

MEXICO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mexico is a multi-party federal republic with an elected president and bicameral legislature. On July 1, 2012, citizens elected President Enrique Pena Nieto of the Institutional Revolutionary Party (PRI) to a six-year term in generally free and fair multi-party elections; Pena Nieto took office December 1, 2012. Although authorities generally maintained effective control over the security forces, there were instances in which elements of the security forces acted independently of civilian control and committed human rights abuses.

Significant human rights-related problems included police and military involvement in serious abuses, including unlawful killings, physical abuse, torture, and disappearances. Widespread impunity and corruption remained serious problems, particularly at the state and local levels, in the security forces, and in the judicial sector. Violence attributed to transnational and local criminal organizations, violence against women, and violence against journalists that limited freedom of expression persisted.

The country's National Human Rights Commission (CNDH) and other sources reported the following problems: kidnappings; physical abuse; harsh, overcrowded prison conditions; arbitrary arrest and detention; and confessions coerced through torture. Additionally, there were reports of threats and violence against human rights defenders and lesbian, gay, bisexual, and transgender (LGBT) persons; kidnapping, robbery and abuse of migrants; domestic violence; trafficking in persons; abuse of people with disabilities; social and economic discrimination against some members of the indigenous population; and exploitation of child labor.

Despite some arrests for corruption, widespread impunity for human rights abuses by officials remained a problem in both civilian and military jurisdictions.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

Security forces, acting both in and out of the line of duty, arbitrarily or unlawfully killed several persons, often with impunity. As of August 31, the CNDH had received 32 complaints regarding arbitrary or unlawful killings and issued one

recommendation to authorities (based on its findings that a case involved a serious human rights violation and merited further investigation or sanction).

On January 9, the government published the General Victims Law, which obligates the government to provide legal, medical, and economic assistance to victims of organized crime or abuse by government authorities. Congress subsequently passed revisions to the law that further clarified who should be considered a victim, the level of compensation to be paid by the state, and the composition and responsibilities of the new National System of Attention to Victims, which the Victims Law established.

On March 18, army personnel allegedly tortured and killed Alfredo Ruiz Rojas and a 15-year-old student in Valles Elizondo, Nuevo Laredo, Tamaulipas. According to media reports, the victims were travelling in a car when security forces approached and forced them from their car and into an adjacent army vehicle. The perpetrators then allegedly planted weapons in the victims' vehicle before leaving the scene. Authorities later found the victims' bodies at a separate location. The Secretariat of National Defense (SEDENA) and the Attorney General's Office of Tamaulipas issued a joint report stating that the victims died in a shootout with security forces. However, autopsy evidence of Ruiz Rojas' body suggested he had been tortured, and initial forensic evidence from the scene appeared to contradict the official account. According to the Human Rights Commission of Nuevo Laredo, Ruiz Rojas' body showed evidence that he had been beaten in the face, genitals, back, buttocks, and legs prior to being killed. The CNDH contended the incident was a case of "arbitrary detention, torture, and eventual murder" and was investigating the incident.

The military abuse case involving the arbitrary 2011 detention, torture, forced disappearance, and execution of Jethro Ramses Sanchez was officially transferred to a civilian court early in the year. In August 2012 the CNDH issued a recommendation to the former Secretariat of Public Security and SEDENA in the case. Sanchez, an engineering student, was allegedly detained and beaten in 2011 in Cuernavaca, Morelos, by municipal police officers under the command of Manrique Gonzalez Acosta. Although Gonzalez Acosta denied any participation, judicial authorities investigated his alleged role in Sanchez' detention. The municipal police later turned Sanchez over to federal police, presenting him as a transnational criminal organization (TCO) member. The federal police transferred Sanchez to SEDENA, which took him to one of its military facilities where he was allegedly tortured and died as a result of the abuse. The Military Prosecutor's Office investigation concluded that military forces tortured Sanchez and that he

died on the same day. His body was clandestinely buried in Puebla. In 2011 three military officers were detained. Lieutenant Jose Guadalupe Orizaga y Guerra and Second Lieutenant Edwin Raziell Aguilar Guerrero were charged with the disappearance and torture of Sanchez, while Colonel Jose Guadalupe Arias Agredano, former commander of the 21st Infantry Battalion, faced charges of ordering his subordinates to cover up the crime. Although his case was initially before a military tribunal, in August 2012 the Supreme Court determined that Colonel Arias Agredano must be tried in a federal civilian court in Morelos. In September the Attorney General's Office issued a warrant for the arrest of former 24th Military Zone commander Leopoldo Diaz Perez for his role in an alleged cover-up, although a district court later suspended the detention order. In November authorities arrested Colonel Marco Antonio Legorreta for his involvement in the case but later released him, citing lack of evidence. On November 28, a federal judge issued detention orders for 15 members of the police and seven members of the armed forces for their roles in Sanchez' death.

On June 3, authorities in Guerrero state found the bodies of three political activists who had been abducted on May 30. Five other activists escaped their captors and alleged that the mayor of Iguala, Jose Luis Abarca, had ordered their torture and killed one activist with a shotgun. A colleague one abductee called during his escape told reporters Abarca was connected to organized crime.

Unknown assailants in Oaxaca killed several political figures, including sitting mayors Feliciano Martinez Bautista and Jose Rene Garrido Rocha. On June 10, unknown assailants kidnapped and killed Jaime Orozco Madrigal, who was the PRI candidate for mayor of Guadalupe y Calvo, Chihuahua. Police officials continued to investigate the case at year's end.

