

# JUSTICE IN MEXICO

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*During the reporting period, Mexico and the United States appeared to near finalization of a major military aid package to help Mexico better fight well-financed drug trafficking organizations and improve bi-national intelligence efforts, through transfer of military hardware, communications monitoring technologies, and specialized training. But both countries insisted the plan was no replication of "Plan Colombia." Elsewhere cartel-related deaths appeared to stabilize at approximately 50 recorded homicides per week since early June, perhaps partially the result of a truce between the two main trafficking bands. In Oaxaca, human rights officials from Amnesty International and the Inter-American Commission on Human Rights continued investigations into allegations of widespread human rights abuses stemming from the government's handling of a yearlong rebellion in the poor southern state. The National Human Rights Commission also unveiled a new statistical indicator aimed at correlating human rights with socioeconomic rights. The new IECDESCA index measures social, economic, cultural, and environmental rights and in its first edition finds drastic discrepancies nationwide.*

## ORDER

### NATIONAL SECURITY

#### **Mexico, U.S. near agreement on major military aid program to fight drug trafficking**

Mexico and the United States are close to reaching a major military aid package intended to provide Mexico with the hardware, technology, and training needed to better combat drug trafficking, U.S. officials said.

Amounting to "hundreds of millions of dollars" and possibly between US\$800 million-US\$1 billion, the package would likely entail transfer of radar and other forms of surveillance equipment, provision of advanced communications monitoring technologies, and the teaching in the United States of specialized military training for Mexican forces. Reportedly the package would also include military hardware, such as helicopters. U.S. officials are billing the still-evolving plan as a joint effort to tackle the "common" problem of drug trafficking, while Mexico is promoting the project domestically as a U.S. acknowledgement of partial responsibility for what is perceived as a demand-driven drug scourge. "We discussed a common strategy to deal with a common problem, which is narco-trafficking and violence on the border," U.S. Pres. George W. Bush said.

Apparently, the major military aid package would build on the preexisting framework of the Security and Prosperity Partnership of North America (SPP), an agreement reached in 2005 among the then leaders of Canada, Mexico, and the United States. The SPP provides a mechanism for discussion and resolution of border security issues, e.g. coordination of response to disease outbreaks and reconciliation of commercial needs with the security mandate at busy border crossings. Complaining at the perceived aura of secrecy surrounding the SPP, the U.S. House of Representatives recently voted overwhelmingly to slash some SPP funding, and congressional leaders have indicated skepticism regarding the proposed major military aid package for Mexico. "Who would Congress be providing assistance to, under what terms and conditions, and how would Congress know the support is not going to the very people who are engaged in this type of criminal activity," asked a senior foreign policy aide to Sen. Patrick J. Leahy, D-Vt. In fact, the mercenaries arm of the northeastern Gulf cartel, known as the Zetas, are said to comprise many turncoat former Mexican soldiers, some specially trained in the elite special forces unit, Grupo Aeromóvil de Fuerzas Especiales (GAFFE).

*"The Bush administration is close to sealing a major, multiyear aid deal to combat drug cartels in Mexico that would be the biggest U.S. anti-narcotics effort abroad since a seven-year, \$5 billion program in Colombia, according to U.S. lawmakers, congressional aides, and Mexican authorities."*

*--from The Washington Post, Aug. 7, 2007*

According to *the Washington Post*, congressional support for the major military aid package appears uncertain, and proponents in Congress, such as Rep. Henry Cuellar, D-Texas, indicate that convincing fellow lawmakers to endorse the aid as vital represents a challenge. However the magnitude of congressional oversight of a package that could include transfer of older-model U.S. military hardware to Mexico is unclear. An article in Mexican newsmagazine *Proceso* on negotiations for the aid package suggested that transfer to Mexico of older U.S. military hardware, e.g. Apache helicopters, as opposed to newer technology, e.g. Blackhawk helicopters, may not require U.S. congressional approval and that Mexican military officials had been asked to make aid requests accordingly.

