

# JUSTICE IN MEXICO

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## ACCESS TO JUSTICE

### CRIMINAL JUSTICE REFORM

#### **Reform advocates propose wide-ranging criminal justice changes**

A group of prominent academics and advocates has submitted to federal lawmakers a wide-ranging reform proposal that seeks to overhaul the criminal justice system. Fundamentally, the proposal pushes for an adversarial system to supplant the current inquisitorial model that is in use throughout Mexico. The reform initiative from La Red Nacional a Favor de los Juicios Orales ([www.juiciosorales.com](http://www.juiciosorales.com)) calls for the following:

- **Oral testimony and argument in court proceedings.** As it is now in Mexico, testimony and evidence used in criminal trials generally only appear in the form of written affidavits and depositions. According to reformers, in approximately 80 percent of all cases, judges do not come into personal contact with defendants. Reformers say that allowing parties to orally argue and defend positions in open courtrooms saves money, mitigates the case backlog by expediting trials, and is more equitable for defendants than the current “written” system.
- **Pre-trial incarceration limited to two years.** Pre-trial incarceration – the detention of defendants while they await trial or while authorities build a case against them – is routinely exploited in Mexico. Reformers seek to amend constitutional article 20 to tighten restrictions on when judges can order pre-trial detention. They want to limit pre-trial detention to cases when a defendant is a flight risk or when exceptional or extenuating conditions are present.

Furthermore under the reform proposal, pre-trial detention could not be applied to a defendant whose offense could otherwise be punished with alternative sentencing. This could mean that, depending on the availability of alternative sentencing in jurisdictions, defendants charged with non-violent offenses would largely be immunized from pre-trial incarceration.

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- **Monetary restitution.** Under the reform plan, individuals illegally placed in pre-trial detention would have grounds to sue for monetary restitution. According to reformers, the Mexican prison population numbers roughly 210,000, with 90,000 prisoners, about 43 percent, in pretrial detention.
  - **Due process rights.** Under the reform plan, defendants will have the right to be tried in public courtrooms before a judge or panel of judges. And strict limitations would be imposed on the admissibility of confessions obtained by public prosecutors, investigators, or the police. For example a confession would be admissible as evidence only if it was made directly to the presiding judge by the defendant.
  - **Alternative sentencing and dispute resolution mechanisms.** Under the reform crime victims would have greater say in punishment and sentencing decisions. For example, a victim could be granted the option to pursue a monetary settlement out of court rather than go to trial. The use of alternative sentencing and dispute resolution mechanisms could alleviate the backlog of cases in the Mexican legal system.
  - **Prosecutorial authority.** The reform also seeks to do away with the so-called monopoly that public prosecutors (district attorneys) have on criminal investigation. Essentially under current law, the district attorney is solely responsible for investigating and prosecuting crime. However this monopoly shouldn't prohibit an individual from being able to collect evidence that could build a case against a criminal.

The reform package includes an implementing law that projects a five-year window for full enactment by state and federal authorities. It also calls for the creation of a national agency to disseminate reform-related news, as well as to train and advise authorities on how to use the new criminal justice template. Proponents refuted the argument that reforms would be overly expensive. Exacting a higher financial cost, they said, is chronic prison overcrowding, as well as the jailing of non-violent criminals in pre-trial detention.

Proponents say the proposed reforms to five constitutional articles would promote democracy by facilitating the implementation of international best legal practices. They add that the adoption of an adversarial, presumption-of-innocence system is consonant with the advancement of democracy in Mexico.

Among the drafters of the proposal are Miguel Carbonell, of the Instituto de Investigaciones Jurídicas (IIJ) of the National Autonomous University of Mexico (UNAM); Ana Laura Magaloni of Mexico City think tank Centro de Investigación y Docencia Económica (CIDE); Enrique Ochoa Reza, of the UNAM law school; Emilio Rabasa Gamboa, of the UNAM law school; and Miguel Sarre, of the law school of the Instituto Tecnológico Autónomo de Monterrey (ITAM). Carbonell spoke at the Justice in Mexico-sponsored "Reforming the Administration of Justice in Mexico" conference in Mexico City Sept. 21-22, 2006.