Two local legislators from Oaxaca and Michoacan were killed within 24 hours of each other on September 11 and 12. In Oaxaca assailants attacked sitting deputy and mayor-elect of the town of San Andres, Everardo Hugo Hernandez Guzman, while he was eating at a local restaurant. On September 12, four assailants killed Michoacan deputy Osvaldo Esquivel Lucatero with machetes.

b. Disappearance

There were multiple reports of forced disappearances by the army, navy, and police. Most occurred in the course of sanctioned security operations. As of August 31, the CNDH had received 13 complaints of cases involving forced disappearance but had not issued any recommendations. In several cases security

forces had detained persons incommunicado for several days. While the federal criminal code classifies forced disappearance as a crime, forced disappearances do not constitute a crime in several local penal codes. The federal criminal code and the legislation of the 16 federal entities that have classified forced disappearance as a crime do not use the same definition, and penalties vary according to the jurisdiction. Sixteen states do not classify forced disappearances as a crime. On September 12, the Jalisco State Congress unanimously approved a reform to the local penal code to define forced disappearances as a crime, punishable by 10 to 40 years in prison, with longer sentences in cases involving minors, women, seniors, or persons with disabilities.

In February the Secretariat of Government (SEGOB) reported that 26,121 individuals had disappeared between 2006 and 2012, although government officials acknowledged the figures were not precise. According to criminal justice experts, most of these were likely to have been perpetrated by TCOs. The SEGOB report identified the groups most vulnerable to forced disappearance as human rights defenders, political and social activists, migrants, men living in areas of conflict, and women and children trafficking victims.

The government published a law for the National Registry of Missing or Disappeared Persons in April 2012 with the purpose of creating a database of information for the National Public Security System to standardize and centralize information concerning missing and disappeared persons. As of October 25, the government had not published the regulations to ensure the database was operable or clearly delegated a government agency to host the database.

Amnesty International (AI) noted that the government's registry lacked any mechanism to update it when more people are reported missing, or when disappeared individuals reappear or are otherwise accounted for. AI also said that the registry made no distinction between individuals who went missing and those who were forcibly disappeared or kidnapped by criminal groups. The CNDH reported that there were at least 7,000 unidentified bodies of persons killed between 2006 and 2012 in morgues and common graves.

Human Rights Watch (HRW) released a report in February, *Mexico's Disappeared*, that documented approximately 250 cases of disappearance since 2007. The examples included 149 cases of "forced" disappearance in which HRW concluded that security officials participated in the crime. The report concluded there were widespread problems with the legal, judicial, and law enforcement systems that significantly contributed to the problem of disappearances in the

country. It also maintained that authorities routinely failed to conduct thorough and expeditious searches and investigations in disappearance cases, and prosecutors rarely employed basic investigative practices critical to finding missing persons. In cases where prosecutors investigated, procedural delays and the lack of necessary investigative and legal tools often adversely affected the judicial process.

On April 10, the special prosecutor of attention to crime victims published *Protocols for the Search of Missing and Disappeared Persons*, to be implemented by all state prosecutors' offices throughout the country. The protocols abolish the previous 72-hour waiting period before authorities would investigate a missing person's case and instead require authorities to initiate investigations and searches in the first 48 hours of receiving a report of a missing or disappeared person.

Following a meeting with family members of disappeared individuals in May, the attorney general announced the creation of a Special Disappeared Persons Unit charged with locating disappeared individuals. The unit combines investigators with forensic experts and increases the number of investigators dedicated to disappeared persons cases from six to 12. Human rights organizations were critical that the announcement made no mention of the new unit's budget or proposed structure, and they were widely skeptical it would have a significant effect on the situation due to its small size relative to the scope of the problem.

The Secretariat of the Navy (SEMAR) paid compensation to the family members, offered scholarships to the victims' children, and provided psychological services to those affected by the 2011 disappearances of six civilians in Nuevo Laredo, Tamaulipas, in response to the August 2012 CNDH statement that unknown elements of the SEMAR were responsible for the disappearances. The specific units involved remained unknown. The CNDH reported that in 2011 military personnel detained the individuals in their homes, places of work, and at other commercial establishments and transported them in SEMAR vehicles to an unknown destination without a court order or judicial proceedings. The six victims remained disappeared at the end of the year. The CNDH reported that SEMAR had been cooperative during the investigations that both the Federal Attorney General's Office (PGR) and Military Attorney General's Office were conducting. As of August 31, no charges had been filed.

Kidnapping remained a serious and underreported problem for persons of all socioeconomic levels, and there were credible reports of police involvement in kidnappings for ransom, primarily at the state and local level. The National System for Public Security reported 1,032 reports of kidnapping filed between

December 2012 and June 2013, although official estimates placed the number of unreported kidnappings considerably higher. There continued to be reports of kidnapping of undocumented migrants by criminal groups to extort money from migrants' relatives or force them into committing criminal acts on their behalf.

On May 26, several assailants raided the downtown Mexico City bar "Heaven's After" and kidnapped 12 individuals at gunpoint. Surveillance video showed the gunmen moving the victims into at least eight different vehicles before driving away from the scene. On August 17, federal police investigators located the decomposed remains of the 12 victims in a mass grave in Tlalmanalco, Mexico State. According to official reports, members of a Mexico City drug gang kidnapped and killed the victims in retaliation for the killing two days earlier of one of its leaders. One of the victims, 16-year-old Jerzy Ortiz Ponce, was the son of Jorge "El Tanque" Ortiz, who was serving a 23-year prison sentence for organized crime and extortion. State and federal authorities arrested 18 suspects, including four police officers, and continued their investigation. On October 21, the Federal District Human Rights Commission (CDHDF) issued a recommendation in the case calling on the Federal District attorney general to conduct an inquiry into alleged official involvement in the kidnappings and murders.