Officials from both countries are downplaying comparisons between the major military aid package for Mexico and Plan Colombia, the U.S.-directed multibillion-dollar drug-interdiction-and-crop-destruction program in place since 2000. Critics have complained that "Plan Colombia" is political cover for U.S. funding of Colombia's war against the FARC rebel group and that it thus represents indirect support for rightwing paramilitary groups. Although some in the Mexican press have taken to using the shorthand "Plan México" to describe the still-evolving aid package, observers note that any major military assistance program for Mexico would depart from the Plan Colombia template significantly. Most notably, a Mexican project would not entail deep U.S. military involvement because of acute Mexican conceptions of political and territorial sovereignty. Public support and political tolerance for U.S. military involvement, even if ostensibly to fight a scourge as evil as drug trafficking, are exceptionally low throughout the country. Secondly whereas a key dimension of Plan Colombia is large-scale crop destruction, the principal focus of a Mexican counter-narcotics strategy would be combating drug cartels through disruption of trafficking methods.

Perhaps mindful the political opposition could exploit their negotiations with U.S. officials as unpatriotic, Mexican officials have made only moderate public comments on the still-evolving aid package. Speaking at an Aug. 20-21 tri-national summit in Canada, Pres. Felipe Calderón, whose popular approval ratings remain high in the mid-60-percentile range, appeared to deflect the criticism when he pointedly noted that there will be no U.S. troops on Mexican soil and that the central imperative driving the project was to provide Mexican agents with the resources necessary to adequately combat the trafficking gangs. "I do not want any Mexican police officer to be at a logistical disadvantage to these criminals," Calderón said.

Especially at the state and municipal levels, Mexican agents and officers are frequently outgunned and overmatched by better-funded and -armed traffickers. At the same time corruption in the ranks and uncertainty regarding legal powers to enforce federal anti-drug laws discourages proactive policing at the sub-national levels. However in spite of Calderón's suggestion that a military aid package would better equip Mexican officers, it is unclear that the Mexican law enforcement corps is institutionally prepared to combat trafficking in earnest, as Sergio Aguayo points out in a June 25 column. "The alliance between federal, state and local forces

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in Mexico is set not in stone but in moist newspaper. The federal government has committed all its reserves to prosecute this war, but the overwhelming majority of the country's thirty-two state governments and hundreds of local governments play dumb in order to avoid getting involved in it," Aguayo writes.

Also, as Mexican federal Attorney General Eduardo Medina Mora recently remarked, the extent to which the aid package will sufficiently address the problem of U.S.-origin contraband weapons is uncertain. Black market guns from the United States flood into Mexico by the thousands annually, Mexican officials say, and yet U.S. authorities do little to impede the traffic. At the same time, Mexican customs departments have a paltry confiscation record, seizing on the order of approximately less than one gun per day over December 2000-December 2005, according to Aguayo. In Mexico, where citizens cannot legally possess high-powered weapons, contraband guns often end up in the hands of organized crime and the major cartels, which have been blamed with murdering more than 2,000 people in the past 12 months, including many state and municipal law enforcement officials. "The level of cooperation that we have had (with the United States) in the past years does not correspond at all with the dimension of the [contraband gun] problem ... and that is what is on the table," Medina Mora said.

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## DRUG TRAFFICKING

### **Narcoejecuciones appear stabilizing, perhaps due to reported truce between main rival trafficking groups**

Cartel-related slayings tallied only 47 for the most recent week on record, Aug. 11-17, and almost 50 percent lower than the 93 registered for June 2-June 8, in line with a trend indicating mafia violence has stabilized in Mexico. The number of registered "narcoejecuciones," the term for cartel-related killings, has consistently averaged below 50 per week since mid-June, according to *Reforma* newspaper's running tally. In contrast, in the months prior to the leveling off, mafia homicides were regularly approaching the 100 mark. The apparent decrease may suggest that a reported truce between the rival Gulf and Sinaloa syndicates is holding. See *July news report*.

In spite of fewer homicides nationwide, high-profile killings of law enforcement officers continued to dot the Mexican press, as they have done for the past 12 months. The bodies of two agents with the Federal Investigation Agency (AFI), who had been reported kidnapped, turned up Aug. 20 in Nuevo León state. And in another case in Sinaloa, the burnt remains of a kidnapped federal anti-drug agent turned up alongside a road near Navajoa in neighboring Sonora. On the agent's body was inscribed the letter "Z," a possible calling card of the Zetas, the Gulf cartel mercenary band, as well as a crude warning, an indication that the slaying was indeed cartel-related. In central San Luis Potosí, a federal anti-drug agent was shot and killed near his home by unidentified assailants, while a police chief in an indigenous village in Paracho, Michoacán, was also gunned down, according to news reports. All told, Mexico has witnessed 1,586 narcoejecuciones<sup>1</sup> so far this year compared against approximately 2,120 for all of 2006, according to *Reforma's* tally and a *Justice in Mexico Project* calculation. July 2006-June 2007 may have been the single bloodiest 12-month span in the past two years as 2,386 narcoejecuciones were estimated committed, according to a *Justice in Mexico Project* calculation. See *chart below and July news report*.

