are known to have joined the Zetas, and their military expertise has contributed to the drug-related violence along the eastern part of the Mexican border. The Zetas started out as an enforcement branch of the Gulf Cartel. Additionally, according to *El Universal*, between 2001 and 2006 a total of 47 members of the Mexican military have faced charges of being involved with drug traffickers. Also, last year a Mexican military captain and seven lieutenants were detained by the Mexican Army for allegedly accepting money from a drug group in exchange for information about government operations. The detainees were suspected of working for supposed traffickers Joaquin Guzman and Ismael Zambada. *The Wall Street Journal* reported, based on Mexican intelligence documents, that Guzman had received protection from military officers for his visits to a Chihuahua ranch.

The Mexican military has traditionally been seen as less corruptible than other law enforcement groups, but that has not always been the case. In the 1990s, Mexico's drug czar, General Jesus Gutierrez Rebollo, was linked to drug traffickers and eventually incarcerated. In recent years, the military has been called on to take a more active role in the fight against drug traffickers and to counter the ties developed between drug traffickers and some local police forces. This stronger presence in the form of street patrols and crime investigations, however, has allowed the soldiers to become more exposed to the conflicts and challenges that lead some to align with drug traffickers themselves.

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Suspicions of Mexico's "collaboration" with the Sinaloa cartel raised by news media

A Mexican news magazine published what appeared to be internal documents that included the names of federal police officials allegedly working for the drug group headed by suspected trafficker Joaquin "El Chapo" Guzman. The information had been found inside a car linked to one of Guzman's alleged associates during a 2009 law enforcement operation, according to *Reforma*. The magazine did not explain how they got the papers. Despite the difficulty of corroborating the information, the incident raised additional attention on the suspected collusion between members of Guzman's drug group —also known as the Sinaloa cartel— and certain people within Mexican President Felipe Calderon's administration.

Over the past year, a number of Mexican and foreign news media have raised the sensitive question of whether or not Calderon's administration is collaborating with the Sinaloa cartel towards different and yet mutually beneficial goals.

Mexico's president Felipe Calderon has responded to such allegations by saying that his government is not favoring any one group over the other. However, even when the arrests are made of Sinaloa cartel members, they seem to raise even more questions because of their deep penetration of the federal government. In 2009 more than a dozen high-ranking law enforcement officials, including two officials formerly based out of Mexico's Interpol offices, were arrested with ties to the Sinaloa drug group during Operation Clean House (Operación Limpieza).

In one of the most recent reports looking at the issue, National Public Radio examined which groups are being targeted more with arrests and concluded that the Sinaloa cartel seemed to be receiving limited intervention from the Mexican government compared to their enemies. The report found that 44 percent of arrested drug traffickers were identified with one of the Sinaloa cartel's enemies – the Gulf Cartel and Zeta faction. That figure far exceeded the amount of arrests of members of the other drug groups. The NPR data was obtained online from the Mexican Federal Attorney General's website's press releases section. NPR identified 2,600 arrests among six main drug groups operating in Mexico during the time period of December 2006, when Mexico's President Felipe Calderon took office, through May. The investigation also involved interviews with current and former law enforcement agents and others associated with the topic of drug trafficking.

The other groups that were identified in the NPR investigation were "La Familia," "Tijuana," the "Sinaloa Cartel," the "Beltran-Leyva" group and the "Juárez Cartel." According to the NPR report, arrests of the Juárez group were just 5 percent of the total, and the arrests for the other groups ranged from 12 percent to 15 percent. The Mexican government's own figure was that 24 percent of the arrests are members of the Sinaloa cartel and 27 percent are individuals tied to the Gulf Cartel and the Zetas. The discrepancy between the two figures was not clearly explained, though it may have been based on different data.

NPR's interviews with anonymous U.S. officials suggested that part of the discrepancy in arrests may be attributable to the fact that the Zetas are viewed as a larger public threat. It may also be due to the nature of drug crime investigations that require cultivating sources with unsavory characters who work for other drug groups in a way that leads to the perception that one group is being "favored" over the other.

Guzman escaped from a maximum security prison in 2001 and since then his group has expanded into areas that had been previously dominated by other drug groups, such as the Gulf Cartel and the Zetas.

SOURCES:

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Lacy, Marc. "Cartel papers show bribes to Mexican authorities." *The New York Times*. May 11, 2010.

Stevenson, Mark. "Leaked documents suggest suggest Mexico drug corruption." *Associated Press*. May 10, 2010.