On June 8, SEDENA officials reported rescuing 165 migrants kidnapped by a criminal group two weeks earlier in the municipality of Gustavo Diaz Ordaz, Tamaulipas. The migrants were allegedly traveling through Tamaulipas to the United States when a criminal group kidnapped them and demanded ransom money from their relatives. The victims included 77 individuals from El Salvador, 50 from Guatemala, 23 from Honduras, 14 from Mexico, and one from India. Seven children and two pregnant women were among the victims.

On September 20, John Jairo Guzman Vazquez, a Colombian citizen, was kidnapped with the alleged help of Mexico City police officers, including Apolonio Perez Tapia, a chief investigator with the Mexico City Police Internal Affairs, subsequently arrested for his role in the kidnapping. Four other police officers wanted in the case remained at large as of November 29. On November 20, Guzman escaped his captors and was returned to Colombia on November 22.

On October 8, officials from the Guerrero State Secretariat of Public Safety arrested 18 individuals, including 13 federal police officers, who were allegedly involved in a kidnapping ring in Acapulco, Guerrero. The individuals were

charged with kidnapping, murder, and participation in organized crime. No charges had been filed as the investigation continued.

On November 8, officials reported rescuing 61 migrants kidnapped by a criminal group in Reynosa and held for at least a week. The victims included seven minors and individuals from Honduras, El Salvador, Guatemala, Nicaragua, and the United States.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 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. To be admissible a confession must be formally recorded before a prosecutor or judge with the acknowledgement that it is being made voluntarily and after examination by a doctor confirming that the suspect has not been subjected to physical abuse.

As of August 31, the CNDH had received 1,084 complaints of cruel or degrading treatment and 25 torture complaints. The CNDH issued four recommendations in cases of cruel and degrading treatment and eight recommendations in cases of torture.

There were frequent reports of citizens and foreign nationals beaten, suffocated, tortured with electric shocks, raped, and threatened with death in the custody of arresting authorities. According to the human rights nongovernmental organization (NGO) Institute for Security and Democracy (INSYDE), other torture practices included hanging individuals from their feet, fingers, or neck. INSYDE also reported that torture methods varied by region. In the northern region, for example, the techniques were reportedly more sophisticated and designed to conceal any evidence of torture. Foreign citizens filed numerous complaints before state-level human rights commissions for egregious mistreatment at the hands of arresting authorities or while in prison.

On November 6, the Supreme Court vacated the conviction of Israel Arzate Melendez and ordered his immediate release, stating that his confession to involvement in the 2010 killing of 15 teenagers was obtained illegally under duress of torture. Arzate had alleged that he confessed after being tortured for more than 30 hours following his arrest. He subsequently spent two and one-half years in

prison and had been under house arrest since September 2012 while his case was under appeal. The Supreme Court ruling came more than two years after the CNDH's 2011 recommendation citing grave human rights violations by the 20th Motorized Cavalry Regiment in Ciudad Juarez against Arzate.

On July 18, the CNDH issued a recommendation in a case alleging that prison officials in Almoloya de Juarez, Mexico State, illegally detained and tortured CNDH employee Arturo Zarate Viten in December 2012. According to the recommendation, police authorities arrested Zarate Viten on allegations that he sexually abused a female coworker before transferring him to the maximum-security prison Altiplano. Prison officials then allegedly punched and beat him on several occasions while in detention. Despite the apparent physical evidence of alleged beatings, the CNDH recommendation noted that the on-duty physician at the prison examined Zarate Viten and concluded that there were no signs of abuse. A medical report from a different prison physician, however, as well as the CNDH staff's personal observations of the victim, confirmed that Zarate Viten had suffered injuries consistent with beatings and torture. The report also alleged that the prison officials taunted Zarate Viten saying, "We already know you are from the human rights [organization]. These are your human rights." The CNDH recommendation said that prison officials targeted Zarate Viten "in retaliation for belonging to a human rights organization." In August SEGOB delivered a statement to the CNDH accepting its recommendation.

In another example, two Ciudad Juarez municipal police officers reportedly tortured and killed 41-year-old Miguel Angel Gonzalez Parra on May 11. According to official reports, the assailants arrested Gonzalez Parra for drinking alcohol in a public space and transported him to an unknown location. Later that same day, police located Gonzalez Parra's body in an unpopulated area outside of the city. Following a tip, police arrested the two alleged assailants, who reportedly admitted to the crime. The state Attorney General's Office reported that Gonzalez Parra's body showed evidence that he was beaten severely before being killed.

On August 29, the Municipality of Tijuana Internal Affairs Department announced that former Tijuana Secretary of Public Safety and current Ciudad Juarez Secretary of Public Safety Julian Leyzaola Perez would be barred from serving in public office in Baja California for eight years due to allegations of human rights abuses under his leadership. The decision, which included barring Leyzaola's second-in-command Gustavo Huerta Martinez, followed a 2011 recommendation by the Baja California Human Rights Ombudsman regarding accusations of torture and excessive force. In 2011 HRW alleged that Leyzaola was directly involved in

the “torture of individuals who had been arbitrarily detained, transferred to military bases of the 28th Infantry Battalion in Tijuana, Baja California, and subjected to beatings, electric shocks, death threats, and suffocation by elements of the Mexican Army for the purpose of obtaining false confessions.” The Internal Affairs Department did not announce any plans to prosecute Leyzaola or Huerta.

The government took some 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 abuses. In May the National Conference of Law Enforcement (CNPJ) agreed to instruct all state attorneys general to implement the Istanbul Protocol at the state level. The CNPJ also agreed to launch a national Istanbul Protocol training program, which was under development.

Instances of cruel, inhuman, and degrading treatment reportedly occurred in public mental health institutions (see section 6, Persons with Disabilities).

Prison and Detention Center Conditions

Treatment and physical conditions in prisons and detention centers were often harsh and life threatening, most notably in state-level prisons. The CNDH and NGOs continued to report that corruption, overcrowding, prisoner abuse, alcohol and drug addiction, and loss of security and control were prevalent in most facilities. As of August 31, a total of 1,060 prisoners had filed complaints with the CNDH alleging human rights abuses while in detention.