In spite of the decrease in aggregated narcoejecuciones nationwide, federal officials maintain they are still committed to cracking down on the syndicates, and over the past month arrests were made and prison

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<sup>1</sup> *El Universal* newspaper reported that the total number of narcoejecuciones was 1,707 as of Aug. 17.

sentences handed down against traffickers belonging to the Tijuana, Gulf, and Sinaloa cartels. In the most high-profile police action from the reporting period, U.S. authorities announced the arrests of 32 suspected Gulf cartel traffickers in southern Texas, the culmination of an investigation dubbed Operation Puma that a news release touted as a demonstration of successful bi-national cooperation. In other cases in Mexico, Zetas hit men were indicted and arrested in Jalisco and Michoacán and a cell that allegedly formed part of the northwestern Tijuana cartel was broken up. Meanwhile in central Querétaro state eight suspected traffickers allegedly affiliated with the Sinaloa cartel were given prison sentences of up to 44 years on organized crime and weapons charges.

Increasingly, the Gulf cartel and its Zetas mercenaries band appear to have emerged as the principal targets of Mexican authorities' war against drug trafficking – perhaps more so than the Sinaloa cartel and its affiliates. According to a recent article in *Proceso* newsmagazine, federal officials appear to harbor a deep-seated animus against the Gulf cartel and the Zetas whose exceptionally violent modus operandi are blamed with “kidnappings, killings, and extortion in more than half of the national territory.” According to the article, written by Ricardo Ravelo and largely relying on unnamed government sources, officials are planning a “counteroffensive, in particular against the Zetas, the most violent group in the country.”

<b>Ejecuciones in Mexico for Select States, 2006-2007*</b>					
	January-June 2006 (estimate)	Total 2006	January-June 2007	Change +/-	Change %
Baja California	82	163	76	(6)	-6.7%
Chihuahua	65	130	63	(2)	-3.1%
Distrito Federal	69	137	83	15	21.2%
<b>Durango</b>	32	64	85	53	<b>165.6%</b>
Guerrero	93	186	165	72	77.4%
<b>México</b>	16	31	51	36	<b>229.0%</b>
Michoacán	272	543	153	(119)	-43.6%
<b>Nuevo León</b>	25	50	83	58	<b>232.0%</b>
Sinaloa	175	350	210	35	20.0%
<b>Sonora</b>	31	61	98	68	<b>221.3%</b>
Tamaulipas	91	181	50	(41)	-44.8%
<b>National</b>	1060	2120	1326	266	25.1%

SOURCE: *Reforma.com*.

\*The estimate for January-June 2006 represents a mid-year average for all cartel-related killings through December.

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- Ravelo, Ricardo. “Detienen en Michoacán a presuntos miembros de los Zetas.” *Proceso* 1 Aug. 2007.
- “Narcotráfico: Gobierno recupera confianza ciudadana.” News release, Parametria July 2007.
- “Desarticulan célula del cartel de Tijuana.” *Frontera* 6 Aug. 2007.
- “Condenan a ocho narcotraficantes a penas de entre 19 a 44 años.” *Terra* 6 Aug. 2007.
- “Formal prisión al narco El Rex.” *La Jornada* 30 July 2007.
- “Ejecutan y calcinan a comandante de Sinaloa.” *El Diario de Chihuahua* 25 July 2007.
- “Asesinan a agente de PGR en SLP.” *Reforma* 14 Aug. 2007.
- “Ejecutan a 9; entreo ellos un jefe policiaco.” *El Siglo de Torreón* 5 Aug. 2007.
- “Narcotráfico ejecuta a cuatro en diversos lugares del país.” *El Universal* 17 Aug. 2007.