Corruption in literacy program being investigated

The National Institute of Education is investigating thousands of cases in which literacy teachers sought out adult students who were already literate in order to increase their chances of obtaining compensation for teaching the students reading and writing. The scheme involved literacy assessors registering family members and friends as people who did not have an education. The assessors, or teachers, received 3,200 pesos (\$254 USD) for leading each classroom module, and for each exam that the student "passed," the assessor received 100 pesos (\$8 USD). Typically, a dozen exams are provided each year in order for the student to receive a certificate that confirms they have obtained the equivalent of a primary or secondary school education.

The National Institute of Education has removed about 8,000 assessors from the list and the Institute is determining how many others were involved and what kind of sanctions they will receive as public servants. The investigation is being conducted in 18 states in Mexico. The amount of fraud is still being determined. During the most recent cycles of tests in March, according to Mexican media reports, the Institute distributed more than 29 million pesos (\$2.3 million USD) among the assessors for 291,560 tests.

Also in March, the Institute paid out 83,689,000 pesos (\$6.7 million USD) to the assessors and promoters after a total of 26,153 people supposedly obtained their literacy degrees in primary or secondary school levels.

On average, the complete literacy process from start to finish has a cost per student of 5,400 pesos (\$429 USD), but this ranges from 2,900 pesos (\$230 U.S. dollars) in Jalisco to almost 17,000 pesos (\$1,351 USD) in Baja California Sur, according to various Mexican media reports. The Institute has about 100,000 “assessors and promoters” registered whose ages range from 18-24 years of age. About 70 percent are full-time employees while the others work part-time.

SOURCES:

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Mexican Army detains a dozen members of the Guadalupe police force

Mexican military forces and federal agents detained about a dozen state and municipal police officers in Guadalupe, which is part of the metropolitan zone of the city of Monterrey, and temporarily took control of the police department. The Guadalupe detentions, which occurred during the first week of May, focused on officers suspected of having ties to drug organizations. The detentions were followed by another series of operations that resulted in eight more police officers being held for questioning in Monterrey. In the second case, some of the officers are suspected of participating in a drug-related kidnapping. The detentions - which included a police commander in the Guadalupe force who oversaw their canine unit - were part of a regular series of military and federal operations targeting members of police forces suspected of having links to drug traffickers throughout Mexico. In this particular case, the military worked with state agents to coordinate the arrests, according to *El Universal*.

Nationwide, approximately 400,000 agents from the local, state and federal law enforcement branches are being investigated for suspected criminal activities. Nuevo León is one of the focal points for these types of investigations. The state, which has been struggling with drug-related violence, has been attempting to break apart the ties between certain corrupt police officers and drug groups. The Governor of Nuevo León, Rodrigo Medina, has said that his government is working closely with the military to clean up the police forces.

SOURCES

Cedillo, Juan. “Ejercito ‘limpia’ a la Policia de Guadalupe.” *El Universal*. May 5, 2010.

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Mexican Army takes over police department, arrests 12 officers. *Latin American Herald Tribune*. May 4, 2010.

TRANSPARENCY

New internet site to monitor misuse of public funds in Mexico

A consortium of civic and private sector groups are preparing a new web site —www.Gastarmejor.mx— that will serve as a platform to report inefficient or improper uses of government funds. Their goal is to provide a forum for the general public to report misuse of funds as a way of improving governmental transparency and responsibility. The web site is currently under construction, but the categories will be divided into five areas: Transparency and Accountability, Budget and Spending Cycles, Evaluations, Tools, and Official Data.

A study by the Center of Economic Studies of the Private Sector (*Centro de Estudios del Sector Privado*, CEESP) found that Mexico scored poorly when compared to other countries such as the African countries of Ethiopia and Namibia in regards to the efficient use of public funds. An evaluation by CEESP of 129 federal social programs in Mexico also identified problems in regards to how they were being run.

The announcement about the new web site was made by Luis Foncerrada, President of the Center of Economic Studies of the Private Sector. Foncerrada noted that between one-fourth and one-fifth of public expenditures could be substantially more efficient so that the funds are better distributed to those who

need it- in particular the country's poorest residents. Other participating organizations involved in the Gastar Mejora project include the *Instituto Politécnico Nacional* (IPCN), the *Centro de Investigación y Docencia Económicas* (CIDE), the *Universidad Autónoma de México* (UNAM), and *Transparencia Mexicana*. Juan Pardiñas, a researcher with the Mexican Institute for Competitiveness (*Instituto Mexicano para la Competitividad*), also said that the amount of budgeted money per resident has increased over the last ten years. However, questions remain over how the money is actually being distributed.