Physical Conditions: According to the National Security Commission (CNS, formerly known as the Secretariat of Public Security), as of July there were 247,065 prisoners in 405 facilities, which was approximately 22 percent above capacity. An estimated 95 percent of those inmates were men and 5 percent were women. The official number of juvenile inmates was unknown on a national level due to the decentralized recordkeeping for juvenile inmates.

Health and sanitary conditions were poor, and most prisons did not offer psychiatric care. Prisons often were staffed with poorly trained, underpaid, and corrupt guards, and authorities occasionally placed prisoners in solitary confinement indefinitely. Prisoners often had to bribe guards to acquire food, medicine, and other necessities. Authorities held pretrial detainees together with convicted criminals. Prison overcrowding continued to threaten health and life, particularly in the state of Baja California, where the state sought to address its

high incarceration rate (nearly three times the national average) through a combination of increasing facility capacity, early parole, and transfer of federal prisoners to facilities elsewhere. The CNDH noted a lack of access to adequate health care was a significant problem at all facilities. Prisoners generally had access to potable water. In a report released in February, the Jalisco Human Rights Commission revealed that 70 percent of Jalisco's jails had poor facilities and at least 50 percent were overpopulated. The prisoner population at the Jalisco state prison Cihuatlan reportedly grew by 73 percent over the past six years and was 240 percent over capacity as of September.

The CNDH continued to report that conditions for female prisoners were inferior to those for men, particularly for women who lived with their children in prison, due to a lack of appropriate living facilities and specialized medical care. There were reports that women who lived with their children in prison did not receive extra food or assistance. There continued to be reports of physical and sexual abuse of women while in detention. A CNDH report released on June 25 found that prison conditions for female inmates did not meet national or international human rights standards. Specifically, the CNDH said that female inmates were inadequately prepared to return to society, experienced inhumane treatment, lacked appropriate health-care services, and received inferior legal and judicial services.

The CNDH reported in September 2012 that organized crime controlled 60 percent of prisons. The CNDH indicated that prisons in the Federal District, Mexico State, Tamaulipas, Nuevo Leon, Quintana Roo, Oaxaca, Guerrero, Tabasco, and Nayarit had the worst prison conditions.

Several large-scale prison riots occurred, although there were no reported mass escapes as of September, compared with 130 escapees in 2012. On February 2, a riot at the Islas Marias prison complex in the state of Nayarit left one inmate dead and five correctional employees and three inmates injured. Prison officials reported that the riot involved 650 inmates, with some setting fire inside the cells and breaking through protective fences surrounding the complex. According to media reports, the riot was sparked by the inmates' complaints over the lack of water and food, limited family visitations, and reduced exercise time.

On April 23, a prison riot at the La Pila prison in San Luis Potosi killed 13 inmates and injured another 65. According to official reports, at least 100 inmates participated in the riot. On August 29, eight inmates died in TCO-related violence during a riot at a state prison facility in Nuevo Laredo, Tamaulipas. According to a report by the state Secretariat of Public Security, several prisoners attacked the

victims with shanks in response to a verbal altercation that took place following the victims' arrival to the facility only hours earlier.

Administration: There were improvements in recordkeeping in the federal prison system, largely due to a transition from a paper file system to electronic recordkeeping. At some state prisons, recordkeeping was inadequate.

The CNDH has an ombudsman dedicated to prison issues, but the office does not provide legal representation for prisoners.

Prisoners and detainees generally had reasonable access to visitors and could observe religious practices. While prisoners and detainees could lodge complaints about human rights violations, access to justice was inconsistent, and the results of investigations generally were not made public.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the International Committee of the Red Cross, the CNDH, and state human rights commissions. As of August 31, the CNDH had made 586 visits to civilian and military prisons to monitor conditions.

Independent monitors are generally limited to making recommendations to authorities to improve prison conditions. The federal system made some improvements based on these recommendations.

Improvements: The federal government opened three new federal facilities in Sonora, Guanajuato, and Oaxaca, each with a capacity of 2,500 prisoners. As of September six additional facilities were under construction. The additional capacity alleviated some of the overcrowding in state prisons where federal prison inmates were held. Nine federal prisons and five state prisons in Chihuahua and Baja California received international accreditation from the American Correctional Association. Authorities added programs to promote rehabilitation and an objective prisoner classification system. They also continued to implement a new model of parole for former inmates placed on probation as an alternative to prison, which will be under supervision of parole and probation officers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention as well as sponsoring or concealing an illegal detention. As of August 31, however, the CNDH reported receiving

1,407 complaints and issued 11 recommendations to authorities regarding arbitrary arrests and detentions.

On May 30, the CNDH issued a recommendation to the commissioner of national security and the governor of San Luis Potosi in a case involving federal police officials who allegedly and arbitrarily arrested, raped, and tortured a 30-year-old woman in 2011. The CNDH report included, among others, recommendations to the commissioner of national security and the governor of San Luis Potosi to provide psychological and medical assistance to the victim and develop human rights training programs for federal police and other public officials under their jurisdiction.

HRW reported in 2011 that the illegal use of “flagrancia” (arresting someone caught in the act of a crime) was particularly pronounced within the military. The constitution permits the military to detain in flagrancia if suspects are actively committing a crime or immediately following the crime, but HRW concluded the military often used an illegal, broad definition of flagrancia to justify detentions. In most of the cases HRW documented, military reports justified flagrancia arrests by claiming soldiers were responding to anonymous tips and complaints by civilians.

