



United States Department of State

Washington, D.C. 20520

SEP - 2 2010

Dear Mr. Chairman:

On behalf of the Secretary of State, we are pleased to transmit the Deputy Secretary of State's Determination, together with a report that provides the justification for such Determination, under section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the "2010 Supplemental"). The attached report also responds to the requirements of section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), which, like section 1010(a) of the 2010 Supplemental, carry forward the reporting requirements related to certain Merida Initiative funding for Mexico found in section 7045(e)(1)(A) through (D) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8).

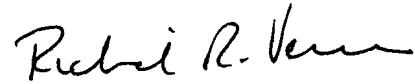
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The Honorable

Daniel K. Inouye, Chairman,  
Committee on Appropriations,  
United States Senate.

We are hopeful this information is helpful. Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Richard R. Verma". The signature is written in a cursive style with a large initial 'R'.

Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:

As stated.



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SEP -2 2010

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On behalf of the Secretary of State, we are pleased to transmit the Deputy Secretary of State's Determination, together with a report that provides the justification for such Determination, under section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the "2010 Supplemental"). The attached report also responds to the requirements of section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), which, like section 1010(a) of the 2010 Supplemental, carry forward the reporting requirements related to certain Merida Initiative funding for Mexico found in section 7045(e)(1)(A) through (D) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8).

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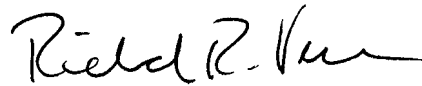
The Honorable

Patrick J. Leahy, Chairman,  
Subcommittee on State, Foreign Operations,  
and Related Programs,  
Committee on Appropriations,  
United States Senate.

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Sincerely,

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:

As stated.



United States Department of State

Washington, D.C. 20520

SEP - 2 2010

Dear Senator Cochran:

On behalf of the Secretary of State, we are pleased to transmit the Deputy Secretary of State's Determination, together with a report that provides the justification for such Determination, under section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the "2010 Supplemental"). The attached report also responds to the requirements of section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), which, like section 1010(a) of the 2010 Supplemental, carry forward the reporting requirements related to certain Merida Initiative funding for Mexico found in section 7045(e)(1)(A) through (D) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8).

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The Honorable  
Thad Cochran,  
Committee on Appropriations,  
United States Senate.

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Sincerely,

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:

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SEP -2 2010

Dear Senator Gregg:

On behalf of the Secretary of State, we are pleased to transmit the Deputy Secretary of State's Determination, together with a report that provides the justification for such Determination, under section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the "2010 Supplemental"). The attached report also responds to the requirements of section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), which, like section 1010(a) of the 2010 Supplemental, carry forward the reporting requirements related to certain Merida Initiative funding for Mexico found in section 7045(e)(1)(A) through (D) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8).

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The Honorable


Judd Gregg

Subcommittee on State, Foreign Operations,  
and Related Programs,

Committee on Appropriations,  
United States Senate.

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:

As stated.





United States Department of State

Washington, D.C. 20520

SEP -2 2010

Dear Mr. Chairman:

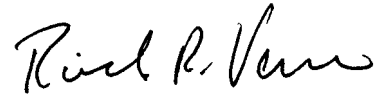
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The Honorable  
David Obey, Chairman,  
Committee on Appropriations,  
House of Representatives.

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Sincerely,

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:  
As stated.



United States Department of State

Washington, D.C. 20520

1 SEP -2 2010

Dear Mr. Lewis:

On behalf of the Secretary of State, we are pleased to transmit the Deputy Secretary of State's Determination, together with a report that provides the justification for such Determination, under section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the "2010 Supplemental"). The attached report also responds to the requirements of section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), which, like section 1010(a) of the 2010 Supplemental, carry forward the reporting requirements related to certain Merida Initiative funding for Mexico found in section 7045(e)(1)(A) through (D) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8).

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The Honorable

Jerry Lewis,

Committee on Appropriations,

House of Representatives.

We are hopeful this information is helpful. Please let us know if we can be of further assistance.

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:  
As stated.



United States Department of State

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Dear Madam Chairwoman:

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The Honorable

Nita M. Lowey, Chairwoman,  
Subcommittee on State, Foreign Operations,  
and Related Programs,  
Committee on Appropriations,  
House of Representatives.

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Dear Ms. Granger:

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The Honorable

Kay Granger,

Subcommittee on State, Foreign Operations,  
and Related Programs,

Committee on Appropriations,  
House of Representatives.

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Richard R. Verma  
Assistant Secretary  
Legislative Affairs

Enclosure:  
As stated.



**Determination under Section 1010(a) of the  
Supplemental Appropriations Act, 2010 (P.L. 111-212)**

Pursuant to section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212) and the authority vested in me by Delegation of Authority 245-1, I hereby determine that the Government of Mexico is continuing to:

(A) improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

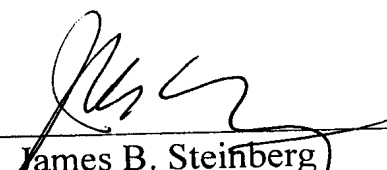
(C) ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations; and

(D) enforce the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

This determination shall be reported to Congress and published in the Federal Register.

09-02-10

Date

  
James B. Steinberg  
Deputy Secretary of State

## MEXICO – MERIDA INITIATIVE REPORT

This report provides the justification for the Deputy Secretary of State’s Determination pursuant to section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212). This report also responds to the requirements of the Supplemental Appropriations Act, 2009 (P.L. 111-32) and the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117).

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## **Legislative Context and Scope of Report**

The Supplemental Appropriations Act, 2009 (P.L. 111-32) (the “2009 Supplemental”), the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117) (the “2010 SFOAA”), and the Supplemental Appropriations Act, 2010 (P.L. 111-212) (the “2010 Supplemental”) establish conditions under which certain funds appropriated under those and prior acts may be made available for Mexico for certain types of assistance under the Merida Initiative. Pursuant to section 1108 of the 2009 Supplemental, section 7045(e)(2) of the 2010 SFOAA, and section 1010(a) of the 2010 Supplemental, these acts provide that certain funds appropriated or otherwise made available for assistance for Mexico shall be subject to the provisions of paragraphs (1) and (2) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8) (the “2009 SFOAA”). Paragraph (1) requires that fifteen percent of the funds made available for assistance for Mexico, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities, may not be obligated until the Secretary of State reports in writing to Congress that the Government of Mexico is continuing to:

- improve the transparency and accountability of Federal police forces and work with State and municipal authorities to improve the transparency and accountability of police forces at those levels;
- conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations;
- ensure that civilian prosecutors and judicial authorities are investigating and prosecuting members of the security forces credibly alleged to have violated internationally recognized human rights and that such forces are fully cooperating with investigations; and
- enforce the prohibition on the use of testimony obtained through torture or other ill-treatment.

The required report is to include a description of actions taken with respect to each of these four requirements. The full text of these requirements is found in Annex A.

Outlined below are actions taken with respect to each such requirement. Unless otherwise stated, this report contains information available as of July 2010.

## **Background and Summary**

While the State Department's 2009 Human Rights Report discusses ongoing human rights challenges in Mexico, the country has taken important steps to improve its human rights record and address concerns since the submission of the Department's previous report on Mexican human rights issues submitted in August 2009 in response to the requirements of section 1406 of chapter 4 of Public Law 110-252 (applicable to both the Supplemental Appropriations Act, 2008 and the Bridge Fund Supplemental Appropriations Act, 2009) and section 7045(e) of the 2009 SFOAA (Div. H, P.L. 111-8).