SOURCES:

Hernandez, Antonio. "Exhibiran por internet el mal uso del gasto publico en Mexico." *Milenio*. April 27, 2010.
"Mexico deficiente en el uso del gasto publico: CEESP." *El Financiero*. April 27, 2010.
Valle, Eduardo. "Empresarios sacan lupa al gasto pulico." *CNNExpansion.com*. April 27, 2010.

Some states do poorly in transparency study

The civic groups Article 19 and *Fundar* announced findings of a study that evaluated transparency and access to information among Mexico's states and the Federal District. A total of 16 states scored poorly when compared to national and global standards of transparency and openness. Among the states that scored poorly were: Guerrero, Baja California Sur, Queretaro, Baja California, Quintana Roo and Sonora. These states all scored less than .53 points on a scale of 0 to 1 according to calculations through the so-called Index for the Right to Information in Mexico.

The study compared the state laws with the standards of Article 6 of the Constitution and also with international standards of transparency and good government practices. The lower-scoring states apparently had legislation in place, but their outcomes were insufficient or simply were not implemented in practice. For example, in some states authorities did not have sanction power to use against groups that refused to turn over public information. Public information on the internet was lacking in certain states such as Baja California Sur, Durango and Guerrero. In Guerrero, according to the study's findings, the state lacks public information offices to receive requests and hand out information; instead, any public officer can personally decide whether or not to provide the information.

Among the states that scored highest were: Distrito Federal with 0.89 points; Chihuahua, with 0.76; Nuevo León, with 0.74; and Morelos, Veracruz and San Luis Potosí with 0.73 points.

In March, 2007, the Mexican Congress reformed Article 6 of the Constitution to include access to information as part of every citizen's individual rights. As part of that reform, all states were ordered to individually incorporate the changes into their own systems before July, 2008, and create autonomous special offices to ensure access to information was being addressed properly. Baja California remains though as the only state that has not reformed its judicial codes to conform to the federal outlines, according to *La Jornada*. According to the newspaper, a transparency law passed in 2005 is outdated and the state lacks a specially-designated autonomous organization to evaluate requests for information. Alternatively, it has a citizens' committee that does not receive funding, according to *La Jornada*. In 2009, a Baja California citizens' group, backed by a business organization, submitted a proposal with more than 1,500 signatures for the creation of a law guaranteeing transparency and access to public information. The proposal detailed the creation of a specialized and autonomous office as described in the federal reforms. The proposal was formally received in December, but no additional action has been taken.

SOURCES:

Aragon, Olga. "Baja California continúa a la zaga en transparencia y rendición de cuentas" *La Jornada*. May 3, 2010.
"México, reprobado en transparencia." *El Economista*. April 29, 2010.
Morales, Alberto. "Reprueban 16 estados en transparencia." *El Universal*. April 29, 2010.

IFAI calls for Secretary of Interior to provide documents on plane crash

Mexico's Federal Institute for Access to Information (*Instituto Federal de Acceso a la Información Pública*, *IFAI*) has ordered the Secretary of the Interior to release the insurance policy and maintenance documents of the Lear Jet that crashed two years ago. The November 2008 crash resulted in the death of Mexico's then-Interior Minister Juan Camilo Mourino and eight other people inside the plane, including Mexico's former drug prosecutor Jose Luis Santiago Vasconcelos.

In addition, the IFAI determined that the Secretary of the Interior should also provide information regarding the insurance reimbursements, as well as a list of the beneficiaries. The Secretary of the Interior argued that some of the information being requested should be considered classified because it remains part of an “ongoing process” of evaluation, and because some of the information includes personal information of the parties involved. However, the IFAI ruled that the information can be provided as long as certain confidential pieces of information are omitted, such as the addresses and phone numbers of the reimbursement beneficiaries. Jacqueline Peschard Mariscal, who heads the IFAI, said that releasing the information under these guidelines should not endanger anyone’s personal information and that the data would contribute to making the Secretary of the Interior more accountable given that the case involves public funds.

While drug traffickers were initially suspected of being behind the November 5, 2008 crash, Mexico’s Transportation Secretary has said that the plane most likely went down after encountering turbulence from a large plane nearby.

