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Justice in Mexico



This Issue:

- Michoacán public security strategy in spotlight amidst a rash of arrests of public figures
- CIDH report voices concern over treatment of child migrants in Mexico
- New committee created to evaluate NSJP implementation
- Ministry of the Interior releases more data on disappeared persons in Mexico

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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 in 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 Cory Molzahn, Kimberly Heinle, Octavio Rodriguez, and David Shirk, with the research assistance and direct contributions from Alexis Alvarez, Tiana Carriedo, Alexandra Kearns, Dom Pera, and Maritza Rodriguez Diaz. 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 Justice in Mexico Project, or its sponsors. Please report any questions, corrections, or concerns to justiceinmexico@sandiego.edu.

About the Cover: Commemoration of Victims of Disappearances . Image from: El Mañana / Agencias.

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Crime and Violence

Michoacán public security strategy in spotlight amidst a rash of arrests of public figures

Rodrigo Vallejo Mora, son of former Michoacán Governor Fausto Vallejo, has been detained by Mexico's Attorney General's Office (Procuraduría General de la República, PGR) while he is being investigated for alleged ties to the Knights Templar (Caballeros Templarios, KTO) criminal organization. Vallejo can be seen in a widely disseminated video meeting with Servando Gómez Martínez, "La Tuta." He is currently in the Santiaguito Center for Prevention and Social Re-adaptation in the State of Mexico (Estado de México, Edomex), where he is awaiting charges stemming from covering up his meeting with Gómez, since he did not make the Federal Office of the Public Prosecutor (Ministerio Público Federal, MPF) aware of the event.

The PGR said that after spending 48 hours in the Public Prosecutor's custody, Vallejo Mora still declined to make any statement regarding the 18-minute video, in which he can be seen drinking a beer and discussing Michoacán politics with Gómez Martínez, one of Mexico's most wanted criminals. Vallejo voluntarily turned himself over to authorities on August 1, after posting on his Facebook page that he went to the meeting with La Tuta because "the criminals made [him] attend."



This image taken from a video shows Rodrigo Vallejo Mora (left) meeting with Servando "La Tuta" Gómez. Photo: Quadratin.

On August 9, a federal judge indicted Vallejo shortly after he was denied an injunction that would have granted him release from prison pending criminal proceedings against him. He will face charges of "encubrimiento," or covering up information that could have led to La Tuta's capture. Nevertheless, his case file remains open to further charges

against him, should the federal Attorney General's Office (PGR) decide to do so. His current charges carry a sentence of three months to three years in prison and a fine of 15 to 60 days' wages.

Also in August, two mayors of municipalities in the Tierra Caliente region of Michoacán are facing allegations of having connections with members of the Knights Templar Organization. Early in the month, Salma Karrum, the mayor of Pátzcuaro, appeared in a video filmed in March of last year alongside "El Tony," the leader of the Templarios in her municipality. The video was filmed days following the murder of the mayor's son-in-law, Jonathan Rondan Pacheco (28), in the doorway of Karrum's home. In the video, she can be heard trying to arrange a meeting with La Tuta to seek an explanation for the murder of her son-in-law. Karrum, of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), confirmed the authenticity of the video and said that she would make herself available to authorities for questioning. Nevertheless, the video has been widely viewed as an indictment of her ability and willingness to hold meetings with members of the Templarios. Authorities have not yet indicated any pending charges against Karrum. Michoacán Attorney General José Martín Godoy Castro said that his agency would analyze and evaluate the relevancy of the video, adding that the Michoacán Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE) continues to work closely with the PGR, which ultimately has jurisdiction over matters involving organized crime.

More recently, the mayor of the municipality of Huetamo, Michoacán, Dalia Santana Pineda, was arrested on August 14, on charges of homicide and extortion. Her arrest came a day after she appeared at a conference on gender equality, violence, and human rights. Authorities allege that Santana, also of the PRI, ordered the assassination of Antonio Granados Gómez, identified as Santana's godfather, and with whom she had personal conflicts, according to Michoacán Attorney General Godoy. Godoy stated that his agency determined Santana's role in Granados' killing through "testimonies of various people." Granados was killed on April 9 in a local restaurant by a member of an unnamed criminal group operating in Michoacán, according to state authorities. This allegation further implicates Santana as maintaining ties with organized crime, a charge that would require the involvement of the PGR. The charges of extortion against Santana originate from allegations that

she took 20% of Huetamo municipal employees to make payments to La Tuta. There are also allegations that she used the same practice against street vendors in the city.

The arrest of Santana is the latest in a string of mayors detained for alleged ties to organized crime, including those of Lázaro Cárdenas, Parácuaro, Aguililla, Apatzingán, and Tacámbaro. These arrests, along with that of Rodrigo Vallejo and former interim governor and secretary of government Jesús Reyna, has drawn comparisons to the arrests of dozens of Michoacán officials during the presidency of Felipe Calderón (2006-2012), which became known as the “Michoacanazo.” In all, the PGR apprehended 38 state and municipal officials in May of 2009, accused of offering protection to members of the La Familia Michoacana criminal organization, the Templarios’ precursor. The operation has since been qualified as a failure and a blemish on the Calderón presidency, as all 38 were freed in the courts due to a lack of evidence against them, and many returned to their government positions. Of those arrested, 12 were mayors from Tierra Caliente, the region that was the focal point for the self-defense groups (grupos de autodefensa) that formed beginning in February of last year, and now for the government’s public security strategy, spearheaded by the federally-appointed public security commissioner, Alfredo Castillo Cervantes.