Submission of the reform proposal coincided with a "National Agreement for Judicial Reform," convoked by Mexican supreme court justice Mariano Azuela. The pact calls for a coordinated, multi-tiered, and inter-governmental approach to improving the administration of justice. In particular, the national agreement seeks to strengthen the independence of state-level judiciaries and make judicial reform as important a government priority as investment growth and public safety. Another Mexican supreme court justice also vocalized support in November for judicial reform. However Olga Sánchez warned that Mexico needs an integral, systemic overhaul and that passage of a single reform item, such as, say, oral trials, is insufficient.

**SOURCES:**

- Ciudadano, Juan. "La propuesta Carbonell." *El Norte* 27 Nov. 2006.  
Salazar, Claudia. "Proponen limitar prisión preventiva." *Reforma* 26 Nov 2006.  
"Necesaria la reforma judicial: Azuela." *El Porvenir* 16 Nov. 2006.  
"Urgen a reformar sistema de justicia." *Reforma* 17 Nov. 2006.

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### **Chihuahua: Pre-trial services agency proposed to cut pre-trial detention, boost alternative sentencing**

Officials in Chihuahua, one of Mexico's most progressive states for justice reform, are hoping to open the state's first public pretrial services agency. The agency will promote the use of alternative sentencing mechanisms to cut down on pretrial incarceration, which is financially costly to the penitentiary system and inequitable to defendants, especially those jailed on non-violent offenses. A large percentage of the incarcerated population in Mexico has not been formally charged with a crime, is awaiting an indeterminate trial date, and/or is not accused of a violent offense.

Opponents of pretrial detention say it is routinely abused in Mexico and that it transforms petty offenders into hardened criminals. Pretrial incarceration appears to be overused in Mexico because of inadequate parole and bail bond mechanisms, as well as the absence in the legal system of a tradition of alternative sentencing. At the same time corrupt jailers favor pretrial incarceration as it enables them to extort bribes from family members as a condition of freeing imprisoned loved ones.

The pretrial services agency will review case files of persons in pretrial incarceration and apply scientific criteria to determine whether a particular defendant warrants jailing. The agency will assist prosecutors with assessing an individual's suitability for alternative sentencing and/or electronic monitoring or similar supervision. The pretrial services agency is funded by the non-governmental groups, the Open Society Justice Initiative and Renace.

**SOURCE:**

"Mexico plants its first pretrial services agency." News release. Open Society Justice Initiative. 8 Nov. 2006.

## **DISCRIMINATION**

### **D.F. lawmakers support same-sex coexistence bill**

Mexico City lawmakers overwhelmingly passed a controversial bill that allows same-sex couples to form officially recognized households. The Catholic Church calls the so-called "Coexistence Law" a slippery slope to state-sanctioned gay civil unions. Outgoing Mexico City Mayor Alejandro Encinas signed the bill into law in November.

**SOURCES:**

"Avala GDF Ley de Sociedades de Convivencia." *El Financiero* 9 Nov. 2006.  
"Condena la Iglesia aprobacion de la Ley de Convivencia." *El Sol de México* 10 Nov. 2006.

## **HUMAN RIGHTS**

### **U.N. faults torture in Mexico**

State-sanctioned torture continues to plague the Mexican criminal justice system, a U.N. committee determined, citing three recent or ongoing cases of official human rights abuses. The Committee against Torture of the U.N. High Commissioner for Human Rights faulted Mexican authorities for condoning police brutality, arbitrary detentions, and/or torture at the Cumbre de Guadalajara in 2004, during the Atenco riots in the State of Mexico this year, and in Ciudad Juárez, infamous for the unresolved killings of scores of women in the past decade. In a formal report, the committee said that the practice of torture is an embedded and chronic habit in the Mexican security structure, not to be rationalized as the acting out by some rogue elements. Among its principal recommendations, the committee urged Mexican authorities to undertake a "prompt, effective, and impartial" investigation into allegations of police brutality, torture, sexual violence, and arbitrary detention stemming from the riots at Atenco, where police clashed violently with land activists in early May 2006.

The committee's report also made some critical observations of the Mexican criminal justice system. It expressed concern that testimony obtained by investigators from a defendant without counsel frequently carried greater weight in court than subsequent statements filed before a judge by counsel. The drafters of the

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report also worried that authorities abetted the practice of torture by trying accused military personnel in military courts, possibly kinder venues than civilian tribunals for those facing human rights charges.

**SOURCES:**

“Committee against torture concludes Thirty-Seventh Session.” News release. Committee against Torture. U.N. High Commissioner for Human Rights. 24 Nov. 2006.  
“La practica de la tortura prevalece en México: CNDH.” *Mundodehoy* 9 Nov. 2006.

