



# Trans-Border Institute University of San Diego

August 2012

## News Monitor

### HIGHLIGHTS

- *Cartel related killings up slightly from July; still lower than weekly average for 2012*
- *Cartel related roadblocks emerge in Jalisco and Colima*
- *Tomás Yarrington accepted millions in bribes from organized crime: PGR*
- *Mexico's Supreme Court restricts reach of military jurisdiction*
- *TBI welcomes Javier Sicilia and the Caravan for Peace*



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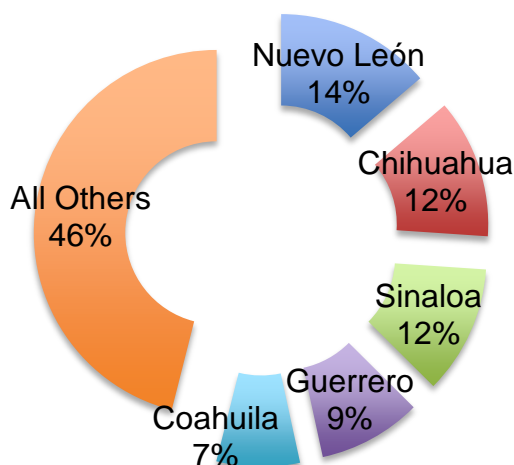
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## SECURITY

## CARTEL-RELATED VIOLENCE

**Cartel-related killings up slightly from July; still lower than weekly average for 2012**

According to *Grupo Reforma*'s tally of cartel-related killings, or *ejecuciones*, such violence in Mexico is up during the current reporting period as compared to the previous, although still below the weekly average for the first 35 weeks of 2012. As of August 24, this year's *ejecuciones* continue to remain nearly 23% below the 2011 rate for the same reporting period, which, as reported in July, is largely attributed to notable declines in Nuevo León and Chihuahua, although both continue to make up more than a quarter of all drug-related killings (see below). Nevertheless, through 34 weeks in 2012, there were 6,663 *ejecuciones* nationwide, with the states of Nuevo León, Chihuahua, Sinaloa, and Guerrero bearing over 46% of the total, with 917, 820, 758, and 609, respectively. August saw the fifth-deadliest week thus far in 2012 from August 4-10, when there were 231 *ejecuciones* nationwide. Over a four-week period between July 28 and August 24, there was a weekly average of just over 189 *ejecuciones*, as compared with nearly 196 for all of 2012. The previous reporting period averaged just over 177. In any case, the level of cartel-related violence remains well below that of 2011, which saw a weekly average of nearly 238 *ejecuciones*, and 252 during the first 35 weeks of the year. It is difficult to account for the decline in cartel violence with certainty; the Mexican government continues to attribute it to anti-cartel operations in troubled areas like the northeast region, Chihuahua, Guerrero, and Veracruz, while many analysts believe that some plazas long in dispute have essentially been won—particularly in the case of Ciudad Juárez and surrounding areas, where it is believed that the Sinaloa Cartel has largely been victorious over the Juárez Cartel in its drive to control that lucrative trade route.

**Highest total ejecuciones by state through August 24, 2012**

Source: Grupo Reforma

Indeed, Chihuahua continues to experience a marked decline in violence since late 2011, although it still is the second most violent state in Mexico. During the first 35 weeks of 2012, Chihuahua has averaged 24 *ejecuciones* per week, down from 38.5 during the same period in 2011, representing a nearly 38% decline. Moreover, the state averaged just 14.5 *ejecuciones* per week during the current reporting period. Sinaloa, Mexico's third most-violent state this year and last, also continues to see a substantial downturn in violence, averaging just under 22 *ejecuciones* per week during 2012, as compared with just over 27 during the same period last year. The most drastic cases of declines in violence are found in the states of

Durango and Guerrero, where *ejecuciones* during the first 35 weeks of 2012 have dropped by 47.5% in both states as compared with the same period in 2011. These figures bolster the government's claims that its organized crime strategy is paying off; military-led operations were launched in both states in October of last year. *Reforma* also reports declines in Nuevo León and Tamaulipas of 37% and 63%, although widespread self-censorship by the media for fear of reprisals from criminal organizations make underreporting of cartel violence in those states certain, particularly in the case of Tamaulipas. Moreover, Tamaulipas has been the site of numerous clandestine mass-graves found in recent years, making it likely that there are more victims unaccounted for.

Meanwhile, the border state of Coahuila stands out as a state that has seen its tally of cartel-related killings increase over 2012, having reached 491 as of August 24, a 49% increase over the same period last year. The state continued with 14 *ejecuciones* per week during the current reporting period, and is on track to surpass its 2011 total by 26%. Attorney General Marisela Morales attributed the elevated violence in Coahuila as well as in San Luis Potosí and Zacatecas at least in part to a rupture within the Zetas criminal organization (discussed below). The violence in Coahuila, particularly in its capital of Torreón, continues despite the efforts of Operation *Laguna Segura*, the same operation that the Mexican government attributes to a decline in violence in neighboring Durango. While homicides declined in Torreón the second half of July to just 16, which officials attributed to adjustments made to *Laguna Segura*, there were still 86 homicides registered for the month, the second most violent month of the year for the Coahuila capital, behind June, which had 113.

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#### Zetas undergo alleged change in leadership blamed for recent violence in northern Mexico



El Z-40. Photo: Animal Político

Miguel Angel Treviño Morales, or "Z-40," a notorious and feared assassin for the Zetas drug cartel and until recently second in command, has surpassed Zetas' founder Heriberto Lazcano Lazcano and assumed control of the organization, according to law enforcement agents in Mexico. Treviño had been steadily gaining authority and ascending the ranks within the organization over the past few years. Reports indicate that Lazcano had been enjoying Treviño's rise in the organization until it became a threat to his own authority. While Treviño is reportedly held in high regard among Zetas henchmen and assassins, other figures within the cartel's leadership have allegedly been resistant to his ambitions and ascendance, which analysts say accounts for some

of the recent violence in central Mexico, and will likely lead to more violence in the future as this rift in the criminal organization plays out.

As reported in the *Huffington Post*, the Zetas' leader in the state of Zacatecas, Ivan Velazquez Caballero, or "El Taliban," disapproved of Treviño's power grab and openly challenged not only his leadership claim, but his presence in the adjacent state of San Luis Potosí. On August 9, the internal power struggle publicly manifested itself in a very violent fashion on the streets of San Luis Potosí's capital city—which has typically been relatively void of organized criminal violence—when 14 bodies were discovered in an abandoned vehicle along the highway connecting the two states. As reported by *Animal Político*, a fifteenth man who survived the attack explained to authorities that he and the deceased were elements of the Zetas under Velazquez Caballero's command and attributed the deaths of his comrades to Treviño and his men. Authorities are also crediting the killing of a mayor-elect and his campaign manager to the recent turmoil within the criminal organization. (A full account of the recent violence in SLP can be found

below). Sources in Mexico's Attorney General's Office (Procuraduría General de la República, PGR) say the rupture in the Zetas is because of the killing of María Luisa García Quintero, the girlfriend of one of Lazcano's men.

The rise of "Z-40" has elicited a mix of panic and outrage from leaders of other criminal groups. Servando Gómez, the leader of the Knights Templar drug cartel (Los Caballeros Templarios), issued a plea via YouTube to other criminal organizations, civic groups, and even state authorities to join together and form a "common front" against the Zetas and "especially against Z-40 and his unbridled ambitions." He argues in his address that they must collectively combat this group that has caused "great terror and social confusion in the country."

Meanwhile, Noé Sandoval Alcázar, commander of Operation Northeast (Operación Noreste) based in Nuevo León, SLP, and Tamaulipas, said that the government's efforts against the Zetas in that region are weakening the criminal organization, particularly in Nuevo León. During the presentation of tactical and surveillance equipment to civilian police forces of the region, he also stated that the operation's efforts have been successful in combating impunity and corruption, and that municipal police forces in the region are now successfully confronting organized crime—a long-term goal of President Calderón's military-led anti-cartel campaign. He added, however, that the Zetas and criminal groups connected with them continue to operate around the city of Monterrey, Nuevo León, where he said around 2,000 people have lost their lives due to the turf battle there.

Just days before the commander's statements, it was announced that the Mexican Navy (Secretaría de Marina, SEMAR) had dismantled a communications network the Zetas had installed in Veracruz and Tamaulipas that the group used for counterintelligence operations and for detecting the movements of federal authorities. SEMAR conducted a series of operations during August, in which it seized 15 communication stations, including digital and analog repeaters, VHF and UHF radios, as well as a communications tower on the Monterrey-Nuevo Laredo highway that measured 50 meters. This recent operation follows one implemented last December in which the Mexican Army (Secretaría de Defensa Nacional, SEDENA) dismantled communications networks belonging to the Zetas in Coahuila, Nuevo León, San Luis Potosí, and Tamaulipas, with which they followed the movements of military personnel.

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#### At least 25 killed in recent wave of violence in San Luis Potosí, including PRI mayor-elect

In the San Luis Potosí (SLP) town of Matehuala this month, the state Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) detained five police officers in connection with the August 12 execution-style murders of mayor-elect Edgar Morales Pérez of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) and his campaign coordinator, Juan Francisco Hernández Colunga. The officers are being held under house arrest during the investigation. Family members of the five officers have filed formal complaints of human rights violations against the PGJE, alleging that law enforcement agents employed improper and abusive practices during the officers' capture, and that none of the officers had any actual involvement in the crime.