Writing for *Milenio*, Ricardo Monreal argues that the current hunt for corrupt public officials in Michoacán could have similar results to the 2009 operation, which he says created a state of instability that set the groundwork for the emergence of the self-defense groups, which he characterizes as a significant threat to public security in the state, even if the Templarios are successfully disbanded. As Monreal points out, La Familia Michoacana first emerged as a vigilante group to counter the influence of the Zetas criminal organization in the state. Perhaps most notable about the *Michoacanazo* was the evident disconnect between federal law enforcement officials and the judiciary regarding the veracity of evidence, which in those cases was often based on statements from protected witnesses, whose reliability has been widely questioned.

Several Mexican news outlets seized on data released by SNSP that show an increase in most crimes during the first half of 2014, since the federal government began implementation of its public security strategy in Michoacán, headed by Commissioner Castillo. Not surprisingly, as it has been particularly critical of President Enrique Peña Nieto’s public security strategy, *Proceso*, issued a particularly critical report, citing data from the National Public Security System (Sistema Nacional de Seguridad Pública, SNSP) arguing that violent crime rates have increased significantly since Castillo was appointed last January. *Proceso* references a statement by Castillo during a visit by President Peña Nieto to Michoacán to address hunger that the public security strategy in the state had succeeded in eradicating extortion,

including extracting payments from businesses for what is commonly known as “right to grounds” (*derecho de piso*). Nonetheless, SNSP data show that there were 234 reports of extortion in 2014 from January through June, before an anomalous nine incidents in July. This compares with 104 investigations opened into complaints of extortion in the second half of 2013, according to SNSP data. In its analysis of SNSP data, *Proceso* found that 2011 had the highest rates of intentional homicides, kidnappings, extortions, and vehicle theft during former President Felipe Calderón’s six-year term (the first half of 2011 outpaced the second half in intentional homicides by about 17%). Compared with the first six months of that year, *Proceso* found that in January through June of this year there was a 33% increase in intentional homicides, a 40% increase in kidnappings, a 57% increase in violent auto thefts, and triple the number of extortions. The analysis also faults Castillo for arranging for the release from prison of a number of self-proclaimed members of the self-defense groups with known connections to the Templarios and the Jalisco New Generation Cartel (Cartel Jalisco Nueva Generación, CJNG).



Michoacán Security Commissioner Alfredo Castillo.
Photo: *Proceso*.

Days after the report was published in *Proceso*, Castillo stated that it was “foolish” to compare criminal data between the first six months of 2013 and the corresponding period of 2014. Castillo attributed the rise in reported violent crimes during the first half of the year to an increase in public trust in authorities in the state. Without citing specific data, Castillo, at a meeting of municipal administrators, maintained that violent crime in the state was, in fact, in decline. At the same event, he vowed to go after public employees maintaining ties to organized crime.

Meanwhile, according to a poll conducted by *Excelsior* and polling firm BGC, perceptions of the security situation both locally and nationwide vary significantly depending on the location of respondents. The poll was conducted at the state level in both Michoacán and Tamaulipas, which are considered to be the two most troubled areas currently in Mexico, and which are the focus of the federal government’s public security strategy; as well as nationally. Whereas the largest contingency of respondents in the Michoacán poll (49%) felt that the public security situation had improved

over the past year, respondents in the national and Tamaulipas polls felt that it had worsened (39% and 49%, respectively). A far larger percentage of national respondents (24%) felt that it had stayed the same than in Michoacán and Tamaulipas (16% and 11%, respectively). Public approval for how President Peña Nieto is handling drug trafficking and organized crime differs substantially as well, particularly between the two states polled. While Peña Nieto enjoys a 57% approval rate in Michoacán for his public security strategy, that number falls to 52% nationwide, and to 46% in Tamaulipas. In terms of individual crimes—extortions, cartel-related killings, shootouts, drug trafficking, kidnapping, and “narco-blockades”—a larger portion of respondents in Michoacán said that incidences of each crime had fallen than those who said they had risen during the current administration, while the opposite was the case for Tamaulipas, with the exception of narco-blockades. Meanwhile, nationwide respondents were divided, with shootouts, kidnappings, and narco-blockades receiving positive marks, and problems with extortions, cartel-related killings, shootouts, and drug trafficking worsening.

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Federal forces to maintain presence in Tamaulipas

Authorities have made clear that the presence of federal police and military elements will remain in Tamaulipas, at least for the time being. Tamaulipas, much like Michoacán, has been hit hard by drug-related violence and criminal activity, pushing the government to deploy the Federal Police (Policía Federal, PF) and the military (Secretarías de Defensa Nacional and Marina, SEDENA and SEMAR) to quell the violence and restore public security. As such, the federal government created, and will continue, the “New Security Strategy” (Nueva Fase en la Estrategia de Seguridad), an operation that went into effect on May 13 of this year.

Under that strategy, federal troops took control of the state’s security, instituting a 24/7 security watch in the state’s urban zones, along specified highways, and at the airport. They also named four regional prosecutors and created a Police Training and Investigation Institute, which fell in line with one of the security strategy’s objectives of cleaning and vetting all police forces in Tamaulipas. Since the operation began, the Tamaulipas Coordination Group (Grupo de Coordinación Tamaulipas, GCT) has brought down eight of the 14 priority organized crime suspects, including two regional leaders from Los Zetas and one from the Gulf Cartel (Cartel del Golfo, CDG), who were apprehended in the first two weeks of the operation. The efforts continue as Federal Police recently rescued 24 kidnapped victims on August 11 that were being held in Reynosa, 11 from Central American and the remaining 13 from Mexico.