**‘Dirty War’ report issued, condemns past presidents for ‘genocidal’ campaign against dissidents**

A landmark report concluded unequivocally that past presidential administrations carried out covert, “genocidal” campaigns against leftist dissidents during Mexico’s 1970s-era “Dirty War.” The report, drafted by a special prosecutor’s office commissioned at the outset of the Fox term, laid the blame for a deadly counterinsurgency campaign at the hands of former presidents Gustavo Diaz Ordaz, 1964-1970; Luis Echeverría Álvarez, 1970-1976; and, José López Portillo, 1976-1982. For a full copy of the report, please go to <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB209/index.htm#informe>.

An analyst called the 800-page report noteworthy since it is the first time the Mexican government has formally acknowledged its culpability in the country’s “Dirty War.” “The Mexican government has never officially accepted responsibility for these crimes,” said Kate Doyle, of George Washington University. The 800-page report determined that 12 massacres, 120 extrajudicial executions, 800 forced “disappearances,” and 2,200 acts of torture took place in Mexico from the late 1960s through the early 1980s, mainly against leftist dissidents and sympathizers.

The report highlights the most significant confrontations between government forces and anti-regime demonstrators in the 1960s and 1970s, such as the Tlatelolco and Corpus Christi massacres, as well as the protracted counterinsurgency campaign against the guerrilla leader Lucio Cabañas in Guerrero state. “The battle the regime waged against these groups – organized among student movements and popular insurgencies – was outside the law” and employed “massacres, forced disappearances, systematic torture and genocide in an attempt to destroy the part of society it considered its ideological enemy,” a *New York Times* article related. “The State was not satisfied with merely pursuing, detaining, and incarcerating opposition party members, rather it submitted them to cruel and unnecessary punishments,” the report said.

In spite of having commissioned the special prosecutor’s office that drafted the report, the outgoing Fox administration still came in for heavy criticism from the Left for not energetically prosecuting wrongdoers from past administrations. Voices on the Left faulted Fox’s tepid and non-confrontational stance and faulted the government for not lobbying actively enough on behalf of special prosecutor Ignacio Carrillo Prieto. For his part, Carrillo Prieto faced heavy stonewalling from the government, particularly the army, in attempting to build solid legal cases against former government and military officials. In the end, his office obtained no more than a handful of convictions and was unable to bring to a conclusive trial ex-president Echeverría.

Fox was further criticized for the timing of the report’s release, issued as it was in the 11<sup>th</sup> hour of his presidency on a Friday afternoon with no fanfare over the Internet. However, unofficial versions of the report had already been widely available within Mexican academic and official circles for months. The report is titled “Informe Historico a la Sociedad Mexicana 2006.” See *News Reports No. 9-12*.

**SOURCES:**

Godoy, Emilio. “‘Fiscalia de la verdad’” de Mexico clausura operaciones.” *Prensa Libre.com*  
McKinley Jr., James C. “Mexican Report Cites Leaders for ‘Dirty War.’” *New York Times* 23 Nov. 2006.

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## WOMEN'S RIGHTS

### Unresolved Juárez killings condemned

Since 1993, 442 women have been killed in Ciudad Juárez, at a rate of approximately three per month, a joint university-NGO study concluded. Researchers labeled the mass murder phenomenon an example of "systemic sexual femicide," defined as the commission of torture, mutilation, and sexual violence against women leading to death.

The report by the Colegio de la Frontera Norte (Colef) and the Comisión para Prevenir y Erradicar la Violencia contra las Mujeres en Ciudad Juárez made the following observations: that 112 girl victims were included in the murder toll; that 41 deaths were believed linked to organized crime; and that in 95 cases the victim knew the attacker.

Additionally, the report said that distrust in the justice system led 75 to 80 percent of femicide cases to go unreported to authorities. In fact, some assert corrupt officials are protecting the killer/s and that rampant impunity explains why the slayings have not been conclusively resolved.

SOURCE:

"Desde 1993, 442 femenicidios en Juárez, según informe." *La Crisis* 16 Nov. 2006.

