

# JUSTICE IN MEXICO

TRANS-BORDER INSTITUTE, USD



News Report  
March 2007

*The monthly reporting period saw continuing cartel-related violence in northern Mexico, especially in Sonora; an assassination attempt against a high-ranking security official in Tabasco; and the targeting of a federal lawmaker from Tamaulipas. The assassination attempt prompted the deployment of federal troops to Tabasco where federal agents also mounted investigations against state officials in relation to organized crime. In a visit to Baja California, Pres. Felipe Calderón touted recent successes against kidnapping and money laundering, yet also warned of a long and difficult battle against drug trafficking and violence. In transparency-related news a constitutional amendment that would lock in “freedom of information” cleared a first hurdle when it passed overwhelmingly in the lower-house Chamber of Deputies. In other news, the Calderón administration proposed a criminal justice reform package that endorsed a unified criminal code, a consolidated command structure for the two main federal police forces, and an adversarial system, including adoption of oral trials.*

## ORDER

### DRUG TRAFFICKING

#### **Threats against law enforcement continue despite high-profile deployments; Sonora, Tabasco in spotlight**

Drug-related violence continued to threaten the lives of law enforcement personnel in Mexico, despite ongoing federal interventions in principal trafficking states. Most notable during the monthly reporting period was an assassination attempt against a high-ranking state public security official in southeastern Tabasco and a spate of killings of municipal and state police officers in northwestern Sonora. Other prominent murders attributed to cartel violence were recorded in Guanajuato, Mexico City, and Michoacán. A federal legislator from northeastern Nuevo León also suffered an assassination attempt, the press reported.

The near-killing March 6 of the Tabasco official, Public Security Secretary Gen. Francisco Fernández Solís, appeared to substantiate allegations that the state had emerged in recent months as a flashpoint for drug-related violence. Located on the southern Gulf of Mexico and bordering Guatemala, Tabasco’s geography may make it an important transshipment point for drugs entering over the southern border and control over the state’s “concession” appears to be actively contested between the rival Gulf and Sinaloa cartels.

---

“The location of the state of Tabasco converts it into an important point for drug, arms, and human trafficking, due to the fact that it is an obligatory step (into Mexico) and besides the fact that it enjoys the isolation of a great part of the (southern) border zone,” the Federal Attorney General’s Office (PGR) said in a report, according to news.

Fernández Solís, 70, was in transit to a morning meeting in the state capital of Villahermosa when his vehicle was ambushed by heavily armed gunmen in another vehicle. The public security chief escaped the attack with injuries to an eye, arm, and neck, but a bodyguard was killed and another aide was injured in the approximately 140-round fusillade. Attorney General Eduardo Medina-Mora said the PGR will investigate the apparent assassination attempt, but prosecutors may not expect much cooperation from local officials. Shortly after the assault, the dominant party in the state legislature scuttled a move by opposition lawmakers to force high-level state officials to testify on the political circumstances leading up to the attack. Simultaneously, a state senator called for the federal government to deploy military and police forces to Tabasco, on the order of recent high-profile incursions in other violence-plagued states, but it was not immediately apparent that the appeal was endorsed by the state government. In a violent postscript, criminals about a week later deposited a severed human head outside of the building in Villahermosa that houses the state public security secretariat. Authorities on March 15 said they were conducting an autopsy on a headless unidentified victim unearthed at a ranch in neighboring Chiapas.

Nevertheless a few days later on March 18, the federal government ordered approximately 500 federal agents to shore up security in Tabasco and neighboring Veracruz, setting up roadblocks along main thoroughfares, *Reforma* reported. Tabasco Gov. Andrés Granier, of the Institutional Revolutionary Party (PRI), appeared to favor the intervention following allegations state officials knew beforehand of the assassination attempt on Fernández Solís, known for his aggressive stands against drug trafficking and organized crime. *Reforma* also reported that three state police commanders were being investigated in relation to the attack and that 200 state police officers had their guns taken from them, likely for forensics and ballistic testing.

Although killings of rank-and-file law enforcement personnel are frequent occurrences, open assaults on national-level politicians are much less common. However besides the attack on Fernández Solís, the monthly reporting period also witnessed a Feb. 19 assassination attempt against a federal lawmaker from northeastern Tamaulipas state. Significantly the attack on Horacio Garza, of the PRI, took place a day after authorities announced a 3,300-troop deployment to restore security in the northeastern border region. See *February news report*. Garza, a former mayor of Nuevo Laredo, was ambushed by gunmen as he was driven to the border city’s airport to board a flight apparently to Mexico City. Authorities speculated the attack, in which a bodyguard/chauffeur was killed, was retaliation by the northeastern Gulf cartel against the augmented federal police presence on its turf.

