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News Report

MONTHLY SUMMARY

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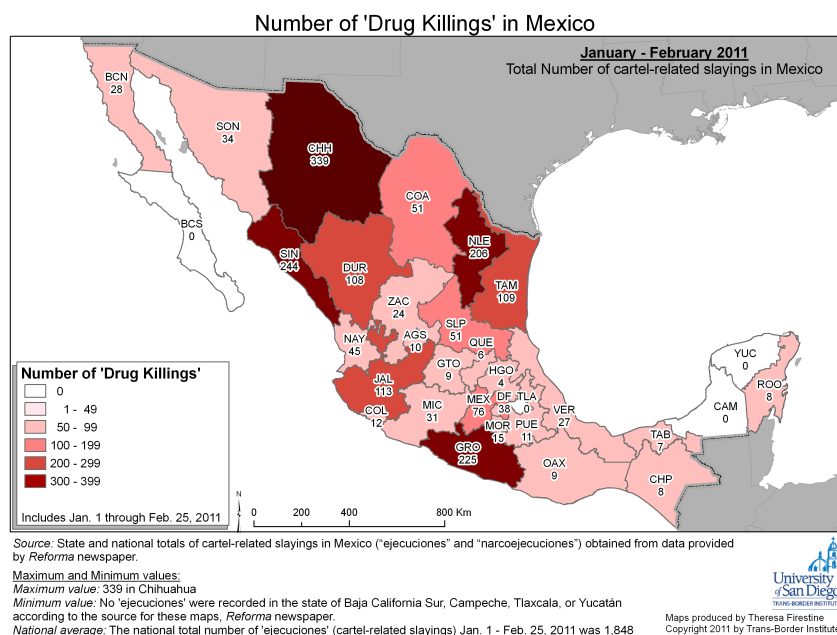
LAW AND ORDER

CARTEL-RELATED VIOLENCE

Cartel killings up during 2011 over last year despite decreases in Chihuahua and Sinaloa

According to Grupo Reforma's running tally of *ejecuciones*, or cartel-related killings in Mexico, there have been 2,866 such killings nationwide during the first 12 weeks of 2011. This marks a 20% increase over the same period last year, and a 17% increase over the last 12 weeks of 2010. This increase is due in part to

spikes in violence in the states of Guerrero, Tamaulipas, and Nuevo León. Guerrero, with 365 *ejecuciones*, is up 90% over the same period last year, and 7% over the last 12 weeks of 2010. Tamaulipas, with 199 is up 131% and 100%, respectively, while bordering Nuevo León, with 288, is up 311% and 122%. While still leading all states in *ejecuciones* with 522, Chihuahua has seen a marked decrease in 2011, down 20% over the last 12 weeks of 2010. Sinaloa, with 365 cartel-related killings, has also dropped significantly, down 36% from the same period last year. Baja California, which saw 618 *ejecuciones* in 2008 and 320 in 2009, has had just 49 so far in 2011, down 57% from the same period last year, and 43% from the previous 12 week period.



According to reports by a children's advocacy group in Mexico, youth are increasingly becoming victims of cartel warfare, a claim punctuated by several recent instances in Acapulco, Guerrero. The group, Network for the Rights of Children in Mexico, estimated that the number of children claimed as victims under the age of 18 between late 2006 when President Calderón initiated the offensive against Mexico's drug gangs and the present has surpassed 1,000. The estimate is based on studies of nationwide press reports, as official reports on drug war casualties do not provide data based on age. Between March 15-17 in

Acapulco, three children between the ages of 2 and 6 were killed by presumed members of organized crime: a 4-year-old killed in a car alongside her mother, and two more, 2 and 6 years old, shot to death by gunmen in a home along with their grandmother after a rival gang member was believed to have taken refuge in their house. Increasing reports of innocent children falling victim to narco-violence coincide with reports of cartels increasingly recruiting youths into their ranks, a phenomenon underscored late last year by the arrest of Edgar Jiménez Lugo, "El Ponchis," the 14-year-old who admitted to taking part in four executions while forced to work as an assassin for a Beltrán Leyva splinter group. Mexican press reports in recent years have portrayed this "new generation" of cartel hit men as being less disciplined and trained than their predecessors, and thus more likely to claim innocent victims in carrying out their orders.

The residents of the Carboneras community in the state of Durango suffered the third major attack in the area in the past three months when roughly 50 armed assailants burned down 10 homes and four vehicles. The first attack occurred in the nearby El Mezquital community on December 28 of last year, when 37 homes were burned, along with two schools, a Diconsa supermarket that distributed aid to impoverished families, and 27 vehicles. That attack came two days after a confrontation between armed gangs operating in the area. On February 13, armed men entered the town of Benito Juárez, nearly 20 kilometers from Carboneras, set fire to several homes, killed horses, and burned vehicles. Earlier this month, *El Universal* documented a pattern of violent acts in the rural areas of Durango, which have included such large-scale attacks on towns, as well as a string of kidnappings – including ten youths kidnapped at the end of last year who are still missing, along with four mayors assassinated and two more kidnapped over the past five years. The state public prosecutor's office is not investigating the recent attacks on villages, which mark the first large-scale aggressions against indigenous populations during the wave of violence in Durango over the past several years. Armed groups have been said to recover the bodies of their members who fall in confrontations with rival gangs, and local authorities have complained

that the state prosecutor's office has pressured them to remain quiet about confrontations occurring in and around their towns.

While cartel violence continues to plague several regions of Mexico, Mexican authorities continue to report arrests of key cartel members and affiliates. Most recently, federal police captured Víctor Manuel Félix Félix, also known as "El Señor" and an in-law and friend of drug trafficker Joaquín "El Chapo" Guzmán, on March 18 along with eight others. Their arrests were part of the Federal Police's "Operation Beehive," which took place in Jalisco, Mexico City, and Quintana Roo. Federal Police have been closely watching Félix Félix and initiated the investigation in 2009 when Police noticed that he had large amounts of money in his bank account, which today have been discovered as funds of illicit origin and currency counterfeiting. The investigation was a joint cooperation between the Office of Special Investigations on Organized Crime and the National Police of Ecuador. Ecuador was involved in this process because the cartel allegedly operated within its boundaries to store drugs and meet with Colombian and Ecuadorian associates. Earlier in the month, federal agents in Guerrero arrested one of the top leaders of the "Cártel Independiente de Acapulco (CIDA)," named Benjamín Flores Reyes, "El Padrino." He has been charged with distributing drugs, and coordinating and ordering kidnappings and homicides against the people who live by the port of Acapulco. He is also suspected of corrupting state and local police officers. In addition to Flores Reyes, six more cartel members were also caught and arrested. At the end of February, Federal Police in Michoacán arrested Víctor Manuel Torres García or Edgar Mauricio Barrera Corrales "El Papirín," identified as the leader of La Resistencia, a splinter group of the Beltrán Leyva cartel, comprising former members of La Familia, and the Gulf and Millennium cartels.

The news magazine *Proceso* reported on a confidential report it said it had obtained in which Defense Secretary Guillermo Galván told members of the National Defense Commission in the Chamber of Deputies that violence against police, soldiers, and government officials could be reduced if the government adopted a policy resulting in a pact among cartels against the Zetas. Galván reportedly told lawmakers that this could result in the remaining cartels carrying out their activities "without violence, in a hidden manner." The report also details the evolution of the cartel landscape in Mexico from the seven "national" cartels outlined in the same report last September to include six "local," break-off cartels formed as a result of arrests of high-ranking members, dealt principally to the Beltrán Leyva and Juárez cartels. Meanwhile, it says, the national cartels have further expanded their operations and ties into Central and South America. While President Calderón still has a relatively high approval rate (currently 52%), polling group Consulta Mitofsky reported in November of last year in its National Survey of the Perception of Citizen Security in Mexico that for the first time a greater percentage of the Mexican public (49%) believed that operations against drug traffickers had been a failure than those who thought they had been a success. Perhaps most notable about the study was the decline in respondents believing that the government is winning the struggle with drug cartels, down to 23% from 48% just five months earlier. The poll also found the lowest percentage of respondents in the three years the survey has been conducted saying they would file a report with the public prosecutor if they found themselves victims of a crime, down to 76% from 84% in 2007.