Key legislative reform measures and training programs are contributing to a wider appreciation by Mexico's security forces of their human rights obligations. The Government of Mexico needs to do more, however, to address concerns when it comes to transparency and impunity, especially with respect to the investigation and prosecution of human rights crimes alleged to have been committed by its security forces.

In the period covered by this report, Mexico initiated key human rights legislation, elevating human rights to the fore of national political debate. It also formalized a bilateral dialogue on human rights with the United States. Mexico's passage and implementation of the legislative measures it has initiated or stated it will propose are essential to achieve the international human rights standards to which it has committed itself.

As noted by the United Nations in its most recent Universal Periodic Review, Mexico has fully embraced international human rights standards: between 2001 and 2006, it ratified virtually every human rights treaty and recognized the competence of all judicial and quasi-judicial bodies set up to receive individual complaints and petitions. The Mexican Senate passed a bill in April 2010 that would reinforce Mexico's commitments established in international human rights conventions, conferring upon them the same authority as provisions within Mexico's own Constitution, and would enhance the authority of the National Human Rights Commission (CNDH). This legislation will take effect upon passage by the lower chamber. Based on consultations with all major political parties, passage of this legislation

appears likely when the Mexican Congress reconvenes in the fall. The government has asserted it will submit to the Mexican Congress this year a proposal to reform the Military Justice Code to limit the jurisdiction of military courts in cases involving crimes against civilians. These steps represent significant progress. Passage and implementation of plans and legislation are now crucial to achieve effective impact in the protection of human rights.

### ***The Security Situation in Mexico***

Mexico today faces an unprecedented threat to the security of its people from narco-criminal organizations. The Government of Mexico under the leadership of President Calderon recognizes the challenges facing Mexico and has demonstrated a firm commitment to improving the security situation in the country by reforming public security institutions, increasing the effectiveness of the law enforcement and the judicial sectors, confronting organized crime, and engaging and strengthening communities and civil society to promote public security.

Approximately 28,000 individuals have lost their lives as a result of narco-related violence since the start of the Calderon administration. As of mid-August, 7,500 individuals were killed in 2010, including 475 police and 39 military personnel. The number of narco-related homicides is outpacing all previous years, reflecting intensified competition among drug trafficking organizations (DTOs) for control of border crossings and internal markets, and increasingly brazen DTO attacks on security forces and political figures. Mexico continues to engage as many as 40,000-45,000 military troops dedicated to counter-drug activities, in addition to civilian law enforcement. In Ciudad Juarez the Mexican government has now given the lead in public security to the Federal Police, which has deployed 5,000 elements and oversees 2,800 municipal police and 200 state police.

The budget for security initiatives remained at an elevated level (approximately 3.6 percent of GDP), equal to last year's allocation, showing the Government of Mexico's commitment to defeating the DTOs even in a difficult economic environment. Improved operational capability and the introduction of intelligence-driven operations led to successful operations against several high-profile DTO members, including Arturo Beltran Leyva, leader of the Beltran Leyva organization, and "El Teo," leader of the Tijuana cartel. Since the beginning of the Calderon administration, over 90 tons of

cocaine have been seized, as well as 6,500 tons of marijuana, more than two tons of methamphetamine, and over 83,000 weapons. In the first four months of 2010, the Secretariat of National Defense (SEDENA) has confiscated over 5,000 weapons and the Attorney General's Office (PGR) reports that over 92,000 munitions have been recovered.

In a joint statement on May 19, 2010, Presidents Obama and Calderon highlighted the importance of safeguarding communities on both sides of our shared border and reaffirmed their mutual commitment to confront criminal organizations that represent a serious threat to the security and well-being of Mexicans and Americans. They recognized that the United States and Mexico share responsibility for defeating and dismantling the illicit criminal networks that traffic drugs into the United States and illegal weapons and illicit revenues into Mexico, and that these transnational networks are associated with much of the crime and violence occurring in Mexico today.

The Presidents reviewed and endorsed the work of the U.S.-Mexico Merida Initiative High-Level Group, which met in March 2010, in Mexico City to lay out a shared vision for on-going and future security cooperation between the United States and Mexico. Consistent with that vision, the Presidents directed that cooperation focus on four elements: (i) disrupting the capacity of criminal organizations that act in both countries by weakening their operational, logistical, and financial capabilities; (ii) supporting efforts to strengthen public institutions responsible for combating organized crime, including the promotion of the full observance of rule of law, human rights, and active civil society participation; (iii) developing a secure and competitive Twenty-First Century Border; and (iv) building strong and resilient communities in both countries by supporting efforts to address the root causes of crime and violence, especially concerning youth, promoting the culture of lawfulness, reducing illicit drug use, and stemming the flow of potential recruits for the cartels by promoting constructive, legal alternatives for young people.

### ***U.S. Dialogue on Human Rights***

The United States government takes seriously all reports of human rights violations and abuses. The Department of State and U.S. Embassy Mexico City are committed to continued engagement with the Mexican government to achieve further progress in improving the human rights performance of its military and police forces, ensuring effective investigation and prosecution

of human rights violations, and helping the Mexican government build transparent and accountable systems to address human rights cases and issues. Our cooperation under the Merida Initiative provides an additional platform to advance these objectives. To this end, the State Department, both in Washington and through the U.S. Embassy in Mexico City, consults regularly with non-governmental organizations (NGOs) and civil society groups regarding Mexico's human rights performance. In September 2009, the U.S. Embassy in Mexico City established a working group with human rights NGOs centered on four themes:

- improving mechanisms within the civilian and military justice system for identifying, investigating, and prosecuting human rights violations and abuses committed by the police and military;
- improving transparency and accountability in the government's response to treatment of human rights cases;
- building trust and strengthening dialogue between the Government of Mexico and NGOs to reduce hostility, harassment, and threats against those filing complaints of human rights violations and abuses; and
- identifying benchmarks and joint Government of Mexico-NGO mechanisms to track and measure progress on human rights complaints and cases.

Since September 2009, Embassy officials and State Department human rights experts have met with these groups on five occasions.

Separately, in 2010, the State Department, with the participation of other U.S. government agencies, established a formal Bilateral Human Rights Dialogue with Mexico. It has convened six times in Mexico City and has proven to be an effective forum for frank discussion of human rights concerns. It brings officials from the U.S. Departments of State, Defense, Homeland Security and Justice, along with representatives from the Federal Bureau of Investigation, and the U.S. Agency for International Development (USAID), together with their Mexican counterparts, providing a forum for increased cooperation in priority areas, including legal and judicial reform and the modernization of civilian and military law enforcement institutions. Participation has included Assistant Secretary of Defense Paul Stockton and Assistant Secretary of State Michael Posner. A/S Posner led U.S. participation in sessions on April 23 and July 12, 2010 that focused on transparency and the development of agreed mechanisms to obtain

information on the status of investigations concerning alleged human rights violations.

### ***U.S. Support for Improvements in Human Rights***

Merida training is having a direct impact on the quality and integrity of Mexican security forces. To date, 8,968 Mexican officials have received training under the Merida Initiative. Human rights and culture of lawfulness components are integrated into many of these training courses. All are taught by instructors who exemplify the values of U.S. law enforcement and are positive role models and mentors to the trainees. Under the Merida Initiative, federal police training programs have incorporated modules on respect for human rights. Through January 2010, approximately 4,500 federal police officers had received training. In close coordination with Mexican military authorities, the Office of Defense Coordination at U. S. Embassy Mexico City has developed a rigorous human rights curriculum that includes training in human rights for participants from the Secretariat of Defense (SEDENA) and the Secretariat of the Navy (SEMAR) with the Defense Institute for International Legal Studies (DIILS) and the Western Hemisphere Institute for Security Cooperation (WHINSEC). One hundred and three (103) individuals have received this training since August 2009. The United States Northern Command (NORTHCOM) has also developed a mobile training team focused on human rights in asymmetric conflicts (ACES) for mid- and senior-level SEDENA and SEMAR leaders. U.S. Army North (ARNORTH) inaugurated ACES and led the first U.S. ACES delegation to Mexico on July 12-13, 2010. ARNORTH will continue with four additional sessions.