Role of the Police and Security Apparatus

The federal police, under the CNS, as well as state and municipal police, have primary responsibility for law enforcement and the maintenance of order. SEDENA, which oversees the army and the air force, and SEMAR, which oversees the navy and the marines, also play a role in domestic security, particularly in relation to TCOs.

The CNDH stated that deployment of the armed forces for domestic law enforcement in the campaign against TCOs led to an increased number of reported human rights abuses by government security forces upon civilians, sometimes with impunity. SEDENA, SEMAR, the federal police, and the PGR have security protocols for chain of custody and use of force. The protocols, designed to reduce the time that arrestees remain in military custody, outline specific procedures for the handling of detainees.

According to SEDENA’s human rights website, based on the 113 CNDH recommendations issued against SEDENA between December 2006 and December 2012 (the most current data available), a total of 186 military members were

charged for human rights violations, of whom 38 were prosecuted in the military justice system. Human rights NGOs continued to charge that lack of transparency, institutional bias, and other failings of the military justice system contributed to and encouraged impunity, pointing to a failure to openly and promptly investigate, prosecute, and convict members of the military for human rights violations. The human rights community continued to urge that complaints of human rights violations committed by the military be investigated and prosecuted by judicial systems outside the military chain of command.

The CNDH reported that police, immigration officers, and customs officials violated the rights of undocumented migrants and failed to provide for their safety. As of August 31, the CNDH had received 744 complaints and had issued two recommendations against SEDENA. During the same period, the CNDH received 331 complaints and issued two recommendations against SEMAR; 800 complaints against the PGR and issued two recommendations; and 735 complaints against the federal police and issued three recommendations.

SEDENA's General Directorate for Human Rights investigates military personnel for violations of human rights identified by the CNDH and is tasked with promoting a culture of respect for human rights within the institution. The directorate has no power to ensure allegations are properly prosecuted.

The CNDH continued to increase its training of military members through training agreements with SEMAR and SEDENA. As of August 31, the CNDH provided human rights training to 262,646 military members.

Numerous agencies and organizations offered training to federal and state police officers in human rights, including the CNDH, which reported training 6,173 police officials as of August 31. Evidence of their effectiveness remained limited. State-level police academies increasingly mandated human rights training as part of their curriculum, but some did not, and the training across states was not standardized.

Arrest Procedures and Treatment of Detainees

The constitution allows any person to arrest another if the crime is committed in his or her presence, and a warrant for arrest is not required if an official has reasonable suspicion about a person's involvement in a crime. Bail exists, except for persons held in connection with drug trafficking or other forms of organized crime. In the 20 states that had not yet begun implementing the 2008 constitutional

reforms of the judicial system, pretrial release on bond was available only in cases in which the charged offense was not considered a serious crime. In most cases persons must be presented to a judge, along with sufficient evidence to justify their continued detention, within 48 hours of their arrest, but there were violations of this 48-hour provision.

In cases involving three or more persons who organize to commit certain crimes, suspects may be held for up to 96 hours before being presented to a judge. Only the federal judicial system can prosecute organized crime cases. Under a precautionary procedure known as “arraigo” (a constitutionally permitted form of detention, employed during the investigative phase of a criminal case before probable cause is fully established), however, certain suspects may, with the approval of a judge, be detained for up to 80 days prior to the filing of formal charges. Many human rights NGOs claimed that arraigo allows authorities to detain someone first, then seek a reason to justify that detention. In the absence of formal charges, persons so detained are denied legal representation and are not eligible to receive credit for time served if convicted. Human rights groups asserted that authorities used arraigo to obtain confessions using torture. Attorney General Jesus Murillo Karam, appointed to his position in December 2012, was an outspoken critic of the liberal use of arraigo. During a news conference January 29, he stated the practice of arraigo has a “perverse effect” on the judicial system in that it extends the judicial process and eliminates the need to use “more modern and scientific” approaches to bringing an investigation to a timely conclusion.

In May the Federal District (Mexico City) approved legislation to eliminate arraigo and replace it with a similar mechanism called “judicial control,” which allows a judge to order a five-day detention with the option for an additional five days. Several human rights organizations declared the new measure to be a repackaged version of the arraigo mechanism.

Some detainees complained about lack of access to family members and to counsel after police held persons incommunicado for several days and made arrests arbitrarily and without a warrant. Police occasionally provided indigent detainees counsel only during trials and not during arrests or investigations as provided for in law. Authorities held some detainees under house arrest. Human rights NGOs documented, and the CNDH issued, several recommendations affirming that the army continued to detain civilians for extended periods before placing them at the disposition of civilian authorities.

Arbitrary Arrest: As of August 31, the CNDH reported that it had received 187 complaints and issued five recommendations in cases of arbitrary arrests. Many arrests were made under arraigo. On April 25, HRW issued a statement calling on Congress to reject a proposal to reduce the maximum arraigo period from 80 to 40 days. HRW said the practice of arraigo did not meet international human rights standards and urged Congress to eliminate the practice altogether at both the state and federal levels. During a December 2012 interview, Attorney General Karam stated that of the 4,000 individuals held in arraigo during the previous two years, only 120 ultimately were charged with a crime. He noted that these figures amounted to “more than 3,800 Mexicans who were unjustly held in arraigo.”

Pretrial Detention: The law provides time limits within which an accused person must be tried. Such time limits generally were disregarded as caseloads far exceeded the capacity of the federal judicial system, and most state judicial systems continued to employ the written, inquisitorial criminal justice process. In 2011 the Mexican Center for Research and Teaching in Economics (CIDE) and HRW reported that more than 40 percent of prisoners continued to be held in pretrial detention, as opposed to serving time for a convicted offense. Many spent years in pretrial detention. According to CIDE the average detention period for prisoners awaiting trial was two years. Of those tried, 14 percent were declared innocent after having served time in prison, and 85 percent received sentences of fewer than five years. For many the time spent in prison exceeded the sentence.

