

JUSTICE IN MEXICO

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In the past month, Mexico witnessed some of the deadliest violence it has seen in years, the consequence of the Calderón administration's confrontational stance against traffickers and pitched rivalries between and within cartels. Most notably a high-ranking federal intelligence official was assassinated in Mexico City May 14, and 15 suspected traffickers and five state police officers were killed in a gun battle in Sonora May 16. Seeking to frame military deployments to fight cartels as a defense of sovereignty, Pres. Felipe Calderón used the backdrop of a historic battlefield victory to urge Mexicans to stand against "traitorous" narco-trafficking syndicates. Polls suggest the public supports administration efforts – and gives high marks to Calderón, in particular – but polls also indicate the public doubts the prospects for final success against the cartels. Moreover new accusations against the military – on rape allegations against troops in Michoacán – have raised serious concerns among human rights advocates about the militarization of the drug war.

ORDER

DRUG TRAFFICKING

Drug violence continues amid tougher efforts by Calderón administration

In recent weeks, escalated drug violence continued to produce a deadly toll, which included military casualties and assassinations of public officials. On May 14, José Nemesio Lugo Félix, the newly appointed head of the intelligence unit of the Federal Attorney General's Office (Procuraduría General de la República, PGR), was shot near his workplace in Mexico City. Responding in a news release, U.S. Ambassador Tony Garza declared, "A principled and tireless crime fighter, Lugo is the latest Mexican law enforcement official to have lost his life in a valiant stand against the criminals who seek to enrich themselves by destroying the very fabric of our society."

Lugo Félix's death occurred amid a series of violent acts against federal officials: a federal police investigator was found shot to death in Tijuana; four bodyguards protecting State of Mexico Gov. Enrique Peña's children in Veracruz were killed; suspected drug traffickers ambushed and killed five soldiers in Michoacán; and a severed head was deposited at an army base in Veracruz. Other high-profile killings added to the violence. On May 17, Emigdio Córdova Herrera, the head of Sinaloa's state investigative police was murdered weeks after the attempted assassination of Octavio López Valenzuela in Culiacán, Sinaloa (a 7-year old son was wounded in the attempt).

On the same day, six local police and 15 gunmen were killed in a shootout near Cananea, Sonora; 15 rounds from two gunmen killed a man in Uruapán, Michoacán; and additional killings occurred in Coahuila, Sinaloa, Mexico City, the State of Mexico, and Veracruz. Estimates suggest that between 700 and 1,000 people have been killed by organized crime this year.

In a report from the PGR, the Calderón administration blamed the violence on the fight between the Sinaloa and the Gulf Cartels for control of drug routes in six states: Guerrero, Michoacán, Oaxaca, Veracruz, Tabasco, and Quintana Roo. Meanwhile, the Calderón administration touted its success in arresting high level drug traffickers, including Juan Oscar Garza Azuara, alias “El Barbas.” Garza was arrested at a nightclub with four associates on April 16 in Reynosa, Tamaulipas, across the border from McAllen, Texas. Authorities allege that Garza is one of the lieutenants running the Gulf Cartel since its erstwhile leader, Osiel Cárdenas, was extradited to the United States in January. Garza is accused of money laundering, and is suspected of coordinating logistical support for the smuggling of drugs, arms and people into the United States via Reynosa. Days later, authorities arrested Eleazar Medina Rojas, “El Chelelo,” another reputed member of the Gulf Cartel, in Nuevo Laredo, across from Laredo, Texas. Medina allegedly ran the cartel's operations in Nuevo Leon and headed a branch of the Zetas, the commando-style assault units affiliated with the Gulf Cartel.

SOURCES:

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Survey: More Mexicans assert drug traffic uncontrollable

While Mexicans have strongly supported the Calderón administration’s efforts to tackle the country’s tough narco-trafficking problem, public perception of the impact of those policies is less than optimistic. While a January 2007 Mitofsky-Campos poll gave Calderón high marks (81 percent approval) for his efforts to step up military involvement in the drug war, a large majority (80 percent) of those polled by Parametría in March 2007 perceived that these efforts provoked violent reactions from the drug traffickers. Moreover, the proportion of Mexicans who believe drug trafficking is uncontrollable grew in the last two months with almost half those surveyed believing that drug trafficking cannot be stopped. In January 44 percent of those surveyed believed drug trafficking was uncontrollable; by March, that number had increased to 50 percent, according to Parametría.