USAID has developed an agreement with the United Nations Office of the High Commissioner for Human Rights in Mexico (UNOHR) to provide it with the \$1 million in Merida funding that Congress earmarked in the FY-2008 Supplemental. UNOHR will use the funds in support of its human rights outreach with the Government of Mexico, particularly in the area of human rights monitoring. The program aims to strengthen the policy framework for human rights and to build the capacity of federal and state-level authorities to respond more effectively to human rights violations.

Under our Merida cooperation framework we are also providing assistance to five critical public security and administration of justice agencies – the Secretariat of Public Security (SSP), Customs, the Attorney General’s Office (PGR), the National Intelligence and Security Center (CISEN), and the



National Immigration Service (INAMI) – to create anti-corruption systems (policies, procedures, trained personnel, and equipment) with the objective of detecting and deterring potential corruption among the Mexican police and preventing corrupt individuals from obtaining employment within the system. While the vetting is focused on corruption, this system could be further refined to detect human rights abuses. To date, Merida funds have provided 318 polygraph units worth a total of \$2.4 million, dispersed among five Mexican federal agencies and select state and municipal agencies.

In the summer of 2009, the U.S. government also participated, along with Canada and Chile, in a course for 32 senior-level SSP officials who were introduced to a wide range of community policing models and practices related to the culture of lawfulness teachings. The class included blocks of instruction on senior police management, investigation, and information management. Merida Initiative funding provided training to some 300 mid-level officers on the U.S. model of policing, systems for ensuring the integrity of the force, and anti-corruption techniques, as well as various mainstream policing blocks of instruction including respect for human rights. This exposure to the U.S. model of policing for thousands of Mexican officials is one of the openings that the Merida Initiative has provided and is slowly making a difference in shifting law enforcement in a positive direction.

The information that follows is organized around the four reporting requirements identified in section 7045(e)(1) of the 2009 SFOAA.

### **Police Transparency and Accountability**

The terms of section 7045(e)(1)(A) of the 2009 SFOAA require the Secretary, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to “improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces....”

#### ***Federal Police Transparency and Accountability***

Upon assuming office in December 2006, the Calderon administration launched a concerted effort to improve training and root out corruption via a comprehensive vetting program and a network of internal control centers, and to establish a workable model for professionalizing the 32,000 members

of the Federal Police. An important legal step was the January 2009 passage of an implementing law on reform of the Constitution that set the parameters for a three-tiered model of police: a reaction element; a prevention element; and an investigatory element. This effort was ongoing and channeled through various SSP offices responsible for implementing standardized training and other requirements necessary to build a professional force.

To apply these legislative advances, the SSP has moved ahead with the development of new transparency and accountability mechanisms. With U.S. support, the SSP continues to be focused on building an internal anti-corruption capability. In the summer and fall of 2009, U.S. law enforcement officials under Merida trained 4,500 new SSP investigators who are part of the vanguard of the new federal police. The SSP seeks to hire police with higher educational backgrounds to curb corruption and begin to change the culture of the police. The training of these new police officers included a block of instruction on the culture of lawfulness.

The Government of Mexico, with U.S. assistance, is working to build a comprehensive vetting and polygraph program to eventually apply to all law enforcement personnel in an attempt to build honest and trustworthy forces. The United States supports Mexican government efforts to prevent corrupt individuals or those easily corrupted from entering government law enforcement organizations and to reduce corruption within institutions by creating strong internal controls and building an internal culture of lawfulness. Background investigations, the creation of a police registry to track corrupt officers, and the use of polygraphs will help to prevent dishonest officers from entering forces. Ongoing polygraphs, internal investigations, ethics courses, regular reinvestigations, and standardized performance awards and appraisals will help to keep officials honest. To date, Merida funds have provided 318 polygraph units worth a total of \$2.4 million, dispersed among CISEN, SSP, PGR, INAMI, SAT, and select state and municipal agencies.

These internal controls and vetting processes are being applied to all new SSP entrants and incrementally being expanded to existing staff. SSP also manages the "Kardex Police" registry, which at this time is fully operational, although not fully deployed to the states. The police registry provides a database of police at all levels whose records, including misdeeds, are catalogued providing greater transparency and control. The registry also prevents dishonest police from moving through the system. SSP is also

expanding the internet-based communications platform, Plataforma Mexico, which allows for communication and coordination with federal and some state and local police throughout the country and will host the police registry.

SSP has also developed and clarified internal procedures and regulations that help to cultivate transparency within the bureaucratic structure and have improved public access to information. USDOJ has helped to train and provide technical assistance in the use of forensic evidence and in establishing an internal affairs unit in the SSP both of which are key to greater transparency in justice processes both internal and external to the organization.

More recently, internal affairs investigations at SSP have been given more importance and responsibility. The Internal Affairs (IA) Unit has been detached from the SSP and reports directly to the President of Mexico, which will significantly enhance its influence. Representatives of key U.S. government agencies have met with the new leadership and staff of the re-structured IA Unit, which seeks to emulate best practices of U.S. government agencies, and will investigate a program of cooperation and assistance.

PGR over the past two years has conducted an ambitious internal anti-corruption effort, called "Operation Cleanup." By the end of 2009, 16 SSP and PGR officials had been indicted for corruption since the government launched the operation in July 2008. Arrests included high-level federal officials, including former Deputy Attorney General and head of PGR's organized crime unit, Noe Ramirez Mandujano, and the former Director of Interpol in Mexico, Ricardo Gutierrez Vargas.

The federal government is taking steps to improve accountability and transparency of security institutions specifically through greater citizen participation and involvement. The Short Messaging System (SMS) Citizen Tip-Line, for example, seeks to restore citizen confidence in law enforcement and the Mexican government by using technology to facilitate public participation in citizen safety. The short-term goal is to provide Mexican citizens with an anonymous and secure means to share information via SMS text, voice, and web-based submissions with the authorities, particularly SSP. The Embassy's Narcotics Assistance Section (NAS) coordinators are assisting with the program's development and are helping

to identify NGOs that could partner with the U.S. and Mexican governments to build greater trust between civil society and the Government of Mexico.

Additionally, at both federal and state levels, authorities have provided for the establishment of Citizen Participation Councils to address citizen complaints about police and other justice system actors. Mexico's efforts to increase transparency through the Office of the Attorney General's Citizen Participation Council (CPC) at national and state levels incorporate and institutionalize effective, ongoing processes for receiving, addressing, and resolving citizen concerns. CPCs have created "observatories" to monitor criminal justice and security issues. They have developed and launched two websites, a toll free hotline, and the awareness campaign called "Somos Más" to promote the online registration of citizen complaints. Within the first 24 hours of operation of Somos Más, there were over 2,000 hits, 200 of which reported criminal activities. According to the National Association of Citizen Participation Councils, a total of 900 claims were filed, with 750 already addressed by the authorities.