Morales and Hernández were leaving a wedding at a private club at around 2:00am on August 12 when, about 200 meters into their trip and in front of a local bus terminal, a group of nine armed men opened fire on their Chevy Blazer with AK-47 assault rifles. Spent rounds of ammunition identified as .223 caliber (commonly used in M-16, M-4, and AR-15 type weapons) were found at the scene. The officers under

investigation were on security duty outside of the club where the wedding took place. State law enforcement is also investigating persons last known to have had contact with Morales to determine whether he may have received any kind of threat, or become involved in any conflict.

PRI officials condemned the assassination, and urged local authorities to bring the perpetrators to justice. To the public's surprise, San Luis Potosí Governor Fernando Toranzo (PRI) did not attend or send representation to Morales' funeral services, although he did promptly announce an increased military presence in the state in response to these events.

These homicides occurred in the context of a recent surge of violence in the state, which PGJE officials are attributing to disputes between or within organized crime groups. San Luis Potosí has long been considered to be territory of the Zetas, the organized crime group that separated from the Gulf Cartel in 2010 after a leader's extradition to the United States. The state had been relatively peaceful until January 2011, when the state suffered 21 cartel-related homicides in the third week of the month. The presence of organized crime in San Luis Potosí was underscored the following August with the killing of U.S. Immigration Customs and Enforcement (ICE) Officer Jaime Zapata at a fake military checkpoint. Fellow ICE agent Víctor Ávila was wounded in the attack, which was later attributed to the Zetas, who have maintained a strong presence in the state for several years.



Edgar Morales Pérez.  
Photo: globalmedia.mx

The murder of the mayor-elect and his campaign director punctuated a particularly violent period in SLP. Only days before Morales and Hernández's deaths, the bodies of 14 Coahuila residents were found packed into a stolen pickup truck just off a highway in San Luis Potosí. As previously mentioned above, a surviving witness reported that the deaths resulted from a conflict between splintering Zetas factions. When police discovered the bodies and truck, a shootout ensued between security forces and armed gunmen, presumably of the Zetas, seven of whom were brought down. The next day a squad of armed men attacked military personnel on another state highway, leading to a three-hour gun battle in which five suspects were apprehended. All told, according *Grupo Reforma's* running tally of *ejecuciones*, 25 people were killed in a two-week span (August 4 to 17) in SLP as part of cartel-related violence, including those mentioned here. The overall rate of organized crime-related homicides in the state is on par with last year's, which totaled 120 through the first 33 weeks of 2011, while 125 have been registered over the same time span in 2012.

The state's top prosecutor, Miguel Ángel García Covarrubias, announced that SLP is "on maximum alert" to prevent continuing violence. He reported that state police forces are preparing for any future incidents to the best of their abilities, and urged the federal government to support the "Secure San Luis" (San Luis Seguro) operation he requested of them last month. Meanwhile, the head prosecutor in the neighboring state of Querétaro, Arsenio Durán Becerra, announced that his state is also ratcheting up security at its borders with San Luis Potosí due to the recent violence.

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### Cartel-related road blockades emerge in Jalisco and Colima

The state of Jalisco suffered a wave of roadblocks on August 26, mostly centered in Guadalajara, which may have spread to neighboring Colima. Local and national media reported that the roadblocks were sparked by the arrest of Nemesio Ocegüera, "El Mencho," a leader of the New Generation Jalisco Cartel (Cartel Jalisco Nueva Generación, CJNG), who used the attacks to escape. Nevertheless, in a two-hour span that followed, seven cartel-perpetrated roadblocks (referred to as *narcobloqueos* in Mexican press) were registered on main thoroughfares in Guadalajara, the state's capital. *Narcobloqueos* also appeared in other parts of the state, totaling 28 in all. Three days after events unfolded, the Secretary of Public Security in Jalisco, Luis Carlos Nájera Gutiérrez de Velasco, admitted that the roadblocks actually permitted El Mencho's escape, a significant loss for public security. "El Mencho was indeed in the *narcobloqueos* in the metropolitan zone and used these as cover to escape," said the secretary.



Photo: Informador

Federal Police (Policía Federal, PF) came under fire in Guadalajara after responding to reports of cartel presence in the Amacuatlán district. The officers were attacked when they traveled to the scene in five Black Hawk helicopters and one Mi-17 helicopter. The Public Security Ministry (Secretaría de Seguridad Pública, SSP) released a statement that agents returned fire, killing six presumed members of the CJNG. The agency added that three Federal Police agents suffered non-life-threatening injuries in the exchange. Police at the scene seized two high-powered M-60s, four AK-47 assault weapons, an AR-15, four rocket launchers, and a variety of ammunition. Meanwhile, criminals were busy setting up *narcobloqueos* at several strategic sites around the city, using 36 stolen cars, trucks, and trailers, setting

at least 26 of them ablaze. The blockades began in Guadalajara around 2:00pm on August 26, and quickly extended to surrounding areas as well as the interior of the state. Media outlets initially reported that there were no civilian casualties, but it was later revealed that a stray bullet killed a young male in the town of Tlajomulco de Zúñiga. Such demonstrations have been employed before in Guadalajara, often in response to police action against cartels operating in the area. The city has been shaken from relative tranquility in recent months, as rival cartels have moved into territory long controlled comfortably by the Sinaloa Cartel. Similar demonstrations have also occurred in Monterrey, Nuevo León, on several occasions paralyzing the city where the Zetas and Gulf Cartel are fighting for dominance. Cartel-related killings, or *ejecuciones*, in Jalisco this year are roughly on par with 2011, reaching 478 as of August 24, as compared with 501 at the same point last year, according to data compiled by *Grupo Reforma*.

On the day of the events, police detained only two people in connection with the blockades who were transporting six barrels with diesel residue, another with gasoline residue, and another container with 200 liters of gasoline. They claimed to work for a contracting company. Jalisco Secretary of Public Security Nájera told the press that there had been no arrests due to the fact that his agency was not notified of the cartel activity until the injured Federal Police agents arrived at the Guadalajara airport. The following day, the Mexican Navy (Secretaría de Marina, SEMAR) detained four presumed members of the CJNG, believed to be closely affiliated with El Mencho.

El Mencho is considered in Michoacán to be one of the principle traffickers of methamphetamine in the region. He once belonged to the Milenio Cartel in Michoacán, where he fought against the La Familia cartel for control over the methamphetamine trade there. According to sources in the Federal Police and the Mexican Army (Secretaría de Defensa Nacional, SEDENA), Ocegüera then picked up the pieces left following the death of Ignacio Coronel, who ran the Sinaloa Cartel's methamphetamine operation, and formed the CJNG to combat the presence of the Zetas in Jalisco and also to make inroads into Veracruz, which is largely controlled by the Zetas.

Later on in the day on August 26, Mexican media reported that more *narcobloqueos* had appeared in neighboring Colima in four separate locations, involving at least six burned vehicles. It is not clear, however, if they are related to the blockades in Jalisco. René Rodríguez Alcaraz, the secretary general of the Government (secretario general de Gobierno) of Colima, rejected all the reports that there were *narcobloqueos* in his state, insisting that they were instead simply burned vehicles on a number of highways that caused minimal blocking, and that the situation was “under control.” He did, however, acknowledge that a possible link to the Jalisco blockades is one line of investigation. He added that police operations have intensified since the incidents on August 26, in order to protect the population. Colima has seen an elevated level of cartel-related violence as compared with last year, recording 140 *ejecuciones* as of August 24, after just 88 during all of 2011.

Because of the apparent involvement of organized crime in the blockades, Jalisco’s Attorney General’s Office (Procuraduría General de Justicia del Estado, PGJE) has handed the investigation over to the Federal Attorney General’s Office (Procuraduría General de la República, PGR). Jalisco Attorney General Tomás Coronado said that his agency has opened 31 preliminary investigations into property damage claims related to the events, all of which will be turned over to the PGR. He added, though, that the PGJE will continue with the investigation into the death of the young male, as well as tending to the 36 damaged vehicles used in the blockades. Meanwhile, Jalisco remains in “code red,” with state and local police departments operating under the command of Jalisco’s Public Security Ministry (Secretaría de Seguridad Pública, Prevención y Readaptación Social).

*Narcobloqueos* are a definite concern for authorities given the connection between previous roadblocks in Monterrey and the violence that erupted there in 2010. The summer of that year, the capital city of Nuevo León saw multiple roadblocks established as a result of pressure applied on the Zetas in that area. Using data compiled from *Grupo Reforma*, violence in Nuevo León jumped from 99 and 610 *ejecuciones* in 2009 and 2010, respectively, to 1,789 in 2011, and 917 in 2012 as of August 24.