These trends seem to represent a longer-term reversal of public opinion. Surveys since January 2006 had shown that an increasing number of Mexicans believed that the drug trafficking situation could be controlled. However, since July 2006, the Mexican public has grown increasingly pessimistic on the government’s ability to control drug trafficking, especially in the conflict areas where Calderón has deployed large numbers of federal troops to combat drug trafficking. In states that have major drug violence and a large concentration of federal forces – Baja California, Michoacán, Guerrero, Nuevo León, Sinaloa, Durango, Chihuahua, Coahuila, Tamaulipas and Tabasco – respondents perceived greater difficulty in winning the drug war. In those states, an average of 53 percent of respondents polled believed that drug trafficking is uncontrollable, compared to 47 percent in states that do not have similar levels of drug trafficking activity or federal presence.

SOURCES:

- “Pierde terreno el estado frente al narcotráfico.” *Parametría* 19 April 2007.
“Felipe Calderón: Evaluación de Gobierno.” *Mitofsky-Campos* March 2007.

INTERNATIONAL RELATIONS

U.S. State Department issues Mexico travel warning; New Mexico deploys state police to border area

The U.S. State Department has issued a new warning to U.S. travelers heading to Mexico, saying they should be aware of increased drug violence and violent protests in certain states, including Oaxaca. The State Department's warning comes after the son of the U.S. consul was stabbed in Oaxaca during an apparent mugging. Mexican observers responded that the State Department had exaggerated the risks in traveling to Mexico. According to Mexican security specialist Arturo Arango in national newspaper *Reforma*, the risks in Mexico had been greatly exaggerated. "It is like saying in the United States all the schools have massacres," he was quoted as saying. Areas of concern within Mexico, according to the State Department, are Tamaulipas, especially Nuevo Laredo; Michoacán; Baja California; Guerrero; and Nuevo León. Of note, the recent warning even encompassed cities that had not been included on previous State Department lists and that had been considered relatively safe for U.S. visitors and tourists, such as Acapulco and Monterrey.

In related news announced Democratic Party presidential candidate, New Mexico Gov. Bill Richardson ordered state police to the border in and around Columbus, just north of Palomas, Sonora, ostensibly to guard against organized crime-related violence. Six people were slain in Palomas in the first two weeks of May, according to *the San Diego Union-Tribune*.

SOURCES:

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POLICE & PROSECUTION

Baja California strengthens kidnapping penalties

Baja California moved to strengthen the penalties for kidnappings in the state, giving guilty parties sentences of up to 20 years to life. It is within a judge's discretion to use minimum, maximum or intermediate sentences with extenuating circumstances determining each individual case. Baja California's reforms follow initiatives in Nuevo León (See *February 2007 news report*). Meanwhile, reforms sponsored by the Calderón administration to boost prison sentences for particularly egregious acts of kidnapping have been stalled in Congress (See *April 2007 newsletter*). Kidnappings in Mexico, in general, are on the rise. The Federal District saw 26 kidnappings in the first three months of 2007. This number is higher than for the same period in 2006, according to a special prosecutor's office. In other news, a survey conducted by the Associated Press and Ipsos showed that 71 percent of Mexican respondents either strongly or somewhat favored the death penalty for individuals convicted of murder. The poll also showed that a majority of Mexican respondents asserted that institution of the death penalty would lead to a decrease in murders. See <http://www.ap-ipsosresults.com/>.

SOURCES:

Bolaños, Claudia. "Denuncian 26 secuestros en DF en primer trimestre de 2007." *El Universal* 17 April 2007.
"Cadena perpetua para secuestro y sicarios." *El Mexicano* 17 April 2007.
"Amplio apoyo a la pena capital." *El Diario de Yucatan* 27 April 2007.
"Mexico, Politics and Policy." Newsletter. Zemi Communications 7 May 2007.

TRANSPARENCY

“Freedom of information” constitutional amendment makes headway

The Mexican Senate unanimously passed an amendment establishing a constitutional right to public information April 24. The bill enshrines in the highest law of the land the principle of “freedom of information,” declaring all government data “public” until proven otherwise, i.e. on national security grounds, and formally granting to all citizens the right to petition to obtain such information. The bill amends Article VI, which governs freedom of expression, to enable the following: nationwide procedural standards for submission and execution of access petitions, uniform timetables for the release of public information, and authorization of sanctions against officials who fail to honor valid requests. More than set out the rights of information-petitioners, the proposed amendment would also authorize that almost all agencies and departments receiving federal funding electronically post and archive audited budget and spending reports. A provision in the amendment protects individual confidentiality by blocking the release of personally identifying details deemed superfluous.