SOURCES:

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Morales, Alberto. “IFAI pide dar informacion del accidente de Mourino.” *El Universal*. April 22, 2010.
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Velasco, Elizabeth. “Entregar copia del seguro del jet de Mournio, ordena el IFAI a SG.” *La Jornada*. April 22, 2010.

Congress reforms transparency and private information laws

Mexico’s Congress approved reforms to its access to information laws that allow for better protection of personal information that might be sold or misused for illicit means. The reforms to the Federal Law for Access to Information and Protection of Personal Data requires all levels of government to ensure the privacy of databases and files that contain personal information of Mexicans. The aim is not to discontinue access to public information, but rather to strike a balance between transparency and privacy by ensuring that information is provided under specific regulations.

Mexico’s equivalent of the House of Representatives and Senate approved the law in April with the intention of protecting people whose security or privacy might be put at risk by those who seek to sell such information for a profit. Of particular concern has been the exploitation of such information in the hands of criminal organizations. Some of the kinds of data that would be protected are those kept in electoral commissions, vehicle registry units, and prison and police agencies. The reforms do not apply to credit institutions and people who collect information for non-commercial purposes, according to an analysis of the reforms by the law firm Thompson & Knight. The new law imposes prison time of up to five years for the sale of and misuse of personal government files and data that should be reserved for official government use. It also includes fines for those who use sensitive data in a way that leads to discrimination or personal risk to individuals. The reform proposal had not been acted upon in three years and the president of the Federal Institute of Access to Information, Jacqueline Peschard, recently urged the Mexican Congress to move forward with approving the reform.

SOURCES:

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Torres, Patricia. “Garantiza Senado proteccion de datos personales.” *El Sol de Mexico*. April 29, 2010.
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ACCOUNTABILITY

Mexico City equipping 250 new code inspectors with video cameras

Mexico City is hiring at least 250 new inspectors who will be using video cameras to document municipal code violations they encounter during their rounds, starting first with the city’s smoking regulations for local businesses. The new group of inspectors will be better equipped than their predecessors – and better paid. They start their jobs July 1 as part of the newly formed Institute of Administrative Inspection (*Instituto de Verificacion Administrativa*) in the Federal District.

The Institute's creation in January was partly in response to a deadly Mexico City nightclub police raid and stampede that resulted in 12 people being killed in 2008. The club was reportedly allowed to operate with a locked emergency exit and had already been charged with selling alcohol to underage guests. The incident brought attention to broader inadequacies within the city's inspection system.

The Institute's director, Meyer Klip Gervitz, told Mexican media that the inspectors hired will be undertaking polygraph tests to determine their "honorability and trustworthiness" prior to being assigned to the city's 16 delegations. The hope is that the new group of inspectors will avoid the kinds of activities that have resulted in some inspectors collecting bribes from businesses instead of regulating them. To that end, city administrators are considering paying the new inspectors approximately 40,000 pesos each month, or approximately \$3,180 (USD). Klip said that the use of the video cameras, as well as instant inspection reports that are sent through the internet, are meant to prevent corruption. "We want the inspections to be efficient and honorable," reiterated Klip.

In another measure meant to minimize the possibility of corruption, the inspectors will operate under the management of the individual delegations rather than the Institute. However, the inspectors will continue to report to the Institute and the Institute will have the power to audit any of the inspections. Each on-site report filled out by the inspectors will be automatically sent to the Institute and their respective delegation. The delegation offices will decide whether the findings merit closure or a fine.

While the inspectors will first be used to ensure that the city's businesses are complying with new regulations that protect non-smokers, they will also be used to verify business compliance with other regulations in regards to the environment, sign placements, urban development and land use. They will also work closely with the Citizens Committee on Security and Justice – *Consejo Ciudadano de Seguridad y Procuracion de Justicia* – in following up on complaints filed by residents in regards to code violations.

SOURCES:

- Bonello, Deborah. "More charges made over Mexico City deadly club stampede." *Los Angeles Times/La Plaza*. July 1, 2008.
Cuenca, Alberto. "Proponen a Meyer Klip para verificar antros." *El Universal*. February 24, 2010.
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Lawmakers approve competition law to discourage monopolistic practices

Mexico's House of Representatives approved a reform to the country's economic competitiveness law that would make it possible to levy fines against businesses that violate the anti-monopoly legislation and impose jail terms for those who encourage monopolistic practices. The changes – approved by the *Camara de Diputados* - are expected to benefit mostly small and mid-size businesses by holding larger business more accountable for practices deemed to be monopolistic.