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## INTERNATIONAL ANTI-CARTEL EFFORTS

### El Chapo’s cousin among four Sinaloa Cartel members arrested in Spain

Mexico’s powerful Sinaloa Cartel took a hit this month when four members were arrested in Spain for drug trafficking with the intention of expanding the cartel’s presence in Europe. On August 9, Spain’s National Police (Policía Nacional) captured four Mexican natives—Jesús Gutiérrez Guzmán, Rafael Humberto Celaya Valenzuela, Samuel Zazueta Valenzuela, and Jesús Gonzalo Palazuelos Soto—in connection to an intercepted cocaine shipment that Spanish authorities seized in late July. The boat carried 373 kilograms of cocaine, and was stopped at the Spanish Port of Algeciras after having departed from Brazil. Just two weeks later, police arrested the four individuals near a hotel in Madrid, Spain, in which they were staying. According to *El Universal*, authorities found \$500,000 (USD), almost 3,000 euros, and 4,000 Mexican pesos in cash in the suspects’ rooms.

The arrests this month are important for a number of reasons. Perhaps most notably, one of the suspects, Gutiérrez Guzmán, is the cousin of Sinaloa Cartel leader Joaquín “El Chapo” Guzmán Loera, Mexico’s most wanted person and whom the U.S. Treasury Department named as the world’s most powerful drug dealer in January of this year. The arrest of Gutiérrez Guzmán is yet another step for authorities in their pursuit of El Chapo and their fight against the Sinaloa Cartel on which authorities appear to be placing increased pressure recently. The Spain incident comes on the heels of the August 7 extradition of Dolly “La Meno” Cifuentes Villa from Colombia to the United States for drug trafficking charges in connection



with the Sinaloa Cartel; and just prior to that was the July 29 arrest of a Sinaloa Cartel informant working inside Mexico's Supreme Court (Suprema Corte de Justicia de la Nación). Earlier in July, a Sinaloa cell based in Arizona was dismantled as part of the U.S. Drug Enforcement Agency's (DEA) Operation Nayarit; and in June, El Chapo's ex-wife and son were both blacklisted by the U.S. Treasury Department and had their accounts frozen.

Despite these advances, however, the arrests conversely are indication of the Sinaloa Cartel's expansion at an international level. Spain's Ministry of the Interior noted that his country "was going to be used as a point of entry for large shipments of narcotics," which would then be trafficked throughout Europe. "Analysts say it was only a matter of time before the cartel tried to expand into Europe, and Spain was the natural choice as an entry point, given the common language and its sea ports," elaborated *BBC News*. Despite the recent blows to the Sinaloa Cartel, it nevertheless remains one of the most dominating organized crime groups in the Western Hemisphere, and will likely continue seeking trafficking routes worldwide.



The cocaine seized back in July is displayed before a press conference in Spain. Photo: Reuters en español

Finally, the August arrests in Spain highlight the collaboration and cooperative efforts between U.S. and Spanish authorities at an international level, especially considering that the case involves Mexican suspects. The Federal Bureau of Investigation (FBI) had been working closely with Spanish National Police as part of Operation Dark Waters, which began in May 2009 to track the efforts of El Chapo and his cartel, as well as to search for the four individuals apprehended for their alleged previous involvement in drug trafficking and money laundering in the United States. *El Universal* reports that it was not until October 2010 that authorities learned of the suspects' plan to establish a European presence, and five months later the individuals traveled to Spain to begin setting up their base, which U.S. and Spanish officials tracked until they intercepted the cocaine shipment in late July of this year. Such joint efforts are reflective of the international nature of both organized crime and the level of cooperation needed to implement anti-drug and security policies.

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## U.S.-MEXICO RELATIONS

### Federal police open fire on a U.S. embassy vehicle in state of Morelos

On August 24, a diplomatic vehicle from the U.S. Embassy in Mexico was fired upon multiple times by unidentified individuals, among which were Mexican Federal Police (Policía Federal, PF) who were conducting anti-crime operations in the area. Two U.S. officials—who were later identified as members of the Central Intelligence Agency (CIA)—and a Mexican Navy (Secretaría de Marina, SEMAR) officer were wounded during the shooting, which took place while driving on a highway that connects Mexico City with Cuernavaca, Morelos. The injured were treated for their wounds at a hospital in Cuernavaca where they were stabilized before being transferred to Mexico City.

According to reports from authorities from both countries, the U.S. officers were heading to a military installation in the town of El Capulin to conduct training for members of the Mexican Navy. Around 8:00am the diplomatic vehicle (SUV) was driving on the highway between the communities of Tres Marias and Huitzilac when they were approached by a vehicle whose unidentified passengers displayed weapons and, according to several versions, opened fire against the armored Toyota SUV. As the driver of the U.S. vehicle tried to escape, three other vehicles joined the first unidentified vehicle and engaged in a chase. Reports indicate that a Federal Police (Policía Federal, PF) patrol was involved. Passengers in all four vehicles allegedly fired upon the U.S. car, while a SEMAR officer traveling with the U.S. personnel called for help to a nearby military station. After a series of gunshots, the U.S. vehicle stopped on the highway—though it is not clear whether the driver stopped because of the wounds—where it came under fire again, mostly on the passenger-side window. The concentration of bullet holes on the front passenger side of the vehicle suggests that the person inside was specifically targeted.



The U.S. Embassy vehicle guarded by Mexican military officials following the attack on August 24. Photo: Reuters

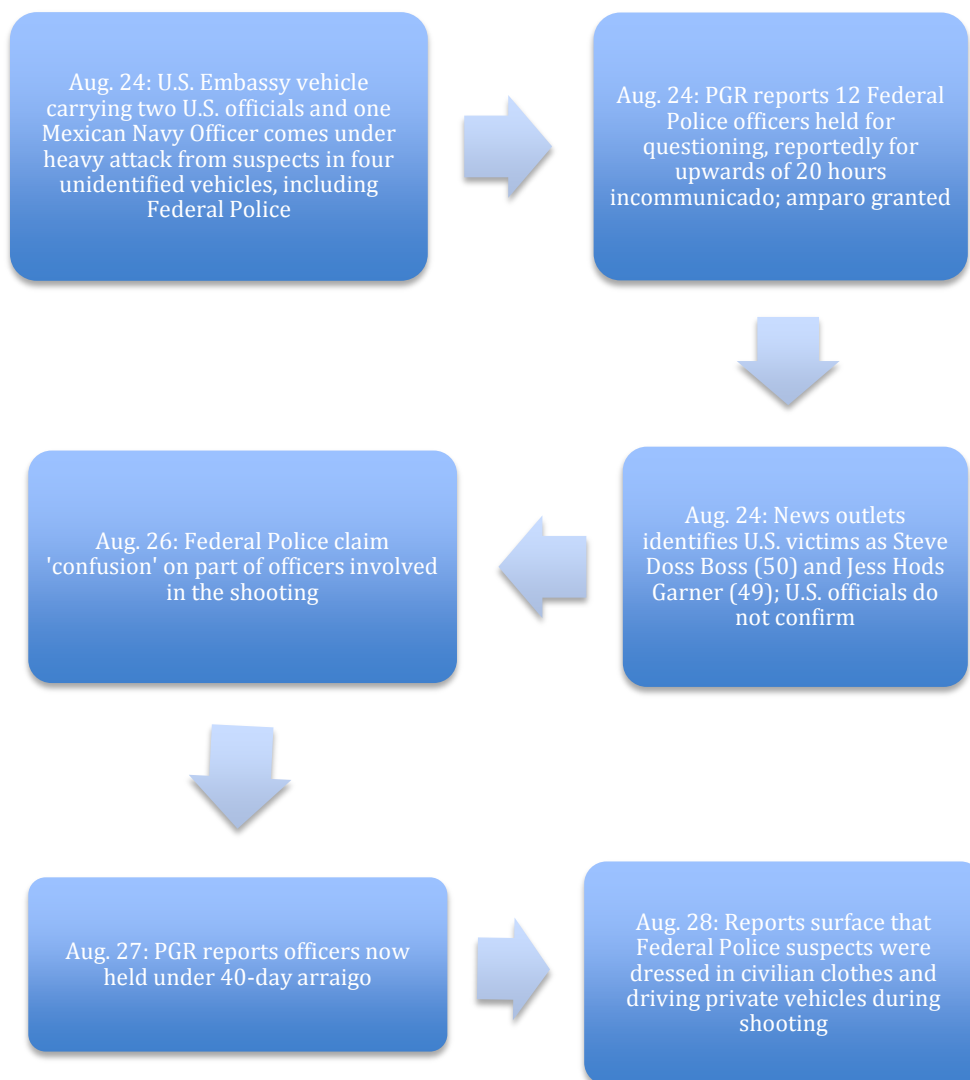
Despite it being bulletproof and armored, the intense attacks penetrated the vehicle's protection and injured the passengers. Upon the Navy's arrival to the scene, the area was cordoned off and guarded by more than 100 heavily armed marines and soldiers who closed the highway for hours. The news of alleged involvement of Mexico's Federal Police in the shootings quickly escalated the level of scrutiny and interest in the case. The PF acknowledged that its own officers, who were in the area conducting anti-crime operations, did indeed fire on the Embassy's vehicle, but did not explain why. Nevertheless, a U.S. official who was briefed on the shooting said later that all the shots appeared to have been fired by Federal Police, though that still remains unclear at this point.