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Federal Police report names seven organized crime groups operating in the Federal District

Following a disagreement that played out in the Mexican media between Federal District (Distrito Federal, DF) officials and local authorities as to the presence of organized crime activity in the nation's capital, a Federal Police document affirms operations of seven cartels in the city. DF Attorney General Miguel Ángel Mancera said last month that recent outbursts of drug-related violence in the capital were attributable to

turf battles between small-time drug dealers officially recognized under Mexican law as *narcomenudistas* and falling under local law enforcement jurisdiction. Early this month, however, *El Universal* reported on a Federal Police (Policía Federal, PF) document it obtained through Mexico's transparency law revealing that seven cartels – La Familia Michoacana, Sinaloa, Los Zetas, Juárez, Gulf, South Pacific (Pacífico Sur), and the remains of Édgar Valdez Villarreal's group – currently carry out operations involving kidnapping, extortion, human trafficking, manufacturing of synthetic drugs, and recruiting new members. To this list, the document added the Salvadoran Mara Salvatrucha gang as also having a presence in the nation's capital.

Martín Barrón Cruz, researcher and professor at the National Institute of Penal Sciences (Instituto Nacional de Ciencias Penales, Inacipe), told *El Universal* that Mexico City is experiencing the same burgeoning market for illegal drugs and cartel operations that Sinaloa did in the 1970s. He said that aside from being an attractive market for selling illegal drugs due to its sheer population, it is also attractive due to a relative lack of financial control and vigilance. He also pointed to the international airport as an important transit hub for transnational criminal organizations. Barrón added that the presence of cartels in the DF is a result of a lack of programs and adequate strategies on the part of authorities for investigating and preventing crime. "In Mexico, unfortunately criminological analyses don't exist," he said, suggesting that law enforcement authorities are largely in the dark as to what criminal elements are operating in the city of over 20 million.

For his part, Attorney General Mancera, in response to the story published in *El Universal*, reiterated his previous assertion that drug-related violence in the city has been limited to *narcomenudistas*, a problem the local government is working to address. As to the report obtained from the Federal Police, he said that it was a "very general outline, that does not have specific references," and generally lacks details.

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Major blow dealt to Barrio Azteca gang as Colonel Leyzaola arrives from Tijuana

U.S. Attorney General Eric Holder announced March 9 that 35 members of the Barrio Azteca (BA) gang had been charged with various counts of racketeering, murder, drug offenses, money laundering and obstruction of justice. Included in the 35 BA members indicted were 10 with alleged ties to the murder in March 2010 of 3 people connected to the U.S. consulate in Ciudad Juárez. Of the 10 suspects, 7 are in custody in Mexico, while 3 remain at large. Among those in custody is alleged Azteca's leader Arturo Gallegos Castrellón, who was arrested in November, after which he reportedly confessed to ordering 80% of the murders in Juárez over the past 15 months, including the 3 linked to the U.S. consulate. Attorney General Holder said that the indictment would send a clear message that attacks against the United States will not be tolerated. "These arrests and criminal charges will disrupt Barrio Azteca's current operations, and they reaffirm that we will not tolerate acts of violence against those who serve and protect American citizens," Mr. Holder said. The same day the indictment was unsealed, teams of federal, state, and local authorities arrested 12 suspects in Texas and New Mexico in connection with the case.



The Barrio Azteca gang formed in the 1980s as a violent prison gang, and has since expanded, with a presence in West Texas, Ciudad Juárez, and in a number of state and federal prisons in the United States and Mexico. The group is believed to have allied itself with the Vicente Carrillo-Fuentes drug trafficking organization, also known as the Juárez cartel, carrying out enforcement functions for that organization in exchange for discounted drugs. In addition to profits from smuggling heroin, cocaine and marijuana into the United States, the indictment alleges that the gang extorts businesses and criminals operating on its turf, the profits from which in part are directed to leaders' prison commissary accounts and to pay for defense attorneys and fines, as well as to purchase drugs, guns and ammunition.

The indictment came just as it was announced that Julián Leyzaola Pérez, the infantry colonel who has served as director general of the municipal and transit police in Tijuana as well as under-secretary of public security for Baja California since December 2008, arrived as the new chief of police in Ciudad Juárez. Leyzaola, who made fighting police corruption the centerpiece of his tenure as municipal police chief in Tijuana, said shortly after his inauguration that the current situation in Ciudad Juárez is similar to the one he found in Tijuana when he arrived there in 2008. He replaces infantry lieutenant Laurencio Rodríguez Contreras, who had served as Juárez police chief for just five months. Leyzaola said he will form a group called “Embrión” that will immediately attend to matters considered to be “high impact” in order to begin reducing crime rates in the city. According to the federal government, last year 2,738 homicides related to organized crime occurred in Ciudad Juárez alone.



Colonel Julián Leyzaola
Credit: TijuanaPress

While Leyzaola's appointment by Juárez Mayor Héctor Murguía Lardizábal met with approval from Chihuahua's Human Rights Commission (Comisión Estatal de los Derechos Humanos, CEDH), that organization warned that it would watch him closely. While Leyzaola was credited with greatly reducing corruption in the ranks of the Tijuana police department, he also received harsh criticism from human rights groups that accused him of applying torture and humiliation in extracting confessions from officers suspected of working for the cartels. CEDH investigator Gustavo de la Rosa Hickerson predicted that Leyzaola “[w]ill find a disorganized [police] corporation, without a spirit of group unity, very contaminated, with many accusations of misbehavior and, on

the other side, a society tormented by violence... and by the abuses and excesses of its own municipal police.” Leyzaola's brash manner as a public figure also made some people uncomfortable. According to the Washington Post, when Leyzaola suspected officers were working with drug traffickers but could not prove it, he assigned them to stand “idly under palm trees outside police headquarters to humiliate them into leaving.” He also caught the press' attention with his vulgar descriptions of crime bosses. “We call them fat and disgusting; paunchy, malformed, slimy cockroaches; scoundrels,” he said in September. “It had a very specific goal: to hit them directly in the social consciousness... We began ridiculing them.”

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U.S.-MEXICO RELATIONS

DEA launches nationwide sweep following February death of U.S. ICE agent



U.S. law enforcement officials initiated a series of raids they dubbed “Operation Fallen Hero” on February 23. The raids, involving thousands of U.S. agents and local law enforcement officers, followed the killing the previous week of Immigration and Customs Enforcement (ICE) agent Jaime Zapata, and the wounding of his colleague, Victor Avila, at an illegal checkpoint in Central Mexico. Zapata's slaying marks the highest profile attack on U.S. authorities in Mexico since the 1985 kidnapping and killing of DEA agent Enrique “Kiki” Camarena. This nationwide effort has also spread to Central American countries including El Salvador and Panama, along with Colombia and Brazil.

U.S. officials said that the action was intended to send a clear message to Mexican drug trafficking organizations that attacks on U.S. officials would not be tolerated. Derek Maltz, special agent in charge of the DEA's special operations division, likened the operation to dealing with a schoolyard bully, saying the agency “want[s] to make sure the traffickers understand that we're going to unite to go after them.” The DEA reported that the sweep netted more than 100 mostly low-level suspects in Atlanta, Oakland, St. Louis, Denver, Detroit, San Antonio, San Diego, Chicago and New Jersey, along with the aforementioned

Central and South American countries. In addition to the arrests, agents also seized \$8 million in cash, more than 100 weapons and 200 pounds of cocaine, along with other drugs.