The attempt on Garza’s life, combined with a recent rash of police officer killings in Nuevo León state, raised consternation in the U.S. State Department, where officials in a report remarked on the apparent impunity enjoyed by organized crime in targeting law enforcement personnel. “There is cause for concern that the drug cartels are attacking high-level officials and that none of these killings appears to result in the arrest or trial of the guilty parties,” the report said, according to a translation from an article in the March 8 edition of *El Norte*. The article further suggested that recent killings may symbolize acts of defiance by drug trafficking bands retaliating against the federal military presence, citing two killings that took place the same day as a visit by Pres. Felipe Calderón to Monterrey Feb. 15. For his part, Calderón has promised he won’t be intimidated into scaling back the federal police presence in various states, in spite of recent death threats – both “false and real” – directed at members of his administration, he said in an interview with the *Associated Press* on the eve of a bi-national summit with U.S. officials. At the summit in Mérida, Yuc., U.S. Pres. George W. Bush said he appreciated the Mexican government’s “tough stand against organized crime and drugs.”

In other states, northwestern Sonora recorded multiple killings of police personnel in March, and in a one-week span four officers were slain most likely from cartel-related violence. The killings fueled calls from some quarters for the deployment of federal police and military to the state, on the order of the joint-force operations ongoing elsewhere in Mexico. However after meeting this month with Medina-Mora and federal Public Security Secretary Genaro García Luna, the state governor, Eduardo Bours of the PRI, said that any incursion would be

---

much smaller in magnitude than the recent interventions in Michoacán, Baja California, and Guerrero. Suggesting that Sonora's problems were of a lesser scope than the violence afflicting those states, Bours appeared to downplay at least one of the recent police slayings, attributing the death of a border town police chief, that of Ramón Tacho Verdugo of Agua Prieta, to score-settling between gangsters. Likewise, state authorities have emphasized the line that beefed-up law enforcement efforts are being implemented to stanch spillover crime from neighboring Baja California, rather than because of increases in homegrown lawlessness. Nevertheless, slayings of law enforcement personnel may continue in the near future, if a written threat stuck to the body of a slain Hermosillo police officer comes true. The note, which was at the end of a kitchen knife stabbed in the officer's chest, warned five other officers – three state agents and two municipal ones – that they would be killed. The note also told authorities to butt out of an inter-cartel turf battle for control of a local drug concession.

**SOURCES:**

- Díaz Briceño, José. "Preocupan en EU resultados antinarco." *El Norte* 8 March 2007.  
García, Adán. "Asegura PGR armas." *Mural* 13 March 2007.  
González, Victor. "Realizan operativo de vigilancia en Sonora." *Noticieros Televisa* 5 Jan. 2007.  
Guerrero, Claudia and Carlos Marí. "Piden enviar PFP a Tabasco." *El Norte* 9 March 2007.  
Gutiérrez Ayala, Ernesto. "Son 'ajustes de cuentas' los hechos violentos de Sonora." *El reportero de la comunidad* 14 March 2007.  
Herrera, Rolando. "Detectan foco rojo en Tabasco." *El Norte* 8 March 2007.  
Marí, Carlos. "Atacan en Tabasco a jefe de seguridad." *Reforma* 7 March 2007.  
Pacheco, Alejandro. "No será un megaoperativo pero si vendrán mas federales." *jEhui.com!* (Hermosillo, Son.) 8 March 2007.  
Ramírez, Haydee. "Llegan a Sonora más refuerzos." *El Norte* 10 March 2007.  
"Aparece cabeza humana en las puertas de la SSP de Tabasco." *El Porvenir* (Saltillo, Coah.) 15 March 2007.  
"Dejan narcos amenaza al Gobierno de Sonora." *El Norte* 7 March 2007.  
"Ejecutan en Sonora a un policía y 3 civiles." *Reforma* 11 March 2007.  
"Implementan en Sonora operativo para evitar ajustes de cuentas." *El Financiero* 7 March 2007.  
"Matan a tres policías en Chihuahua y Sonora." *El Norte* 13 March 2007.