Photo: Francisco Olvera, La Jornada.

As authorities applaud such work being done under the security strategy, they have reiterated the government’s commitment to maintaining the federal forces’ presence. “Not one member of the Army, Navy, nor the Federal Police will be removed from Tamaulipas until the levels of violence in the state decrease,” affirmed General Arturo Gutiérrez García, the secretary of Public Security (Secretaría de Seguridad Pública, SSP) in Tamaulipas. For its part, the government is also taking steps to boost the armed forces’ public image, having hosted an exposition on August 9 in Reynosa for Tamaulipas’ residents to interact with troops and learn more about their role in public security. The “Armed Forces and Civil Society United for Courage in Tamaulipas” (“Fuerzas armadas y sociedad civil unidos por los valores en Tamaulipas”) event was intended to help pacify relations between civilians and armed forces, given the latter’s current presence in everyday life in Tamaulipas. An increased military presence and militarized public security strategy has had serious ramifications in Mexico, with coinciding rises in allegations of human rights violations committed by the military. The expo was held in part to help neutralize relations between armed forces and civil society, giving residents the opportunity to engage and interact with

troops while recognizing the shared goal of strengthening public security in Tamaulipas.

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Conflicting data emerges on kidnapping trends in 2014

More than half way through 2014, nongovernmental organizations and official government sources have reported conflicting data regarding the number of kidnappings in Mexico thus far this year. On the one hand, the Stop Kidnapping Association (Organización Alto al Secuestro, OAS) said that, according to official data, kidnappings have increased by 56% when comparing the number of kidnappings (1,130) in the first six months of 2013 to the same period in 2014 (1,776). However, Mexico's National System of Public Security (Sistema Nacional de Seguridad Pública, SNSP) reported a decrease in the number of kidnappings nationwide, falling from 975 in the first seven months of 2013 (1,698 total in 2013) to 808 during that same period in 2014.

Number of Reported Kidnapping Cases

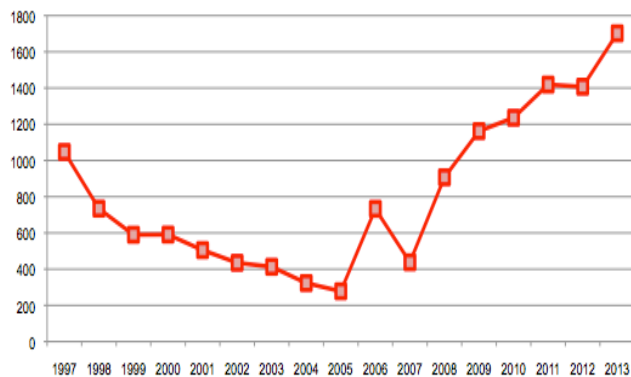


Image: Justice in Mexico. Data: SNSP.

Such conflicting data raise questions regarding the state of public security in Mexico. While both NGOs and the Mexican government claim to have used official data in forming their reports, such opposing conclusions are misleading. Mexico's National Coordinator Against Kidnapping, Renato Sale Heredia, reported in an interview with *Vanguardia* that he was confident in the reports that kidnappings are decreasing; yet Isabel Miranda de Wallace, president of the

Stop Kidnapping Association, has expressed the contrary, saying that the numbers show a failure in state, federal, and police strategy in combating kidnapping. According to a *Mexico Voices* translation of *La Jornada*, "The numbers are not decreasing; it seems that we are getting used to being statistics, and [to] the government [acting] deaf," said Miranda de Wallace. "Despite federal efforts, the Attorney General's Office (Procuraduría General de la República, PGR) is receiving more and more kidnapping cases, [but that] is not enough since there is a lack of commitment from the states and Mexico City."

Nevertheless, the NGOs and the government acknowledge that kidnapping is still a serious threat in Mexico. According to *Justice in Mexico's* special report, "Drug Violence in Mexico: Data and Analysis Through 2013," kidnappings based on SNSP data have increased dramatically in Mexico since 2007, rising from just over 400 in 2007 to almost 1,700 in 2013. Still, it is important to note that these data are based on investigations opened by state Attorney General's Offices, as reported to SNSP, and that there is wide consensus that the "cifra negra" (unreported crimes) makes the actual number of kidnapping cases even higher. Using its current data available, however, the Stop Kidnapping Association reports that there is one kidnapping every three hours, which equals eight per day, 57 per week, or 243 per month. Most cases, it continues, occur in the states of Mexico (Estado de México, Edomex), Tamaulipas, Morelos, Guerrero, the Federal District (Distrito Federal, DF), Veracruz, and Michoacán. The conflicting data on the number of kidnappings in Mexico parallels the government's recent contradicting reports on the number of disappeared, both exemplifying the need to streamline better documenting and reporting processes.

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Transparency and Accountability

CIDH report voices concern over treatment of child migrants in Mexico

In its report entitled “Human rights of migrants and other persons in the context of human mobility in Mexico,” the Inter-American Human Rights Commission (Comisión Interamericana de Derechos Humanos, CIDH) suggests that the Mexican government knew two years ago that the number of children migrating toward the United States had increased, but has since failed to act accordingly. The report was based on a visit by a CIDH delegation to Mexico in July and August of 2011, and details the abuses suffered by minors migrating alone through Mexico, particularly those from Central America. According to data from Mexico’s immigration authority (Instituto Nacional de Migración, INM), in 2012 the number of minors detained in Mexico rose nearly 47% from the previous year to 6,107, a spike that the CIDH called “worrying.” Moreover, the CIDH stresses that control practices have not evolved sufficiently to adapt to the growing problem.