New efforts are also being taken federally to try to improve emergency response to citizen requests. For example, in Ciudad Juarez SSP has taken control of the emergency call center and has sought new ways to improve response times. SSP has placed a GPS in every federal, municipal, and state police vehicle that is patrolling Juarez, allowing the dispatch center to track all vehicles and determine if they are responding to calls and record response times. These changes in procedures have cut response time from about twenty minutes to about twelve minutes. These efforts indicate new, creative thought in addressing citizen issues, they demonstrate proactive steps to improve responsiveness and transparency, and they provide a template for other state and local governments to replicate throughout Mexico.

The Calderon government, in coordination with Congress, has also sought over the past year to clarify the roles and responsibilities of security forces deployed in domestic law enforcement capacities making security operations and institutions more transparent. In 2009 President Calderon submitted to Congress legislation intended to provide a legal framework for the military's role in the domestic counternarcotics fight. In the course of congressional debate, the Senate passed a draft law that defines a process the Government of Mexico must follow to deploy the military domestically, as well as a procedure for delineating clearly the responsibilities, authorities, and

collaboration of each involved federal agency. The law requires that this information be publicly available. If passed by the Chamber of Deputies this fall, it should provide an additional degree of transparency to federal police and military operations.

### ***State and Municipal Police***

The Calderon administration recognizes the need for improvement across the country's police forces, over 370,000 of which are managed by state or local governments versus the federal government's 37,000, and which vary widely in their levels of competency and professionalism. In an attempt to facilitate a nationwide reform project, President Calderon announced during the June 3, 2010 session of the National Public Security Council his intention to move forward on a reform proposal that would consolidate Mexico's 2000-plus municipal police forces into 32 entities run by the state and Mexico City governments. The administration is expected to submit its initiative to Congress during the next session.

The law enforcement consolidation model proposed by Calderon has garnered significant political support from the National Governor's Association (CONAGO) and from federal legislators across party lines. They see it as a means to accelerate and achieve economies of scale to create professional and accountable police forces. The country's mayoral associations have reacted more negatively to the proposal, as they are reluctant for municipal governments to cede control over municipal police. The civil society organizations Mexico United Against Crime (MUCD) and Mexico SOS have called for the swift passage of the legislation. MUCD said publicly that it could help professionalize local policing organizations and facilitate federal and local cooperation in anti-crime efforts. The state legislature of Coahuila has already passed measures to consolidate police forces, and other states are considering similar legislation.

The adoption of the proposal to consolidate municipal police forces nationally would enhance U.S. ability to support reform efforts at the local level, particularly by providing vetting and training assistance. This goal has been complicated to date by the sheer number of municipal institutions and the challenge posed to state governments' ability to manage reform implementation in all of them. USAID is already supporting the establishment of objective institutional accreditation processes for local police, assisting with the development of certification standards relating to police training, job classifications, and unified training protocols nationwide

– efforts which would be abetted by such a reform. Included within these processes are standard disciplinary protocols and sanctions applicable to all. Additionally, if enacted, the reform would allow the Government of Mexico's security apparatus, including the National Public Security System and the SSP, to more proactively work to bring the local forces up to common professional, training, vetting, and compensation standards.

Ciudad Juarez is an important test case for this model. The SSP has replaced the military as the primary security force and taken control of all police operations in the city. Indeed, some important advances have been made, including creating a central command center, convening daily briefings with all police, military, and intelligence forces in the city, dividing the city into nine sectors to better organize security efforts, and cutting response time to emergency calls. Unity of command has improved with the municipal police working for the SSP, and the morning briefings include detailed reports on national and local developments, detailed statistics on crime in each sector, and the development of a deployment plan for the day. SSP and its partners still need to improve information-sharing and community policing efforts, and the Federal Police have struggled to make strong citizen connections in Juarez. Nevertheless, improved emergency response times and the SMS tip-line project should build credibility toward establishing stronger linkages.

### *Assessment*

During the reporting period, the Mexican government has continued to improve transparency and accountability of federal police forces through increased training and vetting, and has pushed for police reform to accelerate restructuring of state and municipal police. Training programs and the standardization of procedures have contributed to a wider appreciation by the security forces of their human rights obligations and have promoted a culture of lawfulness in these organizations. The enhancement of internal control capabilities is furthering accountability. Mechanisms for receiving complaints such as Citizen Participation Councils and SMS tip lines have continued to be improved and refined. The passage of law enforcement reform measures at the federal level will provide a useful model for state and local law enforcement.

### **Mechanisms for Consultations with Mexican Human Rights Organizations and Civil Society Regarding the Merida Initiative**

The terms of section 7045(e)(1)(B) of the FY 2009 SFOAA require the Secretary, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to “conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative....”

Since the start of the Merida Initiative, the Government of Mexico has held eight meetings with Mexican non-governmental organizations (NGOs) to exchange points of view on its implementation. Three meetings took place in 2010: in Monterrey on March 4, in Mexico City on April 29, and in Tijuana on May 28. These meetings were well attended and provided a useful forum for the exchange of information. The website set up by the Secretariat of the Government (SEGOB) and SRE ([www.inciativamerida.gob.mx](http://www.inciativamerida.gob.mx)) continues to serve as a central point for official information about the Merida Initiative. However, as noted by the Washington Office on Latin America (WOLA) and a number of human rights NGOs in Mexico, mechanisms to communicate and follow up on ideas and concerns from civil society need to be enhanced.

The Mexican government’s Human Rights Policy Commission, which was established in 1997 and restructured in 2003, is a channel for regular dialogue on public human rights policy with civil society and is chaired by SEGOB.

Several secretariats have also launched mechanisms for communication with civil society. The SRE launched a mechanism for Dialogue with Civil Society Organizations: <http://participacionsocial.sre.gob.mx/index.php>. USAID attended this dialogue with civil society on two occasions to review programs under the Merida Initiative and launch USAID’s call for proposals for USAID’s small grants program. The call for proposals was repeated in April 2010 in Ciudad Juarez to target local programs and strengthen civil society in Juarez. In tandem with President Calderon’s initiative, Todos Somos Juarez, USAID and the National Institute for Social Development (INDESOL) reviewed the requirements of the call for proposals funded through the Merida Initiative and answered questions regarding its objectives: to strengthen civil society organizations working on human rights, victims’ services, anti-trafficking in persons, community cohesion, crime prevention, youth, security and justice. As a result of public Government of Mexico-U.S. government events, USAID received over 200

proposals for initiatives that would use Merida funding to strengthen civil society.

The Mexican government's direct consultations with civil society in Ciudad Juarez have set a new benchmark for civil society engagement. The Government of Mexico launched 13 roundtables with civil society groups to solicit ideas and projects to strengthen civic resistance to crime. President Calderon has traveled to Ciudad Juarez three times in 2010 to participate in civil society roundtables. From this process emerged a Government of Mexico program called Todos Somos Juarez that includes 160 commitments that have been published on the website <http://www.todossomosjuarez.gob.mx/estrategia/index.html>. Progress on the status of each of these commitments is updated directly onto the website each month.

SEDENA also launched in June 2010 a Unit for Communication with the Citizenry (Unidad de Vinculacion a la Ciudadania). The Unit, which is separate from SEDENA's existing Human Rights Directorate and headed by a former Congresswoman, will be charged with proactively reaching out to families and communities after military operations, providing a central point for questions and helping victims and their families in the recovery process. While the current office only exists at the federal level, SEDENA is planning to replicate it in each state.

SSP has instituted a similar unit, and has also formed "Citizen Observatories" in each state for communication with local civil society organizations.