## BAJA CALIFORNIA

### Calderón visits Baja California, envisions prolonged fight against organized crime

Pres. Felipe Calderón visited northwestern Baja California, cheering recent successes against drug trafficking but also forecasting a protracted battle against organized crime. "Either we act now, or we will lose Mexico," he said, according to *the San Diego Union-Tribune*. "What's at stake is the future of the nation." In his speech at the Universidad Autónoma de Baja California, Calderón announced the seizure in Mexico City March 16 of more than US\$200 million believed linked to the amphetamine trade. He also mentioned recent busts of kidnapping bands in Baja California and a drop in the overall crime rate during his first official visit to the state.

Calderón appears to be linking victories against organized crime to the federal government's recent large-scale intervention in the state. That 3,300-strong joint-force operation, comprising principally Army soldiers with fewer numbers of federal agents, was aimed at restoring order and security after a wave of cartel-related violence in 2006 and following allegations organized crime had infiltrated and compromised the local police force. For example, among the actions taken in the federal incursion was the disarming of the Tijuana municipal police force for a roughly three-week period. The intervention also entailed roadblocks on major thoroughfares and a notable military presence on the streets. The Baja California operation was part of a series of federal incursions into other heavy trafficking states that likewise experienced high-profile drug violence in 2006 and early 2007, such as Nuevo León, Tamaulipas, Guerrero, and Michoacán.

Baja California holds state elections Aug. 5. The PRI candidate for governor, Jorge Hank Rhon, is the mayor of Tijuana, which received the brunt of the federal intervention and whose local police force was disarmed. His opponent from the National Action Party (PAN), the party of Calderón and of outgoing Gov. Eugenio Ellorduy Walthier, will be determined next month. Vying for the PAN nomination are José Guadalupe Osuna Millán and Francisco Vega de la Madrid. The PAN has not lost the governor's chair in Baja California since 1989.

**SOURCES:**

- Dibble, Sandra. "Calderón tours fight against crime." *SignOnSanDiego.com* 17 March 2007.  
Dibble, Sandra. "Hat of Tijuana mayor thrown into governor's race." *San Diego Union-Tribune* 1 Feb. 2007.

---

## POLICING

### **Nuevo León passes stiffer sentences to crack down on organized crime**

Stiffer sentences for suspects accused of possessing illegal firearms, driving in stolen vehicles, and using fake IDs will go into effect in Nuevo León, in a bid to crack down on organized crime-related violence in the northeastern state. However defense lawyers question whether the heavier punishments will have a deterrent effect and warn they may disproportionately hurt everyday citizens. Apparently, the new legislation will make suspects accused in the aforementioned crimes, as well as in other related offenses, such as the murder of a police officer or the involvement by a police officer in vice, ineligible for bond, thus forcing them into the prison system. The new law follows recent measures by state Gov. José Natividad González Parás to purge the state police corps of officers believed to be involved in organized crime. The purging of the force consists of removing corrupt agents based on evidence gathered from lie detector tests, financial audits, and other sources.

#### **SOURCES:**

García, Claudia. "Enfrenta NL con nueva ley a comandos y narcopolicías." *El Norte* 8 March 2007.  
Guerrero, Deyra. "Urgen a depurar la Policía." *El Norte* 12 March 2007.  
Robles, Osvaldo. "Hay más policías en bandas." *El Norte* 11 March 2007.

---

## ACCOUNTABILITY

### TRANSPARENCY

#### **Proposed amendment to establish 'right to information' makes headway**

A proposed amendment that would establish a constitutional right to public information cleared an initial hurdle after lower-house lawmakers overwhelmingly approved the bill. Among other provisions, the amendment would enshrine the principle of "freedom of information" in the highest law of the land; set uniform guidelines at federal, state, and municipal levels on processing of access petitions; and, expand the scope of transparency laws outside of government to entities receiving public funding, such as political parties and unions. The bill, which won passage in the Chamber of Deputies by a vote of 425-0, must be approved by the Senate and by more than half of the state legislatures to become law.

Advocates say an amendment of constitutional Art. VI is necessary to instill a more robust spirit of accountability in Mexican government and society. They add that an amendment will make more equitable the information-petition process and help to standardize procedural guidelines across jurisdictions. Currently, all but two Mexican states have their own state transparency laws, yet important provisions, such as those defining prerequisites for petitioners, compliance timetables for bureaucracies, and mechanisms to sanction government stonewalling, vary widely. At the same time, the spirit of the state laws is generally more restrictive and less liberal than that of a landmark federal transparency and public-information law, known as the LFAIPG, which was passed in 2002. For example, while the LFAIPG enables anyone – citizen or not – to submit a petition for access to federal information, many state laws limit petitioners to Mexican nationals or to inhabitants of that state.