During its visit, the CIDH interviewed representatives from civic organizations and Mexican government officials who said that steps had been taken in an attempt to adjust to the influx of unaccompanied child migrants, such as special sections added to detention centers. Aside from the dangers and abuses that the minors face in their attempts to cross through Mexico, often from agents of the police or Mexico’s INM), the CIDH also expressed concern over a “lack of data about crimes and human rights violations of which [the children] have been victims.” At the time of its visit, the CIDH found that the dangers presented by gangs and drug cartels in the areas where they lived were the primary motivating factor for the decision for the children to leave home.

The CIDH is requesting that the Mexican government “adopt special protection measures” for child migrants, and to acquire the expertise necessary to sufficiently handle their unique situations, which, said the CIDH visitors, sometimes include being used by criminal organizations in the trafficking of humans and drugs. Throughout its report, the authors criticized the Mexican government for criminalizing what it terms boys, girls, and adolescents (niños, niñas y adolescentes, NNA) found in the country without authorization by roundly incarcerating them in substandard migrant detention facilities, with little regard to international standards of family reunification, and without access to education or due legal process. Moreover, the CIDH visitors

found that a large portion of the services offered to migrant children were from shelters provided by the Catholic Church, private citizens and NGOs.

For her part, Mexico’s Assistant Secretary of Population, Migration and Religious Affairs (Subsecretario de Población, Migración y Asuntos Religiosos) Mercedes del Carmen Guillén Vicente emphasized the Mexican government’s creation of children’s quarters within existing detention centers, as well as the creation of a position within INM known as Integral Childhood Protection Officials (Oficiales de Protección Integral de la Infancia, OPIs), who are federal migration agents charged with guaranteeing child migrants’ rights, including access to health services, food, clothing and rest, as well as facilitating parent contact via free telephone calls. Along the same lines, Guillén added that special units (Módulos de Atención) have been established in migration facilities to attend to unaccompanied minors. According to official records, as of October 2013 there were 493 OPIs nationwide. The Commission also recognized articles in Mexico’s Migration Law (Ley de Migración) that are closely in line with international standards, but criticize that in practice alternatives to detention are the exception rather than the rule. The report urges legislative measures that guarantee that minors—both accompanied and unaccompanied—never be placed in migratory detention centers, but rather be attended to by a separate entity specialized in the treatment of such cases.



Migrants, including children, often travel aboard the dangerous train known as La Bestia, which connects from Mexico’s southern border with Guatemala to its northern U.S. border. Photo: Eduardo Verdugo, Associated Press.

The rapid influx of mostly Central American migrants—many of whom are unaccompanied minors—to the United States’

southern border with Mexico has stretched resources, rekindled the partisan debate over immigration reform, and resulted in the deployment of National Guard troops to help in containment efforts. According to official records, more than 61,000 Central American and Mexican minors were apprehended attempting to cross the U.S.-Mexico border between October 2013 and July of this year. Moreover, according to the INM, around 140,000 people cross illegally into Mexico from Guatemala each year.

Sources:

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IFAI faces criticism for not challenging constitutionality of new telecommunications law

By a vote of four to three, the Federal Institute of Access to Information and Protection of Data (Instituto Federal de Acceso a la Información y Protección de Datos, IFAI) elected not to challenge the constitutionality of Mexico’s new telecommunications law (Ley Federal de Telecomunicaciones y Radiodifusión). A vote in favor of the proposed measure would have brought the articles of the law in question before Mexico’s Supreme Court (Suprema Corte de Justicia de la Nación, SCJN). The agency’s decision not to take action against the controversial law represents the most widespread criticism of the agency since the appointment of its new commissioners in April of this year.



Photo: [Wikimedia Commons](#).

The majority—comprising Ximena Puente de la Mora, IFAI president; Patricia Kurzcyn; Rosendoevgueni Monterrey; and Francisco Javier Acuña—found that the articles of the law in question did not contravene principals of access to information and protection of private data. Three of these voters also maintained that the IFAI does not have the authority to challenge the points of contention in the law, which involve issues of legality, access to justice, human rights, and privacy over which the IFAI does not have jurisdiction, though aside from the Mexican Congress there was no other agency that could compel the SCJN to take up

the matter. Voting in favor of challenging the law’s constitutionality were commissioners Areli Cano, Óscar Guerra, and Joel Salas, who argued that it violated the tenets that the agency is charged with protecting. Salas furthermore argued that the IFAI did, indeed, have the authority to refer this issue to the SCJN, given its expanded autonomy and authority recently granted by Congress. For its part, IFAI’s counterpart in the Federal District (Instituto de Acceso a la Información Pública del Distrito Federal, InfoDF) voted unanimously in favor of bringing the matter before the SCJN. The agency issued a statement to the court challenging the constitutionality of the law, on the grounds that it “threatens the right to protection of personal data and privacy.” It is unclear whether the SCJN will hear the case.

At issue are Articles 30, 189 and 190 of the telecommunications law, which was passed on July 14. Transparency advocates criticized Article 30, as it states that interviews between the Federal Telecommunications Institute (Instituto Federal de Telecomunicaciones) and the agencies it supervises must be recorded, but those recordings will not be made public. No rationale for this lack of disclosure is made evident in the law. Meanwhile, privacy advocates have expressed concern over Articles 189 and 190, as they allow government agencies to employ real-time geo-location to track individuals’ whereabouts and create databases using information gleaned from mobile phones, including calls, text messages, and other personal data, without clarifying which authorities will have the power to perform such actions, the circumstances that would merit them, or limits for accessing personal data, and without a court order.