### OAXACA

#### **Amnesty International spotlights human rights abuses in Oaxaca conflict**

Prominent international human rights organizations are urging state and federal authorities to prosecute hundreds of cases of gross civil liberties abuse in Oaxaca, lest official impunity prevail in the strife-torn southern state. On separate official missions to Mexico, the heads of both Amnesty International (AI) and of the Inter-American Commission on Human Rights (IACHR), part of the Organization of American States (OAS), collected testimony from victims who charged officials with committing and condoning police brutality, political assassinations, and illegal and arbitrary arrests, in their continuing mismanagement of a still-simmering anti-government rebellion centered in Oaxaca City. In reports and statements accompanying the visits by AI Secretary General Irene Khan and IACHR Pres. Florentín Meléndez, neither organization appeared to dispute a central conclusion reached by Mexico's National Human Rights Commission (CNDH), which, in a report issued March 15, blamed authorities with tolerating and carrying out rights violations that led to approximately 20 deaths, mostly those of anti-government protesters, during the height of the conflict over July-October 2006. See *April news report*. Not the isolated handiwork of rogue cops, physical brutality against protesters and the illegal detention of citizens was systematic and institutional, AI said. Among concrete recommendations, AI exhorted Mexican officials to implement a series of CNDH recommendations aimed at making government officials accountable for their handling of the rebellion.

[In a report released at the start of Khan's July 31-Aug. 7 mission](#), AI related detailed testimony from victims who alleged that federal, state, and municipal police frequently brandished guns at them, beat and kicked suspected anti-government demonstrators, and issued threats to rape, kill, and detain incommunicado persons believed associated with the populist protest movement, Asamblea Popular de los Pueblos de Oaxaca (APPO). AI concluded that 18 people, the majority anti-government demonstrators, have been killed since the start of the rebellion in spring 2006 and that authorities since that time have failed to conduct "serious and impartial investigations into these abuses." Among other charges, the international human rights organization faulted Oaxaca authorities with failing "to preserve crime scenes or gather and conserve evidence in a timely manner" and with selectively prosecuting suspected anti-government protesters while turning a blind eye to the violence perpetrated by pro-government paramilitaries. The AI report describes a criminal justice system that is unwelcoming and highly intimidating for victims, many of whom fear that filing complaints will draw sure reprisals. "The inertia of official investigations into reports of human rights violations stands in stark contrast to the burden placed on victims to identify perpetrators, get witnesses to testify and provide avenues of enquiry. This lack of due diligence on the part of investigators is a key obstacle to ending impunity which is widespread in Mexico's public security and criminal justice system," the report said.

State prosecutors are largely considered tools of Gov. Ulises Ruiz Ortiz and are reluctant to pursue cases that tilt against the windmills of partisan interests. In perhaps the most notorious murder case stemming from last year's hostilities, state Attorney General Lizbeth Caña García refused to seriously prosecute a police officer who was photographed shooting in the direction of an independent journalist who later died from gunshots following a clash between non-uniformed paramilitaries and unarmed APPO-aligned protesters. The killing of journalist Bradley Roland Will, a U.S. citizen, ultimately led the U.S. Embassy to issue a public condemnation of the public security crisis in Oaxaca, spurring the outgoing administration of Pres. Vicente Fox to deploy federal police in late October 2006. For his part, Ruiz dodged attempts last summer and autumn to force him from office and also overcame legislative efforts to federalize the state, which is one of Mexico's poorest. Considered authoritarian by his detractors, Ruiz nevertheless appears to enjoy the support of national leaders in his Institutional Revolutionary Party, and with years to go before his term expires in 2010 was able to bolster state-level support after his party won an absolute majority in the Oaxaca legislature following elections Aug. 5.

In a more diplomatically worded statement, the IACHR indicated that it viewed the "situation" in Oaxaca as fundamentally deriving from a long legacy of racial discrimination, social exclusion, and economic inequality suffered by the state's indigenous populations. The OAS human rights arm said that it had collected "denunciations of violent deaths, extrajudicial executions, torture, police brutality, and disproportionate use of

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force, mass arrests, cases of individuals being held in solitary confinement and incommunicado, the use of snipers and tear gas, assaults on journalists, and public calls for attacks against human rights defenders and social leaders.

“Reports were also received about police who were held by demonstrators and beaten and injured; attacks using incendiary bombs or Molotov cocktails; and the destruction and burning of the judiciary headquarters and other buildings. According to the information received, public incitements to violence and attacks against the communications media also took place,” the IACHR report said.