## PRESS FREEDOM

### After deaths of 2 editors, Mexico leads Americas in killings of journalists

The murders of two Mexican newsmen in November brought to eight the number of journalists killed in Mexico in 2006. The slain journalists were Misael Tamayo Hernández, publisher of a regional south Pacific coast daily, and José Manuel Sánchez Nava, former executive director of major Mexico City daily *Excelsior*. Tamayo was found dead Nov. 10 in a motel room in Ixtapa Zihuatanejo in Guerrero state, where his newspaper, *El Despertar de la Costa*, was based. Speculation was that the slaying may have been in retaliation for his coverage of drug trafficking in the violence-plagued state. The murder elicited a condemnation from UNESCO, which reported that with Tamayo's death Mexico now led Western Hemisphere countries (the American nations) in the number of journalist deaths and/or disappearances this year. The UNESCO statement quoted Tamayo's son, who said, "The growing acts of violence against journalists in Mexico profoundly preoccupy me, and I trust the authorities of this country will do everything to honor this fundamental human right and pillar of democracy: freedom of expression." Especially in the North and in heavy-trafficking regions, a number of journalists have disappeared or been assassinated because of coverage of the drug trade.

Sánchez Nava was said found stabbed to death in a Mexico City hotel room Nov. 16, shortly after his book, *El Asalto Final*, was released to the public. In the book, the former *Excelsior* editor sharply criticizes the Fox administration and the Vázquez Raña family media empire with the allegedly illicit takeover of the newspaper, a capital fixture for more than a century. Most recently Sánchez Nava worked as a columnist at *El Sol de México*, a property of the Vázquez Raña-owned Organización Editorial Mexicana group. The killing was condemned by the journalists-rights group Reporteros Sin Fronteras / Reporters Without Borders.

In related news, Jesús Blancornelas, the former editor of the award-winning Tijuana weekly, *Zeta*, died of natural causes from a chronic condition at a Tijuana hospital Nov. 23. His death came nine years to the day that he survived an assassination attempt allegedly perpetrated by the Arellano Félix drug cartel. That assassination attempt, in which a bodyguard died, brought on worldwide condemnation, spurring the government to assign the journalist a full-time military bodyguard.

Blancornelas earned the enmity of both drug traffickers and Baja California politicians for his efforts to expose corruption and crime in the state. He founded ABC newspaper in 1977 and *Zeta* weekly in 1980. Last year he retired and handed over day-to-day control of *Zeta* to a son.

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**SOURCES:**

“ONU: UNESCO condena asesinato de periodista en Mexico.” News release. United Nations. 17 Nov. 2006.  
“Asesinan al sexto periodista desde enero: aparece muerto en la capital el ex director del diario *Excelsior*.”  
News release. Reporteros sin Fronteras: Por la Libertad de Prensa.  
Valenzuela Murillo, Alfredo. “El precio de la verdad.” *La Opción de Chihuahua*.  
“Muere Jesús Blancornelas.” *Reforma* 23 Nov. 2006.

## MILITARY JUSTICE

### Military lawyers seek changes to justice code

Defense officials are seeking changes to Mexico’s military justice code. They are petitioning federal legislators to change the code to better ensure the personal integrity of justices on the nation’s high military court, the Tribunal Militar. Concretely, the officials are proposing an amendment to the code that would expressly bar any candidate with “criminal antecedents” from serving on the court. In their argument, the authorities cite the case of a general who ascended to the tribunal in spite of having been jailed with allegedly abetting the escape from custody of prominent Gulf cartel figure Humberto Garcia Abrego. The defense officials also want the number of justices on the court to increase to seven from the current five.

**SOURCE:**

Barajas, Abel. “Propone la Sedena Nuevo codigo militar.” *El Norte* 28 Nov. 2006.

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## ACCOUNTABILITY

## TRANSPARENCY

### Mexicans will grow disillusioned with reform if ‘transparency’ doesn’t bring benefits

The push for greater openness in government could fade into novelty if the hyped benefits of “transparency” fail to materialize, an IFAI commissioner warned at a recent conference. Juan Pablo Guerrero Amparán predicted the emergence of an apathetic and disillusioned citizenry if official corruption maintains current levels in spite of the country’s much publicized “transparency” push. “The federal transparency law has been one of the most important institutional changes of the most recent years ... however corruption and red tape have not diminished in the country ... There exists the risk that Mexicans may become disenchanting with transparency if there are not concrete results brought on by transparency,” he said. Guerrero was speaking in the keynote spot at the Second National Congress on Local Transparency in Chihuahua in early November. He added that Mexico’s democracy needs authentic accountability from politicians rather than mere sloganeering in favor of vague “transparency.”