Leading up to the passage of the law, there were protests that manifested both in the streets and on social media. Upon the law’s publication, research group Fundar, along with 218 other civil society organizations, sent an open letter to the IFAI urging it to challenge the law’s constitutionality, in that it included measures that violate transparency and privacy standards outlined in Article 105 of the Mexican constitution. IFAI had announced on July 10 that it was looking into the constitutionality of the secondary telecommunications legislation. Before IFAI’s eventual decision to not pursue action by the SCJN, Justine Dupuy, writing on behalf of Fundar in *Animal Político*, argued that, given the privacy and transparency implications in the law, it was ultimately IFAI’s responsibility to challenge it. While recognizing the legitimacy of using the surveillance measures sanctioned by the law to fight organized crime, she warned of the dangers of carving out legal legitimacy for those measures without a clear regulatory framework, which “opens the door for their arbitrary and abusive use.”

Following IFAI’s decision, speaking with Carmen Aristegui with news outlet *MVS*, Haydee Pérez, director of Transparency and Accountability (Transparencia y Rendición de Cuentas) with the research organization Fundar, said that

in this instance IFAI had failed a citizenry that had “given a fight to have rights and in this case the protection of data.” She also criticized legislators sharing her concerns for not taking sufficient action before the 30-day deadline to refer the law to the SCJN had passed. In the same interview, Senator Javier Corral of the National Action Party (Partido de Acción Nacional, PAN) was somewhat more optimistic than Pérez, defending his and other dissenters’ efforts to bring the matter before the SCJN, saying that despite the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD) roundly voting against the law, many refused to engage in the Congress’ proceedings to explore whether to bring the matter before the SCJN, since the process was “full of simulation,” led by PAN President Gustavo Madero. In the end, opponents in the Chamber of Deputies were unable to garner the 33% of its members and of the Senate required to issue a challenge to the law before the SCJN.

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Former PAN officials implicated in alleged illegal money transfer

Deputies from different political parties in the Veracruz congress have moved to open an investigation into allegations of illegal money transfers between the former head of Mexico’s government workers’ benefits agency and fellow members of the National Action Party (Partido Acción Nacional, PAN). Recordings were released in early August in which Miguel Ángel Yunes can be heard speaking with a former PAN mayor, Miguel Martínez Peñalosa, allegedly arranging an illicit money transfer of more than \$7 million pesos (around \$430,000 USD). Yunes led the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado (ISSSTE) during the Vicente Fox administration (2000-2006).

In one recording, made public by journalist Federico Arreola on *SDPnoticias.com*, Yunes and Guzmán can be heard agreeing on an exchange of “seven and a half in documents,” while in another Yunes can be heard speaking with PAN Deputy Joaquín Rosendo Guzmán Avilés, apparently arranging a \$5 million-peso payment. The funds in question are believed to have been misappropriated from the Veracruz cities of Tantoyuca and Boca del Río. Representatives from four political parties joined to draft the complaint against Yunes and the alleged recipients of the

illicit funds, particularly Deputy Ricardo Anaya Cortés of the PAN. Yunes Linares is the father of the current mayor of Boca del Río, Miguel Ángel Yunes Márquez. Moreover, Guzmán Avilés is the brother of the current mayor of Tantoyuca.



Miguel Angel Yunes. Photo: El Chiltepin.

The complaint will be filed with the Federal Attorney General’s Office (Procuraduría General de la República, PGR), as well as with the National Electoral Institute (Instituto Nacional Electoral, INE). Members of the Veracruz congress filing the complaint will also petition the state congress to compel the state auditor (Secretaría de Fiscalización) to determine whether public funds were used for partisan purposes and, if so, to see that necessary audits are carried out in the two municipalities in question.

For his part, Yunes held a press conference at the state congressional offices in which he dismissed the actions against him as partisan politics, saying that such attacks suggest that the PAN is on the right track in governing the state. Saying that he felt compelled to answer to the allegations because others are being affected, he insisted that the “documents” from the recordings do not refer to money, as alleged, but rather actual documents related to wage reform measures the PAN is working to implement. He added that he would take legal action against his accusers, on the grounds that they violated the law in disseminating recordings obtained illegally.

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Justice System Reform

New committee created to evaluate NSJP implementation

Mexico's Interior Ministry (Secretaría de Gobernación, SEGOB) recently announced the creation of a new committee that will regularly evaluate and monitor the implementation efforts of the new criminal justice system (Nuevo Sistema de Justicia Penal, NSJP). The Evaluation and Monitoring Committee (Comité de Evaluación y Seguimiento de la Implementación del NSJP) will report directly to Mexico's NSJP Coordination Council (Consejo de Coordinación), delivering a bi-annual summary on their findings. According to *El Universal*, "The purpose of the committee is to generate, process, and analyze information to measure the efficiency, effectiveness, and impact of the implementation of the criminal justice system, in order to strengthen the decision-making process of the institutions and leaders in states and the Federal District, and at the federal level." The Council also approved eight other justice reform measures when it approved the creation of the Committee, including the creation of a working group at the local level to assist in accelerating the NSJP implementation.



Photo: C7 Noticias.