Jail terms for owners of monopolistic businesses can range from three to 10 years, according to the legislation. In addition, fines of up to 10 percent of earnings could be levied against businesses operating as monopolies. The reform package also includes changes and additions to various federal codes and laws to provide the reform stronger regulatory oversight. The changes reportedly improve the efficiency and transparency of the Federal Commission of Competitiveness in allowing the commission to sanction businesses for monopolistic practices. In return, the Commission will be required to provide greater accountability and transparency.

National Action Party *diputado* (deputy) Luis Enrique Mercado said that the reforms give "more teeth" to the Commission through both investigative powers and fines. As a result, he said, the Commission will be better equipped to impede activities involving monopolistic practices. The reforms are being sent to the Senate where they will undergo additional scrutiny at the commission level before a final vote is planned for later this year. Members of the Workers Party expressed their opposition to the proposed reforms on the grounds that it does not allow for sufficient fines. According to the party, the fines that could be levied against monopolistic violators will be artificially low since they are calculated after payment of taxes and because the formula does not include earnings from operations in other countries.

SOURCES:

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Arvizu, Juan. "Diputados aprueban Ley Antimonopolios." *El Universal*. April 29, 2010.
Pavon, Victor. "Ley de competencia avanza en Mexico." *CNN Expansion*. April 29, 2010.

PRI initiative would sanction public servants

Congressional representatives are proposing an accountability system to ensure that already-budgeted projects are fully funded in an attempt to prevent public funds from being held back due to political reasons or incompetency. A group of Institutional Revolutionary Party Representatives have proposed to ban from office public servants whose actions hold up the use of funds. The punishments could last between 10 and 20 years.

The President of the Commission of Budget and Public Accounts, Luis Videgaray Caso, told Mexican media that the government's auditing division had detailed financial irregularities from 2001 to 2009 that stem from a failure to distribute budgeted money. In 2001, the total amount of money not spent through the budget was 26,683,000 pesos (\$2 million USD) or 1.97 percent of the total authorized budget. In 2002, that amount had grown to 2.3 percent of the approved budget, and in 2003 the total was 9 percent of the total authorized budget. The proposed changes are meant to provide greater guarantees of efficiency, honesty, and transparency in the use of public funds among those whose role is to distribute those funds, according to Videgaray. Videgaray said that failure to use budgeted money means that public servants are failing to live up to their obligation to formulate and execute plans, programs and budgets.

SOURCES:

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ACCESS TO JUSTICE

HUMAN RIGHTS

Mexican government to create national prison database to combat torture

Mexican officials have announced the creation of a national database of individuals detained throughout the country in municipal, state, and federal prisons. The measure is reportedly meant to reduce acts of torture committed against detainees. The proposal came as a concerted effort by the Interior and Foreign Ministries, the federal Public Security Secretariat, and the Federal Attorney General's Office in response to deficiencies reported by United Nations experts who visited Mexico in 2008. The national prison registry is only one response to the more than 100 recommendations that resulted from the visit. The UN visitors did not inspect military detention centers, and it does not appear that they will be included in the national registry. However, the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) has reported an increase in complaints from Mexican citizens of arbitrary detention and torture in such centers.

The UN observers stated that Mexico lacks a national detainee registry that includes for each detainee the individual's identity, reason for their detention, as well as the day and hour. The new database would also include the identities of the officers responsible for each detention, the authority that ordered it, the duration, and the date and time of the detainee's first appearance before a judge or other judicial authority. The goal of the system is to be able to verify the location of the prisoner and the identity of those responsible for upholding his or her rights at each stage of the judicial process in order to discourage the torture of detainees. Also as a result of the UN visit, the Mexican government will establish a national training program for the prevention and investigation of torture for all public servants working in the nation's detention centers.

Ahead of President Calderón's visit to Washington on May 19-20, Human Rights Watch (HRW) asked that President Obama hold Mexico to its human rights commitments. HRW alleged that torture is commonplace among police and military in the country, largely due to the fact that many courts still admit confessions from detainees under duress. Raul Plascencia Villanueva, President of the CNDH, affirmed in an interview

that his agency does receive claims of torture at the hands of police and military personnel, particularly in the border states of Tamaulipas, Baja California, Chihuahua and Nuevo León, but would not speak to the number of complaints registered. Guadalupe Cabrera Ramírez, investigator for the Federal District Human Rights Commission (Comisión de Derechos Humanos del Distrito Federal, CDHDF), was more forthcoming in an interview regarding torture in the nation's capitol. She said that as of May 13 she had received 33 complaints of torture and 97 in 2009. The majority of claims are against police officers, mostly investigative police from the Federal District Attorney General's Office.