The legislation won high marks from the research center Centro de Estudios Espinosa Yglesias, which gave the amendment proposal an 8.0 grade. In nine key categories, an expert panel gave the proposal no mark lower than 6.5, faulting the legislation most severely with insufficiently defining the legal parameters of what is meant by “confidential personal information.” The panel concluded, “The definition of personal facts appears to include all such facts (under the umbrella of) confidential information, which is in error.” In comparison, Pres. Felipe Calderón’s recent security proposals to augment police powers rated a 5.1.

The bill is an attempt to standardize, streamline, and liberalize the information-access process, amid a proliferation of disparate transparency-related laws that vary from state to state and that are generally more restrictive than the existing law governing access to federal government information, the *Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental* (LFTAIPG). Should it win favor in the statehouses, the new amendment would apply to all tiers of government – federal, state, and municipal – as well as to almost all entities that receive federal funding, except political parties and unions. (Drafters argued that information-seekers already can obtain partisan information through the Federal Electoral Institute (IFE).) Senate passage of the constitutional amendment comes shortly after it won unanimous approval in the lower-house Cámara de Diputados in early March. See *March 2007 news report*.

In a related development, Alonso Lujambio, the president of the Federal Information Access Institute (IFAI), said that one-quarter of the at least 16 state legislatures required for the amendment’s passage have approved the legislation, and he added six other statehouses are currently nearing a vote. In comments printed in national newspaper *Reforma*, Lujambio compared the amendment’s multi-partisan political support to the widespread approval in the mid-1990s of landmark electoral reforms, which succeeded in making the Mexican political landscape more competitive. Similarly, the “freedom of information” amendment attempts to cement

Article 6: Freedom of Expression*

“The expression of ideas will be the object of no judicial or administrative inquisition, except in cases of defamation, injury to third parties, or when a crime or disruption to public order is provoked; the right to information will be guaranteed by the State.”

The proposed constitutional amendment would insert a second, seven-clause paragraph to the original text, enshrining the right to “freedom of information,” declaring all government-held information “public,” and authorizing sanctions against stonewalling officials, among other provisions. *View the online version of the legislation at:*

http://sil.gobernacion.gob.mx/Archivos/Documentos/2007/04/asun_2337065_20070424_1177517151.pdf

**As currently drafted, from the Political Constitution of the United Mexican States.*

<http://constitucion.gob.mx/index.php?idseccion=61&ruta=1>

the right to public information in the national consciousness and to impose best-practices standards on the processes governing solicitation and release of said information. Lujambio added that if a majority of Mexico's 32 states¹ approve the amendment, its enactment still would require passage of corresponding federal and state implementing laws. He said that state-owned companies and "de-centralized," "autonomous," or otherwise government-funded entities would also have to revise bylaws.

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- "Amplía Senado alcance de acceso a información." *Reforma* 25 April 2007.
- "Ratifican cuatro estados reforma a favor de transparencia: IFAI." *Notimex* 18 May 2007.
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PRESS FREEDOM

Behind Iraq, Mexico places second as deadliest nation for journalists

The recorded deaths of seven journalists in 2006 made Mexico the second-deadliest nation for reporters and editors after Iraq, according to the Vienna-based International Press Institute, as reported by *the Chicago Tribune*. The 2006 tally brought to 38 the number of practicing journalists reported slain in the Vicente Fox administration of 2000-2006, according to *Reforma* newspaper. Journalism advocacy groups generally attribute killings of journalists to reprisals for coverage of drug trafficking. "Journalists are more exposed than ever to this kind of violence and we fear a sharp decline in press freedom in certain states. The fight against organized crime must be accompanied by a fight against the impunity enjoyed by those responsible for violence against the press," the Paris-based Reporters Without Borders group said. "It is up to the federal authorities to carry out investigations, including investigations into the state and municipal governments."

Recent slayings of journalists include the murder of Amado Ramírez, a broadcast journalist with Televisa, who was killed in Acapulco in April, evidently in retaliation for coverage of drug trafficking. Also, the body of journalist Saúl Martínez Ortega, who edited a bi-weekly newspaper out of Agua Prieta, Sonora, turned up dead after he was reported kidnapped in mid-April. Still missing are two broadcast journalists from the TV Azteca affiliate in Monterrey who were reported kidnapped May 13. See *April and March news reports*.

In February 2006 President Vicente Fox created a special prosecutor's office to investigate crimes against journalists. However despite its title, the *Fiscalía Especial para la Investigación de Delitos Cometidos contra Periodistas*, conducts no meaningful investigative work of suspected killers of journalists, possibly because it lacks legal competence for prosecuting murder cases. See *February 2007 news report*. Nevertheless, Carlos Lauria, Americas program director at the New York-based Committee to Protect Journalists, said the mere existence of a special prosecutor's office represents a positive step as it cracks the door for federal jurisdiction over crimes that might otherwise be ignored or mishandled at the state and municipal levels.