The Chihuahua conference closed with attendees signing onto a formal proposal to enshrine in the constitution a citizen’s right to public information. The draft was signed onto by the governors of Chihuahua, Aguascalientes, Mexico City, and Zacatecas, with the executives pledging to submit the proposal to congress later in the year.

**SOURCES:**

Vergara González, Juan Manuel. “Si no hay resultados, habra desencanto: IFAI.” *El Diario de Chihuahua* 10 Nov. 2006.  
“IFAI: Mayor acceso a la informacion no abatio corrupción.” *La Jornada* 10 Nov. 2006.  
“Semana de la Transparencia.” *El Diario de Chihuahua* 6 Nov. 2006.

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### **Coahuila: State public information agency sues to block stonewalling**

Upset at stonewalling by government bureaucrats, the state public information agency is asking the Mexican supreme court to set standard deadlines for the release of official documents and data. The agency, known as the ICAI, or Instituto Coahuilense de Acceso a la Información Pública, wants the high court to determine the number of days that a government entity has to turn over files requested by petitioners. ICAI says that the current maximum number of days, 40, is too many and promotes stonewalling, in violation of the spirit of the country's landmark Ley Federal de Transparencia y Acceso a la Información Pública (LFTAIPG). ICAI hopes a ruling could help establish standard timetables for the release of information by government entities.

**SOURCE:**

Cárdenas, Lorenzo Carlos. "Busca el ICAI quitar pachorra a apertura." *Palabra* 27 Nov. 2006.

### **Mexico City: Critic of local government selected to capital public information agency**

A critic of the lack of openness in the Mexico City government was ordered reinstated as a citizen member of the capital's public information agency. The city government said it would "review" the decision to restore Maria Elena Pérez-Jaen to the board of the Federal District Information Access Agency, which oversees citizen and corporate petitions for government documents and data.

**SOURCES:**

Grajeda, Ella. "Sorprende a GDF reinstalación de consejera de informacion." *El Universal* 24 Nov. 2006.  
"Ordena Corte reinstalación de consejera de información del DF." *Reforma* 24 Nov. 2006.

## **NATIONAL and STATE JUDICIARY NEWS**

### **Coahuila: State high court judges authorize significant raises; chief justice's pay on par with governor's**

Coahuila state supreme court judges granted themselves pay raises of 54 percent, bringing their monthly salaries to 89,165 pesos. The chief justice's salary also went up, though at a lower rate, to 93,000 pesos, bringing his pay on par with that of the state governor. Lower-level state court judges in the northern border state also were granted raises, with their pay rising about 16 percent to 44,000 pesos per month. Court workers, such as actuaries and secretaries, were not given pay hikes. Apparently, the judges granted themselves the salary increases by authorizing disbursement from a fund managed by the judiciary, the Fondo de Administración de Justicia.

**SOURCE:**

Pérez, Sonia, César Cardona and Jesús García. "Piden explicar mega-aumento." *Palabra* 28 Nov. 2006.

### **National: CJF coordinating body for federal judiciary**

The Consejo de la Judicatura Federal (CJF), the coordinating agency for the 560 federal tribunals and courts in Mexico, is poised to elect a new commissioner. Besides a president, the council's governing body comprises six commissioners, three of whom are nominated by the Mexican supreme court, the Suprema Corte de Justicia de la Nación, two by the Senate, and one by the executive branch. Commissioners are paid approximately 4 million pesos annually.

**SOURCE:**

Fuentes, Victor. "Asigna hoy la Corte cargo en la Judicatura." *El Norte* 27 Nov. 2006.

## MEXICO VOTE 2006

**Calderón picks hard-line candidate, Francisco Ramírez Acuña, as interior secretary**

Incoming Pres. Felipe Calderón Hinojosa selected a hardliner for the key post of interior secretary, in spite of charges that Francisco Ramírez Acuña has condoned torture and violated the human rights of prisoners. Calderón's selection came amid continuing social unrest in Mexico City where protesters loyal to defeated leftist presidential candidate Andres Manuel López Obrador held a rival inauguration ceremony Nov. 20 and kept up threats to disrupt a major national parade. The hardliner's nomination also coincided with continuing strife in Oaxaca City where an anarchist "people's movement" had forced a virtual abdication of the state government after months of bloody protests over the summer and fall.