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Mondragón, Adán. "Reconoce CNDH denuncias contra autoridades por tortura." *El Sol de Tijuana* May 15, 2010.
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MILITARY JUSTICE

Death of two children traveling with their family in Tamaulipas brings military justice system under scrutiny again

Mexican Attorney General for Military Justice, General José Chávez García, said that it was a grenade thrown by *narcos* during a battle with Mexican soldiers that on April 3 killed two boys in Ciudad Mier, Tamaulipas, and not soldier fire. The announcement marked the conclusion of an Army investigation into the cause of the boys' death. Chávez clarified that the wounds the boys suffered were from a 40-caliber grenade, which are not used by the Army. He said that the presumed drug traffickers threw the grenade at soldiers during a shootout following a street battle with a rival gang. The grenade reportedly impacted the rear of the SUV that the family was traveling in.

The boys' parents and the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) have all disputed the Army's findings. Raymundo Ramos, CNDH ombudsman in Nuevo Laredo, accused Chávez of lying in order to preserve public opinion of the military, adding that his organization will present evidence that refutes the Army's findings. The Nuevo León Human Rights Commission claims to have a photograph of one of the boys' bodies showing wounds in the back from a high caliber weapon, which refutes the military's version of the cause of death. The mother of the two boys killed in the incident, Cynthia Salazar, claims that soldiers attacked the family's SUV as it passed the checkpoint, and that there was no confrontation underway between the Army and drug gangs. She also corroborates the state human rights commission's claims that her sons died from gunshot wounds, not grenade shrapnel.

The use of the military justice system to investigate soldiers accused of carrying out abuses against civilians has been widely criticized by human rights advocates in Mexico and beyond, and has been a sticking point in the U.S. Congress during deliberations over budget allocations under the Merida Initiative. For now, however, the military's jurisdiction over its members accused of such crimes will remain intact, as the Senate in deliberating its National Security Law decided to forego discussion on the possibility of moving such cases to civil courts until at least September. Some legislators have argued that the current applications of the military justice system are in conflict with article 13 of the Constitution, which stipulates that allegations of human rights abuses will be tried in civilian courts, according to international treaties. Nevertheless, PRI Senator Jesús Murillo Karam pointed out that it is the duty of the courts, not the legislature, to make such interpretations of constitutional law.

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CATHOLIC CHURCH ABUSE ALLEGATIONS

Catholic abuse scandal reaches Mexico: as many as 68 priests implicated

A Mexican citizen has filed a civil lawsuit in a Los Angeles federal court against Cardinal Norberto Rivera Carrera, accused of covering up more than 100 abuses allegedly committed by priest Nicolás Aguilera Rivera against children in Mexico and the United States. The claim was filed under the Alien Tort Statute, which allows U.S. courts to hear human rights cases brought by foreign nationals alleging abuses committed outside the United States. The allegations involve abuses committed by Aguilar in the mid-90s, when the claimant was 12 years old. Eric Barragán Burgueño, president of the Survivor's Network of those Abused by Priests (SNAP), expressed confidence that the case would result in a financial settlement for the victim.

As U.S. courts do not have jurisdiction to try Cardinal Rivera on criminal charges, any such conviction would have to be carried out in a Mexican court. Joaquín Aguilar Méndez, director of SNAP in Mexico, himself a victim of abuse by Aguilera Rivera, said that his organization will see to it that the cardinal faces charges in Mexico. Aguilera reportedly has an arrest warrant in Mexico, although Aguilar said that authorities are not actively pursuing him. He also demanded that the Catholic Church change its policy of protecting priests who have sexually abused minors. SNAP president Barragán Burgueño said that his organization has knowledge of 24 abusive priests currently working in schools and orphanages in Mexico, and later released a list of 68 U.S. and Mexican priests it says are guilty of abuses in both countries, and are currently residing in Mexico. Amidst a legislative furor late last month, the Senate passed legislation establishing a prison sentence of up to 27 years for crimes of pederasty, as well as the removal of priests, doctors, and teachers that are found to have abused minors.

Abuse claims against Mexican priests date back to at least 2007, when priest Carlos López Valdez was accused of photographing sexual encounters with children 10-12 years old. José Bonilla, advocate for victims of sexual abuse, said that the failure of the Mexican Archdiocese to act on the accusations against López Valdez indicates a lack of will by Cardinal Rivera Carrera to address the issue.