Mexican prosecutors at the Attorney General's Office (Procuraduría General de la República, PGR) released a statement later that night on August 24, affirming that 12 police officers were being held for questioning. The officers' attorney noted they were granted an *amparo* to be

released until formal charges are presented, though on August 27, the PGR announced that the officers were being held under *arraigo*, a 40-day detention period pending possible charges of attempted murder and abuse of authority, among others. According to the officers' attorney, the detainees remain in custody of the PGR, but apparently were initially held incommunicado for up to 20 hours. Meanwhile, the officers' families have publicly protested the detentions, insisting that the officers were simply carrying out their duties in combating organized crime. For its part, the Federal Police maintains that the attack on the U.S. diplomatic vehicle was a result of "confusion" on the part of the officers, who it says were investigating the kidnapping of a federal official and mistook the SUV for that of the perpetrators. The PGR has said that it is following this premise as its first line of investigation. Nevertheless, it was revealed on August 28 that the officers were dressed in civilian clothing and were driving privately owned vehicles at the time of the shooting.

The U.S. Embassy said it was helping Mexican authorities conduct the investigation. After initially withholding the names and affiliations of the injured individuals, Mexican officials confirmed them to be Stan Dove Boss (50) and Jess Hods Garner (49), both CIA functionaries of the U.S. Embassy in Mexico, who have safely been transported back to the United States. Victoria Nuland, a State Department spokeswoman in Washington, D.C., said that they received appropriate medical care and were in stable condition. U.S. Democrat Rep. Henry Cuellar, who closely follows the relations between the United States and Mexico, added that both countries appeared to be working together to determine the cause of the shooting.

## Timeline of events related to U.S. Embassy vehicle attack



This is the third attack on U.S. diplomatic personnel in Mexico in two years. As the Justice in Mexico Project reported in 2010, “three people linked to the U.S. Consulate in Ciudad Juárez were killed in two separate attacks” on March 13 of that year. A year later, on February 15, 2011, U.S. Immigration and Customs Enforcement (ICE) Agent Jaime Zapata was killed, while another was wounded, when gunmen fired on their vehicle while driving through northern Mexico.

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## TRANSPARENCY & ACCOUNTABILITY

### CORRUPTION

#### **Tomás Yarrington accepted millions in bribes from organized crime: PGR**

As reported in *Reforma* newspaper, Mexico's Attorney General's Office (Procuraduría General de la República, PGR) is alleging that former Tamaulipas Governor Tomás Yarrington accepted millions of dollars in bribes from drug traffickers and corrupt police officers during his 1998 gubernatorial campaign. The PGR says that Yarrington, of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), contracted Jesús Vega Sánchez, then secretary of the PRI in Tamaulipas and later president of the same organization, to set up meetings with presumed members of organized crime in order to raise funds for his campaign. Bribery and money laundering accusations against Yarrington began in November 2011, when the body of a businessman was found in Nuevo León, to which was attached a message alleging that Yarrington was involved in money laundering activities.

The PGR alleges that Vega Sánchez first accepted three suitcases containing \$2 million (USD), and later three more containing between \$300,000 and \$500,000. According to PGR court documents, one of the first contacts made by Vega Sánchez was with Juan José Muñoz Salinas, "El Bimbo," formerly a commander with the Tamaulipas ministerial police force (Policía Ministerial) in Reynosa, and suspected envoy of Osiel Cárdenas, then leader of the Gulf Cartel. The PGR documents cite as their source another former police agent and subordinate to Muñoz Salinas and now protected witness for the PGR and the U.S. Drug Enforcement Agency, known as "Oscar." The witness is quoted as saying that Vega Sánchez acknowledged during his conversation with Muñoz Salinas that money he was accepting on behalf of Yarrington was from organized crime, saying "it [didn't] matter where the funds [came] from and the commitments that have to be negotiated; what drives us is money." According to "Oscar," Muñoz Salinas then gathered the funds that Yarrington requested through Vega Sánchez through two channels—first by consulting with the various drug smuggling groups operating in the area, and second by requesting donations from state police agents he knew and trusted. He is believed to have raised \$1 million in illicit funds and handed them over to Yarrington by June 1998.



Tomás Yarrington.  
Photo: Diario de Yucatán

In February, the PGR alerted Mexican migration authorities to impede Yarrington and two other Tamaulipas governors suspected of corruption – Eugenio Hernández Flores and Manuel Cavazos Lerma – from leaving the country. Another blow came to Yarrington in May of this year, when U.S. authorities submitted two civil forfeiture requests to confiscate Texas properties owned by Yarrington, alleging that he used illicit funds from bribery and extortion to make sizeable investments in real estate in the United States through various money laundering mechanisms. In June, possibly in response to the allegations in the United States, the PGR stepped up pressure on Yarrington, searching and seizing various properties belonging to the former Tamaulipas governor, as well as properties belonging to Eugenio Hernández Flores, also a former governor of Tamaulipas from the PRI. In his defense, Yarrington has maintained his innocence, claiming that the accusations against him are political in nature. In early July, he requested an



*amparo*, a form of court-ordered injunction on constitutional grounds, to unfreeze various bank accounts frozen as part of the PGR investigation against him. A district court judge denied Yarrington's request, despite the decision by a federal tribunal the week before to unfreeze bank accounts belonging to Seyed Farough Fatemi Corcuera, a Tamaulipas businessman accused of being a front man for Yarrington's money laundering activities.

Lawmakers of the ruling National Action Party (Partido de Acción Nacional, PAN) are now expressing concern that the investigation into Yarrington will fizzle after Enrique Peña Nieto of the PRI ascends to the presidency in December and appoints a new attorney general. Senator Rubén Camarillo Ortega urged Mexican authorities to see the case through, as well as other cases currently underway, without waiting for the United States to raise an alarm. Camarillo urged the future Peña Nieto administration to follow through with the case of Yarrington, as well as other former PRI governors accused of wrongdoing while in office, particularly Humberto Moreira, who was governor of Coahuila from 2005 to 2011, and who is accused of financial irregularities contributing to a ballooning debt during his tenure, and a resulting six-level decline in its Standard and Poor's credit rating.

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#### Six current and former military officials formally charged with aiding Beltrán Leyva Organization

A federal judge issued formal arrest orders on August 1 for four generals of the Mexican Army (Secretaría de la Defensa Nacional, SEDENA), along with a lieutenant and a major accused of working with the Beltrán Leyva Organization to traffic cocaine through Mexico. All of the men are accused of accepting bribes from the cartel in exchange for intelligence regarding military operations and protection. On August 6, the judge ruled that the men would stand trial on charges of protecting and facilitating the cartel's operations, despite requests for more time from the officers' attorneys.



General Tomás Ángeles Duahare.  
Photo: Reuters

Three of the generals—Tomás Ángeles Duahare, former Army under secretary (Subsecretario de la SEDENA) and also former military attaché in Washington, D.C., Brigadier General Roberto Dawe González, and retired General Ricardo Escorcía Vargas—had been placed under *arraigo* (a 40-day detention period reserved for organized crime suspects pending formal charges) in May, along with retired Lieutenant Colonel Silvio Isidro de Jesús Hernández Soto. Hernández Soto had also served as director of the Sinaloa ministerial police. A district court judge found that the Attorney General's Office (Procuraduría General de la República, PGR) had provided sufficient evidence to formally arrest the men, who were moved to a maximum-security federal prison in the State of Mexico (Estado de México, Edomex). In addition to the four officials under *arraigo* since May, the district judge issued an arrest order for Brigadier General Ruben Pérez Ramírez on

drug trafficking charges. Pérez Ramírez, who was arrested on unrelated charges in late 2011, was singled out by a protected witness known as "Jennifer" (identified as Roberto López Nájera of the Beltrán Leyva Organization) as being involved in General Dawe's bribery operation, conspiring in 2007 to arrange for shipments of cocaine from Colombia and Venezuela to pass through the Cancún airport. Pérez Martínez was commander of the military garrison in the area at the time, and López Nájera claims that Pérez put him in contact with military personnel at the airport, telling him that he did not want direct involvement in the arrangements. The district court judge also issued an arrest warrant for Major Iván Reyna, who the PGR says acted as an intermediary between drug traffickers and generals Ángeles Duahare and Escorcía Vargas.



The arrest order also included alleged drug traffickers Édgar Valdez Villarreal, “La Barbie;” José Gerardo Álvarez Vázquez, “El Indio;” José Antonio Ramírez Suaza, “El Arquitecto;” and Denis Gerardo Rodríguez Pacheco, “El Denis.” Valdez Villarreal, Álvarez Vázquez, and Ramírez Suaza, all former members of the Beltrán Leyva Organization who formed a splinter group that emerged following the death of cartel leader Arturo Beltrán Leyva in December 2009. The alleged money-for-intelligence schemes happened during 2007 and 2008, when the Beltrán Leyva Organization was still in tact. In addition to drug trafficking charges (delitos contra la salud), Valdez Villarreal faces homicide charges, as does Rodríguez Pacheco.