The governments of Mexico and the United States have participated in civil society forums in Tijuana and San Diego (in November 2009) and in Ciudad Juarez and El Paso (in January 2010). These forums discussed and received feedback from NGO groups on the Merida strategy and measures to strengthen civil society. The Merida Initiative was also discussed with participants at the Alliance for Youth Movement Summit held in Mexico City in October 2009 and at the May 2010 USAID and Department of Justice-sponsored symposium on Rule of Law and Justice Reform, which addressed justice reform aspects of the Merida Initiative. During the Secretary of State's visit in March 2010, the United States and Mexico reviewed the Merida Initiative with media and the general public.



### ***Assessment***

Over the last year, the Mexican government has continued to strengthen mechanisms for communication with civil society and human rights organizations on the Merida Initiative, both through the establishment and reinforcement of offices in individual Secretariats and through joint communications efforts with the United States. Even more importantly, the Government of Mexico has instituted mechanisms for communication and consultation with NGOs and community groups beyond the Merida Initiative. As NGOs have noted, areas of opportunity exist for the improvement of mechanisms to enhance dialogue, publish information, and follow up on ideas generated by civil society in these forums and the U.S. government intends to engage the Government of Mexico on appropriate implementation of these proposals.

### **Investigation/Prosecution of Allegations of Human Rights Violations by Police and Military**

The terms of section 7045(e)(1)(C) of the FY 2009 SFOAA require the Secretary, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to: “ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations.”

#### ***Investigation of Human Rights Violations***

Mexican law affords three avenues for the investigation of alleged human rights violations by its security forces: complaints by individuals can be filed with Mexico’s National Human Rights Commission (CNDH); directly with the Secretariat of Public Security (SSP) or the Mexican military (SEDENA); or complaints can be registered with the Attorney General’s Office’s (PGR) Public Ministry (MP). Absent a complaint, each of these institutions can initiate independent investigations.

The CNDH is the autonomous agency created by the Mexican government and funded by the Mexican Congress to monitor and act on human rights violations and abuses. It can call upon government authorities to impose

administrative sanctions or pursue criminal charges against officials, but cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, CNDH is required to follow-up with the authority to ensure that it is, in fact, carrying out the recommendation. CNDH sends a request to the authority asking for evidence of their compliance. CNDH then reports this follow-up information in its annual report. When authorities fail to accept a recommendation, CNDH publicly condemns the authority to show its lack of respect for human rights. NGOs and international organizations often draw attention to the failure of Mexican institutions to either comply with CNDH recommendations or even accept them.

NGOs generally praise CNDH for its investigations into alleged human rights violations but often criticize its inability to bring sufficient pressure to bear upon the government to comply with recommendations. The Mexican Congress is currently debating legislation that would grant CNDH greater power to enforce its recommendations and provide it with increased access to information on military and civilian investigations. Changes to Article 102 of the Constitution would provide CNDH with the authority to force Mexican government agencies to provide information on pretrial investigations (*averiguaciones previas*), a power CNDH currently lacks. The proposed legislation also specifies that Mexican government agencies that fail to accept or implement CNDH recommendations would be held accountable by a congressional committee.

SSP: The PGR investigated and convicted SSP personnel for three cases of physical abuse in 2008 and one case of murder in 2009 (see Annex B for details on these cases). In 2009, SSP registered 87 violations directly. CNDH received 2,361 complaints concerning SSP in 2009, which upon investigation generated a total of 667 alleged violations in categories that included arbitrary detention (244), torture (1), non-compliance with arrest warrant procedures (177), and cruel and inhumane treatment (245). Well over half of the complaints processed by CNDH in 2009 were resolved by determining that the issue was not related to human rights and redirecting the petitioner to the proper authority (1,722), by suspending an investigation for lack of evidence (222), and by becoming moot during the course of the investigation, meaning that the claimant received compensation or restitution from the implicated agency before CNDH completed the investigation (110). Of the violations registered by SSP and CNDH, all were investigated by CNDH in conjunction with SSP's Human Rights Unit or the Internal Affairs

Unit of the Federal Police. Two hundred and forty-two (242) investigations have concluded, and those remaining are under investigation by CNDH or SSP. Three complaints involving violations pertaining to treatment in prison and arbitrary detention resulted in CNDH recommendations calling on the SSP to make amends with victims and adopt procedural measures to comply with its obligations. All recommendations were accepted by SSP and have been partially completed.

SEDENA: According to SEDENA, the military investigated a total of five complaints involving alleged human rights violations in 2008 and 2009. SEDENA was cited in 1,971 complaints received by CNDH in 2009; upon investigation, these 1,971 complaints generated a total of 2,498 alleged violations in categories that included arbitrary detention (916), torture (40), non-compliance with arrest warrant procedures (806), and cruel and inhumane treatment (736). However, CNDH resolved or transferred over half of these 1,971 complaints against SEDENA by directing the complaint to the proper authority (1,160) or by suspending an investigation for lack of evidence (387); in another 179 cases, the complainant withdrew his/her complaint (179). In 30 cases in 2009, the complaints resulted in CNDH recommendations that SEDENA take measures to address the physical or psychological needs of the victims and conduct investigations to determine the responsibility of members of SEDENA. These 30 recommendations mostly involved allegations of cruel and inhumane treatment, many dating back to events that took place in 2008 or earlier.— SEDENA partially accepted 25 of its 30 recommendations and fully accepted four with one still pending. At year's end, it had partially completed 14 of the recommendations issued to it by CNDH. Ensuring prompt and effective responses by Mexican government entities, including SEDENA, to CNDH recommendations is critical and underscores the significance of pending legislation to strengthen the role of the CNDH and provide it greater authority to enforce its recommendations (as discussed above).

### ***Prosecution and Punishment of Human Rights Violations***

Article 13 of the Mexican Constitution states that military jurisdiction applies to “crimes against military discipline,” but that military tribunals have no jurisdiction over people who do not belong to the military. Article 57 of the Military Code of Justice defines crimes against military discipline as “state or common offenses that have been committed by active duty military.” In practice, civilian courts have generally ceded jurisdiction to the

military in cases where military personnel stand accused of human rights violations committed against civilians. The Supreme Court has not rendered decisions refuting the military's claim to jurisdiction in all cases involving on-duty military personnel.

The Inter-American Court of Human Rights, however, as a consequence of a decision rendered November 23, 2009 that implicated the military in the 1974 disappearance of a civilian, called Article 57 "broad and imprecise." The Court noted that, while active duty military personnel may be implicated in crimes, this was not a sufficient standard to apply military jurisdiction. The ruling further described Article 57 as "incompatible with the American Convention [on Human Rights]" and directed that the Government of Mexico "adopt, within a reasonable period of time, the appropriate legislative reforms in order to make Article 57 of the Code of Military Justice compatible with the international standards in this subject and the American Convention on Human Rights..." In this same vein, in March 2010 the UN Human Rights Committee observed that Mexico should amend its Code of Military Justice "to ensure that the jurisdiction of military courts does not extend to cases of human rights violations" and that military courts not judge cases where the victims are civilians.

The Government of Mexico has publically accepted and committed to implement the decision by the Inter-American Court of Human Rights. Specifically, the Secretariat of Government has pledged to submit its proposal for reforming the Military Justice Code to Congress in September 2010. In the context of the Bilateral Human Rights Dialogue, the Mexican government informed the United States that under the proposed reforms to the Military Justice Code, the crimes of torture, rape, and forced disappearance will no longer fall under the purview of the military justice system.