For its part, the Mexican Archdiocese criticized the list as being out of date, and containing inaccuracies and false data. Specifically, it said that some of the priests named had left the ministry, while others are no longer living. Nonetheless, the Archdiocese welcomed the list, calling it a valuable tool for investigating possible abusive priests in its ranks. Within two days of the list being released, Lucas Antonio Galván Valdéz, an American priest in the Nueva Tenochtitlán neighborhood of Mexico City, was removed from his post pending an investigation by church authorities. Some, however, have expressed concern that SNAP's list will spark a "witch hunt," citing social network sites that are already circulating their own lists of accused priests.

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AROUND THE STATES

CHIHUAHUA

Interior Minister Gómez Mont criticizes Chihuahua justice reforms in contributing to violence



At a conference on criminal justice organized by Mexico's Supreme Court, Interior Minister Fernando Gómez Mont criticized Chihuahua's justice system for contributing to the public security crisis in the state, and in Ciudad Juárez in particular. Chihuahua was one of the first states to implement justice reforms incorporating oral trials, even before the Mexican Congress passed a constitutional reform in the spring of 2008 mandating that the states implement sweeping reforms within eight years. Chihuahua has since been held up as a model for other states to

follow, and professionals from Chihuahua's justice sector have been called on to train counterparts in other states.

Specifically, Gómez Mont criticized Chihuahua's system for returning violent criminals to the streets, which has in effect alienated and turned society against the reforms. Turning to a nationwide context, he also dismissed the notion of Mexico's prisons as institutions from which prisoners exit rehabilitated. José Patricio Patiño Arias, undersecretary of the Federal Penitentiary System, reported that Mexico's prisons currently house 227,000 inmates, while they were designed to accommodate only 172,000. Overpopulation in the nation's prisons continues to increase: between January 2009 and January 2010, the prison population increased by over 5,000 inmates.

State officials in Chihuahua spoke out immediately and forcefully against Gómez Mont's criticisms of the state's judicial reform efforts, calling them irresponsible and political in nature. César Cabello, coordinator of justice reforms in Chihuahua, said that the comments "generate a high degree of concern," considering the venue that Gómez Mont chose in the conference organized by the Supreme Court, as well as the potential national repercussions. Cabello acknowledged the fact that Chihuahua is facing levels of criminality that are overwhelming its institutions, but rejected the accusation that the state's justice system in any way contributes to the current public security crisis. For his part, Chihuahua Governor José Reyes denounced Gómez Mont for interfering in the internal affairs of his state, arguing that he should focus on a larger context, pointing out that lack of governance exists throughout the country.

Coordinator Cabello said that the advancements made by Chihuahua in the area of justice reforms have come as a result of a state investment of \$700 million (MEX). The federal government has not yet apportioned any funds to Chihuahua for the cause. Since the passage of the federal justice reform package in spring of 2008, several state Supreme Court presidents have warned that a failure thus far by the federal government to adequately fund state-level justice reforms threatens the entire process. Moreover, Chihuahua's Supreme Court President argued that under the new justice system it is not judges who are primarily responsible for maintaining public security, but rather reformed police corporations.

Nonetheless, PAN leaders in the state have stood behind Gómez Mont's comments. Carlos Borrueal Baquera, gubernatorial candidate for the party, said that they echoed what he has been saying for a year and a half – that, though well intentioned, the justice reforms have created a revolving door for criminals. He proposed revisions to the legal system that strengthen sentences and close loopholes allowing criminals to go free on technicalities and, particularly involving the classification of crimes and the new focus on upholding the rights of defendants that he said now take precedent over the rights of citizens. For his part, PAN state committee leader Cruz Pérez Cuéllar, who has in the past characterized Chihuahua as a "failed state," characterized the justice reforms as a complete failure, and a cautionary tale for other states considering following in its footsteps.

SOURCES:

Áviles Allende, Carlos. "Sistema penal de Chihuahua, causa desgobierno: Segob." *El Universal* April 22, 2010.
Gallegos, R., G. Minjárez, A. Salmón. "Tachan de irresponsable al secretario de Gobernación." *El Diario* April 24, 2010.