The officials have maintained their innocence, and since their detentions in May, there have been allegations of abuses by the PGR. During his appearance before Edomex district judge, General Ricardo Escorcia Vargas claimed that agents in the PGR’s organized crime unit (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO) had coerced him into signing a declaration affirming that he had dealt with the Beltrán Leyva Organization. He has reportedly filed a complaint with the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH). According to some sources including *Milenio*, General Pérez Ramírez is being treated as a collaborating witness by the PGR, and as such



La Barbie, was arrested back in August 2010.  
Photo: Associated Press, Alexandre Meneghini

could receive a sentence of fewer than ten years if found guilty. The PGR has refused to reveal Pérez Ramírez’s whereabouts. The decision by the PGR to give Pérez Ramírez special treatment could stem from a statement from protected witness “Jennifer” that he collaborated with the Beltrán Leyva Organization not for financial gain, but rather to avoid conflict with the group.

A likely challenge for the PGR in prosecuting the case is their heavy reliance on known drug traffickers as witnesses against the generals. An inconsistency has already emerged in the statements made by Sergio Villarreal Barragán, referred to in PGR documents as “Mateo,” who at the time of the alleged bribes was second in command of the Beltrán Leyva Organization. Villarreal is now cooperating with the PGR on the case against the generals. He initially told investigators that he had witnessed a meeting between General Ángeles and members of the cartel in July 2008 at which \$5 million (USD) changed hands. However, he later corrected himself, saying that the meeting happened in July 2007. The attorney of General Ángeles pointed out that his client was demonstrably out of the country in July 2008, suggesting that the PGR changed the date of the alleged meeting to adjust for this revelation. Moreover, Edgar Valdez Villarreal and Gerardo Álvarez, both of whom were active in the cartel at the same time, have denied any knowledge of ties between the generals and the Beltrán Leyva Organization. The generals’ attorneys have pointed to these statements as evidence of a weak prosecutorial case against their clients, and have expressed confidence that they will be exonerated. They have also requested that Valdez Villarreal be subpoenaed to make his statements in court. Moreover, it was reported on August 3 that the PGR has not been able to locate one of its key witnesses, Leopoldo Vázquez, who allegedly served as an intermediary between the Beltrán Leyva Organization and Lieutenant Colonel Hernández Soto.

As the criminal proceedings move forward, the unprecedented arrest of six high-ranking military officers represents a challenge to the image of the Mexican armed forces, which have long enjoyed a public perception of being relatively immune to corruption, particularly when compared to Mexico’s police forces. However, public security analysts have argued that, with the increased use of the armed forces in domestic law and order functions, military personnel have become increasingly vulnerable to the corrupting influences of organized crime, a point underscored by these recent charges. The Mexican government, however, is attempting to cast a more positive light on the situation. Óscar Vega Marín, executive secretary of the National Public Security System (Sistema Nacional de Seguridad Pública,

SNSP), said that the generals' arrest serves as an example to all public servants who abuse their positions, regardless of who they are, reaffirming the zero-tolerance policy toward impunity set in motion by the Calderón administration.

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### PGR alleges that Sinaloa Cartel infiltrated Supreme Court

A federal judge in Mexico indicted an official from the Mexican Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) accused of working for the Sinaloa Cartel, also known as the Pacific Cartel, the criminal organization headed by Joaquín Guzmán Loera, "El Chapo." Mexico's Attorney General's Office (Procuraduría General de la República, PGR) alleges that Juan Carlos de la Barrera Vite, who was a law clerk (Secretario de Estudio y Cuenta) at the SCJN, provided the Sinaloa Cartel with information regarding statements made by protected witnesses against the criminal organization.

De la Barrera Vite worked in the office of Justice Sergio Valls Hernández, and more recently as area director in the Court's personnel department. He also reportedly worked for a six-month period last year in the narcotics division of PGR's organized crime office (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), the agency that is currently investigating him. He obtained a Master's degree in civil and family law from the Autonomous University of Barcelona before joining the ranks of the federal judicial branch. Upon quitting his post with SIEDO, he returned to the SCJN, where he worked for the human resources department, where he would have had less access to sensitive information than clerking for Justice Valls.

According to the investigation being carried out by SIEDO, de la Barrera answered to Felipe Cabrera Sarabia, "El Inge," who Mexican authorities have identified as one of El Chapo Guzmán's principal lieutenants. Cabrera Sarabia was arrested last December by Army special forces in Sinaloa's capital, Culiacán, and subsequently accused of spearheading the Sinaloa Cartel's activities in Durango and the south of Chihuahua. According to SIEDO's preliminary investigation, two witnesses alerted the agency to various corrupt officials working with the cartel, including de la Barrera Vite. Criminal proceedings against the defendant began on June 21, and a federal judge ordered his arrest on July 26. He was apprehended on July 29 in Acapulco, Guerrero, and is currently housed in the Federal Social Rehabilitation Center 3 Northeast (Cefereso 3 Noreste) in Matamoros, Tamaulipas.

The Mexican Supreme Court has confirmed the arrest of de la Barrera Vite, as well as his former positions in the Court, and that it is cooperating with the PGR's investigation. It also denied that any sensitive court information has been compromised.

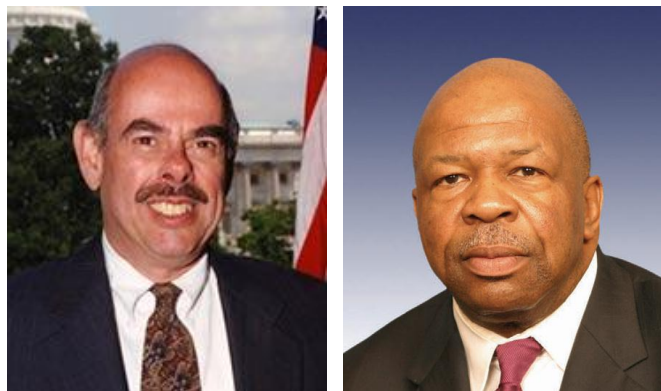
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## MONEY LAUNDERING

### U.S. congressmen accuse Wal-Mart de México of tax evasion and money laundering

Just two months following the revelation that Wal-Mart's Mexican subsidiary Walmart de México paid out millions in bribes to Mexican authorities to expedite the construction of thousands of stores throughout Mexico, the company now finds itself the subject of an ongoing U.S. congressional investigation that could reveal money laundering and tax evasion.



U.S. Representatives Henry Waxman (left) and Elijah Cummings (right) are leading the investigation into Wal-Mart's bribery scandal

In a statement published through the Mexican stock exchange (Bolsa Mexicana de Valores, BMV) on August 15, the company said that it would cooperate with any investigation that may come of the allegations. Nevertheless, U.S. Representatives Elijah Cummings and Henry Waxman have said that Wal-Mart has not cooperated with their congressional inquiry into the bribery allegations from earlier this year. In a letter sent to Wal-Mart's Chief Executive Officer Michael T. Duke, Cummings, and Waxman offered a final opportunity to hand over company documents and grant access to witnesses within the company. The congressmen said in the letter that, "[Wal-Mart's] actions prevent us from assessing the thoroughness of [its] internal investigation and from identifying potential remedial actions." In

the same letter, the representatives claimed to have obtained internal company documents including audit reports that suggest that Walmart de México could have engaged in money laundering and tax evasion, in addition to bribery. The congressmen have not yet made public specific documents or witness statements implicating Wal-Mart in money laundering or tax evasion.

Cummings and Waxman have headed up the investigation into Wal-Mart since April, when it was revealed in the *New York Times* that in 2005 the company had buried its own investigation into allegations of bribery of Mexican officials in exchange for expediting building permits for Wal-Mart stores. Wal-Mart saw an exceptionally rapid expansion in Mexico in the early 2000's, reaching over 2,000 stores and employing more than 200,000 people. According to the *Times*, Wal-Mart revealed its investigation to the public in April, but only after it learned of the newspaper's investigation into the allegations. There are no active investigations into Wal-Mart in Mexico relating to alleged money laundering or tax evasion, according to Mexico's Secretariat of Finance and Public Credit (Secretaría de Hacienda y Crédito Público, SHCP).

Meanwhile, a union pension fund in Indiana that holds shares in Wal-Mart Stores Inc. is suing the company to gain access to internal documents related to the bribery scandal. This lawsuit is the most recent challenge to the company since the bribery allegations were made public in April. The previous lawsuits, filed in the Delaware Court of Chancery, alleged that Wal-Mart executives failed to fulfill their fiduciary duties to shareholders. The most recent lawsuit, filed in the same court, focuses on the company's failure to release documents, as well as the release of documents that were "so heavily redacted" as to render them basically worthless. The lawsuit added that an anonymous whistleblower had sent company documents, including emails relating to the bribery scandal and the internal investigation, to the pension fund's lawyers that substantiated some of their suspicions about the company.

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## JUSTICE AND HUMAN RIGHTS

### MILITARY JUSTICE SYSTEM

#### **Mexico's Supreme Court restricts reach of military jurisdiction**

Mexico's Supreme Court (Suprema Corte de Justicia de la Nación, SCJN) voted on August 10 to greatly limit the use of the military justice system for trying cases involving alleged human rights abuses. In a 7-3 vote, the justices ruled that cases of alleged human rights violations by military personnel in which civilians are involved—either as victims or accomplices—will now be tried in civilian courts, seemingly resolving one of the more controversial aspects of the military-led anti-cartel campaign President Calderón began in late 2006 when he took office.