The roundup followed the arrest in Mexico of eight suspects, including Julian Zapata Espinosa, the leader of the Zetas cell suspected of killing Agent Jaime Zapata. Julian Zapata, “El Piolín,” has reportedly told Mexican authorities that Agent Zapata was killed as the result of “confusion” on the part of the gunmen, who either wanted the armored SUV the agents were traveling in, or thought they were rival cartel members. Mexican press reported shortly after El Piolín’s arrest that he had also been apprehended in December 2009 on suspicion of drug trafficking, but because Mexico’s Attorney General’s Office (Procuraduría General de la República, PGR) was not able to substantiate the organized crime charges, Zapata was instead tried for lesser weapons possession charges and freed on bail in March of last year. He had stopped making his required courthouse visits January of this year, and there was a warrant issued for his arrest as a result. Zapata is currently under “arraigo,” a 40-day detention period while the PGR once again builds its case against him.

Agent Zapata’s death sparked calls for congressional hearings in the United States, and led some lawmakers to question why U.S. agents operating in Mexico do not carry firearms. In statements made anonymously to the Associated Press, a senior U.S. Embassy official clarified that U.S. agents operating in Mexico are granted diplomatic status and thus are banned from carrying weapons. He added that they never engage in pursuing suspects, but rather track beacons attached to cars, trace cell calls, read e-mails and text messages, and otherwise track the movements and behaviors of drug smugglers in Mexico.

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Tensions rise between Mexican and U.S. governments over weapons trafficking

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has come under scrutiny after a program that allowed guns to cross into Mexico for intelligence gathering purposes was discovered in early March. The program, dubbed “Fast and Furious,” was revealed by CBS to be run by the ATF, in which nearly 2,000 firearms, including AK-47s and Barret assault rifles, were allowed to “walk” south across the border into the hands of Mexican drug cartels. The goal was to trace the guns and see where they ended up, while using this information to take down a major drug cartel within Mexico. A CBS investigator said he thought the guns landed either with the Sinaloa or the Juárez cartel. The revelation of Fast and Furious drew immediate responses from Mexican authorities at all levels of government, who have long said that the U.S. government has not done enough to stem the southbound flow of weapons into Mexico. The Center for Public Integrity, which revealed the program along with CBS, said that more than a year after Fast and Furious’ inception, it has not netted a single arrest, or any other tangible benefit.



The revelation came just days after President Calderón made a state visit to Washington, during which he and President Obama discussed future measures to increase cooperation in combating drugs and arms smuggling, although the visit was largely overshadowed by developments in North Africa and the Middle East. The two also announced an agreement to resolve a long-standing international trucking dispute that has hurt bilateral trade. Just prior to the visit, Calderón had reiterated his views in the Mexican press that the U.S. government must do more to help Mexico in combating the powerful drug cartels operating in Mexico and who have now extended their networks into Central America. Obama took a conciliatory tone during a joint press conference, saying, “We have to take responsibility just as he’s taking responsibility.” Obama also took the opportunity to express gratitude to Mexican law enforcement for its cooperation in investigating the killing of an Immigrations and Customs Enforcement agent, Jaime Zapata, in Central Mexico last month. The incident drew an immediate response from U.S. lawmakers, some of whom, along

with Obama, demanded that U.S. agents in Mexico be allowed to carry firearms, a measure that is categorically prohibited under Mexican law.

Mexico's Ministry of Foreign Affairs is now asking more about the ATF designed project, as it was discovered that Mexican officials and President Felipe Calderón were "intentionally kept in the dark for fear that they would jeopardize the program." President Obama has also said that he was unaware of its existence. Members of the Mexican Congress unanimously denounced the program, and have brought Foreign Minister Patricia Espinosa before them to demand that the Mexican government hold the United States accountable. Meanwhile, a spokesman for the Calderón administration characterized the program as "an illegal act," adding that the Mexican law barring U.S. agents from carrying weapons in Mexico would stand. Adding to Calderón's grievances was the revelation that a small-town Texas mayor, police chief and village trustee were arrested on an 84-count indictment of trafficking around 200 guns into Mexico.

The U.S. Department of Justice (DOJ) and Congress are now investigating the program and will hear from those responsible; most of the designers of the program were called to Washington to discuss the operation. Following the discovery of the Fast and Furious program and the angry reaction of Mexican lawmakers, officials at the U.S. Department of Justice ordered that southbound shipments of weapons be stopped as soon as they are discovered, even if those actions put at risk ongoing investigations. Nevertheless, ATF agents told CBS news that Justice Department officials had ordered them to do just the opposite, allowing thousands of guns to flow into the hands of Mexican drug cartels in order to gather intelligence for the future.

With the Bureau facing harsh criticism from both sides of the border, current and former agents in the ATF have voiced complaints that ATF agents stationed in Mexico are at a disadvantage for a number of reasons, particularly because of their inability to arm themselves. Rene Jacquez, a former ATF officer in Mexico City and deputy officer in Ciudad Juárez, said agents do not have the resources to capture gun smugglers. He criticized what he sees as the ATF's lack of seriousness when dealing with Mexico. Jacquez also spoke about the structure of the ATF in Mexico, especially in the number of staffers that are placed in each office, saying that some offices only had one agent, and sometimes this agent was not fluent in Spanish. He pointed out that each office should have at least four agents and one supervisor. Due to the lack of staffers in each office, Jacquez said that agents are forced to do more paperwork and are not able to follow up on investigations, and are not protected when carrying out functions outside their offices.

The lack of staffers is related to the ATF's struggle to recruit new agents, which one agent told the *L.A. Times* has been made worse by the death of ICE agent Zapata last month in Mexico. There is a growing fear among agents of being placed in Mexico, especially considering Mexico's policy barring agents from carrying weapons in most circumstances. Jacquez stated that the Bureau has not increased in size since its inception in 1972, which he seems to correlate with the lack of efficiency of the ATF in Mexico.

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Wikileaks cables lead to departure of U.S. ambassador to Mexico Carlos Pascual

U.S. ambassador to Mexico, Carlos Pascual, officially resigned from his post March 19 due to leaked diplomatic cables published by anti-secrecy group WikiLeaks that have caused ongoing friction between the two governments. Pascual, a Cuban-born expert on failed states, served as ambassador to Mexico for a year and a half, and greatly sparked outcries from President Calderón and Mexican lawmakers after cables published last fall revealed his doubts and criticisms of Mexican anti-drug efforts. In the cables, Pascual described the Mexican Army as "insular," and Mexican public security agencies in general as risk-averse, and resistant to inter-agency cooperation and information sharing. His only praise was directed at

the Mexican Navy for its swift action on U.S. intelligence leading to the death of Arturo Beltrán Leyva last December, though it was accompanied by criticism of the Mexican Army for not acting on the same intelligence. It was these comments that led to President Calderón's lashing out at Pascual for implying that "Mexican soldiers aren't brave enough." *New York Times* noted that Calderón has been seeking Pascual's recall for weeks, though when asked in an interview with the *Washington Post* if during his visit to Washington he could continue working with Pascual, Calderón said only that he would discuss the question with President Obama, and that trust was something that is "difficult to build and easy to lose." Secretary of State Hillary Clinton stated that Pascual's decision to return to Washington was his own, and based upon his "personal desire to ensure the strong relationship between the two countries and to avert issues raised by President Calderón that could distract from the important business of advancing our bilateral interests."