The agreement to create the Committee, which was passed in the Coordination Committee's XII Session Meeting on July 14, 2014, was published in Mexico's Official Journal of the Federation (Diario Oficial de la Federación, DOF) in the first week of August. As it explains, the group will be made from representatives from each of the following entities: the Legal Executive Office (Consejería del Ejecutivo Federal), the Chamber of Deputies (Cámara de Diputados), the Senate (Senado), the Supreme Court (Suprema Corte de Justicia Nacional, SCJN), the Federal Judiciary Council (Consejo de la Judicatura Federal, CJF), the Attorney General's Office (Procuraduría General de la República, PGR), the National Conference of Attorney Generals (Conferencia Nacional de

Procuración de Justicia), the National Security Commission (Comisión Nacional de Seguridad, CNS), and from the academic and civil society organizations, among others. The representatives must be "distinct persons" with an "expert profile," and "with experience related to the generating of statistical information, indicators, and measures, among others, to be able to adequately and efficiently track the implementation of the [new justice] system," reads the agreement. For his part, Alejandro Martí, a well-known human rights activist and founder of the México S.O.S. organization, was already named as the representative for civil societies.

The creation of the new monitoring committee will likely appease critics who have long called for more stringent tracking measures of the NSJP's implementation. With less than two years remaining until the criminal justice system is required to be fully operational nationwide, the NSJP Coordination Council hopes the committee will help keep those efforts on track, as there is still plenty to be done. According to *Reforma*, "to date, only three states have the justice system fully operational with oral trials (State of Mexico, Chihuahua, and Morelos); another 13 partially operational; 12 more will begin operating in the coming months; and the remaining four (Federal District, Michoacán, Campeche, and Sonora) won't start until 2015 and 2016."

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Around the States: Trainings and workshops take center stage

As the federal government moves forward with the creation of a new evaluation committee to monitor the new criminal justice system's (Nuevo Sistema de Justicia Penal, NSJP) implementation, state governments and organizations have largely focused their efforts on trainings and workshops to police, law professionals, students, and community members. These are some of the developments around the states as they move towards full operation of the NSJP:

Aguascalientes

- The Autonomous University of Aguascalientes (UAA) announced this month the beginning of a new program for students to become certified in mediation, a mechanism that has grown in importance and use under the NSJP. Because a mediator is not a judge, the UAA encourages interested students from all fields, not just law, to apply.

Tamaulipas

- The Tamaulipas State Judiciary and State Bar Association hosted the Accusatorial and Oral Penal System workshop for professionals in law, human rights, and higher education to develop their technical understanding and skills needed for the NSJP. This concludes several months of similar trainings hosted in Tamaulipas that began in May 2014.

Querétaro

- Over 300 indigenous women from Querétaro and 200 public servants participated in the Conference for Access to Justice for Indigenous Women on August 21 and 22. The conference series, which seeks to promote human rights and gender equality, was held in collaboration with the Ministry of Foreign Affairs and the Queretaro state government.

Sonora

- The High Courts of Justice in Sonora announced plans to construct the Center of Comprehensive Justice in the municipality of Cajeme by the end of the year, though fundraising efforts for the project are still underway. Once completed, the center will house state judges, public prosecutors and defenders, and courtrooms for oral trials and mediation.

State of México

- 556 municipal police in the State of Mexico (Edomex) from 13 municipalities were sent to an eight-week training hosted by the Secretary of National Defense (SEDENA) in Tlaxcala. More than 800 members of the armed forces and state police were called in to replace the municipal police while they train.

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Human Rights and Civil Society

Ministry of the Interior releases more data on disappeared persons in Mexico

Mexico's Interior Ministry (Secretaría de Gobernación, SEGOB) released conflicting data again on the number of disappeared persons (*desaparecidos*) in Mexico. In a message delivered on August 21 by Assistant Attorney General Mariana Benítez, alongside SEGOB Undersecretary for Human Rights Lia Limón, the Mexican government announced that there are 22,322 missing persons, of which 12,532 occurred under the Calderón administration (2006-2012) and 9,790 under the Peña Nieto administration (2012-present). This is an increase in the number reported by Interior Minister Miguel Ángel Osorio Chong in June when SEGOB confirmed that there were 16,000 missing, data which he clarified after releasing confusing reports in May saying there 8,000 disappearances. After President Felipe Calderón left office in 2012, the database of missing persons was just over 26,000, though Mexico's Attorney General's Office (Procuraduría General de la República, PGR) increased that number to 29,707. With SEGOB's clarification, the combined lists of current disappearances under the Calderón and Peña Nieto administrations now stands at over 22,300.



Assistant Attorney General Mariana Benítez (right) announces the Mexican government's report on updated disappearances data. Photo: Victor Camacho, La Jornada.

The Mexican government has faced intense criticism from local, national, and international organizations to do more to curb the problem of disappearances. As such, from when President Enrique Peña Nieto took office on December 1, 2012 through July 31, 2014, efforts to locate missing persons resulted in the discovery of 13,444 such persons, 95% of

whom were still alive (12,821). This number, explains *Proceso*, is in addition to the over 17,000 persons located that disappeared under the Calderón administration, 95% of whom were also found alive (16,274). In addition, the Attorney General's Office (PGR) created a Disappeared Persons Task Force (Unidad Especializada de Búsqueda de Personas Desaparecidas, UEBCD) in May 2013, which directs, coordinates, and supervises the search for disappeared persons across the country, as well as prosecutes cases and identifies remains, among other responsibilities. Although the task force has been criticized for underperforming and lacking clarity, the PGR is working to strengthen it, having recently created a new two-week training program for task force personnel to better understand human rights and develop special skills needed to search for disappeared persons.