Since then, the Mexican armed forces, particularly the Army (Secretaría de Defensa Nacional, SEDENA), have taken on an unprecedented role in public security operations, coming into increased contact with civilians and resulting in allegations of human rights abuses, such as arbitrary detentions, illegal home searches, forced disappearances, torture, and rape. Before the decision on August 10, such cases were handled in Mexico's military justice system, which groups including Mexico's Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) have accused of protecting military personnel guilty of human rights abuses. According to the *Associated Press*, military prosecutors have opened nearly 5,000 investigations into allegations of human rights abuses by military personnel, resulting in only 38 convictions. The use of military courts to try soldiers



**Four of Mexico's Supreme Court Justices seen here deliberate over the use of civilian courts to try cases of military human rights abuses. Their rulings this month were historic for the advancement of human rights in Mexico. Photo: El Universal, Cuarto Scuro**

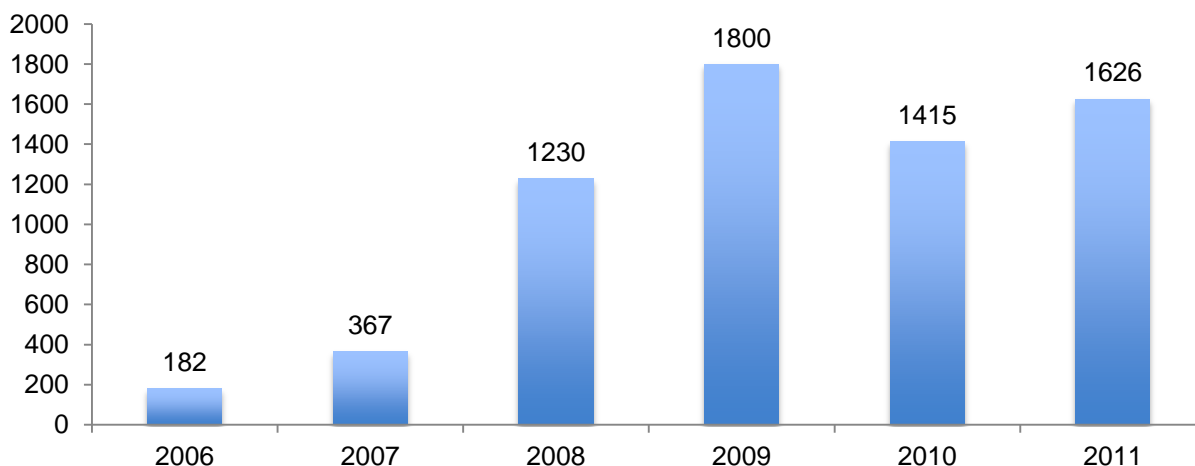
accused of abuses against civilians has been a lightning rod for criticism from human rights groups such as Amnesty International and Human Rights Watch, both of which applauded the SCJN's ruling. Concerns over the use of military jurisdiction were also at the forefront of the U.S. government's decision in 2010 to withhold \$26 million (USD) in funds from the Mérida Initiative, an aid program designed to assist Mexico in fighting organized crime and strengthening its justice system.

In 2011, the Court made a similar ruling, upholding a decision by the Inter-American Human Rights Court that alleged human rights abuses by soldiers and involving civilians must be handled in civilian courts, but it was unable to establish a legal precedent for moving forward, since the ruling did not involve a specific case. In this more recent ruling, the Court took on the case of Colonel José Guadalupe Arias Agredano, accused of covering up the torture and murder of 27-year-old auto mechanic Jethro Ramsés Sánchez, who authorities say was killed at an army base last year. Soldiers at the base reportedly told investigators that they heard screams coming from Ramsés, who was detained at the base after police arrested him during a raid at a fair in Cuernavaca, Morelos, suspecting him of involvement in a criminal organization. Justice José Ramón Cossío dissented, but not in defense of the military justice system. Cossío argued that Ramsés' case does not belong in a federal court, because he was not on duty when he allegedly ordered the secret burial of Ramsés Sánchez. The majority, however, determined that this point was irrelevant to the crime, since Ramsés was active in the military at the time. Justices Margarita Luna and Sergio Aguirre Angulano were the only justices to dissent defending the use of the military justice system for cases of alleged human rights abuses by military personnel, even involving civilians. Justice Sergio Valls was absent. According to the ruling, Arias Agredano, who has been incarcerated since 2011 awaiting trial, will be tried in a civilian court. In order to establish precedent required for a full transition to



civilian courts, the Court must rule similarly on four more cases, but the justices have reportedly indicated that the Court will move in that direction. There are 27 cases involving military jurisdiction pending, including the case of Otilio Cantú, allegedly killed by soldiers commissioned by the Nuevo León state police in April 2011; and Bonfilio Rubio Villegas, an indigenous man who died at a military checkpoint in Guerrero in June 2009. Moreover, the SCJN has moved toward further limiting the reach of military jurisdiction, with pending cases involving military personnel charged with altering crime scenes, transporting drugs, and involvement in robberies and homicides.

### Complaints registered with CNDH against SEDENA



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With the growing number of complaints of military human rights violations registered annually with Mexico's National Commission of Human Rights (Comisión Nacional de Derechos Humanos, CNDH), Mexico has been facing both domestic and international pressure to reform the military's jurisdiction on hearing such cases. August's rulings by the Supreme Court are significant advances towards overdue human rights reform.

On August 14, the Court made its second ruling restricting military jurisdiction, in an 8-2 decision determining that military personnel charged with issuing false statements to implicate civilians in a crime will also be tried in civilian courts. The ruling stemmed from a 2010 incident in which three Mexican Army officers made statements to the Morelia, Michoacán public prosecutor's office accusing a civilian of possessing marijuana. In a preliminary investigation, Mexico's Attorney General's Office (Procuraduría General de la República, PGR) found inconsistencies in the officers' statements, and referred the case to a military prosecutor. When the prosecutor requested an arrest warrant for the three officers, the military judge refused, saying that it was a matter for the civilian courts, since a civilian was implicated in the alleged marijuana possession.

A third ruling came on August 21 when the SCJN ruled Article 57 of the Mexican Military Code of Justice to be unconstitutional, which is the specific article that the military has interpreted to give itself jurisdiction over cases involving military human rights. The case that prompted the August 21 decision surrounded Bonfilio Rubio Villegas, a Mexican indigenous man who was shot and killed at a military checkpoint in 2009. For the past three years, the family of Rubio Villegas has been fighting for a transfer of jurisdiction, despite being allegedly threatened and intimidated for their attempts. In an 8-2 vote, the Supreme Court justices determined that the case should indeed be tried in federal court rather than in a military court. The SCJN must rule on an additional two cases to establish precedence, but the fact that it has continued to uphold its initial decision earlier this month is nevertheless an historical moment in Mexico for human rights and will certainly strengthen victims' access to justice.



The Supreme Court's decisions this month stem from a 2009 ruling in the Inter-American Human Rights Court that military jurisdiction could not be applied in cases of alleged human rights abuses committed against civilians. President Calderón sent a proposal to the Mexican Senate that charges of disappearances, torture and rape committed by soldiers against civilians be handled in civilian courts. However, cases of alleged homicide, as well as other abuses such as arbitrary detentions were not included in his proposal. The Mexican Congress, amidst pressure from senior military officials to maintain the status quo, has been unable to agree that the Mexican constitution will supersede the Military Justice Code in cases of alleged rights violations of civilians by soldiers. Article 13 of the Mexican constitution states that "When in a crime or lack of military order a citizen [paisano] is involved, the corresponding civilian authority will try the case." Senator Felipe González underscored this point, arguing that the Supreme Court's decision wouldn't have been necessary, had the Mexican Congress resolved the matter during debate over the National Security Law, which died in 2011 due to a lack of political will to reach consensus on military jurisdiction, among other issues. González, of the National Action Party (Partido de Acción Nacional, PAN), placed blame on the Chamber of Deputies, which he said refused the Senate's proposal to eliminate military jurisdiction for cases involving alleged abuses of civilians. He added that Congress still must pass legislation regarding military jurisdiction, citing concerns that with the changes resulting from the Supreme Court ruling many cases involving military personnel will languish for years in the inefficient federal courts.

The Trans-Border Institute recently published a report on the topic of military human rights violations, detailing the cases involved in CNDH recommendations issued specifically to the armed forces (SEDENA) and Navy (Secretaría de Marina, SEMAR), and providing context, analysis, and recommendations. The full report can be found at [www.sandiego.edu/tbi](http://www.sandiego.edu/tbi).

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## FEDERAL JUSTICE

### PGR requests controversial arrest of two federal judges

The Attorney General's Office (Procuraduría General de la República, PGR) requested an arrest order for federal judges Martín Adolfo Santos Pérez and Osvaldo López García and two clerks, due to their refusal to issue a search warrant for the house of fellow federal judge Efraín López Cázares. López Cázares was responsible for releasing a number of Michoacán public officials who were accused in 2009 of links to organized crime and drug trafficking via La Familia Michoacana, a case better known in Mexico as "Michoacanazo." However, on August 24, Federal Judge Ricardo Delgado refused to order the arrests of colleagues Santos and López García arguing that the PGR did not prove the judges hampered the investigation against López Cázares.