Responsible for domestic security and inter-governmental mediation, Ramírez Acuña will hold the most powerful cabinet post in the Mexican government. However, some newspaper pundits wondered whether Calderón made the right move by selecting the former Jalisco governor. "He is a political barbarian," said political analyst Ricardo Alemán, while columnist Guillermo Zepeda Patterson called the Ramírez Acuña nomination "Calderón's first big mistake." The criticism stems from charges that Ramírez condoned the torture and illegal detention of anti-globalization protesters at a 2004 trade summit in Guadalajara. In fact the National Human Rights Commission (CNDH) found that undue police force was applied to the protesters. Besides the reported human rights violations, Ramírez Acuña is also accused of contravening federal and state transparency laws after failing to disclose personal financial information this year. He was also recently alleged to have authorized questionable end-of-year "bonuses" to state legislators, exposing his administration to charges of influence-buying. See *October News Report*.

As interior secretary, one of Ramírez Acuña's main roles will be to facilitate negotiation among the major political parties: the ruling center-right National Action Party (PAN), the centrist Institutional Revolutionary Party (PRI), and the center-left Democratic Revolution Party (PRD). However Zepeda Patterson questioned whether Ramírez Acuña would be able to win over the PRD following the allegations of human rights abuses, and he was doubtful that the PRI would collaborate with the new interior minister. The PRI's standoffishness might be due to the fact that Ramírez Acuña, through his surrogate state attorney general, resurrected damaging corruption charges against that party's gubernatorial candidate in the past election. Although the charges proved unfounded after the vote, they hurt the PRI candidate and may have cost him in a close election.

**SOURCES:**

Jiménez, Sergio Javier. "Presenta Calderón gabinete político." *El Universal* 28 Nov. 2006.  
Zepeda Patterson, Guillermo. "Designación de Ramírez, primer gran error de Calderón." *El Universal* 28 Nov. 2006.

**AMLO supporters threaten to block Calderón inauguration, hold own swearing-in ceremony**

Supporters of leftist presidential candidate Andres Manuel López Obrador threatened to disrupt the swearing-in ceremony of incoming Pres. Felipe Calderón and to thwart a major national parade commemorating the Mexican Revolution. At a Mexico City rally Nov. 20, the leftists also held a preemptive inauguration where López Obrador self-proclaimed himself Mexico's "legitimate" president, part of his plan to form a "parallel" government to rival the Calderón administration. Despite massive popular mobilization on behalf of AMLO, as the candidate is known, polls suggest that the rallies in the PRD stronghold of Mexico City don't reflect general public support for the polarizing candidate. A newspaper poll reported that a majority of respondents opposed AMLO's calls for a "parallel" government, while 64 percent in a *Universal* newspaper survey stood against his party's strategy to block the Calderón swearing-in ceremony Dec. 1. That event, which has historically taken place at the lower house of congress with the outgoing president ceremonially handing over the presidential sash, appeared at risk of being canceled after legislators from the center-left Democratic Revolution Party (PRD) threatened to disrupt the proceedings. Lawmakers from the party in September had stormed the chamber stage to keep Pres. Vicente Fox from delivering a yearly national address, part of an ongoing protest against the vote fraud they say cost their candidate the presidency. Amid threats of further disruption from the

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PRD, the explosions of bombs at a government building in late October, and continuing pro-AMLO demonstrations in Mexico City, the president of the congress, Jorge Zermeno, solicited federal police to maintain a security cordon around the lower-house Chamber of Deputies throughout November.

**SOURCES:**

- “Comienza blindaje en San Lazaro, rumbo al primero de diciembre.” *El Informador* 9 Nov. 2006.  
“Llegan al Zócalo seguidores de AMLO para su ‘toma de posesion.’” *La Cronica de Hoy* 10 Nov. 2006.  
Medellín, Jorge. “Desayuna Ebrard con AMLO previo a toma de protesta.” *Milenio* 20 Nov. 2006.  
“Advierte AMLO que enfrentara a la derecha.” *El Financiero* 18 Nov. 2006.  
Ramos, Jorge. “Rechaza Zermeno que se este militarizando San Lazaro.” *El Universal* 20 Nov. 2006.  
“Mayoria rechaza boicot a asunción de Calderón.” *Associated Press* 20 Nov. 2006.  
“Fracturas en la política mexicana.” *Clarín* 20 Nov. 2006.  
“Un pais, dos presidentes.” *Semana.com* 27 Nov. 2006.