Legislation likely to pass the lower house of the Congress this fall would reform articles 1, 3, 11, 15, 18, 29, 33, 89, 97, 102, and 105 of the Mexican Constitution. In addition to increasing the power of CNDH, the reform would reinforce Mexico's commitments established in international human rights conventions, conferring upon them the same authority as provisions within Mexico's own Constitution. Article 18 of the Constitution would be modified to include respect for human rights as a foundation of the

penitentiary system. Proposed changes to Article 29 of the Constitution, which allows for suspension of certain rights by the executive branch in a state of emergency, include a list human rights (e.g. right to life, religion, prohibition of torture and forced disappearance, etc.) that cannot be suspended under any circumstances. Reformed Article 33 of the Constitution would provide for increased protection of the rights of foreigners in Mexico. Changes to Article 89 would render the respect, protection, and promotion of human rights an obligation of the Mexican government.

Fundamental aspects of reforms of the Mexican criminal justice system at federal and state levels include not only incremental transition from inquisitorial (document-based procedures and closed-door proceedings) to oral processes open to the public, but also reflect constitutional provisions that build checks and balances, greater protections for the accused, contributing to greater clarity and transparency, increased freedom of information, and due process. The early results that the USAID project on justice system reform has documented include greater use of alternative justice mechanisms, resulting in a reduction in the overall number of cases adjudicated and corresponding increased conviction rates, especially for complex cases that carry heavier sentences. A related specific indicator of progress is reduction in the overall percentage of prisoners held in pretrial detention, signifying greater systemic efficiency and potentially fewer human rights violations.

Constitutional and legal provisions in federal and state laws supporting transition to an oral system are but one building-block in achieving greater systemic accountability and transparency. Other foundational checks and balances are also needed to enable development and implementation of anti-corruption programs. USAID's Justice and Security program provides direct support to institutional components of the criminal justice system at federal and state levels in the form of training and technical assistance for new methods of investigating and adjudicating criminal cases. The project also integrates an array of practical methods of preventing, detecting, and reducing corruption. For example, all training courses for judges, prosecutors and police include segments on ethics, individual accountability, protection of human rights, and investigative techniques for detecting and preventing corruption.

While legislation that would reform Mexican military and civilian justice systems continues to move forward, performance on prosecuting human rights cases has been mixed, and access to Mexican government information on case details remains limited. Human rights NGOs have asserted that as of May 2010 only a single alleged human rights violation perpetrated by a member of the military since 2007 has resulted in a trial and an upheld conviction in a military court. On July 25, 2010, SEDENA did, however, inaugurate a new section of its website dedicated to human rights, including statistics on CNDH complaints and recommendations and cases in the military justice process.

CNDH President Raul Plascencia has committed the CNDH to assist the U.S. Embassy in Mexico with information on human rights cases, exemplifying this commitment by providing details on the status of key, illustrative human rights cases (see summary of this information in Annex F). By strengthening the role of CNDH, one improves generally the capacity of Mexican entities to achieve accountability and transparency on human rights cases. U.S. Embassy Mexico City will ensure that all human rights cases presented to the embassy are transmitted to CNDH. CNDH will continue to monitor and report on these cases until they are closed. By calling on the Government of Mexico to provide information through CNDH, the U.S. government will also contribute to institutionalizing Government of Mexico mechanisms that will enhance the protection of human rights and benefit Mexican citizens.

Since July 2009, U.S. Embassy Mexico City's dialogue with the Mexican government on human rights issues has consistently focused on two sets of cases (summarized in the table in Annex E). In July 2009, SEDENA announced that it had prosecuted and sentenced 12 soldiers for unspecified offenses since 2006, but in November 2009, Secretary of Government Gomez Mont clarified that only one soldier had been convicted in the course of the Calderon administration. In July 2009, SEDENA also announced that another 53 soldiers were under investigation for alleged violations. In a March 2010 press release that appeared to track with this announcement, SEDENA referred to human rights cases involving 55 soldiers. Subsequent information released by SEDENA in July 2010 showed 51 cases. With respect to the second set of illustrative cases involving 41 incidents which were transmitted to the Mexican government in September 2009 by U.S. Embassy Mexico City, 40 of the cases are registered with CNDH.

### ***Assessment***

While civilian authorities investigated and prosecuted police forces for human rights violations, progress is still needed. Human rights complaints against the military continue to be addressed primarily in military tribunals in accordance with Mexican law (with the exception of the 2007 ruling in the Castaños case). The Mexican executive branch has committed to address this issue, in accordance with the decision issued by the Inter-American Court of Human Rights in November of 2009, through the submission of legislation to Congress this fall that would change Article 57 of the Military Justice Code. Civilian courts continue the transition process to a more transparent oral system; this shift will render it increasingly easier to obtain information on trials and hold courts accountable for rulings on human rights cases. CNDH remains the primary Government of Mexico entity to investigate alleged human rights violations and abuses, and compared to the recent past has become more assertive under new leadership. Proposed legislative reforms would strengthen CNDH's enforcement authority. Government of Mexico's legislative proposals on human rights, the its acceptance of international treaties, the Mexican government's commitments to comply with its international human rights obligations, the increased activism of CNDH, and proposed measures to increase the accountability of Mexican government entities on CNDH recommendations together reflect significant steps undertaken by the Government of Mexico.

### **Prohibition of Torture**

The terms of section 7045(e)(1)(D) of the FY 2009 SFOAA require the Secretary, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to "enforce the prohibition ... on the use of testimony obtained through torture or other ill-treatment."

There is an established legal framework for the prevention of extracting confessions through torture. Mexican law prohibits torture and other cruel, inhuman, or degrading treatment and stipulates that confessions obtained through illicit means such as torture are not admissible as evidence in court; similarly inadmissible is any confession made directly to police. Currently, to be admissible, a confession must be formally recorded before a prosecutor with the acknowledgement that it is being made voluntarily and after

examination by a doctor confirming that the person has not been subjected to physical abuse.

In May 2010, the UN Subcommittee on the Prevention of Torture made public the recommendations from its 2009 report on the Subcommittee's visit to Mexico. The Mexican Foreign Affairs Secretariat (SRE) announced in July 2010 an Action Plan to implement the 122 recommendations listed in the report and have requested U.S. Embassy assistance in the formation of a working group on the Istanbul Protocol. The ad-hoc multiagency working group to implement the recommendations currently includes representatives from five states, as well as the Secretariat of Government, SEDENA, the Secretariat of the Navy, the National Migration Institute, and the National System for Integral Family Development. The plan seeks to formalize cooperation between federal and state authorities on the training of public officials, the standardization of interrogation procedures, the investigation of torture accusations, the improvement of detainment conditions, the implementation of judicial system reform, and follow-up on CNDH recommendations.

By July 2010, Mexico's federal Congress had not enacted implementing legislation for the June 2008 justice reform act, which diminishes reliance on confessions by requiring that they be made before a judge. Eight states, however, have adopted the necessary implementing legislation and four are at various stages in the process of implementing oral court hearings.

The government has taken steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other violations. According to the PGR, 12 of the country's 31 states have endorsed the protocol and established consultant and evaluation offices. In addition, the PGR said it has provided training on human rights, including the prohibition on torture, to its local, state, and federal staff. The National Mechanism to Prevent Torture under the CNDH made 48 visits to prisons and detention centers nationwide. During the year, CNDH conducted 75 human rights-related courses for SEDENA, 95 for PGR, 95 for SSP, and 18 for prison officials; the courses included sections on torture.

Nonetheless, complaints regarding torture and cruel, inhumane, and degrading treatment persist. In 2009, CNDH received 1,105 complaints of cruel or degrading treatment and 33 torture complaints, compared with 588



complaints of cruel or degrading treatment and 21 torture complaints in 2008. In 2009 the CNDH made 30 recommendations to SEDENA, of which SEDENA accepted 19; in the majority of the 30 recommendations the CNDH cited arbitrary detention and torture. In at least three cases, CNDH verified that army doctors or other members of the military falsified evidence to cover up abuses.