As was pointed out by a recent blogger in *El Universal*, Pascual is the only U.S. diplomatic official to leave his position as a result of the cables published by Wikileaks. Given that cables were also leaked criticizing Italian Prime Minister Berlusconi and French President Sarkozy without incident, and assuming that Pascual's departure was a result of Calderón's displeasure over the ambassador's criticisms, it denotes a particular will on the part of the Obama administration to mend ties with Mexico. Pascual's resignation also ends his tenure as ambassador to Mexico in which he was widely considered to have carried out his function capably. To date, a replacement for Pascual has not been appointed. While selecting a new representative for Washington in Mexico may present an opportunity for the Obama administration to improve its strained relation with its Mexican counterpart, the new ambassador will be faced with the same circumstances on both sides of the border that have led to the recent deterioration in bilateral relations, which extend much farther than leaked diplomatic cables.

Last week Senator Rosario Green, the former Minister of Foreign Relations of Mexico and President of the Foreign Relations Committee at the Senate, and one of the biggest critics of Pascual's performance, recognized at a meeting with the Justice in Mexico Project Staff that it was a shame that this happened. She argued that what Pascual did is what Ambassadors do world wide, although she pointed out that the language used by the former Ambassador and the level of personal opinion in the cables were out of proportion and ultimately put the bilateral relations in a critical position.

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Unmanned U.S. drones over Mexico draw sovereignty concerns from Mexican lawmakers

The Mexican government acknowledged in mid-March the use of U.S. unmanned drones in Mexican airspace to gather information on drug cartels to turn over to the Mexican government. A U.S. military official said that information gathered by a Homeland Security drone helped lead Mexican authorities to several suspects linked to the killing last month of a U.S. Immigration and Customs Enforcement agent.

The use of U.S. unmanned aircraft in Mexican airspace had been kept a secret, largely because of concerns in Mexico about national sovereignty. Indeed, Mexican lawmakers reacted angrily to the revelation, complaining that they were never notified of the use of U.S. Predator drones over Mexican soil, and called Foreign Minister Patricia Espinosa to testify in front of the Senate regarding the matter. Members of the opposition parties criticized the federal government for sacrificing national sovereignty in the name of bi-national cooperation and combating drug trafficking and organized crime. While acknowledging that Mexico and the United States have experienced complications in bilateral relations recently, Espinosa defended the use of drones, insisting that they are entirely under the control of the Mexican government, and are unarmed. She said that they have been used in "limited and specific occasions" always at the request of the federal government, and that it is not a permanent program.

U.S. officials speaking on the condition of anonymity said that the use of Predator drones was just one sign of increased cooperation between U.S. and Mexican law enforcement agencies. During President Calderón's visit to Washington early this month, he and President Obama agreed to open a bi-national intelligence "fusion" center, the second of its kind in Mexico. For years and increasingly since the inception of the Merida Initiative, the United States has trained thousands of Mexican soldiers and police officers, while legal professionals have provided training to lawyers, judges, and police officers that are expected to carry out the transition to an adversarial justice system. That cooperation has yielded tangible results, say U.S. and Mexican officials, which have come in the form of at least 20 high-profile drug traffickers captured or killed, 12 in the last year alone. Like the use of unmanned drones, though, such measures are always met with trepidation by many Mexicans, who see the security cooperation between the United States and Mexico as lopsided, where Mexico bears the brunt, while the U.S. sets the terms. Despite efforts by both governments to emphasize the bi-national nature of the first cooperative intelligence center in Mexico City, many in the Mexican press essentially characterized it as a U.S. intelligence center on Mexican soil.

In response to the concerns that some Mexican senators have expressed that the drone flights represent a compromising of Mexican sovereignty, former Foreign Minister Jorge Castañeda, former Ambassador to the United States Jorge Montaño, and security specialist Jorge Chabat all agreed that such fears were unfounded, given that the flights resulted from bilateral cooperation. Castañeda told reporters from *El Universal* that it is within the executive branch's powers to engage in such a "voluntary cessation of sovereignty" under such terms, and criticized senators for backing the fight against the drug cartels, but then question the means by which the United States helps in the efforts. He also pointed out that the flights have a precedent from the Carlos Salinas administration, when in 1989 he authorized U.S. pilots accompanied by Mexican co-pilots to patrol Mexican airspace to force drug trafficking planes to land. For his part, Chabat, an expert in national security, said that "Mexico with its own resources has been inefficient in combating these criminal groups," which has necessitated increased cooperation with the United States.

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TRANSPARENCY & ACCOUNTABILITY

TRANSPARENCY

Transparency scores for DF groups released

The Institute for the Access of Public Information of the Federal District (InfoDF) recognized several of the municipal zone's agencies and institutes for their work in creating a more transparent and open environment for the public. The group that received the highest ranking was the Secretary of Urban Development followed by the Commission of Human Rights of the Federal District.

The title of Best Practices of Transparency 2010 included four different evaluation criteria: access to fulfillment of transparency obligations on web pages, access to informational indexes, fulfillment of InfoDF requirements, and the training of transparency practices. The first two criteria were worth 30 points each while the last two were 20 points each, for a total of 100 possible points. High scorers were recognized for each individual category.

InfoDF did not include itself in the formal announcements of winners, but did conduct a self-evaluation that would have placed it as the most transparent agency or institute in the Mexico City area, according to David Mondragon, Director of Evaluation of InfoDF. He said the agency's self evaluation was meant to ensure that they are providing a good example to other groups being evaluated.

In overall scores, the Secretariat of Urban Development and Renewal (SEDUVI) obtained a score of 99.6 out of a possible score of 100. The Commission of Human Rights obtained the second highest score. Tied

for third in this category were the Council of the Federal Judiciary and the Secretary of Finances. In fourth place was the Electoral Tribunal of Mexico City, and tied for fifth were the Provident Fund for Workers Raya List and the Treasurer's Office of the Legislative Assembly.

The agencies with the lowest scores included the Economic and Social Council of Mexico City and the "Fideicomiso Central de Abasto de la Ciudad de Mexico" (main wholesale and retail market of consumer products in Mexico City) with scores of 13.5 y 45.6 points, respectively. The evaluation focused on the performance of 110 public agencies in the Mexico City region that are required by the Law of Transparency (Ley de Transparencia) to provide records of accounts and expenses to the public.

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Banned Mexican film puts spotlight on cameras in judicial processes

The Mexico City mayor, Marcelo Ebrard, has proposed an initiative that would permit the use of video cameras to record courtroom proceedings as a means of making the judicial process more transparent. The initiative is prompted in part by a popular film documentary, "Presunto Culpable," that has shed light on the judicial system's failures by recording courtroom processes.

Carlo Pizano, councilman with the opposing National Action Party, called the initiative "opportunistic" since he believes the underlying problem – of educating and training employees to act more honestly – is not one that can be solved by cameras. The installation of video cameras in judicial courtrooms is actually part of a series of anticipated judicial system reforms that include the creation of oral judicial trials, but the Mexico City initiative appears to be trying to push the issue forward. Currently, judges have the right to allow or not allow the use of video cameras during judicial processes that they oversee.

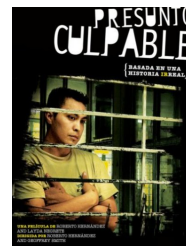
Funding for the project would be needed to not only purchase video camera equipment, but to create new courtroom spaces and prepare and educate other judicial workers and attorneys. Ebrard noted that the project should include clear legal definitions regarding protections for personal information and privacy rights. The intent would not be to distribute the recorded proceedings to the news media, but to create a system in which the proceedings can be accessed by those directly involved in the particular judicial case. Details of the proposal are still being discussed over exactly who would have access to the recordings. However, the president of the Superior Tribunal de Justicia in Mexico City, Edgar Elias Azar, said that the recordings should not be considered "public" in a general sense. Azar said it makes sense to film the proceedings, but that the recordings should not be used for commercial purposes.