*“Irene Khan and Amnesty International are correct: It’s necessary to fully reform the Mexican justice and police systems. As long as the loyalty of police forces continues to be in favor of the powerful, in our country human rights will continue to be legal fictions without any chance of turning into reality.”*

*—Rafael Ruiz Harrell, El Universal columnist*

The human rights body made a point of shedding a spotlight on the alleged disappearances of two Oaxacan men, Edmundo Reyes and Raymundo Rivera, believed held incommunicado by authorities because of anti-government political activities. However the state government has reiterated it has no record of the men’s whereabouts and that they are not in the penitentiary system. When the rebel group Ejército Popular Revolucionario took credit for

bombing parts of a natural gas pipeline in Querétaro and Guanajuato states in July, a principal demand was knowledge of the whereabouts of Rivera and Reyes. IACHR Pres. Meléndez also visited a hospital where a man, allegedly beaten by police, was being treated in intensive care.

In an apparent sop to Meléndez, Ruiz Ortiz ordered the parole of 239 state prison inmates described in the local press as ethnically indigenous. As did AI, IACHR emphasized the importance of prosecuting cases against criminal public officials since impunity encourages further rights abuses. “Ensuring that impunity for human rights violations is not allowed to prevail is the best guarantee of preventing future abuses. It would also be a clear demonstration to Mexican society and to the international community that the government of President Felipe Calderón is committed to protecting, ensuring, and fulfilling human rights,” the AI report said.

### **Mexican criminal justice system inherently unfair**

Amnesty International Secretary General Irene Khan lambasted the Mexican criminal justice system calling it inherently unfair and in need of dire reform. Khan called on Mexico to uphold provisions of the human rights treaties to which it is a signatory and to enshrine these in its Constitution. She also described Mexican human rights policy as “schizophrenic” in the sense that on the one hand Mexico pledges to uphold human rights agreements as a party to various international agreements but in actual practice fails to root out or punish human rights abusers.

Khan was in Mexico on an official mission that took her to Oaxaca to collect evidence of official human rights abuses ensuing from the yearlong anti-government rebellion there, to Guerrero where construction of a dam has landed environmental activists in prison on reportedly politically motivated charges, and to Mexico City to meet with federal officials, including with Pres. Felipe Calderón Hinojosa. She exhorted Mexican officials to end widespread impunity and to establish a system of accountability for police and prosecutors, and she lamented entrenched prosecutorial inertia in cases involving allegations of human rights abuse in Ciudad Juárez, Chihuahua, Oaxaca, and in the State of Mexico. The AI secretary-general indicated that the military’s role in public security not be long-term nor substitute for the serious professionalization of the civilian police corps. She added that in cases involving military rights abuses, that such cases be tried in civilian courts. After a face-to-face meeting with Gov. Ulises Ruiz, Khan held out little hope that under present circumstances the situation in Oaxaca would improve in a way respectful of human rights. “I can say very clearly that we do not have the confidence that the (Oaxacan authorities) are going to put a stop to impunity and to human rights violations,” she said.

During her approximately weeklong visit, Khan publicized cases emblematic she said of systemic toleration of human rights abuse in Mexico, such as the case of Valentina Rosendo, described as a Tlapaneca Indian who was allegedly raped by soldiers in Guerrero state in 2002. She said the unresolved Rosendo case represents a

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“failure to fulfill the promise of improving human rights,” dating back to the previous administration of Vicente Fox Quesada.

**SOURCES:**

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**CNDH new “social rights” provides at-a-glance summary of inequality nationwide**

The National Human Rights Commission (CNDH) published a new indicator aimed at gauging the distribution in Mexico of economic, social, cultural, and environmental rights. Known as IECDESCA (Índice Estatal de Cumplimiento de los Derechos Económicos, Sociales, Culturales y Ambientales), the index demonstrates that the distribution of such rights is highly inequitable throughout the country. Using the state as the unit of analysis on a scale of 0.0 to 100.0, the IECDESCA found that Federal District residents enjoy the highest level of social rights, with a state score of 100.0, while residents of Chiapas enjoy the lowest level of such rights, with a state score of 0.0. Generally speaking, states with higher levels of social rights were located in the North, while states with lower rates were in the South and had larger populations of indigenous-speaking inhabitants, such as Oaxaca and Chiapas. Following the Federal District, Nuevo León state scored second-highest with 84.4, and the northeast region as a whole (Nuevo León, Tamaulipas, and Coahuila) rated best of all geographic areas with 71.8.