Human rights groups linked physical abuse to the pervasiveness of arbitrary detention. Despite the law's provisions to the contrary, NGOs reported that police and prosecutors attempted to justify arrests by forcibly securing confessions to a crime. CNDH and NGOs expressed concern about alleged human rights violations committed by some military units deployed in counternarcotics operations and cited incidents implicating military units in instances of torture.

### ***Assessment***

Mexico has enacted a legal framework for the prevention of torture in extracting in confessions. Mexico has made progress in passing further legislation that advances the prevention of torture and provides a further legal framework for defining and addressing torture cases. However, the lack of control mechanisms in the detention and interrogation process has allowed for the persistence of individual instances of torture, as evidenced by CNDH complaints, NGO reports, and the recent report by the UN Subcommittee on the Prevention of Torture. The Mexican government's 2010 Action Plan to implement the recommendations contained in the UN report represents an important step forward as a formal acknowledgment by the Mexican government of the need for increased attention to the problem of torture. The plan outlines a clear multi-agency approach to federal and state coordination aimed both at improving controls in the interrogation and detainment process and providing victims with increased access to information about their rights.

### **Conclusion**

While the Government of Mexico needs to do more to address concerns regarding transparency and impunity, especially concerning the investigation and prosecution of allegations of human rights violations by security forces, it has taken important steps that demonstrate that it is continuing to address concerns since the submission in August 2009 of the previous report on Mexican human rights issues in response to the requirements of section 1406 of chapter 4 of Public Law 110-252 (applicable to both the Supplemental

Appropriations Act, 2008 and the Bridge Fund Supplemental Appropriations Act, 2009) and section 7045(e) of the FY 2009 SFOAA.

The Mexican government has continued to improve transparency and accountability of federal police forces through increased training and vetting, and has pushed for police reform to facilitate collaboration with state and municipal authorities. Training programs and the standardization of procedures have contributed to a wider appreciation by the security forces of their human rights obligations and have promoted a culture of lawfulness in these organizations. Mechanisms for receiving complaints such as Citizen Participation Councils and SMS tip lines have continued to be improved and refined.

The Government of Mexico also has continued to strengthen mechanisms for communication with civil society and human rights organizations on the Merida Initiative, both through the establishment and reinforcement of offices in individual Secretariats and through joint communications efforts with the United States. Even more importantly, the Government of Mexico has instituted mechanisms for communication and consultation with NGOs and community groups beyond the Merida Initiative. As NGOs have noted, areas of opportunity exist for the improvement of mechanisms to publish information, ensure a meaningful dialogue, and follow up on ideas generated by civil society in these forums.

Civilian authorities have investigated and prosecuted police forces for human rights violations, but human rights complaints against the military continued to be addressed primarily in military tribunals in accordance with Mexican law. The executive branch, however, has committed to address this issue through the submission of legislation to Congress this fall that would change Article 57 of the Military Justice Code in accordance with the decision issued by the Inter-American Court of Human Rights in November of 2009. Mexico has taken steps to tackle problems with transparency and accountability in Mexico's process for investigating and prosecuting alleged human rights violations, which reflect systemic failures in the larger justice system. Mexico is addressing these shortcomings through current attempts to implement reform measures such as: human rights reform, which will amend the Constitution to provide the CNDH with greater authority to investigate and enforce its recommendations; national security reform, which will more clearly delineate the national security functions of civilian and military forces; justice system reform, which will shift Mexico's justice

system to a more transparent oral trial process; and military code reform, which will limit military jurisdiction in response to the decision of the Inter-American Court of Human Rights.

While Mexico has enacted a legal framework for the prevention of torture in extracting in confessions, the lack of control mechanisms in the detention and interrogation process has allowed for the persistence of individual instances of torture. The Government of Mexico's 2010 Action Plan to implement the recommendations contained in the report of the UN Subcommittee on the Prevention of Torture represents an important step forward as a formal acknowledgment of the need for increased attention to the problem of torture.

The measures taken by the Government of Mexico demonstrate that it is continuing to take actions in accordance with the legislative criteria established in section 7045(e)(1) of the 2009 SFOAA and carried forward in subsequent appropriations acts. Moreover, U.S. engagement with Mexico on the Merida Initiative, together with the implementation of specific programs, has built trust and contributed skills and capabilities that are allowing the Government of Mexico to improve its human rights performance.

#### **Annex A: Text of Appropriations Acts with Reporting Requirements as Related to Merida-Mexico**

##### **2009 SFOAA – Section 7045(e)(1) and (2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8)**

(e) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Economic Support Fund” in this Act, not more than \$300,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than \$75,000,000 shall be used for judicial reform,

institution building, anti-corruption, and rule of law activities:  
*Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available under this section in this Act, for assistance for Mexico, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities, may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is continuing to—

(A) improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

(C) ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations; and

(D) enforce the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

**2009 Supplemental – Section 1108 of the Supplemental Appropriations Act, 2009 (P.L. 111-32)**

Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7070(e), with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042(a) and (c) of such Act shall not apply to funds made available in this title.

**2010 SFOAA – Section 7045(e)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117)**

(e) ASSISTANCE FOR MEXICO.—

...

**(2) APPLICABILITY OF FISCAL YEAR 2009**

**PROVISIONS.—**The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

**2010 Supplemental – Section 1010(a) of the Supplemental Appropriations Act, 2010 (P.L. 111-212)**

Sec. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading “International Narcotics Control and Law Enforcement” that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

## **Annex B: Resolution of Cases by PGR**

According to the PGR's most recent reports, three officers were sentenced in 2008 and one in 2009 involving human rights-related offenses. At the time of the submission of this report, U.S. Embassy Mexico City had not received details on these cases.

As reported by SSP, two federal police officers were sentenced in conjunction with an incident that occurred on June 27, 2007, when Santos Quiroz Espinosa was detained by police in Torreon, Coahuila and was subjected to excessive force, including burns inflicted by electroshock weapon during the arrest. On February 25, 2009, the judge found the officers guilty of the crime of "abuse of authority" and sentenced them to one year and three days in prison and fines equivalent to one year's salary.

- 1) Federal Police Officer Mauro Elorza Ruiz**
- 2) Federal Police Officer Yimi Erick Lopez Centeno**

**Annex C: Judicial Processes in Military Tribunals** According to SEDENA's most recent reports, 40 military personnel are currently undergoing a military trial process for what SEDENA has described as alleged human rights violations that have taken place during the Calderon administration (2006-present). These cases are described below. Details on cases under investigation (averiguacion previa) are not publically available in accordance with Mexican law.

A. Sixteen soldiers and three officers are being tried by military tribunal for violence resulting in homicide during an incident that took place on June 1, 2007 in Sinaloa de Leyva. Soldiers who were stationed on the side of a road in the municipality of Sinaloa de Leyva in Sinaloa State, and were reportedly drunk and using drugs, opened fire on a truck transporting three adults and five children, killing a woman and a 3-year-old girl. They were detained at the orders of a military judge from Military Region III in Mazatlan, Sinaloa on June 10, 2007 and are currently in military prison awaiting trial.