Ebrard was apparently inspired to move forward with the Mexico City plan after seeing the movie "Presunto Culpable." "What we are proposing is to record these things and make it part of the judicial process...it's a useful, valid proposal and it can prevent these kinds of abuses from taking place that we see in the documentary." Ebrard made the statements while being interviewed during the popular news-comedy program *Mananero por Brozo* and he has reiterated his position in other news reports.

Meanwhile, Mauricio Tabe, a member of the opposing National Action Party, asked Ebrard to provide cameras as a way to record the public bidding processes in the various delegations and other local administrative offices. This would be aimed at preventing "irregularities" in connection with the purchase of services and other contracts. Tabe is suggesting starting this project with 100 video cameras.

The polemic film, "Presunto Culpable" used video cameras to film the judicial process involving a man who had been condemned to 20 years in prison based on questionable evidence. The film captured statements made by police involved in the arrest of José Antonio Zúñiga Rodríguez, as well as statements by a "witness" during an appeals process. Nonetheless, an appeals judge sustained the initial ruling without noting the apparent contradictions. Another judge, who was provided the video of the process, ultimately found no sufficient evidence for Zúñiga's detention and ordered his release. The film has touched a nerve

in Mexico by putting a magnifying glass on the potential for corruption and ineptness within Mexico's judicial system. At one point the film was temporarily pulled from theaters due to a judicial order after a "witness" in the case claimed he had not given his consent to appear in the film, raising debate over openness and transparency issues. A magistrate panel denied that order after concluding that it would harm social interest to ban the film and that doing so would violate the artistic and educational role of the national cinema. The film has won nearly a dozen international prizes or recognitions and has been widely viewed in Mexico. The documentary was publicly available and streaming on the PBS website, http://www.pbs.org/pov/presumedguilty/photo_gallery_watch.php, until March 31, 2011.



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ACCOUNTABILITY

Federal Judiciary officials face accountability measures

During the last two years, 108 public servants of the Federal Judiciary have been punished by the Federal Judiciary Council (*Consejo de la Judicatura Federal*, CJF) for irregularities that range from lack of professionalism, dishonesty, impartiality, sexual harassment, and abuse of power. These statistics were made public in an attempt to promote transparency in Mexico after the CJF received numerous complaints from various public sectors regarding the lack of transparency of the Federal Judicial Police (*Policía Judicial Federal*, PJF).

A total of 2,592 public servants were investigated from March 13, 2009 to March 13, 2011 by the CJF and the *Comisión de Disciplina* (Disciplinary Commission). CJF highlighted that among the 108 officials who have been sanctioned, 5 judges from the Federal District and 10 judges from Circuit courts have been temporarily suspended from their positions due to a lack of professionalism, having a notorious reputation for ineptitude, lack of respect for their subordinates, and forms of harassment. The Federal District and the states of Guerrero, Jalisco, the state of Mexico, and Quintana Roo had the greatest number of reported cases. The states of Baja California Sur, Colima, Durango, Tamaulipas and Yucatán did not report any cases.

117 sanctions were submitted, noting that an official could have been punished with more than one sanction. 80 cases were considered not too serious while 37 were considered serious. Sanctioned officials consisted of judges, secretaries, judicial analysts, and other administrative officials. 32 of the cases included women while the remaining 76 involved men.

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CORRUPTION

Pemex addresses corruption questions

During an event marking the 73rd Anniversary of the Mexican government's expropriation of petroleum industries, the general director of Pemex said that the agency would not tolerate any corrupt acts.

According to media reports, General Director Juan José Suárez Coppel said the public has the right to know how much is being spent by the agency and how the money is being spent.



"The property, control and exploitation of the hydrocarbons belongs to the nation," Suárez was quoted as saying in *Azteca Noticias*. Nonetheless, Pemex continues to receive attention for problems with corruption such as money laundering through gas stations and the suspected complicity of Pemex employees in illicit activities. Of growing concern, for example, is the involvement of criminal groups that tap into pipelines. An estimated \$2 billion of petroleum products is stolen from Pemex each year, and some suspect that drug cartels are behind these thefts. *The Wall Street Journal* has previously reported that Pemex identified 614 illegal taps into the

pipelines from January 2010 through November 2010. In terms of preventing corruption on the administrative level, the Organization for the Cooperation and Economic Development (OCDE) announced it would help Pemex and the Mexico Federal Electricity Commission adopt a series of principles and practices to improve their transparency and competitiveness with regard to the bidding and contract process.

The agency is also still recovering from its recent past, which includes:

In 2010, Mexican officials arrested an official in Pemex who was suspected of trying to sell an exploration contract for almost \$19,000, according to *Reuters*. At least one other Pemex official was apparently involved in the bribe attempt.

In 2009, a senior executive with Pemex resigned after the Mexican newspaper *Reforma* reported that he accepted a free trip from a software company that had recently won a \$30 million contract from Pemex. The German software company – SAP – reportedly footed the bill for Pemex executive Manuel Reynauld to take a four-day trip to Monaco's Formula One Grand Prix. Reynauld was Pemex's Director of Business Processes and Technology and Infrastructure.

In a 2008 report by the InterPress Service News Agency, Pemex funds were allegedly used to pay for liposuction for the wife of the company's chief executive at the time, as well as for a presidential candidate's campaign and contracts with firms facing legal action.

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Mexican president presents anti-corruption initiatives

Mexican President Felipe Calderón presented two initiatives to strengthen Mexico's anti-corruption efforts. The initiatives would increase the sanctions faced by public servants who grant contracts in an illegal manner and it also would offer a financial incentive to encourage citizens to identify public officials involved in potentially corrupt activities.

The initiatives would be included in the new Anti-Corruption Law in Public Contracts as well as in an updated Federal Law of Responsible Administration of Public Servants. They build on previous efforts to combat corruption, such as the *Denuncia Ciudadana* program run through the Secretary of Public Function, by creating additional incentives for people to step forward and identify participants and instigators of government corruption. The changes would also shift greater accountability toward businesses that participate in corrupt activities.

In the case of the Responsible Administration Law, the changes would make it easier and more secure for ordinary citizens to denounce corrupt acts. The program would provide “economic stimulus” for those who come forward to identify corruption. The initiative does not identify how much money would be provided for each case, but the money would come from savings collected by the Secretary of Public Function. A report in *El Universal* stated that the federal Secretary of Public Function has 60 million pesos that could be allotted to public citizens as compensation.

The changes would also involve greater scrutiny about the amount of money being earned by public officials when it appears to come from questionable resources. It would provide the state with greater powers to detect and sanction officials who come into money suddenly and are not able to provide a proper explanation for the source of funds. Another element of the initiative would be to encourage public officials to come forward about corruption. Incentives would be created that would allow for a reduction in sanctions if the public workers assist authorities in identifying others involved in corrupt activities. Calderón was quoted in *Milenio* as saying that in Mexico corruption is a “bad custom that has taken root” and that “it is a problem that we should confront face-to-face to overcome it.”

Businesses would also face tighter measures under the initiatives. They could be fined up to 35% of the total amount of the contracts they obtained illegally, and they would be banned from participating in the bidding process for the next eight years. The changes are also meant to create a more level playing field among businesses that do not participate in corruption. Corruption from the private sector extends beyond the classic bribe. Salvador Vega Casillas, Secretary of the Public Function, noted that in some cases, businesses will agree among themselves to offer an excessively high cost for a contract and the winner will share a portion of the profits with the others.

Calderón noted that the changes would only address situations on the federal level and that many other acts of corruption are committed on the local level. According to Transparency International, corruption is involved in one of ten public contracts and that the equivalent of more than 2.2 million U.S. dollars are paid out each year for these particular kinds of activities. Vega also noted that last year the number of corruption cases opened by the agency increased 1,432% from 2009. Last year about 1,778 people faced formal complaints from the Secretary of Public Function compared to just 25 people in 2007.