The CNDH said the new index functions as an indicator to gauge the vulnerability of particular populations in particular regions to various forms of inequality. The new indicator appears to furnish a systematic means to correlate human rights with socioeconomic rights. The IECDESCA comprises five categories: Education, Work, Quality of Life, Environment, Social Security, Access to Technology, and Culture. To quantify these categories, the IECDESCA used a set of corresponding variables. For example, for the Education category, the index factored in the literacy rate, educational attainment rates, and other elements. For the Quality of Life category, the indicator employed data related to average annual per capita income and other information.

**SOURCES:**

- Garduño, Silvia. “Lideran el DF y NL en derechos sociales.” *Reforma* 17 Aug. 2007.  
Comisión Nacional de Derechos Humanos. Índice Estatal de Cumplimiento de los Derechos Económicos, Sociales, Culturales y Ambientales. Web site. <http://www.cndh.org.mx/IECDESCA/index.html>

**PRESS FREEDOM**

**Oaxaca assault worries international journalists group**

The international journalists advocacy group Reporters Without Borders expressed concern that journalists may not be able to practice their craft freely in Oaxaca after a recent shooting attack on Alberto Fernández Portilla, an editor at newspaper *Semanario del Istmo* and local radio news producer. Press assertions said he was attacked because of news coverage regarding embezzlement allegations at state oil company Petroleos Mexicanos. The attack was condemned by the Oaxaca state government and Gov. Ulises Ruiz Ortiz was said to have contacted the journalist personally in a show of moral solidarity. Fernández Portilla was reportedly shot outside his home in the port city of Salina Cruz, where Pemex has an oil refinery and port facilities. The attack represents a latest assault on members of the Fourth Estate in Mexico, a country advocacy groups call one of the world’s most dangerous for practitioners of journalism. According to the National Human Rights Commission, many filed complaints implicate officials with assaulting and/or harassing reporters.

**SOURCES:**

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Godoy, Emilio. “Periodismo-Mexico: Bajo Fuego Cruzado”. Inter Press Service. 29 August 2007.  
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## DISCRIMINATION

### **Police, prosecutors fail to seriously investigate slayings of gays**

Homosexuals and indigenous people continue to suffer high rates of discrimination in Mexico, and authorities frequently turn a blind eye to homicides involving gays. In a study of homophobia in Mexico, researcher Fernando Del Collado unearthed data showing that 387 homosexuals were murdered in Mexico between 1995 and 2005 and that more than half of these slayings involved causes of death that suggested extreme violence and malice, e.g. strangulations, beheadings, and stabbings. Del Collado suggests that police investigators will rarely seriously investigate the murder of a homosexual and that detectives frequently overemphasize the victim's sexual orientation to the point that it crowds out other important considerations in a case.

Persons considered ethnically indigenous also continue to suffer high rates of discrimination and racism, a U.N. human rights official said on International Day of the Indigenous People, the press reported Aug. 9. Lilita Valiña, a representative in Mexico of the U.N. High Commissioner for Human Rights, pointed out that discrimination is particularly evident in Oaxaca and Chiapas where indigenous people are frequently bullied off communal lands by wealthy interests and where authorities take confrontational stances against collective social organization, as evidenced in the Oaxaca state government's repression and criminalization of the people's movement Asamblea Popular de los Pueblos Oaxaqueños. That social movement, known by its initials as APPO, consists of several indigenous- and agrarian-rights groups which are lobbying for the removal of Gov. Ulises Ruiz Ortiz.

#### **SOURCES:**

Carbonell, Miguel. "Homofobia." 27 July 2007.  
Reséndez, Gabriela. "Prevalen discriminación y racismo contra los indígenas." *Noticieros Televisa* 9 Aug. 2007.  
Stevenson, Mark. "Mexico City prison system allows first gay conjugal visit." *San Diego Union Tribune* 29 July 2007.