Still, critics have long argued that the government needs to do more, including strengthening efforts to find disappeared persons, and holding those responsible accountable. In particular, the inconsistency in the government's reported data in recent months exemplifies the need for a more efficient database and tracking mechanisms.

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Chiapas, Puebla in discussion to overturn laws regulating use of police force in public demonstrations

The state governments of Chiapas and Puebla have taken steps recently to repeal controversial laws that "regulate" the use of police force, including deployment of weapons,

against public protestors and demonstrators. While Chiapas has outright overturned its law, Puebla Governor Rafael Moreno Valle called for his state law to also be repealed, passing it to Congress for approval. Although the legislature voted overwhelming in favor of overturning the law (33-2-2), it will remain in effect until the end of the year while investigations, research, and discussions are held to explore the best steps forward to replacing or reforming the law.

The so-called “Garrote Law” (“Ley de Garrote”) in Chiapas and the “Bullet Law” (“Ley Bala”) in Puebla have only been in effect for several months, having been approved May 15 and May 19, 2014, respectively. Since then, however, critics have called for the states to repeal the measures, arguing the unconstitutionality of the laws. Not only do they increase the risk of excessive police force in unwarranted, public situations, critics argue, but they also undermine the public’s freedom speech, deterring public demonstrations and protests for fear of the police’s crackdown. As *Proceso* explains in a *Mexico Voices* translation, “Miguel Ángel de los Santos Cruz, an attorney and human rights defender [in Mexico], questioned the [law’s] initiative, saying that it was a step backwards on the issue of human rights.” For its part, Artículo 19, an “international organization promoting and defending freedom of express, had filed several legal challenges with the Federal Judiciary on charges that such legislation was unconstitutional.”

The Ley Bala in Puebla has been particularly controversial since its implementation. The Law to Protect Human Rights and to Regulate the Legitimate Use of Public Force (Ley para Proteger los Derechos Humanos y Regular el Uso Legítimo de la Fuerza Pública), as it is officially named, was passed by the state government under Governor Moreno Valle’s administration, allowing police to use “non-lethal incapacitating arms” against citizens, explains *Milenio*. Just two months after its approval into force, however, a young boy was allegedly killed by a rubber bullet fired by police during a protest. On July 9, citizens of San Bernardino Chalchihuapan, Puebla, blocked a portion of a nearby highway to protest against the Moreno Valle administration, specifically protesting the Ley Bala; the government’s proposed shut down of several auxiliary government offices, including the Office of the Registrar (Registro Civil); and more generally the state’s increased authoritarian rule. “The state of Puebla is in a period of high social and political vulnerability as a consequence of the gradual and consistent increase in the Executive Branch’s authoritarianism, and the absence of equalizing and balancing measures that should be exercised by the Legislative and Judicial Branches,” explained the protestors’ official statement. When police confronted the protestors to remove the blockade, reports indicate that police fired rubber bullets and arrested four participants, all of whom have since been released. However, José Luis Tehuatlie Tamayo (13), who was walking home from school during the confrontation, was allegedly hit by

one errant rubber bullet, leading to his hospitalization and subsequent death ten days later.

According to *CNN México*, the mother of Tehuatlie Tamayo has spoken out against Governor Moreno Valle and the State Police, saying that the government tried to pay her for her silence on the matter. Luis Arturo Cornejo Alatorre, Puebla’s undersecretary of Political Issues and Civil Protection within the Ministry of the Interior (Asuntos Políticos y Protección Civil de la Secretaría de Gobierno), rejected those claims, as have representatives of the state government who argue that Tehuatlie Tamayo did not die from a rubber bullet wound, but rather from being struck by a handheld explosive used by the protestors. Mexico’s National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) has since launched an investigation into the boy’s death and the police’s use of force at the July 9 demonstration.



Protestors march at a demonstration against Ley Bala in Puebla. Photo: *El Independiente*.

Although reports on the matter are not clear, Tehuatlie Tamayo’s killing nevertheless added pressure to the already building controversy surrounding Ley Bala and the citizens’ unrest with Governor Moreno Valle. On August 10, citizens marched in the city of San Bernardino Chalchihuapan protesting the boy’s death and demanding the governor’s impeachment. Protestors, which some estimates say numbered between 8,000 and 10,000, carried signs reading, “This is not Gaza, this is Puebla,” “Governor Bullet: No More Death OR Repression!” and “Indigenous Communities Demand Respect and Citizen Consultation!” among others. Such demonstrations seem to signify that as politicians await the CNDH’s investigation before moving forward with potential reforms to the Ley Bala, citizens will continue to protest against the government and demand political justice against Governor Moreno Valle.

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TV reporter found dead in Zacatecas

Mexican local news reporter Nolberto Herrera Rodríguez (38) was found dead in his home in Guadalupe, Zacatecas on July 29. The body, which had more than 20 stab wounds, was discovered when Herrera’s coworkers went to his house after he missed work and was unresponsive to their calls. A pair of bloody jeans was also found in the bathroom, which authorities suggest may indicate that the suspect bathed before fleeing. The federal Attorney General’s Office (Procuraduría General de la República, PGR) is investigating the case, and has not yet identified any suspects. Reports indicate that they believe the killer may have been a guest of Herrera’s, who had been invited over for several drinks.



Journalist Nolberto Herrera Rodríguez. Photo: Facebook.