Other state laws require access requests to include personally identifying details, such as names and fingerprints, while the federal system allows submissions to be filed anonymously over the Internet. Another point of discrepancy between the federal and the state laws pertains to compliance turnaround times for government agencies. Some reformers complain that recalcitrant bureaucrats at the local level weaken the principle of open access by stonewalling petitions for weeks, and that the process to appeal denied requests is too cumbersome, frequently stretching out for months and ultimately serving to discourage submissions.

---

The proposed amendment would accomplish the following:

- Enshrine in the Constitution the principle that all “information in the hands of any federal, state, or municipal authority is public”
- Establish that government information may only be temporarily “reserved,” or classified, and then only for “reasons of public interest”
- Safeguard the privacy of individuals by blocking the disclosure of certain personally identifying details upon release of solicited information
- Enable any individual to submit an information-access petition free of charge, allow any individual to obtain “personal information” related to self, and permit same individual to submit revisions to correct misinformation in personal files
- Establish expedited mechanisms for submission of information-access requests that do not require interaction with bureaucrat, e.g. through on-line portals that ensure petitioners’ anonymity, such as Infomex. (This point may include creation of standard timetables governing compliance turnaround for government departments.)
- Mandate that government officials preserve and publish data related to budgets, spending, and departmental activities on corresponding government websites and in other media
- Stipulate that successive laws determine punishment to sanction incompliance (Apparently, local information access institutes will have some “judicial support” to punish officials who illicitly deny access requests or destroy files.)
- Stipulate that successive laws determine financial and other reporting by “corporations” (unions, political parties, etc.) and individuals who receive public funding

Proponents of the amendment say it is needed to strengthen civil society, instill a public sense of entitlement to government data, and solidify gains for the much publicized transparency movement. Some observers have warned that absent consistent enforcement of a *principle* of public information – along with a concomitant reduction in official corruption – the Mexican public will grow disillusioned with “transparency.”

**SOURCES:**

- Acosta, Alberto. “Se resiste el Gobierno a la apertura.” *Reforma* 9 March 2007.  
Ciudadano, Juan. “Estados sin excusas.” *El Norte* 12 March 2007.  
Díaz Briceño, José. “Preocupan en EU resultados antinarco.” *El Norte* 8 March 2007.  
Estrada, José David. “Piden apoyar ‘reforma transparente.’” *Mural* 13 March 2007.  
Lozano, Lucrecia. “Cultura de la transparencia.” *El Norte* 7 March 2007.  
Núñez Castañeda, José. “Constitución y derecho a la información.” *Reforma* 7 March 2007.  
Salazar, Claudia and Daniel Pensamiento. “Obligan a estados y municipios a acatar derecho a información.” *Reforma* 7 March 2007.

**Lawmakers rein in pay for high officials, reject ‘bonuses’ for Supreme Court justices**

The Senate approved a bill to freeze wages and cancel salary bonuses for Supreme Court justices, per provisions in a “Law of Maximum Salaries.” The legislation appears to be an attempt to rein in salaries of public officials to a more seemly level on par or below that of presidential compensation. Currently a number of Cabinet secretaries and all of the high court justices earn more than Pres. Felipe Calderón whose annual salary, according to *Reforma*, equals roughly 1.8 million pesos. Justices on the Suprema Corte de Justicia de la Nación earn close to twice that amount in total compensation. A *Justice in Mexico Project* analysis of judges’ pay shows that the court’s president (chief justice) and 10 magistrates (justices) received annual compensation of about 3.5 million pesos with base salary accounting for the smallest amount. According to documents available on the Website of the court ([www.scjn.gob.mx](http://www.scjn.gob.mx)), the chief justice enjoyed an annual “guaranteed compensation” of 1.58 million pesos. However using figures rounded off to the thousand, this amount excluded 403,000 pesos in annual “base salary,” 849,000 pesos in annual “benefits,” and 708,000 in annual “savings support” (“*apoyo al ahorro*”), bringing a grand total of approximately 3.5 million pesos annually. Earlier this month the Supreme Court rejected a regular 5-percent salary-and-benefits increase that would have applied to high-court justices, officials in the federal judiciary coordinating agency Consejo de la Judicatura Federal, and magistrates on the country’s electoral law tribunal, the Tribunal Electoral del Poder Judicial de la Federación.