States implementing the 2008 constitutional reforms of the judicial system, on the other hand, reduced the number of crimes with mandatory remand and presented lower pretrial detention rates. These states were also beginning to adopt other measures associated with the 2008 judicial reform, such as pretrial services, house arrest, bail, and alternative dispute resolution.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, court decisions were susceptible to improper influence by both private and public entities, particularly at the state and local level, according to CIDE. Civil society organizations reported that corruption, inefficiency, and a lack of transparency continued to be major problems in the judiciary.

The government continued to lack a standardized process for civilian investigators to access case-related evidence from military personnel and bases, as called for by the 2011 Supreme Court decision, which found military jurisdiction in human

rights cases involving civilians unconstitutional. The military's Human Rights Directorate reported that the military has turned dozens of cases involving civilian victims over to federal and state prosecutors since 2011, but information about these cases was not readily available to the public. In October states participating in the UN Universal Periodic Review of Mexico noted that allegations of human rights violations committed by members of the military continued to be prosecuted in military courts, although a non-binding Supreme Court ruling declared this practice unconstitutional.

Although the government made some progress toward limiting military jurisdiction, human rights NGOs urged amending the military justice code to ensure human rights abuses committed by the military are not tried in military courts. Legislation to amend the military justice code remained pending in the Congress as of November.

Trial Procedures

The civilian legal system is a hybrid system undergoing reform. While it incorporates some aspects of common law and accusatory-style systems, it draws primarily from traditional European code-based, inquisitorial systems. The military also employed a hybrid inquisitorial-accusatorial legal system but continued to move toward an oral accusatorial system. In some states implementing the accusatory system, alternative justice centers employed mechanisms such as mediation, negotiation, and restorative justice to resolve minor offenses outside the court system. Increased use of alternative mechanisms lessened the burden of minor crimes on courts in states implementing reform.

Constitutional criminal justice reform begun in 2008 establishes that by 2016, defendants shall enjoy a presumption of innocence and have the right to attend the hearings and challenge the evidence or testimony presented. A majority of jurisdictions had not provided these rights, however, as they had not completed reform implementation and still operated under the inquisitorial system. Defendants are not tried by a jury.

As of August 31, 26 states had passed legislation transitioning to the oral, adversarial system and were at various stages of training and implementation of the reforms, while six states were still legislating reforms. Three states fully operated with the new oral system, while 13 states partially implemented the new structure. Under the old system, still being used by the federal government, the Federal District, and 15 states (some of which had passed reforms but were still

transitioning to the new system), a typical trial consists of a series of fact-gathering hearings during which the court receives documentary evidence or testimony. A judge in chambers reviews the case file and then issues a final, written ruling. The record of the proceeding is not available to the general public; only the parties involved have access to the official file and only by special motion.

The law provides defendants with the right to an attorney at all stages of criminal proceedings. Attorneys are required to meet legal qualifications to represent a defendant. Because of ongoing implementation of the 2008 reforms, not all public defenders had preparation and training to serve adequately on the defendants' behalf, and often the state public defender system was not adequate to meet demand. Public defender services were placed either in the judicial or executive branch. According to CIDE, most criminal suspects did not receive representation until after they came under judicial authority, thus making individuals vulnerable to coercion to sign false statements before being presented to a judge.

Although the law requires translation services from Spanish to indigenous languages be available at all stages of the criminal process, this generally was not available. Indigenous defendants who did not speak Spanish sometimes were unaware of the status of their cases and were convicted without fully understanding the documents they were required to sign.

According to human rights NGOs, including HRW and AI, judges continued to allow confessions coerced through torture as evidence against the accused. These confessions were often the primary evidence in criminal convictions (see section 1.c.). NGOs reported that judges often gave greater evidentiary value to the first statement of a defendant made in the absence of legal representation, providing prosecutors an incentive to obtain an incriminating first confession.

Where implemented, justice reform also establishes strict guidelines on the use of confessions, evidence, and expert testimony; allows consensual monitoring of telephone calls; and gives police more responsibility for conducting investigations. The reform requires that all hearings and trials be conducted by a judge and follow the principles of public access, immediacy, confrontation, and cross-examination in order to promote greater transparency and allow defendants to challenge their accusers. The law, however, allows the government to keep elements of an investigation confidential until evidence is presented in court, and defendants must have access to government-held evidence.

On April 2, the implementing legislation for the “amparo” law was published to the federal register, formally codifying it. Amparo is a legal procedure, analogous to an injunction, designed to protect persons from any official act deemed to violate the rights enshrined in the constitution. An amparo can rescind the ruling of a court and provide protection against laws and administrative acts and recourse in land disputes.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters to which citizens have access to seek civil remedies for a human rights violation. For a plaintiff to secure damages against a defendant, the defendant first must have been found guilty in a criminal case, which was a high standard in view of the relatively low number of individuals convicted of human rights abuses in the country.

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the Inter-American Court for Human Rights. On February 13, the court granted precautionary measures to human rights defender Luz Estela Castro Rodriguez who, according to the court, faced “extreme risk” as a result of her work with a women’s rights organization in Chihuahua. In August the court reaffirmed its earlier ruling and further extended the precautionary measures to Castro Rodriguez through September 30.

Despite four separate court rulings ordering the government to reform its military code of justice, including its 2009 decision in the case of *Radilla Pacheco v. Mexico*, the government had not complied with the ruling as of November.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the law prohibits such practices and requires search warrants, as of August 31, the CNDH had received 465 complaints of illegal searches or illegal destruction of private property and had issued three recommendations.

On July 30, the CNDH issued a recommendation to SEDENA denouncing alleged acts against the indigenous community of Kumiai de la Huerta in Baja California.