## OAXACA

### **Protesters burn state supreme court building; arrests of some APPO protesters called arbitrary**

Strife in the southern state is taking a heavy toll on the justice system. On the one hand, vigilantes affiliated with the “people’s” confederation Popular Assembly of the Oaxacan Peoples (APPO) burned down the state supreme court building in November, destroying thousands of case files. On the other hand, the arrests of many rank-and-file APPO protesters have been called “arbitrary” and may have taken place absent due process, a leader of the center-left Democratic Revolution Party (PRD) said. Also, state prosecutors, aligned with the state’s ruling Institutional Revolutionary Party (PRI), appear to be selectively arresting APPO demonstrators and leaders, while ignoring the crimes perpetrated by pro-government militia groups, to the detriment of long-term credibility in the justice system.

**SOURCES:**

- “Denuncian detenciones arbitrarias de *perredistas* en Oaxaca.” *Notimex*. 9 Nov. 2006.  
“Marchará APPO a Segob y Zócalo esta tarde.” *Notimex*. 10 Nov. 2006.  
Grillo, Ioan. “Oaxaca governor refuses to step down.” *Associated Press*. 16 Nov. 2006.  
“Miembros de la APPO y PFP se enfrentan en Oaxaca.” *El Diario de Chihuahua*. 20 Nov. 2006.

## LAW ENFORCEMENT

### **Michoacán: Police raid leads to deaths of hostages at Morelia prison**

Michoacán Gov. Lázaro Cárdenas Batel pleaded for federal support to investigate prisons in his state, after a federal police raid claimed the deaths of four hostages at a Morelia penitentiary Nov. 18. The police raid aimed to free a group of 15 captives, mainly state public defenders, who were being held hostage by prisoners attempting to bargain their release from Mil Cumbres prison. But the rescue ended with the release of only 11 of the hostages. Cárdenas requested a federal investigation to determine how the prisoners obtained the firearms they used during the hostage-taking.

**SOURCES:**

- “Fallece otro abogado.” *El Diario de Chihuahua* 20 Nov. 2006.  
Martínez Elorriaga, Ernesto. “Murió otro abogado *rescatado* por la AFI en el penal de Morelia.” *Milenio* 19 Nov. 2006.

## DRUG CARTEL VIOLENCE

Drug-related violence in November continued to claim victims in heavy-trafficking states Nuevo León, Sinaloa, and Michoacán. In Nuevo León, the shooting of a police officer brought the number of slain law enforcers in

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the state to 34 in 2006. In Sinaloa, drug traffickers, armed with high-powered rifles, descended commando-style on three mountain towns near Mocorito and Badiraguato, torching 20 homes, 22 vehicles, and a tortilla shop. The towns were apparently set afire in retaliation for the killing of a presumed Sinaloa cartel figure. In Mexico City, an agent's death shows cartel violence, normally a phenomenon in overland-trafficking regions, encroaching on the nation's capital. The agent oversaw inspection of passenger suitcases on flights out of the city's international airport.

In Michoacán, six judicial police officers were killed in one day in the strife-torn city of Aguililla, prompting Federal Attorney General Daniel Cabeza de Vaca to promise a "coordinated and aggressive response" to locate the murderers. Cabeza de Vaca said that Federal Preventive Police and Mexican army personnel would jointly fight the drug scourge and said the government would not bow to this "act of intimidation." The attorney general acknowledged that municipal forces are frequently compromised by corruption in the ranks, necessitating an exterior, federal response. "From what we know, certainly we have police officers who are in collusion with drug traffickers he said. In recent months, Michoacán Gov. Lázaro Cárdenas Batel has sought massive federal and military support to combat violent drug traffickers in the state, as outgunned and outmanned local forces have proven little match for AK-47-toting, professionally trained drug mercenaries. Michoacán, with its long coastline, is a prominent transshipment point for cocaine deliveries to the United States, and rival drug gangs have been fighting for control of the state in 2006. See *previous news reports, including News Report No. 9 July 10-July 23 for articles related to Mexican federal incursions into conflict-ripped Michoacán municipalities.*

**SOURCES:**

"Van Ejercito y agentes federales a Michoacán." *El Universal* 16 Nov. 2006.  
"Fuerte, la respuesta contra la delincuencia: Cabeza de Vaca." *La Crónica de Hoy* 16 Nov. 2006.  
"Jornada de violencia a quince días del adiós a Fox." *APRO* 15 Nov. 2006.  
"Ataca comando tres pueblos." *El Diario de Chihuahua* 16 Nov. 2006.