---

**SOURCES:**  
Aguirre, Alberto. "Superan en sueldos Secretarios a FCH." *Reforma* 13 March 2007.  
Granados Chapa, Miguel Ángel. "Plaza Pública: Salarios máximos." *Reforma* 16 March 2007.

## PRESS FREEDOM

### **Senate relegates libel from criminal to civil prosecution**

The Senate voted to decriminalize libel and related offenses, meaning journalists and researchers will not face prison sentences if found guilty. In lieu of jail time however, an author or publisher would likely have to make monetary restitution. The bill does not return to the lower house for approval and is expected to be put into law by Pres. Felipe Calderón. The text of the Senate bill appears to leave many questions unanswered as to the legal definition of "libel" and "defamation." However the overarching objective of the decriminalization appears to be a desire to bolster freedom of expression and save communicators from undue intimidation.

**SOURCE:**  
Guerrero, Claudia. "Despenaliza Senado delito de difamación." *Palabra* 7 March 2007.

---

## ACCESS TO JUSTICE

### OAXACA

#### **CNDH blames authorities with violating civil liberties, due process rights**

By committing and condoning violations of basic human and civil rights, authorities are responsible for the deaths of 20 people stemming from last year's protracted conflict in Oaxaca City. That was the conclusion of Mexico's national human rights agency, the Comisión Nacional de Derechos Humanos, in a report released March 15. The agency faulted federal, state, and municipal authorities with unduly using excessive force; behaving in an intransigent manner, which precluded a peaceful negotiated settlement; and, violating the civil and due process rights of arrested protesters. The protracted social strife in Oaxaca City, the capital of southern Oaxaca state, pitted a leftist people's movement, the Popular Assembly of the Oaxacan Peoples (APPO), against state Gov. Ulises Ruiz Ortiz of the Institutional Revolutionary Party (PRI). Accusing him of a dictatorial leadership style, protesters demanded that Ruiz Ortiz step down over charges he benefited from electoral fraud to win the state governorship in 2004. Yet Ruiz Ortiz, who had secured the support of the PRI national leadership, refused to resign. Snowballing from a localized teachers' strike in the spring to a broad anti-government protest juggernaut by the fall, the APPO movement gradually grew more radical as the seasons progressed. The conflict culminated in late October when a U.S. activist-journalist was killed in a confrontation between protesters and off-duty police officers, prompting then-Pres. Vicente Fox to finally deploy federal police to attempt to restore order in the city.

In another case related to alleged abuse of power, the CNDH said it is investigating the reported Feb. 26 rape and murder of a 73-year-old indigenous woman by local soldiers in rural Veracruz. In the initial stages of its investigation, the CNDH faulted state medical examiners with ignoring standard autopsy procedure. Importantly, the CNDH charged the civilian authorities with failing to extract or order the extraction of tissue samples that could be used to genetically identify – or to exonerate – the woman's suspected assailants, among other inconsistencies and errors.

Four soldiers from a garrison located near the woman's town of Soledad Atzompa are jailed pending an ongoing official investigation. The military originally denied that soldiers were the perpetrators and speculated the assailants were impostors masquerading as troops, according to a column in *Reforma*. It is unclear whether the soldiers would be prosecuted in the military courts, in the civilian courts, or in both jurisdictions should charges be formally brought against them.

---

**SOURCES:**

Granados Chapa, Miguel Ángel. "Más allá del fuero militar." *Mural* 11 March 2007.  
"Detectan omisiones en peritaje a indígena ultrajada." *El Sol de San Luis* 15 March 2007.  
"Informe preliminar sobre los hechos ocurridos en la Ciudad de Oaxaca a partir del 2 de junio del 2006." Comisión Nacional de Derechos Humanos. 18 Dec. 2006.  
News release. Comisión Nacional de Derechos Humanos. 15 March 2007.