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## ACCOUNTABILITY

### **Zhenli Ye Gon case raises questions on customs enforcement against precursor chemicals**

Mexican officials are investigating whether customs agents broke laws governing the importation of methamphetamine precursor chemicals, on reports that a Chinese-born businessman imported 68 metric tons into Mexico even though companies linked to him were on a government blacklist. The businessman, Zhenli Ye Gon, made news in July when he accused federal Labor Secretary Javier Lozano Alarcón with extorting him to fund the war chest of the Felipe Calderón presidential campaign. And it was at Zhenli's residence in March in an upscale Mexico City neighborhood where authorities seized a record US\$207 million in cash. According to a report in *El Universal*, Zhenli is implicated in the illegal importation of up to 68 metric tons of methamphetamine precursor chemicals, which were allegedly unloaded at Mexican West Coast ports in Colima and Michoacán states in 2006 and 2007, even though companies linked to him, Unimed Pharmaceutical and Unimed Pharm Chem México, had been placed on a list of firms banned from importing such chemicals.

#### **SOURCE:**

Riva Palacio, Raymundo. "Estrictamente personal." *El Universal* 13 Aug. 2007.

### **Supreme Court backs down from indictment of Puebla Gov. Marin**

The Supreme Court said it will not recommend sanctions against public officials even if evidence finds those public officials violated the civil liberties of citizens. In setting procedural ground rules for high court investigations of violations of "individual guarantees," a majority determined that justices may describe the facts of particular cases and may also encourage the competent legal authorities to conduct further investigations. However the court's constitutional prerogative to investigate cases, conferred in Art. 97, prohibits justices from urging the punishment or prosecution of errant functionaries. The decision means that the court will not recommend legal action against Puebla Gov. Mario Marin although a high court panel concluded last month that state authorities violated the civil liberties and due process rights of journalist Lydia Cacho, whose exposé *Los Demonios del Edén* implicated Marin in a pedophilia ring. See *July news report*. The Supreme Court's narrow interpretation of its mandate likely will have repercussions on an incipient

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investigation into allegations of widespread civil liberties violations by authorities in Oaxaca during the recent civil strife there. Little public reaction seemed to greet the court's decision. However an editorial in *El Universal* newspaper said the court's determination is a slap in the face to Mexican society and perpetuates impunity for misbehaving public officials. "We have already got too many unpunished criminals in Mexico to now have the highest court in the land crown this hurtful and undignified case with a favorable ruling," the editorial read.

**SOURCES:**

Avilés, Carlos. "Se impone Corte candados en la defensa de garantías." *El Universal* 14 Aug. 2007.  
"No al país de la impunidad." *El Universal* 8 Aug. 2007.

**Attempts made to increase transparency in federal courts but effectiveness uncertain**

The coordinating body for the federal judiciary, the Consejo de la Judicatura Federal (CJF), has directed judges to internally disclose their rulings on organized crime, drug trafficking, and weapons cases. The directive would require federal district and circuit court judges to release rulings on the high-profile crimes to the CJF's public information department at the same time that such rulings are made known to the disputing parties. The directive is apparently a mechanism to increase procedural transparency and make judges more accountable for their decisions. However a news article indicated that information access in the courts continues to be "limited," though it was not clear the extent to which judges may be carrying out the new order.

Generally speaking, judges overseeing organized crime cases are considered particularly vulnerable to undue influence. For example the proverb "*plata o plomo*" sums up a commonplace extortionate tactic by organized crime in Mexico. That is, law enforcement officials are presented a choice: get paid off or get shot. [In its \*Global Corruption Report 2007 Transparency International\*](#) discusses the problem of judicial corruption in Mexico, citing the case of one federal judge accused of unjustifiably enabling the release of suspected members of the Sinaloa cartel.

In a related development, the Mexico City public security secretary, Joel Ortega Cuevas, and the chief justice of the Federal District Supreme Court, José Guadalupe Carrera Dominguez, sparred recently over proper publication of judicial rulings. Ortega has threatened to issue news releases with the faces of judges he says issue erroneous verdicts, particularly in cases with high social impact, such as kidnapping cases. Ortega says that the publicity will lend greater transparency to the judicial process and will make judges more accountable. However Carrera Dominguez said that Ortega's plan is demagogic.

**SOURCES:**

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

*As a research output, the Project produces monthly reports based on news monitoring of federal- and state-level developments. An archive of these reports is available at <http://www.justiceinmexico.org>. Click on the news tab and then the news archive selection to access the archive.*

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