**Campeche: Municipal security official shot and killed**

A security official from the town of Calkiní was shot and killed in a gangland-style execution, presumably by drug traffickers. The death of Andres Marfil Martinez in early November closely followed a double murder on the Cancun-Merida highway, police said. Authorities say they captured four suspects in connection with the slaying of Marfil Martinez.

**SOURCE:**

*Diario de Yucatán* 6 Nov. 2006.

**Chihuahua: Judicial police officer's body found**

The body of a judicial police officer turned up at a rural safe house near the state capital with signs of torture. The police agent, Rosendo Rodriguez Ramirez, belonged to the stolen auto and property unit of the Chihuahua judicial police department. State Attorney General Patricia González named three men as suspects in the slaying.

**SOURCE:**

Ruiz, Alfredo. "Mataron a judicial en la finca cateada." *Diario de Chihuahua* 6 Nov. 2006.

**Guerrero: Hand grenade explosions cause worry in Ixtapa**

Hand grenades blew up at a condominium complex in Ixtapa Nov. 9, worrying the staff of incoming Pres. Felipe Calderón who was speaking in the city later in the day. Media speculation was that Calderón may have been an intended target of the blast or that the explosions aimed to intimidate the president-elect, who has said public security will be a chief policy priority. As usual, the perpetrators were said to belong to the drug mafia, as Guerrero has suffered greatly from drug cartel violence in summer and fall 2006. See *News Reports Nos. 6-10.* However leftist protesters, blamed with detonating bombs in Mexico City around the time, also received some

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blame. No deaths resulted from the blasts, and Calderón was able to make his scheduled speech before flying to Washington to visit U.S. officials. Guerrero state suffered greatly from drug cartel violence in summer 2006.

**SOURCE:**  
Barrera, Adriana. "Blasts hit Mexico resort before Calderón's visit." *Reuters* 9 Nov. 2006.

#### **Baja California: Police chief targeted in Tijuana**

Less than 24 hours after escaping an ambush, a top Tijuana municipal police official was assassinated Nov. 10 possibly to prevent him from testifying in the killing of a fellow officer. The body of the police official, Hector Gaxiola, was found handcuffed to that of another murder victim, his brother Gerardo, in a Tijuana industrial park. Gaxiola had been named as a possible witness in the killing of Tijuana assistant police chief Felipe Antonio Cavada Cuevas earlier in the month.

**SOURCE:**  
Dibble, Sandra. "Tijuana police supervisor found dead with his brother." *San Diego Union-Tribune* 10 Nov. 2006.

#### **Tabasco: Mayor ambushed and assassinated**

The mayor of the Huimanguillo municipality in southern Tabasco state was ambushed and shot death in his car only 45 days before he was supposed to leave office. The Nov. 15 killing of Walter Herrera Ramírez may have been a vengeance killing after the Jan. 22, 2005, slayings of six suspected drug traffickers, reportedly at the hands of the former Huimanguillo police chief.

**SOURCE:**  
"¡Emboscan al alcalde!" *Notiver/EFE* 16 Nov. 2006.  
"Jornada de violencia a quince días del adiós a Fox." *APRO* 15 Nov. 2006.

## **LAW ENFORCEMENT**

#### **Chihuahua: Business leaders call for more traffic cops**

Chihuahua business leaders are calling for more traffic cops in a city that currently has only 1 officer per 1,600 vehicles. The businessmen would like the ratio to drop to 1 officer per 1,000 vehicles. Northern Mexico has experienced a rise in auto sales and in the number of registered vehicles in recent years.

**SOURCE:**  
*El Diario de Chihuahua* 16 Nov. 2006.

#### **AFI rolls out new uniforms to thwart counterfeiters**

To stymie counterfeiters, the Federal Investigative Agency (AFI) will start using uniforms double-embroidered with the AFI insignia, the Federal Attorney General's Office said. The new uniforms will feature the insignia on the jacket, pants, and shirt and will also be stitched on the inside to guard authenticity. Other devices, such as the national shield embroidered with the words "Procuraduría General de la República," will appear on the right sleeve, while an AFI emblem will be imprinted on agents' boots. Organized crime bands frequently mimic federal police agents, dressing up like them to confuse both intended targets as well as the police.

**SOURCE:**  
"Tendra AFI uniformes contra falsificación." *Notimex* 20 Nov. 2006.

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

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