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Detentions of Mexican law enforcement

From Chiapas to Baja California, a number of Mexican police officers were detained in March on suspicion of corruption, and in the most serious cases some were believed to have ties to organized crime groups.

In the State of Mexico, a judicial and a municipal officer were arrested along with a third person. The incident took place in the community of Zinacantepec. The three individuals were caught when they attempted to collect the ransom for an “express kidnapping.” The family of the victim had reported the crime to state investigators who confronted the police as the alleged money exchange was taking place. The confrontation between the municipal suspects and the state investigators resulted in a gun battle that lasted about ten minutes until the suspects surrendered. The suspects claimed this accusation was false and that they were really tending to a person driving a stolen vehicle.

In Mexicali, three municipal officers were arrested for suspected ties to organized crime. The group is believed to have been working with elements of the Sinaloa Cartel. Three of the suspected officers are still on the run, while eight were arrested for the possession of cocaine. The detentions reportedly stem from

the arrest of several other members of the police force in connection with marijuana possession. Marco Carillo Maza, director of Mexicali Public Safety, said that since March 1, the support from the Attorney General's Office (PGR) and the Directorate of Municipal Public Security has made such arrests possible.

In Oaxaca, two police officers of the State Agency for the Investigation of Police were arrested on suspicion of extortion in the town of Matias Romero. The two officers have been identified as Leonardo Soto and Anselmo Lopez Toledo Cruz. The arrest stems from a complaint filed by a citizen who alleged that the two officers had detained him as a means of extorting \$10,000. The citizen had paid portions of the bribery demand before seeking help from state authorities. The officers were arrested as they allegedly attempted to collect the final portion of the bribery amount.

Meanwhile, in Chiapas, three members of the Tapachula transit police have been detained in recent months for alleged corrupt activities. A municipal transit official there noted that the number of traffic tickets issued in the first three months of 2011 showed an increase of 110% compared to the same period last year. The official, Francisco Ramos García, suggested that the increase is a result of creating a culture that dissuades the use of bribes in exchange for traffic tickets.

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Charges upheld in detention of Mexican soldiers

A military judge upheld charges against three military officials and 10 other soldiers in connection with transporting 928 kilograms of the drug known as "crystal" and 30 kilograms of cocaine. The group was detained in Baja California in February. All were facing charges of drug trafficking and organized crime.

Eight of the soldiers were detained by other soldiers at a checkpoint after cocaine was found in their backpacks while they were using military vehicles, according to several reports. The number grew as additional soldiers were identified as suspects. The group had apparently been working with a number of unidentified civilians to transport the drugs. Contrary to earlier news reports, the soldiers were not based out of Baja California; they were travelling from Mexico City. None of the soldiers apparently fell under the command of the Baja California area's regional military director, Alfonso Duarte.

In a press release from the Secretary of Defense (*Secretaría de la Defensa Nacional*, SEDENA), the military confirmed the group had been detained after a person who had been transporting drugs accused the soldiers of receiving bribes. A judge placed the ten soldiers under the equivalent of house arrest for 40 days to give federal authorities more time to gather enough evidence in the case.

The military has historically enjoyed a reputation of being somewhat immune to the influence of drug traffickers. However, there have been incidents that have tarnished that image. One of the most high-profiled cases was in 1997, when General José de Jesús Gutiérrez Rebollo was found to be working with a major drug trafficker. Gutiérrez had been acting as Mexico's drug czar at the time, but is now in prison. In recent years, the military has taken a larger role in combating drug trafficking in an attempt to counter the inroads made by drug traffickers. In 2009, Mexico's army detained 10 of its own officials for allegedly taking payments from a drug group in exchange for tipping them off about government investigations into drug trafficking. In that case, a group overseen by suspected traffickers Joaquín 'El Chapo' Guzmán Loera and Ismael 'El Mayo' Zambada was apparently paying the men.

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New Mexico border town mayor, police chief detained in firearms case

The mayor and police chief of a small New Mexico border town were among 11 people detained and accused of being part of a ring allegedly involved in sending firearms to Mexico. Columbus Mayor Eddie Espinoza and Police Chief Angelo Vega were among the group accused in March of smuggling and firearms charges in an 84-count indictment. A town trustee, Blas Gutierrez, was also named in the indictment.

According to media reports, the accused individuals had been involved in buying about 200 firearms since 2010, 12 of which firearms were eventually found in Mexico. Defendants were accused of falsely saying they were buying the weapons for themselves. *The Wall Street Journal*, citing indictment records, reported that the mayor allegedly “served as a so-called ‘straw buyer’ for 22 pistols, and he leased an apartment in a gated El Paso, Texas complex that was used to store weapons.” The *Journal* also quoted indictment records saying the police chief “allegedly bought bullet-proof vests and other body armor to be smuggled, [and] participated in a cash pickup,” among other suspicious activities.

U.S. authorities were tipped off when a Border Patrol agent found a firearms stash in a vehicle, which resulted in the long-term investigation that led them to the defendants. During the course of the investigation, law enforcement authorities confiscated 40 AK-47 type pistols, 1,580 rounds of ammunition and 30 high-capacity magazines from the defendants before the firearms crossed the border, according to indictment information published in *The Associated Press* and other news media organizations.

All but one defendant had been captured, according to recent reports. Agencies involved in the investigation included the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Immigration and Customs Enforcement and the Drug Enforcement Administration. The United States recently took heat for an ATF investigation in which guns were allowed to be bought in the United States and brought to Mexico in an attempt to identify and capture drug cartel participants. In the case of Columbus, New Mexico, U.S. authorities stressed that their focus had been on seizing the firearms before they went into Mexico, according to a *Reuters* report. Some see cross-border access to firearms as a contributing factor in the ongoing drug violence in Mexico. More than 30,000 people are believed to have died in drug related violence since Mexican President Felipe Calderón took office in 2006.

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ACCESS TO JUSTICE

ORAL TRIALS

Three Chihuahua judges who acquitted presumed murderer of Rubí Freyre resign

On March 10, Chihuahua’s Supreme Court (Tribunal Supremo de Justicia del Estado, TSJE) received the resignation of the three judges accused of administrative wrongdoing in their May 2010 acquittal of Sergio Barraza, the confessed killer of Rubí Freyre. Rubí Freyre was the daughter of activist Marisela Escobedo, who was killed in December of last year as she demanded the arrest of Barraza outside the capital building in Chihuahua City. Barraza is also the prime suspect in that killing.

The three judges – Catalina Ochoa, Rafael Boudib Jurado and Netzahualcóyotl Zúñiga presumably resigned in order to stop an inquest initiated against them. Upon receiving the judges’ resignations, the Chihuahua Supreme Court nullified the administrative proceedings against the judges, since such measures are reserved only for acting public servants.

Several human rights groups, including Chihuahua's Human Rights Commission (Comisión Estatal de Derechos Humanos, CEDH), have expressed dismay at the discontinuation of the administrative proceedings against the judges. For his part, CEDH President José Luis Armendáñez said that the inquest must continue in order to determine whether it was irregularities committed by the judges or faults in the reformed justice system that allowed Barraza to go free. The TSJE, though, has thus far shown no signs that it will resume the proceedings. Moreover, when reporters from the online newspaper *Tiempo* requested copies of the judges' resignations, the TSJE responded that they were "personal and confidential."

Less than a week following the judges' resignations, gunmen murdered three people with ties to a witness in the Rubí Frayre case. The youngest victim – Luis Ernesto Valle Macel, 21, was the brother of the witness, who testified against Sergio Barraza in his trial. Also killed were the boy's mother and uncle – Cirila and Dámaso Maciel García, brother and sister, 40 and 35 years old respectively. The killings drew speculation in the press as to a possible connection to the youth's 2009 testimony, but the state prosecutor's office and the CEDH have both said that there is no apparent link between the murders and the Rubí Frayre case. Governor César Duarte Jáquez said that the government's focus remains on capturing Barraza.