- 1) Army Calvary 2nd Captain CÁNDIDO ALDAY ARRIAGA**
- 2) Army Calvary Lieutenant JOSÉ ALEJANDRO ZAVALA GARCÍA**

- 3) Army Transmissions Lieutenant ENRIQUE GALINDO ÁVILA
- 4) Army Calvary 2nd Sergeant ARTURO GARCÍA MORENO
- 5) Army Auto Mechanic 2nd Sergeant SARAIN DÍAZ VELÁZQUEZ
- 6) Army Calvary Corporal JUAN CARLOS MALDONADO  
RAMÍREZ
- 7) Army Calvary Corporal ANTONIO CASTILLO MARTÍNEZ
- 8) Army Calvary Corporal GUSTAVO CASTILLO RAMÍREZ
- 9) Army Calvary Corporal BENITO SÁNCHEZ GIRÓN
- 10) Army Calvary Corporal ISMAEL ORTEGA GONZÁLEZ
- 11) Army Health Corporal ELADIO PÉREZ ARRIAGA
- 12) Army Calvary Soldier JOSÉ PAULINO HERNÁNDEZ
- 13) Army Calvary Soldier FRANCISCO VÁZQUEZ ESPARZA
- 14) Army Calvary Soldier GUILLERMO ALEJANDRO VELASCO  
MAZARIEGOS
- 15) Army Calvary Soldier CALIXTO GARCÍA HERNÁNDEZ
- 16) Army Calvary Soldier FRANCISCO RAMÍREZ JIMÉNEZ
- 17) Army Calvary Soldier ARGENIS CAMARILLO DE LA CRUZ
- 18) Army Calvary Soldier HÉCTOR JIMÉNEZ CENTENO
- 19) Army Transmissions Soldier JOSÉ ABAD VEGA TRUJILLO

B. Fourteen soldiers are being held in connection with a shooting incident that took place on March 26, 2008 in Santiago de los Caballeros, Sinaloa, when soldiers allegedly fired on six unarmed civilians at a military checkpoint, killing four civilians and two soldiers and wounding one civilian and two soldiers. They were detained at the orders of a military judge from Military Region III in Mazatlan, Sinaloa and are currently in military prison awaiting trial.

- 20) Army Infantry Lieutenant VÍCTOR RUIZ MARTÍNEZ
- 21) Army Infantry Corporal ANTONIO ROJAS REYES
- 22) Army Infantry Soldier JORGE JIMÉNEZ CASTAÑEDA
- 23) Army Infantry Soldier MISAEL SOLANO MUÑOZ
- 24) Army Infantry Soldier JOSÉ FRANCISCO BALAM MAY
- 25) Army Infantry Second Sergeant RUBEN ARELLANO RAMOS
- 26) Army Infantry Second Sergeant JUAN JOSÉ CAMACHO VEGA
- 27) Army Infantry Corporal Felipe NICOLÁS BAUTISTA  
MARTÍNEZ
- 28) Army Infantry Corporal LEÓNIDES CRUZ TORRES
- 29) Army Transmissions Corporal OMAR ELISEO ALVARADO  
RUIZ



**30) Army Corporal JOSÉ RAYMUNDO HERNÁNDEZ  
GONZÁLEZ**

**31) Army Corporal RODOLFO HERRERA LARA**

**32) Army Infantry Soldier JAVIER ENRIQUE VÁZQUEZ**

**33) Army Infantry Soldier PATRICIO URIARTE LÓPEZ**

C. Five soldiers are being tried in connection with an incident that took place on August 3, 2007 in Naco, Sonora, when soldiers detained three individuals, taking two to the local Ministerio Publico. On August 4, the third individual was found dead and had been severely beaten.

**34) Army Infantry Lt. Col. BLAS ROSENDO CISNEROS  
GUTIERREZ**

**35) Army Infantry Lt. JOSE ROBERTO LAGUNAS HUITRON**

**36) Army Infantry Corporal CESAR MIGUEL PALOMARES  
FLORES**

**37) Army Infantry Soldier LUIS GUADALUPE GARCIA OLIVO**

**38) Army Soldier HERNAN OCHOA PEREZ**

D. Two military doctors are currently being monitored in connection with the death of Marcela Santiago Mauricio at an Army medical clinic for women after she received an erroneous blood transfusion on May 1, 2007 that caused neurological damage resulting in her death.

**39) Military doctor**

**40) Military doctor**

### **Annex D: Resolution of Cases by Military Tribunals**

According to SEDENA's most recent reports, a total of two commissioned officers and five soldiers have been sentenced for what SEDENA has described as human rights-related offenses.

A. Army Infantry Colonel Uriel Rios Velazquez was sentenced to four months in prison for forcing a soldier to consume alcohol in a hazing incident that resulted in medical complications that led to the soldier's death in March 2005.

**1) Army Infantry Colonel URIEL RIOS VELAZQUEZ**

B. A second lieutenant and five soldiers received sentences of 1.5-2 years for their role in a July 11, 2006 incident in Castaños, Coahuila, during which soldiers raped nine women at a nightclub and beat six police officers. Military and civilian authorities carried out two parallel, distinct investigations into these cases. The military investigated breaches of military duties, sanctioning soldiers who abandoned their duties, and civilian courts investigated crimes of rape and violence against civilians. Military tribunals found them guilty of "leaving their post of duty" and sentenced them to 1.5 to 2 years. In October 2007, three of the soldiers also received civilian court sentences of up to 41 years.

**2) Army Calvary Second Lieutenant NORBERTO CARLOS FRANCISCO VARGAS (2 years)**

**3) Army Calvary Second Sergeant JUAN JOSE GAYTAN SANTIAGO (1.5 years)**

**4) Army Calvary Corporal ANGEL ANTONIO HERNANDEZ NINO (1.5 years)**

**5) Army Calvary Corporal NORBERTO GONZALEZ ESTRADA (1.5 years)**

**6) Army Calvary Soldier OMAR ALEJANDRO RANGEL FUENTES (1.5 years)**

**7) Army Calvary Soldier FERNANDO ADRIAN MADRID GUARDIOLA (1.5 years)**

### **Annex E: Illustrative Human Rights Cases**

**Status Summary**

Document	Number of Perpetrators	Number of Cases/Convictions	Notes
			<ul style="list-style-type: none"> <li>■</li> </ul>
<p>SEDENA Human Rights Cases</p>	<p>51 Soldiers</p>		<ul style="list-style-type: none"> <li>■ Information released on SEDENA's website in July 2010 lists 51 soldiers in the military justice process for alleged human rights violations during the Calderon Administration (2006-present): 4 soldiers under investigation</li> <li>■ 40 soldiers subject to legal procedures in military courts</li> <li>■ 7 soldiers convicted and sentenced</li> </ul>
<p>Illustrative Human Rights Cases</p>	<p>Most cases do not identify the number of soldiers implicated in each case.</p>	<p>41 Cases</p>	<p>CNDH has information on 40 of the 41 cases passed to the embassy by Senate Appropriations Committee, Subcommittee on Foreign Operations (one did not have sufficient detail for CNDH to identify the case in its records).</p> <ul style="list-style-type: none"> <li>■ Of the 40 cases being</li> </ul>

Document	Number of Perpetrators	Number of Cases/Convictions	Notes
			<p>followed, CNDH has issued recommendations on 24 and is investigating six.</p> <ul style="list-style-type: none"><li>■ All 24 recommendations have been accepted by SEDENA, and 20 have been partially completed. In nearly all of these cases, the victims have received monetary compensation for damages. CNDH has not received information from SEDENA on the status of the remaining four recommendations.</li><li>■ Six of the 40 cases did not have sufficient evidence or information for CNDH to issue a recommendation.</li><li>■ Two of the 40 cases fell outside the purview of the CNDH because they were not specifically related to human rights violations.</li><li>■ In two of the cases, the victims withdrew their complaint.</li></ul>

In parallel, the U.S. Embassy Mexico City is also developing a database on key cases as a tool to track developments and raise specific cases. The Embassy will analyze this information to ascertain trends in the volume and types of violations occurring in different regions in Mexico and the involvement of the country's various security forces.