Not only has a suspect yet to be identified, investigators are also working to find the motive. Despite Herrera’s work as a cameraman, reporter, and news editor for Channel 9 local news and TV Azteca, evidence does not necessarily suggest that his murder was motivated by his profession. Rather, *Proceso* reports that some authorities think it may have been a hate crime, as Herrera self-identified as homosexual. According to Zacatecas Attorney General Arturo Nahle García, "In reports to the press, [Nahle García] said that Herrera Rodríguez had opened the door to his murderer, and they that they consumed several beverages together, which ended in an ‘act of brutal aggression,’ that could have

homophobic ties." Investigations are still underway to identify both the suspect and motive.

Herrera’s murder evoked responses from several national and international organizations, calling for authorities to immediately investigate the case and hold those responsible accountable. Organization *Artículo 19*, for example, urged officials to "carry out a thorough investigation to sanction those responsible and break the cycle of impunity that intimidates freedom of press." Meanwhile, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) condemned Herrera’s killing, arguing, "The atrocious crime that took Nolberto Herrera Rodríguez’s life deprives the citizens of Zacatecas of a professional voice whose work was to keep them informed."

Whether or not Herrera’s murder was related to his profession, it adds to Mexico’s already notorious problems with protecting members of the media. According to *El Universal*, Mexico’s Special Attorney’s General Office for Crimes against Freedom of Expression (Fiscalía Especializada en Delitos contra la Libertad de Expresión del Gobierno) reported that from 2000 to June 2014, 102 journalists were murdered in Mexico, ten of which were since President Enrique Peña Nieto took office in 2012. The Mexican organization Women’s Communication and Information (Comunicación e Información de la Mujer, A.C., CIMAC) also published a report in August that found attacks against female journalists in Mexico increased by more than 20% in 2012 and 2013 compared with previous years. Of the 86 such documented cases (47 in 2013, 39 in 2012), 56% were against reporters and 15% against photographers, while over half of the journalists covered political issues. According to CIMAC, authorities have still not resolved any of the cases reported in 2012, which falls in line with the *Committee to Protect Journalists’ (CPJ)* ranking that places Mexico in the bottom seven countries worldwide in its efforts to investigate and punish crimes against journalists.

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IMSS doctor's claims of kidnapping, torture prove to be fabricated

Issues of medical malpractice and human rights abuses continue to be in the news, only this time with a rather bizarre twist. The past year, and particularly during the spring of 2014, there were a number of cases of alleged medical negligence and human rights violations of several pregnant indigenous women in Oaxaca. It culminated in April when the government of Oaxaca publicly acknowledged its failure to provide necessary medical attention to one such woman in labor, and for jeopardizing her right to health, life, physical integrity, and personal security. The apology was issued in response to a recommendation published by Mexico's National Commission of Human Rights (Comisión Nacional de los Derechos Humanos, CNDH) in January 2014.

In August, however, a new case broke that switched the role of the victim. This time a doctor claimed she was victim of human rights violations, having been kidnapped and tortured by a former patient's friends and family, though her entire story was eventually proven to be fabricated. Doctor Mere Balazar Esquivel, who works for Mexico's Institute of Social Security (Instituto Mexicano de Seguro Social, IMSS), was allegedly abducted the night of July 31 as she left a medical facility where she works in Zamora, Michoacán. The 30-year-old doctor claimed to have been held for six days, her whereabouts unknown until paramedics from Red Cross discovered her on August 6. During her time held captive, Balazar alleged the abductors tortured, mutilated, and beat her, as well as drugged her with unknown substances.

Balazar claimed she was the target of such violence because of her role in a patient's care several weeks before. The three suspects she alleged were involved in the kidnapping were initially presumed family and friends of a pregnant woman who went to the hospital where Balazar works to receive medical attention. According to hospital staff, "The woman arrived at an advanced stage in her pregnancy, and the baby was already dead inside her womb. That happened [because] the mother waited too long to seek medical attention..." Yet, as *El Universal* reports, the patient's family instead accused the hospital and staff of being negligent in their care, and thus responsible for the death of the child. It is not clear if Balazar was the attending physician in the case, or what role she exactly played, but the family nevertheless threatened the hospital as a whole and swore revenge for killing the baby.

Using that as the backdrop, when authorities found Balazar, she claimed the kidnappers took their revenge on her, mutilating two of her fingers, and making severe lacerations to her abdomen. There was also a written warning to the other hospital staff scribbled on the wall of the patio where she was allegedly being held that read, "The other

gynecologists that killed my son will follow." Balazar was taken to a private hospital for treatment and recovery while investigations unfolded.



The message written on the wall where Doctor Mere Balazar Esquivel was allegedly tortured while being held captive. Photo: Agencia Esquema.

It took authorities at the Michoacán Attorney General's Office (Procuraduría General de la Justicia del Estado, PGJE) less than a week to discover that Balazar's entire case was fabricated, and that the injuries were self-inflicted. According to Attorney General José Martín Godoy Castro, "The doctor has psychological problems and it was all a set-up to hurt her partner." He explained that Balazar and her boyfriend, who lives in Veracruz, were having a "difficult period" in their relationship. The doctor thought that staging her kidnapping and torture would grab his attention and make him travel to Zamora to attend to her, writes *Proceso*. During the staged kidnapping, Balazar had called her boyfriend several times to tell him what was happening, pretending that the abductors were making her place the calls. The PGJE, however, traced those calls to a cell phone used by Balazar in a hotel room in Mexico City, where she spent time before returning to Michoacán to stage the scene where authorities found her. They also discovered that she was not pregnant, thus negating her claim that the kidnappers killed and removed her 14-week-old unborn child with their lacerations to her abdomen and uterus. The Attorney General's Office said it would bring criminal charges against the doctor.

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