## CALDERÓN ADMINISTRATION

### President formulates criminal justice reform

Pres. Felipe Calderón said he plans to submit to Congress a criminal justice reform package that promotes a uniform criminal code and adversarial justice system, including oral trials. The president added his plan would place the two main federal police agencies – the Federal Preventive Police (PFP) and the Federal Investigations Agency (AFI) – under a unified command structure, and that reforms would also entail a nationwide database to track criminals and monitor criminal activity across jurisdictions. Even though it was reported that Calderón was developing a legislative proposal to present to Congress, no deadline date was stipulated in news reports or in government communiqués. And it was unclear whether the reform announcement signaled an imminent submission to Congress or rather if it was timed to coincide with a "First 100 Days" marketing strategy to publicize early administration accomplishments. (The hundredth day of the new term fell on March 10, the day after the announcement.) Calderón's law-and-order announcement covered familiar ground since many of the proposed reforms were spelled out in his campaign platform last year.

Should he choose to formally present a bill, the president may attempt to reconcile it with existing oral trials legislation in the lower house. That legislation promotes establishment of an adversarial justice system to replace the predominant inquisitorial model and appears to be making headway in the Chamber of Deputies under sponsorship of lawmaker César Camacho of the Institutional Revolutionary Party (PRI). See *December-January and February news reports*. Following the Calderón announcement last week, Camacho and fellow lawmaker Pedro Joaquín Coldwell, also of the PRI, told a news reporter they were unsure that the administration would ultimately submit its own criminal justice reform proposal. Whether or not the administration presents its own initiative, Camacho said lawmakers would continue work on the existing legislation, which was originally drafted by the National Network in Favor of Oral Trials, a civil society group comprising prominent academics such as Miguel Carbonell, Miguel Sarre, and others.

The Camacho-sponsored legislation focuses squarely on reforming the administration of justice, i.e. through more equitable trial procedures, introduction of oral argument, greater support for alternative sentencing, more checks on public prosecutors, and judicious use of pretrial and preventive detention, but it does not include measures to expand police work and investigation. The Camacho legislation also does not include a prominent plank in the Calderón reforms: establishment of a single, uniform criminal code for all of Mexico. Such a reform would collapse the country's 32 disparate state criminal codes into one text, with uniform sentencing guidelines and criminal categories, and generally standardize the Mexican system in a way enabling a more even application of criminal justice in the country. Establishment of a uniform criminal code is not a new idea; similar proposals were circulated in the 1940s and 1960s.

However greater impetus for change may exist today given the criminal justice system's inability to resolve the country's most pressing national security problem: organized crime, its growing complexity and sophistication, and its infiltration of the nation's legal and political structures. At the same time hoary admonishments that consolidation and centralization contradict Mexico's federalist identity may hold less water today than in the past. As Calderón recently said at a formal ceremony in Mexico City, "Many of our laws have been surpassed by the complexity of the criminal phenomenon and it is the moment to reform our justice system and adapt it to our new realities." More broadly, said Miguel Carbonell in a column in the March 13 edition of *El Norte*, the status quo breeds cross-jurisdictional discrepancies and inequalities in sentencing and enforcement, damaging the overall credibility of the justice system. Currently in Mexico there exist separate criminal codes, criminal proceedings codes, civil codes, and civil proceedings codes at the federal level and for each of the country's 32 states, including the Federal District.

---

Besides calling for a unified criminal code, the Calderón reforms also seek to centralize the command structure of federal police agencies such as the PFP, the AFI, and border and customs units, to better coordinate anti-crime operations. Consolidation of the leadership of the PFP and AFI also may expand the purview of the PFP to include investigative capabilities, which the PFP currently formally lacks. Calderón also is touting compilation of a national criminal database to enhance intelligence-gathering and -sharing among federal, state, and local authorities. As such the president would like to expand "Platform Mexico," a database on organized crime, from use in 200 precincts to 5,000 stationhouses by 2009.

The president is also calling for expansion of the government's power to confiscate and liquidate organized crime assets, stiffer sentences against kidnapers of women and children, and a weightier role for citizen watchdog groups to monitor the police. He wants to make it easier to kick out corrupt cops and applauded an ongoing Nuevo León purge. "Mexico demands honest, clean, and efficient police officers, given that we have problems all over the country with regard to the infiltration of the police corps," he said. See above. Similar reforms proposed by a prominent group of state governors, Conferencia Nacional de Gobernadores (Conago), call for expanding police investigative capabilities to include wiretapping of private telecommunication, including of calls placed from inside prisons; enhancing the states' role in combating organized crime; and facilitating intelligence-gathering and -sharing among the states.