NUEVO LEÓN

PGR finds traffickers responsible for one of two deaths during March Tec Monterrey shootout



After reconstructing the shootout between soldiers, state police, and presumed drug traffickers, the federal Attorney General's Office (Procuraduría General de la República, PGR) has determined that based on bullet fragments found in a body, at least one of the students was killed by drug traffickers and not by soldiers, as has been alleged by the university and the victims' families. The shootout had left two students dead at the Technological Institute in Monterrey on March 19. The reenactment reportedly included the moment during which state police officers by

some accounts assisted one of the gunmen in escaping the scene. The reconstruction set off a wave of panic among the public, who had apparently not been warned of the event, and believed that another

massive street fight was taking place outside the university. Streets were closed, and armed soldiers entered the university campus at around midnight on Sunday May 2.

Rosa Elvira Mercado, mother of one of the victims, said the findings of the PGR are contradictory, as initial reports by the military claimed that the two students were gunmen, and later recanted when it was revealed that both were post-graduate engineering students at the university. The PGR said in its findings that the two men were killed in heavy crossfire that ensued when gunmen, under pursuit by soldiers, entered the university campus and then opened fire. For his part, Interior Minister Fernando Gómez Mont stood behind the PGR's conclusions, saying that all evidence suggests that the soldiers reacted professionally and responsibly throughout the confrontation.

SOURCES:

López Betancourt, Gilberto. "Reconstruyen balacera del Tec." *El Porvenir* May 12, 2010.
García, Luis. "insiste Gómez Mont: en el Tec, narcocrimen." *Milenio* May 15, 2010.

QUERÉTARO

Two Otomí indigenous women accused of kidnapping federal agents in 2006 released from prison



Alberta Alcantara Juan and Teresa González Cornelio, indigenous women in prison since 2006 for supposedly kidnapping six federal agents during an anti-pirating operation in a marketplace in Santiago Mexquititlán, Querétaro, were released on April 28. Jacinta Francisco Marcial, arrested along with Teresa and Alberta, was released earlier this year on orders of the federal Supreme Court based on evidence that prosecutors fabricated testimonies and evidence. Alberta and Teresa were released on similar grounds, reversing a 21 year prison sentence handed down in

March of this year. The PGR persisted in pursuing their convictions, securing an even longer sentence than was originally handed down, despite the dismissal of the charges against Jacinta.

The case against the three women has come to symbolize for critics the shortcomings of the Mexican legal system in guaranteeing its citizens equal access to justice and due process, particularly the presumption of innocence. The human rights group Miguel Agustín Pro Juárez has accused the judicial system of discriminating against the most marginalized populations, in this case indigenous groups. In the case of Alberta and Teresa, the testimonies of the six agents allegedly held hostage by the women and a photograph from the local newspaper coupled with the fact that the women could not demonstrate their innocence, proved to be sufficient evidence to merit a conviction and 21-year sentence. The women have reportedly returned to their families, and have not ruled out seeking reparations for their four years spent in prison.

SOURCES:

Chávez, Marina. "Liberan a indígenas tras fallo; 'por fin se hizo justicia', dijeron." *La Jornada* April 28, 2010.
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SONORA

Slow progress toward answers in ABC daycare fire, nearly a year later

At Los Pinos on May 1, President Calderón received a group of parents of children injured and killed in the ABC childcare center in Sonora a year ago. During the meeting, parents reportedly demanded that Calderón see that responsible parties are brought to justice, and that affected families receive the medical and psychological attention that they need. President Calderón was also joined in the meeting by his wife Margarita Zavala, and Social Security director Daniel Karam Toumeh. He assured the parents that he has been monitoring the development of the various judicial processes underway and reaffirmed his administration's commitment to the medical and psychological attention needed for the victims and their families.



In Sonora, the state Comptroller General has begun administrative proceedings against seven people in connection with the tragedy, including five former employees and two current employees of the state government. Former Secretary of Housing Gilberto Inda Durán is among those undergoing the

proceedings. The Office of the Comptroller began the inquiry in response to a report submitted by the National Human Rights Commission, which it claimed revealed possible failures by the named current and former public servants to ensure that proper safeguards were in place to prevent the fire on June 5 of last year which killed 49 children and injured 70 more. The Comptroller is also weighing the possibility of investigating former governor Eduardo Bours for possible administrative oversight contributing to the fire.

SOURCES:

“Recibió FCH a padres de niños fallecidos en la guardería ABC.” *La Crónica de Hoy* May 2, 2010.
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“Analiza Contraloría de Sonora investigar a Bours por caso ABC.” *La Jornada* May 6, 2010.

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>.*

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