Felipe Borrego Estrada, the technical secretary of the Council for the Implementation of the Penal Justice System, said that justice reform around the nation would continue forward, despite the case of Marisela Escobedo and her daughter Rubí. Borrego emphasized that the trial involving the murder of Rubí was "exceptional," and without expressly acknowledging missteps in that case, said that "if we look at the statistics, the number of trials is immense, compared with the trials where there could have been a failure or judicial error... but we must not generalize and say that the system of adversarial trials is defective." The extremity of the case – which besides the acquittal of a confessed killer has led to the murder of Marisela and her brother in law – has fed the criticisms of some who claim that the new system provides criminals with loopholes, creating a system of revolving doors.

Borrego referred to the controversial documentary "Presumed Guilty," now banned from screening in Mexican theaters, as a testimony to the delays, impartiality, corruption, and impunity that characterize the traditional judicial process in Mexico. So far, eight states have at least begun implementation of oral trials: Chihuahua, Durango, Morelos, Nuevo León, Oaxaca, the state of Mexico, and Zacatecas. Guanajuato, Hidalgo, and Yucatán are on the cusp of implementation. According to the federal judicial reform legislation, all states must implement the new system by 2016.

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HUMAN RIGHTS

Working Group on Enforced and Involuntary Disappearances visits Mexico



The United Nations Working Group on Enforced and Involuntary Disappearances (WGEID) began a two-week visit on March 18 at the invitation of the Mexican government. The WGEID was assembled in 1980 to act as a mediator between governments and family members and non-governmental organizations issuing complaints of forced disappearances.

Mexico's Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has documented 283 complaints of disappearances during Felipe Calderón's presidency, beginning in December 2006. For its part, Human Rights Watch (HRW) has documented a dozen cases of disappearances it claims were perpetrated by Mexico's armed forces and local police. During its visit, the WGEID will set up a number of meetings between victims' families, NGOs and national defense and public

security authorities in an attempt to assess the prevalence of forced disappearances, particularly in the areas of the country hardest hit by cartel-related violence. Along with planning meetings with officials of the Interior Ministry, national defense, the federal Attorney General's Office, and justices of Mexico's Supreme Court, the working group has planned visits to Chihuahua, Coahuila, and Guerrero, states in which complaints of forced disappearances have been documented. Additionally, HRW has documented 12 cases in Nuevo León, including the case of Jehú Abraham Sepúlveda Garza, who was detained by San Pedro Garza municipal transit police in November of last year for driving without a license and then turned over to the Mexican Navy. He is currently missing, though both agencies claim he was released from custody.

Of the 283 complaints documented by the CNDH during the Calderón administration, 124 were registered in 2010, signaling an escalation of alleged disappearances with suspected institutional involvement. Reports of forced disappearance, however, have seldom led to action by the Commission. Of the 620 complaints received by the CNDH over the past decade, only two have resulted in recommendations, which involved five cases in the states of Coahuila and Oaxaca, including the disappearances of two suspected members of the Popular Revolutionary Army (Ejército Popular Revolucionario).

Mexico has signed and ratified the International Convention for the Protection of All Persons from Enforced Disappearances, which defines "enforced disappearance" as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law," and requires signatories to investigate and punish such acts, as well as to cooperate with other states' efforts to do the same. A recent brief from the Center for Human Rights and Humanitarian Law on the WGEID's efforts in the Ivory Coast, however, criticized the group's efficacy, citing as particular concerns its lack of authority to investigate individual cases of disappearances, protect claimants against reprisals, or directly impose sanctions. The working group also lacks the power to handle cases involving non-government actors.

The WGEID will conclude its Mexico visit on March 31.

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Legislation passes Mexican Senate to reform constitution to better adhere to international human rights standards

The Senate approved legislation already passed by the Chamber of Deputies reforming Mexico's constitution to abide by international human rights treaties that Mexico has ratified. The law also transfers investigative capacities for cases involving human rights violations from the nation's Supreme Court to the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH). It also provides constitutional protection against discrimination on the basis of sexual orientation, despite the objections of several senators. In addition to giving the CNDH expanded investigative powers, the new legislations also allows for the Commission to challenge the constitutionality of state and federal laws that it determines violate human rights guidelines in international treaties that Mexico has signed.

CNDH President Raúl Plascencia considers the law to be an important step in expanding and modernizing Mexico's justice system. He also recognized that the reforms would give his organization more "teeth," as officials and government entities not abiding by the CNDH's recommendations will be required to publish their reasons, and if they are found unsatisfactory, will be obliged to appear before the Mexican Senate to defend their inaction. He added that reforms are still needed in adolescent justice to clarify judicial procedures for juvenile offenders and to discourage recidivism.

The law now returns to the Chamber of Deputies for review, but is not expected to see any changes. It then must be ratified by the majority of Mexico's state congresses, which Amnesty International (AI) urged them to do as soon as possible. While recognizing the importance of the legislation, the human rights organization expressed concern that reforms to Article 11 of Mexico's constitution expanding amnesty and refugee access still does not meet the standards of international law.

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ASYLUM AND REFUGEE STATUS

Upon receiving death threats, public figures continue to seek asylum in U.S.

Mexican activists, reporters and now a police chief are bringing increased attention to the thousands of Mexican nationals seeking asylum in the United States. According to the U.S. Refugee Act passed in 1981, asylum and/or refugee status is to be granted to anybody "unable or unwilling to return because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Mexican citizens have historically had a low rate of approval of asylum, while second only to China last year in number of requests made. Activists, journalists and public figures fleeing the escalating cartel-related violence in Mexico, however, seek to broaden the traditional understanding of "social group" and "political opinion," in arguing that the Mexican government is unable or unwilling to protect them from targeted attacks from cartels based on their carrying out their professional and/or social roles.

In early March, Marisol Valles García, 20, resigned from her position as police chief of Praxedis G. Guerrero in Chihuahua due to death threats from organized crime members, and she and her family are currently seeking asylum within the United States. A relative has stated that Marisol "has already left to the U.S. along with two family members in order to ask for protection, since she has received numerous death threats from a criminal organization that wanted to force her to work for them." Valles García assumed the position of police chief October 18 of last year. She was 20 years old and working toward a criminology degree at the University of Guadalajara. The previous police chief of Praxedis G. Guerrero was gunned down in July 2009 and the town had been unable to find a replacement for more than a year. She gained international attention for her actions and voices in the press took to calling her the "bravest woman in the world." The hope that women bringing a new face to small-town police departments in violence-plagued regions, though, began to fade late last year. Last October, Hermila García, the police chief of the Meoqui municipality, was shot dead as she left her work, and Érika Gándara, the commander and only police officer of Guadalupe, Distrito Bravo, was kidnapped on December 26. Meoqui and Guadalupe are also both in the state of Chihuahua.

Valles García is the most recent public figure to seek asylum in the United States, claiming that the Mexican government cannot protect her and her family from their aggressors. Some legal experts say that the U.S. government will be hesitant to grant asylum to Mexican seekers for two reasons. First, granting asylum to a foreign national is essentially recognizing that their government cannot protect them, or that the government itself is the persecutor. Second, establishing a pattern of granting asylums would likely open a floodgate to more Mexican asylum seekers. The U.S. government has been relatively restrictive in granting asylum to Mexican petitioners, with just 49 of 3,231 total requests granted last fiscal year.