**SOURCES:**

Carbonell, Miguel. "Código Penal único." *El Norte* 13 March 2007.  
Guerrero, Claudia. "Busca Conago reforma judicial." *El Norte* 8 March 2007.  
Herrera, Rolando. "Revisarán juicios orales." *El Norte* 10 March 2007.  
Mendoza Aguilar, Gardenia. "Calderón propone reformas penales." *La Opinión* 10 March 2007.  
Núñez, Ernesto and David Vincenteño. "Lanzan hoy nuevo plan de seguridad." *Reforma* 7 March 2007.

## HUMAN RIGHTS

### **Digna Ochoa case reopened**

Citing the discovery of new forensic evidence, Federal District Attorney General Rodolfo Félix reopened the case of Digna Ochoa, a human rights lawyer whose mysterious death in 2001 authorities initially ruled a suicide. Human rights observers never accepted that verdict and claim she was killed in retaliation for her work as an activist. Ochoa was discovered dead Oct. 19, 2001, at her Mexico City office.

**SOURCE:**

Sierra, Arturo. "Reabren indagatoria de Digna." *Reforma* 13 March 2007.

## JUDICIARY

### **Overworked public defenders frequent losers in Mexican courts system**

Public defenders' heavy caseloads keep them from mounting a proper defense for indigent clients, in violation of the constitutional guarantee to a fair trial, the chief justice of the Mexico City supreme court said. José Guadalupe Carrera Domínguez blamed the seemingly never-ending workloads, a lack of budgetary and institutional support, and coziness between prosecutors and judges in warning that systemic deficiencies endanger due process rights for poor Mexicans, the class most likely to rely on public defender services. "The right to an adequate defense that is stipulated in the Constitution at times isn't carried out not because of negligence, but rather because of the excessive workloads of public defenders," Carrera Dominguez said.

The justice suggested a structural correction was needed in the judiciary to level the playing field between prosecutors and the defense attorneys. He said that the Public Prosecutor's Office (*Ministerio Público*) has long enjoyed the budget largesse and institutional support it needs to try cases while on the other hand public defenders are poorly paid and frequently drafted into clerking for judges, subordinating their status in the courtroom hierarchy and diverting their professional attention away from clients. In some cases, public defenders even lack office space or even desks or pens to write briefs. Largely, their role as attorneys is

---

restricted not to litigating or presenting arguments but to ensuring that the prosecution submits paperwork properly. Compounding these work conditions, the infrastructure of some courts and public prosecutor offices lack basic services and have an informal atmosphere that militates against professionalism. All these factors impede public defenders' good job performance and help to explain an average acquittal ratio of 1:13. That is, for every client declared innocent, public defenders see approximately 13 clients pronounced guilty.

**SOURCES:**

Fernández, Leticia. "Crítica Tribunal a Defensoría." *Reforma* 9 March 2007.  
López, Yáscara. "Pierden 2 de 3 casos defensores de oficio." *Reforma* 6 March 2007.

**Filing criminal complaints can be a chore**

An intimidating yet informal atmosphere, long wait times and unreasonable demands, and a lack of basic services, such as soap, running water, and toilet paper, discourage citizens from filing criminal complaints, a journalistic ethnography observed. According to the piece in the March 9 edition of *Reforma*, individuals who enter Public Prosecutor offices (*Ministerio Público*) routinely feel confused and exploited by a system that charges poorly paid receptionists using manual typewriters to take down complaints, the contents of which become admissible as formal evidence in court. Especially complainants with low proficiency in the specialized legalistic vocabularies that are brandished in prosecutorial offices feel particularly vulnerable. "(I wanted to file a complaint) because my wife was injured, but since she does not have severe injuries they did not allow us to be interviewed by the investigators. All of this has taken me three hours, I am desperate, and they exploit my (ignorance) of the law," one man said. Agents are said to make unreasonable demands on complainants. One man said he was forced to return home to obtain the title of his taxi, which had been stolen, before going forward with a complaint. The inconvenience of long wait times is exacerbated by frequent shortages of toiletries in bathrooms.

**SOURCE:**

López, Yáscara, Luis Brito, and Rafael Cabrera. "Atiende MP mejor, pero..." *Reforma* 9 March 2007.

*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.*

*Summaries for the December report were compiled and edited by [Robert Donnelly](#), coordinator, Justice in Mexico Project.*

*Copyright Trans-Border Institute, 2007. All rights reserved.*