In July 2012 approximately 30 members of the Second Motorized Cavalry Regiment and six armed civilians allegedly entered three homes without a warrant, raided personal belongings in search of drugs, threatened the occupants, including children, and beat and temporarily detained one young man. The CNDH recommendation instructed SEDENA to investigate the case and offer the victims compensation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. Most newspapers, television, and radio stations were privately owned, and the government had minimal presence in the ownership of news media. Media monopolies, especially on a local level, constrained freedom of expression.

Freedom of Speech: On March 6, the Supreme Court ruled that anti-homosexual slurs are not protected under freedom of speech laws. In its ruling the court stated, “homophobic expressions – i.e., the frequent allegations that homosexuality is not a valid option but an inferior condition – constitute discriminatory statements since they can be used to encourage, promote, and justify intolerance against homosexuals.”

Press Freedoms: Despite federal laws supporting freedom of the press, many journalists were the victims of threats, harassment, and violence emanating, in large part, from organized crime. Reporters covering organized crime, including its links to corrupt public officials, acknowledged practicing self-censorship, recognizing the danger investigative journalism posed to them and their families. Freedom House’s 2013 *Freedom of the Press Report* called the country a ‘dangerous place for journalists’ and categorized it as “not free” for the press due to the threats and violence that reporters faced and impunity for the perpetrators of crimes committed against the press.

The law does not provide a legal framework for issuing permits to nongovernmental and noncommercial community radio stations.

Violence and Harassment: In March the human rights NGO Article 19 reported that there were 207 attacks or threats against members of the press in 2012, of

which members of police forces were responsible for 44 percent and organized criminal groups for 14 percent.

On August 19, the CNDH issued a general recommendation to the federal government stating how federal, state, and local governments should more effectively investigate and prosecute crimes against journalists. The recommendation, which indicated attacks on journalists had increased by 700 percent from 2000 to July 2013, included calls to end impunity, designate journalists as a protected class, and ensure that the agencies responsible for investigating and prosecuting cases properly prioritize these cases. The CNDH report also suggested stronger sanctions for authorities that defraud the justice system or are negligent in their pursuit of cases involving crimes against journalists; measures to guarantee the safety of journalists covering high-risk and sensitive issues; reparations for victims of violence; and a full review of the efficacy and competence of the different agencies handling these issues. The CNDH reported that during the year it had registered 98 cases of violence against journalists and that the states recording the most attacks in the period from 2010 to July 2013 were the Federal District (40), Veracruz (30), Chiapas (20), Mexico State (18), and Oaxaca (18). The states with most homicides of journalists were Veracruz (12), Tamaulipas (12), Chihuahua (11), and Guerrero (10), and the states that registered most disappearances were Michoacan (20) and Veracruz (20). The states that registered most of the attacks against media installations were Tamaulipas (10), Coahuila (9), and Nuevo Leon (7).

As of August 31, the CNDH reported four journalists had been killed and two disappeared for reasons presumed to be related to their work.

Perpetrators of violence against journalists continued to act with impunity with only a few developments reported in the investigation, arrest, or prosecution of suspects in multiple cases of violence against journalists since 2006.

On August 7, citing errors in due process, the Supreme Court of Veracruz overturned the conviction of Jose Antonio Hernandez, who in April received a sentence of 38 years and two months for the murder of prominent journalist Regina Martinez. Specifically, the court noted that the only concrete evidence implicating Hernandez in the crime was the coerced confession he gave after police officials allegedly tortured him. Forensic evidence from the crime scene, including fingerprint and DNA samples, also apparently did not match those of Hernandez. Regina Martinez had worked for *Proceso* magazine for 10 years and had published reports before her murder that included accusations of local government

corruption. In October 2012 the Veracruz State Prosecutor's Office announced that it had arrested Jose Antonio Hernandez, who had allegedly confessed to beating Martinez to death in an attempted robbery, and that a second suspect remained at large. At year's end police continued their investigation.

Censorship or Content Restrictions: Attacks on journalists, threats of attacks, and a lack of adequate protection resulted in significant self-censorship in the media. The extent of, and reasons behind, self-censorship varied by state. Journalists reported altering their coverage in response to a lack of protection from the government, attacks against media headquarters, false charges for publishing undesirable news, and threats or retributions against family, among other reasons. For example, on April 7, police arrested Martin Ruiz, the director of the online news site e-consulta, and charged him with defamation against a senior government official from the state of Tlaxcala. The court released Ruiz Rodriguez after he posted a 35,000 peso (\$2,660) bail. The arrest came after the official, Ubaldo Velasco, filed a formal complaint of defamation against Ruiz following comments Ruiz made on his website calling the official a "mediocre" and "shackled old man." The case remained pending as of September.

In May the Committee to Protect Journalists reported that the lack of adequate protection for journalists had led to widespread self-censorship in the media.

Libel Laws/National Security: Twelve states have criminal libel laws making journalists vulnerable to imprisonment at the state level.

Nongovernmental Impact: TCOs allegedly exercised a grave and increasing influence over media outlets and reporters, frequently threatening individuals who published critical views of crime groups.

There were multiple attacks on media outlets. On February 8, five employees of El Siglo de Torreon newspaper were kidnapped, beaten, and later released with instructions from their captors to relay a message that the criminal group – believed to be a scion of the Sinaloa cartel – wanted "less coverage of the events at the Gomez Palacio Penitentiary." The events likely referred to the widely publicized unsuccessful mass escape from the prison in December 2012 that left 22 dead. The five victims of the kidnapping and beating were not journalists, but rather employees assigned to the newspaper's online, administrative, and advertising departments. Two weeks after the kidnappings, gunmen fired on the El Siglo de Torreon headquarters on three consecutive days, February 25-27. The attacks left one bystander dead and two federal police officers injured. El Siglo de

Torreon publicly abandoned all crime and investigative reporting in 2009 due to security concerns.