Journalist advocacy groups, as well as human rights organizations, have faulted government efforts to bring to trial suspected assassins of journalists. In a May 6 news release, the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) shone a critical light on the Federal Attorney General's Office (Procuraduría General de la República, PGR), which oversees the special prosecutor's office, pointing out that it had secured neither a single conviction nor a single arrest in any of the 22 crimes against practicing journalists it is investigating. The CNDH called on authorities to bolster the special prosecutor's authority and to study ways to make the prosecution of crimes against journalists fall squarely within federal dominion. The CNDH reported that of the 22 cases, only two non-homicide cases are being prosecuted by the special prosecutor's office. Of the remaining cases, eight are being investigated by the PGR's special prosecutor's

¹ This number includes the Federal District. Technically speaking, Mexico has 31 states plus the Federal District, or 32 "federal entities."

office for organized crime, known as SIEDO (Subprocuraduría de Investigación Especializada de Delincuencia Organizada). The remaining 10 cases are filed in state PGR offices.

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"Police Find Body of Mexican Editor." *Associated Press* 24 April 2007.
"SIP pide investigar desaparición de periodistas." *EFE* 16 May 2007.
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ACCESS TO JUSTICE

HUMAN RIGHTS

Worry grows about militarization as human rights violations reported

As federal troop deployments to heavy trafficking regions grow protracted, concern is heightening that civil liberties and due process rights are at exceptional risk, especially as substantiated human rights violations begin to surface in the national media. Meanwhile criticism of encroaching "militarization" may be shaping political discourse in a way that dooms Pres. Felipe Calderón's security-related legislative initiatives. Sent to Congress in early March, those four pieces of legislation, two of which are centered on boosting police power without consequential checks and balances detractors say, have yet to emerge from committee.

Among the most egregious human rights violations said to be committed by troops specially deployed to trafficking hot zones was the rape and battery of a teenage girl in Michoacán, Calderón's home state and the site of a 7,000-strong federal incursion since December. According to the CNDH, the assault against the 17-year-old victim has been firmly corroborated by the physical evidence, while investigators are investigating three other similar cases involving minors. The reluctance of traumatized victims to speak out appears to be slowing investigations, a CNDH official told the press. In all four cases, soldiers are accused of seizing the girls, drugging them, and then raping and beating them, while on patrol in most likely the southwestern corner of the state. While the rape allegations are the most severe accusations made against soldiers, the CNDH says it has received a total of 52 complaints nationwide, ranging from allegations of rape to unlawful search and seizure to assault and battery.

Although the state governor has pledged cooperation with investigators and the Army has said it will tolerate no cover-up of "criminal actions by military personnel," such declarations may be insufficient for Calderón to recoup any lost credibility, coming as the Michoacán allegations do after another high-profile rape charge against soldiers in Veracruz state. In the Veracruz case, the alleged rape of a 73-year-old woman was never supported by the physical evidence, an autopsy indicated she had died from chronic gastritis, and the troops in question may not have been part of a special anti-drugs deployment. Still, the rape accusation forced the administration, as well as CNDH Pres. José Soberanes, on the defensive as opposition federal legislators convoked special hearings. See *April 2007 news report*.

Shortly after entering office in December 2006, Pres. Felipe Calderón deployed some 7,000 federal police and troops to his embattled home state of Michoacán, where violent cartel warfare throughout 2006 had been long deemed uncontrollable by state and municipal authorities. See *previous news reports*. The Michoacán deployment was part of a broader 24,000-strong deployment of troops and federal police to heavy trafficking regions, especially to northeastern and northwestern Mexico but also to southern Guerrero state. The military-heavy deployments, with detachments consisting principally of troops with smaller numbers of federal police, represented a signal act on the part of the incoming Calderón administration, intent on restoring order. However in spite of their now nearly six-month-long duration, the deployments have not led to a swift decrease in Mexico of gangland-related slayings, or, as referred to in the Mexican press, "ejecuciones." In fact some observers have put the unofficial cartel-related murder pace at faster than the rate for 2006. See *April news report*.

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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.

Summaries for the May report were compiled and edited by David Shirk, director, Justice in Mexico Project; [Robert Donnelly](#), coordinator, Justice in Mexico Project; and Adi Kuduk, research associate, Trans-Border Institute.

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