Despite López Cázares' search warrant being initially denied by judges Santos Pérez and López García, Attorney General Marisela Morales reported that an upper court later overturned this, ruling there was indeed sufficient evidence to proceed. Morales announced that the PGR conducted raids at properties connected to López Cázares and reiterated the PGR's commitment to justice by ensuring that there is no persecution of any kind against federal judges by her agency, referring to the arrest warrants requested for Santos Pérez and López García.

In a statement issued at the reception of the Third Regional Meeting of the Full Council (Tercera Reunión Regional del Pleno) of the Federal Judicial Council (Consejo de la Judicatura Federal, CJF), a gathering this month of 240 judges and magistrates in Guadalajara, Jalisco, the CJF said that it will continue to defend the judges who are pressured or unduly persecuted for doing their job when in accordance with the law. According to Juan Silva Meza, president of the Supreme Court of Justice (Suprema Corte de Justicia de la Nación, SCJN) and of the CJF, "using reason and law, [they] will denounce and combat any attempt to undermine the independence and autonomy of the judges of the Federation, especially when sufficient evidence and support are not presented."

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**PRESS FREEDOM****Suspects captured in cases of five murdered journalists in Veracruz, critics react**

Members of the Navy (Secretaría de Marina, SEMAR) in Veracruz, Veracruz captured several alleged members of the Jalisco Nueva Generación group (JNG)—a drug-trafficking organization that is closely aligned with the Sinaloa Cartel—during an operation in the coastal city on August 10. According to the Veracruz Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE), several of the men captured provided confessions and information that accounted for five media-related homicides that occurred in Veracruz earlier this year during a string of attacks. Attorney General Amadeo Flores Espinoza declared that he was seeking to turn the investigation over to Mexico's Attorney General's Office (Procuradía General de la República, PGR) because the matter involves a top-tier criminal organization.



Protestors rally against the announcement this month that suspects have been apprehended and confessed to the killing of five journalists in Veracruz earlier this year, saying that justice has not been served. Photo: Voz de America

Among the confessions offered to authorities was that of Juan Carlos Hernández Pulido, alias "La Bertha," a leader of JNG's presence in the city of Veracruz. According to Flores Espinoza, as reported by multiple news outlets, Hernández stated that his group had targeted "various journalists" because they were known to have been the "causes" of the assassinations of other journalists, which were reportedly executed by members of the Zetas. The *Los Angeles Times* elaborated, noting that the "speculation is that the slain journalists may have been perceived as accomplices of a rival drug gang that killed other

reporters. The group of journalists and media staffers Flores Espinoza implicated included: Ana Irasema Becerra, publicist for *El Dictamen*; Guillermo Luna, photojournalist for *Veracruz News* and *La Voz del Sureste*; Gabriel Huge, photographer for *Notiver*; Esteban Rodríguez, photographer for *AZ*; and Víctor Manuel Báez Chino, editor for *Milenio Veracruz*.

The veracity of this confession has been called into question by several organizations including the New York-based Committee to Protect Journalists (CPJ). As reported by *Grupo Fórmula*, Carlos Lauría,

Senior Program Coordinator for the Americas at CPJ, expressed grave concern “over the lack of credible details offered by the authorities in Veracruz to justify their claim that these assassinations have been resolved.” He went on to highlight that “the suspects did not offer more details, such as the identity of the victims or the dates of the assassinations, and the federal authorities have indicated to CPJ that according to written accounts of the interrogations, the [state] investigators failed to ask for more information.” In regard to the slain reporters’ ties to the Zetas implied by the state attorney general, Lauria expressed that he is troubled by the fact that the “state authorities are staining the reputations of the victims without offering any evidence to support their assertions.”

Artículo 19, an advocacy organization that defends freedom of speech and press in Latin America, has rejected the official account issued by Veracruz authorities. “This method of trying to close a case is nothing new. They are merely the words of an attorney general that has come to a conclusion based on one declaration by one detained suspect. There is no true investigation to speak of, there is no judge, there is not a single element to sustain his conclusion,” described an Artículo 19 spokesperson to *Voz de America*.

On August 17, amid the backlash against the criminal implication of the slain journalists, *Vanguardia* reported that Enrique Ampudia Melo, undersecretary of the government of Veracruz, officially stated that his institution “does not seek to criminalize the journalists that were murdered at the hands of the Jalisco Nueva Generación Cartel assassins.”

Veracruz is considered an important corridor for transporting U.S.-bound drugs, a zone which the Zetas, the Gulf Cartel, Jalisco Nueva Generación, and La Familia Michoacana all compete for. Nine journalists have been killed in Veracruz this year alone and over 70 across the country have been murdered or have disappeared since the Calderón administration launched its anti-cartel offensive.

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#### Monterrey suffers continued attacks on news outlets

Media outlets in the city of Monterrey, Nuevo León, suffered more attacks on July 30 and 31. In the assault on Tuesday, July 31, employees of the magazine *Dipsa* were held hostage by armed gunmen while accomplices burned the paper’s inventory. According to *El Economista*, the masked gunmen, thought to be members of either the Gulf Cartel or Los Zetas, painted a large “B” and “S” on the building’s walls before departing, although it is unclear what the letters stand for. *Dipsa* produces both independent news and also acts as the sole distributor for papers and magazines in the region, including one that reports on organized crime. No injuries were sustained in the attack. The day before the strike against *Dipsa*, the paper *El Norte* was the victim of a similar assault. Assailants held employees at gunpoint while burning the *El Norte* building and inventory. This was the third crime perpetrated against *El Norte* over a six week period; earlier attacks this summer caused one of its subsidiaries, *El Mañana*, to publicly announce that they would no longer cover cartel related or drug violence stories. The media network also sustained similar attacks in September 2010, January 2011, and March 2011. No charges have been filed in any of these incidents.

*El Universal* reports that military officials believe the attacks, in conjunction with other related incidences of intimidation and vandalism, are an attempt by the Gulf Cartel to “heat up” the cost of operations in Monterrey for its rivals, the Zetas criminal organization. Monterrey, and Nuevo León in general, has been the site of a deadly power struggle between the two groups and has resulted in high-profile incidents of violence including the deadly attack on Casino Royale in 2011, as well as 49 mutilated bodies found along a local highway in May of this year.

Mexico has long been struggling with protecting the press in an increasingly hostile and dangerous environment. Both domestic and international organizations pressured the government to pass an amendment making violence against journalists a federal crime, which was approved in the Mexican congress in June of this year. Despite this significant step forward, the Committee to Protect Journalists continues to rank Mexico as not only one of the more dangerous countries in the world for journalists, but also one with a disconcertingly high rate of impunity for alleged perpetrators of violence against members of the media.

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## VIOLENCE AGAINST YOUTH

### Criticism surrounds prison sentencing in "News Divine" case

The fourth prison sentencing in the News Divine night club tragedy that occurred four years ago when Federal District (Distrito Federal, DF) police blocked the only exit during an underage drinking raid has been handed down, though not without criticism and backlash. 12 individuals were killed in the raid, including four minors and three police officers, yet until the end of July, only three of the 35 individuals singled out as sharing responsibility for the episode had been sentenced to jail, and only one other—Alfredo Maya Ortiz, the night club's owner—remained behind bars awaiting the court's decision. On July 31, the court overseeing Maya's case handed down a 24-year prison sentence with a fine of 216,933 pesos (about \$16,500 USD) for selling alcohol to minors at his establishment, a steep sentence compared to the other three suspects previously charged. The assistant legal director of the Gustavo A. Madero delegation in which News Divine is located only received five years in prison for "failing to render a public service;" a medic received nine years for inappropriately undressing female victims at the scene; and an agent with the Public Prosecutor's Office received three years for obstructing justice. All were either released on bail or had the charges dropped after appeals, and now remain free.

According to *Univision Noticias*, Maya's judgment was due to his 'leadership position' within the club, and his emphasis on profit over appropriate age controls. This case has attracted significant attention because the 24-year sentence was allegedly based solely on the crime of selling beer to minors, worded as "corruption of minors" in the legal documents, and Maya has never been formally charged with culpability for the deaths related to the raid of the nightclub. Maya is also the only civilian who was arrested, while the remaining suspects are public servants. In a statement from the Federal District's Commission of Human Rights (Comisión de Derechos Humanos del Distrito Federal, CDHDF), the agency tasked with investigating why the 31 others cases have been pending for so long, the organization strongly asserted that Maya's sentence does not lessen the culpability of the police officers and other public officials still waiting for their cases to be heard.



Families of the News Divine victims protest the judiciary's slow efforts to bring justice and closure to the victims' cases. Photo: La Crónica de Hoy



Maya's sentencing provoked ire from the families of the victims who contest that justice is not being served despite the ruling. For one, they argue that the sentence handed down for serving alcohol to minors does not directly correspond to the victims' deaths. Patricia Domínguez simply stated that her underage son who perished at the nightclub "did not die intoxicated," implying that Maya's and others' guilt should not revolve around the fact that minors were served alcohol. The families also continue to demand swifter justice, pointing to the fact that the cases of 31 of the 35 suspects apprehended still remain open and unresolved. Said Rubén Tapia Gamboa, who also lost a son at News Divine, "those responsible are still in the street."