A particularly sensitive case is that of journalist Emilio Gutiérrez, which is unique in that his alleged aggressors are high-ranking members of the Mexican military. Mr. Gutiérrez had worked as a journalist in northern Mexico for a quarter-century before he wrote an article in 2005 alleging that Mexican soldiers had stolen items from hotel rooms in a small border town. He says he was approached by two men, one claiming to be an Army colonel and another he says he recognized as a general, who he said told him he had "written three articles about the military, and there would not be a fourth." After he filed a complaint, he said soldiers broke through his door saying they were searching for drugs and weapons. None were found,

and shortly afterwards he heard second-hand that his life was in danger. He fled to the United States late that year, and has been in judicial limbo since, petitioning for asylum. He had a hearing scheduled for February, but when his attorney notified the court of a scheduling conflict it was deferred to May 12, 2012. At the end of last year, the United States granted asylum to Mexican journalist Jorge Luis Aguirre, a Ciudad Juárez reporter who became the first Mexican journalist to be granted such protection since attacks on media workers escalated in 2008.

Social activists have also increasingly been targeted in cartel-related violence in Mexico over the past three years. Cipriana Jurado, a Juárez activist is now seeking asylum in El Paso because of death threats she says were made against her. Jurado, founder of the Center for Information and Solidarity for Working Women, had advocated for workers' rights in the maquiladora factories in Ciudad Juárez, and also protested femicides in that city, along with militarization. She was a friend of Josefina Reyes Salazar, who protested against human rights abuses by the Mexican Army before being killed in January of last year. Since then, one of Reyes' sons has been murdered and another disappeared. Her brother was also murdered, and two other siblings disappeared earlier this year and later found dead. Members of the Reyes Salazar family have since decided to discontinue a demonstration outside the state prosecutor's office demanding justice for the violence committed against the family after another member reportedly received a death threat on his phone. The 14 members of the family then joined the 16 members already in El Paso in order to either seek asylum in the United States or refuge in Spain.

Mexican citizens over the years have had a particularly low rate of approval of asylum requests. In FY 2010, 49 asylum requests were granted of a total of 3,231 brought before U.S. immigration court. That number compares to an average of 2,930 requests over the previous four years, with 57 being granted. While these numbers reflect a modest increase in requests and decrease in requests granted over the past four years, the number of denials has spiked, up nearly 40% in FY2010 over the previous year to 508, and up 69% over the previous four years' average. This compares with an even more precipitous decline in asylum requests withdrawn, down from 4,159 in FY 2006 to 1,671 in FY 2010, suggesting that more of those now requesting asylum are seeing the process through.

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AROUND THE STATES

CHIHUAHUA

Governor Duarte proposes new punishment for kidnappers following Chihuahua's example



After his initiative passed the state legislature last year establishing life sentences to crimes like kidnappings, the governor of Chihuahua, César Duarte, made an official visit to Mexico City on Tuesday February 22. While there he formally proposed a similar initiative to the lower chamber of Congress (Cámara de Diputados) to reform the types of punishments used in crimes related to kidnapping at the federal level. Duarte was accompanied by 17 out of the 18 PRI legislative representatives along with coordinators from the National Action Party (PAN), like Héctor Ortiz Orpinel;

Brenda Ríos Prieto from the Green Party; César Tapia from the New Alliance Party; Rubén Aguilar from the Labor Party; and Héctor Elías Barraza Chávez from the Democratic Revolution Party. Together, they presented the initiative at the Legislative Palace of San Lázaro to the president of the lower chamber, Jorge Carlos Ramírez Marín.

The initiative suggested that the *General Law for Preventing and Sanctioning Crimes Related to Kidnapping* (Ley General Para Prevenir y Sancionar los Delitos en Materia de Secuestro) should be modified so that individuals who commit crimes related to kidnapping will be punished with a lifelong prison sentence. As of October 2010, this law has stated that the maximum sentence that a kidnapper can receive is 70 years. A lifelong sentence will prevent criminals from getting out early on good behavior and thus have no chance of being released. The lower chamber unanimously voted to pass the initiative.

Duarte emphasized that this reform is dedicated to targeting organizations that resort to tactics like kidnapping. He stated that, “individuals who commit these crimes are a danger to society and cannot be let loose.” He believes this reform will send out an “inflexible message” to individuals who use these methods and make them think twice before they act. Duarte also encouraged members of Congress to put aside their partisan objectives in order to uphold the national interest.

Duarte proposed at least 13 different conditions for which kidnappers should be punished with a life-long prison sentence. The conditions include whether the victim is under the age of 18 or over the age of 70, if violence is used in the act, if two or more individuals are involved in planning the kidnapping, if the kidnappers have any friendship or relationship with the victim, if torture or sexual abuse occurs, if the victim is ill or becomes ill and is not properly medically attended, and if the victim is currently or has been a member of a political or military institution. This reform was initiated at the federal level on February 28.

On December 21 of last year the first life sentence was handed down in Chihuahua since the passage of the new law, being the first in Chihuahua’s and Mexico’s history. A convicted kidnapper, which amputated his victim’s finger to send it to his family along with the ransom demand, was sentenced to death due to the circumstances of the kidnapping, since the new Chihuahua law stipulates that a life sentence may only be imposed when the kidnapping is accompanied by physical violence or when the victim dies as a result of violence or negligence on the part of his assailants.

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NUEVO LEÓN

Clean up efforts continue in Nuevo León police departments



Efforts to “clean up police departments and dismantle the activities of the organized criminal groups” paid off recently in Nuevo León, according to the Mexican Navy. On March 24, members of the military arrested 7 municipal police officers charged with links to organized crime. One of the officers belonged to the Santa Catarina municipal police force, and the remaining 6 to the San Nicolas de los Garza municipal force, both suburbs of Monterrey. The Santa Catarina officer had been on the force for over 11 years.

The arrests were part of a continued effort by the state to wipe out corruption within municipal police forces. One month earlier, two Nuevo León police officers were held responsible for the kidnapping and murder of the Nuevo León security chief, Homero Guillermo Salcido Treviño. In December 2010, 68% of the personnel in the Salinas Victoria police force were detained for alleged ties to organized crime, and just months before that, in August 2010, six more police were involved in the kidnapping that led to the eventual murder of Santiago’s mayor, Edelmiro Cavazos Leal, according to reports.

The governor of Nuevo León, Rodrigo Medina de la Cruz, has said that he will exhaust all efforts to clean up police forces corrupted by organized crime. This falls in line with President Felipe Calderón’s nation-wide goal to target corruption and strengthen Mexico’s police forces by eliminating local policing. His

proposal to fold municipal units into state forces, with the stated intention of trying to “standardize training, tamp down corruption, and boost professionalism,” according to reports, is currently stalled in the Mexican Congress. In the meantime, Calderón has employed the use of the military to crackdown on local police forces, as demonstrated by the recent sting in Nuevo León.

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DURANGO

Judicial reforms in the capital advance, set for May completion



Reforms to increase and strengthen the capacity of the courts in the district of the City of Durango, the capital of the state of Durango, were announced at the beginning of March by Apolonio Betancourt Ruiz, the president of the State's Supreme Court (Supremo Tribunal de Justicia de Durango, STJD). 19 judges will be added to the courts in Durango to make 25 judges in all. This is a significant increase from the 6 currently residing and the first time ever that the capital will have this many judges serving. One to two new courtrooms will also be constructed.

The expansion of the court system is in large part due to the nationwide judicial reforms in Mexico that are replacing the traditional inquisitorial system with oral trials. The result of the reforms is an increase in the overall number of cases heard before the courts, which have risen on average from 8 to 20 cases each day. To meet this new demand, improved judicial infrastructure, equipment, and personnel have been needed as states implement the new system throughout Mexico.

Durango recently took part in a collaborated effort with the states of Baja California, Chihuahua, and Sinaloa to analyze the implementation of the new penal justice system, which Betancourt Ruiz stated found positive results. “We now have this great opportunity to focus our attention on the citizens by imparting justice with the 25 judges here in the first judicial district,” he added. The increase in judges and amplification of the judicial infrastructure are scheduled for completion in May.

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