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## VICTIMS OF ORGANIZED CRIME VIOLENCE

### TBI welcomes Javier Sicilia and the Caravan for Peace

On Sunday, August 12, the Trans-Border Institute (TBI) welcomed Mexican anti-violence activist Javier Sicilia and the Caravan for Peace (Caravana por la Paz) to the University of San Diego (USD) as part of the launch of the Caravan's travels, which made its way to Washington, D.C. throughout August, visiting 20 U.S. states. The Caravan, which included more than 100 people, many of whom were family members or friends of victims of drug-related violence, crossed the border from Tijuana into San Diego earlier in the day, making a stop at Border Field State Park before traveling to USD where a Spanish mass was held in Founder's Chapel to reflect on the Caravan's journey. Afterwards, a public forum in the Kroc School of Peace Studies was hosted to discuss the problem of violence in Mexico and the purpose of the group's travels to the U.S. capitol.



Javier Sicilia (left) and TBI Director David Shirk (right).  
 Photo: Trans-Border Institute

Mr. Sicilia is an internationally recognized poet whose son, Juan Francisco, was kidnapped and murdered last year at the age of 24 in the state of Morelos. Following this tragedy, Mr. Sicilia was joined by thousands of other victims in launching the "Movement for Peace and Dignity," which has mobilized hundreds of thousands of people in protests calling for authorities to end Mexico's security crisis. The Caravan seeks to bring national and international attention to several major issues in U.S.-Mexico relations, including international drug policy, money-laundering operations, firearms trafficking, and the plight of migrants.

TBI Director David Shirk took the unique opportunity of hosting Mr. Sicilia and the Caravan to present information and statistics related to the drug-violence in Mexico compiled through the Justice in Mexico Project (JMP). Most notably, he announced the launch of the JMP's Victims and Violence Monitor (Monitor de Víctimas y Violencia), which documents homicides related to drug trafficking and organized crime in Mexico using information publicly reported by professional news sources. TBI has already



collected more than 1,800 individual cases of victims, 70% of which included the person's name and in most cases other identifying characteristics like age, gender, location, weapon used, etc. Following Dr. Shirk's presentation, he was joined onstage for further comments and reflections by Mr. Sicilia and guest Jordi Soler, the latter a renowned Mexican writer who joined the Caravan for Peace in San Diego to show his support of the movement. The Trans-Border Institute concluded the forum with the presentation of a symbolic peace dove to Mr. Sicilia, a gift conferred on behalf of the Kroc School of Peace Studies.

To view the full itinerary and schedule of activities for the Caravan's march through the United States, please visit [www.caravanforpeace.org/caravan/](http://www.caravanforpeace.org/caravan/).

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## AROUND THE STATES

### BAJA CALIFORNIA: 225 police receive training in new judicial system, police professionalization



Just over 225 Tijuana municipal police received training this month from the Secretary of Municipal Public Security (Secretaría de Seguridad Pública Municipal, SSPM) as part of their preparation for the new accusatorial judicial system and as ongoing professionalization efforts. 140 police attended a course held at the Centro Universitario de Baja California (CUBC) in Tijuana over the weekend of August 10-12 in which they received information specifically related to their actions vis-à-vis the new criminal justice system being implemented throughout Mexico. *Agencia Fronteriza de Noticias*

reported that the topics covered included "dealing with criminals, taking care of crime scenes, [and following the] chain of command and custody of detained persons and evidence." Meanwhile, 86 additional municipal police concluded training courses at the Institute of Professional Training (Instituto de Capacitación y Adiestramiento Profesional, ICAP) this month during which they covered operational techniques, writing reports, general police development related to use of equipment, and their role as well within the new judicial system.

Trans-Border Institute Director David Shirk commented on Mexican police training efforts in general, stating, "Our research suggests that police officers in Mexico often lack preparation for the demands of their profession, and officers in surveys we've conducted specifically express a desire for more training on how to work within existing laws and regulations, as well as the proper use of firearms, police tactics, and first aid. In other words," he continued, "many Mexican police want to do their jobs properly, but they are not prepared or encouraged to do so." According to the SSMP, it is working with local police throughout Mexico to better equip and prepare the forces so they can "provide better services to the community."

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### EDOMEX: Oral trials prove effective in resolving low profile cases



Nine months after the State of Mexico (Estado de México, Edomex) began its transition to the new adversarial criminal justice system, the state has recognized the advances of the implementation, as well as its limitations and areas from growth.

On the one hand, the implementation of the new system has led to the resolution of 6,422 of the 11,300 criminal cases (57%) since October 2011,

when it began to be gradually implemented in all 18 judicial districts in the state. Despite its proven effectiveness in resolving minor cases, attorneys say the system based on oral trials is not ready for high-impact crimes. Oral trials have been successful in facilitating court cases dealing with low-impact crimes, such as theft, because of the speed with which cases can be resolved. Attorneys noted that such cases could be settled in a matter of 15 days. However, another problem critics argue is that police investigations into cases, which the prosecution strongly relies on to build its argument, are inadequate. *Reforma* reported that 99.9% of all cases include the defendant self-incriminating him or herself, which is reflective of the argument that police investigations are not strong enough for prosecutors to build a legitimate case upon.

According to *Esto es la Justicia*, Edomex is just over 54% of the way to having its adversarial justice system fully operational, a figure it generates by analyzing the levels of planning, implementation, training, transparency, and infrastructure, among other factors.

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### GUERRERO: SSP completes Training All of Guerrero program



105 Guerrero state police (Policía Estatal) participated in a weeklong training hosted by the Secretary of Public Security (Secretaría de Seguridad Pública, SSP) that wrapped up on Friday, August 17. The program, titled Training All of Guerrero (Capacitación Todos por Guerrero), was comprised of different courses throughout the week that all aimed to teach police how to better prepare citizens to prevent violence and crime. SSP Crime Prevention Director (Prevención del Delito de la SSP) María Guadalupe Salgado Figuerora stated that the courses' main objective "were to create a multiplier effect on society," whereby police were trained how to prevent violence, kidnapping, extortion, and bullying, among other acts—knowledge that they then pass on to citizens via public forms, educational meetings, etc. Salgado emphasized that citizens, like police, have a role in preventing violence and creating a safer society.

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### TABASCO: Congress approves Adversarial Criminal Procedure Code



On August 8, the Congress of Tabasco approved the state's Adversarial Criminal Procedure Code (Código Procesal Penal Acusatorio) with 33 votes in favor, a code that will be gradually implemented throughout the state within the next four years. The judicial district of the Macuspana municipality will be the first to begin using the new system starting on September 28, 2012. The Code complies with the mandate established in the 2008 Mexican constitutional reforms that require all states to transition from the traditional criminal justice system to the new completely adversarial system by 2016. At the last moment during its deliberation, the state Congress modified an article within the Code so that the 2013 General Budget of Expenditures (Presupuesto General de Egresos 2013) allocates necessary funding and resources for the implementation of the new system, which is important to note given that some of the other states further ahead of Tabasco in the implementation process have run into budgetary problems and inadequate funding for the judicial overhaul.

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**YUCATÁN: Second phase of judicial system implementation to begin in September**

Marcos Celis Quintal, President of the State Court (Tribunal Superior de Justicia del Estado, TSJE) of Yucatán, took the opportunity to reflect on the status of his state's transition to the adversarial criminal justice system with the second of three implementation phases about to launch in September. Nine months have passed since the state of Yucatán started the implementation, which began on November 15, 2011, and covered 36 municipalities in the state. The second phase will launch in September of this year and will cover 46 municipalities, while the last phase will cover the remaining 24 municipalities, including the state capital of Mérida—which represents 70% of the state's judicial activity—as well as pending locations in central Yucatán. Particularly because of Mérida, Celis Quintal noted that next year's third and final implementation phase will be the biggest and require the most resources and effort. He also realistically added that it could take upwards of ten years to have the system fully implemented, but nevertheless that oral trials will be in place in every municipality by September 2013.

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# Justice in Mexico Project

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**About the Project:** *The Justice in Mexico Project studies rule of law developments in Mexico, and is coordinated through the Trans-Border Institute (TBI) at Joan B. Kroc School of Peace Studies at the University of San Diego. The Justice in Mexico Project conducts and disseminates research on three broad categories related to the rule of law: law and order, transparency and accountability, and access to justice. The project receives generous financial support from the MacArthur Foundation. To make a financial contribution to our organization, please visit: <http://www.sandiego.edu/tbi/support>.*

**About the Report:** *The Justice in Mexico Project produces monthly news reports based on regular monitoring of international, national, and sub-national developments affecting the rule of law Mexico. The project also provides periodic updates to its news blog and stores archives of past reports at <http://www.justiceinmexico.org>. This report was compiled by TBI Program Associate Cory Molzahn, and edited by Kimberly Heinle, with research assistance from Octavio Rodriguez, Katharine Petrich, Margaret Serrano, and Dan Zuzuárregui. The report is coordinated by David A. Shirk, TBI Director, Octavio Rodriguez, Program Coordinator, and Kimberly Heinle, Operations Coordinator. Any opinions expressed in attributions for this summary are those manifested in the media reports and op-ed pieces compiled herein, and not those of the University of San Diego, the Trans-Border Institute, or its sponsors. Please report any questions, corrections, or concerns to [transborder@san Diego.edu](mailto:transborder@san Diego.edu).*

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