On March 11, Coahuila state newspaper *Zocalo*, headquartered in Piedras Negras, announced it would no longer publish stories related to organized crime to ensure the safety of the newspaper's staff and their families. The decision came after TCOs threatened newspaper director Francisco Juaristi's life using narco-banners posted in various area municipalities. In response to the threats, the federal police dispatched officials to provide additional security to the newspaper's headquarters.

Actions to Expand Press Freedom

On June 10, President Pena Nieto signed a major telecommunications reform bill intended to increase competition and enhance transparency in the telecommunications industry. During the signing ceremony, the president highlighted several features of the bill, commenting that it would "strengthen fundamental rights of freedom of expression and access to information." Specifically, the law updates the legal framework for the telecommunications industry, creates a single regulatory entity, allows for foreign direct investment up to 100 percent in telecommunications and satellite communications, establishes a Universal Digital Inclusion policy and a National Digital Agenda, and promotes greater telecommunications infrastructure coverage. As of September, however, the bill lacked the implementing legislation required for the reform to take effect.

Internet Freedom

According to the Federal Telecommunications Commission, 38 percent of the population used the internet in 2013. Freedom House's 2012 *Freedom on the Net Report* categorized the country's internet as "partly free." Two states continued to restrict the use of social media. A law in Veracruz, which created a "public disturbance" offense, continued to hinder the use of social media. Similarly, the state of Tabasco continued to outlaw telephone calls or social network postings that could provoke panic.

There was a growing concern about the use of violence by drug cartel gangs in retaliation for information posted online.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, unidentified actors carried out attacks on academics, artists, and intellectuals.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and the government generally respected this right. There were instances of security forces using excessive force against demonstrators.

Freedom of Assembly

In May the Mexico City government formally accepted the recommendation issued by the CDHDF following protests of the inauguration of President Enrique Peña Nieto in December 2012. The CDHDF recommendation cited the government's mistreatment of protesters, including 99 who were arbitrarily detained and accused of personal assault and causing damage to public and private property. The recommendation said that several protesters also showed signs of physical injury. The CDHDF issued a statement applauding Mexico City's government for accepting its recommendation, calling it an "opportunity to avoid repeating the same events from December 2012." No charges had been filed by the end of the year related to the claims of physical injury and arbitrary detention.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. According to several NGOs, including AI, the army in the course of its operations occasionally restricted freedom of movement. The government cooperated with the Office of

the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: There were numerous instances of armed groups limiting the movements of migrants, including instances of kidnapping and homicide. In early July unknown assailants kidnapped a group of 81 migrants near Reynosa, Tamaulipas, and held them captive in a house for several days. Acting on a tip, state and federal police officials located and rescued the kidnapping victims on July 17. All but one of the victims were Central American, including 39 from Honduras, 38 from Guatemala, and three from El Salvador. The perpetrators of the crime remained at large as of September.

Internally Displaced Persons (IDPs)

According to the CNDH, approximately 120,000 individuals were internally displaced as of July, most of whom fled their communities in response to violence related to narcotics trafficking. The CNDH blamed government negligence for the 98 percent impunity rate associated with violent crimes and cited this as a predominant factor driving IDPs' decisions to leave their homes. The CNDH also reported that criminal groups further victimized IDPs by routinely using fraudulent means to transfer or sell IDPs' abandoned homes as a means to generate income. Individuals from Tamaulipas, Baja California, Guerrero, Sinaloa, and Michoacan accounted for the majority of IDPs in the country. The CNDH alleged that the government allocated only minimal resources to assist IDPs.

Between July and August, two large groups totaling more than 2,000 residents of the state of Guerrero were internally displaced as a result of increasing violence in their communities. According to press reports, several hundred children were among the groups of IDPs. On July 16, a group of approximately 1,000 individuals from rural areas of the municipalities of Arcelia and San Miguel Totolapan fled their villages to seek refuge in a church in downtown San Miguel Totolapan. On July 30, another group of more than 1,000 individuals left their homes in Tierra Caliente, Guerrero, following armed conflicts between rival criminal groups that left several people injured. On August 18, the CNDH began an investigation in the case of 131 individuals from San Migeul Totolapan who were displaced in Acapulco. Authorities in Acapulco found the IDPs living on a public space near the city's shipping port. The CNDH continued to investigate at year's end.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. According to SEGOB, the country granted asylum to 1,569 individuals between 2012 and 2013.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the July 1, 2012, presidential election, which Enrique Pena Nieto won by a 6.6 percent margin, mostly free, fair, and transparent. The Federal Electoral Institute oversaw the electoral process, and the Federal Electoral Tribunal, after conducting a comprehensive review of all electoral irregularities, declared the election valid on August 31, 2012.

On July 7, 14 states held statewide and local elections, including the highly contested race for governor of Baja California. These elections were also considered mostly free, fair, and transparent.

Participation of Women and Minorities: In the July 1, 2012, legislative elections, 42 of 128 senators elected and 184 of 500 federal deputies elected were women. Two female justices sat on the 11-member Supreme Court, and there were three women in the 20-member cabinet. Many state electoral codes provide that no more than 70 to 80 percent of candidates can be of the same gender, but political parties at the state level often failed to meet the established gender quotas. At the federal level, at least 40 percent of all candidates for elected office must be women.

There were no established quotas for increased participation of indigenous groups in the legislative body, and no reliable statistics were available regarding minority participation in government. The law provides for the right of indigenous people to elect representatives to local office according to "usages and customs" law rather than federal and state electoral law. Usages and customs laws applied

traditional practices to resolve disputes, choose local officials, and collect taxes without federal or state government interference. While such practices allowed communities to select officials according to their traditions, the usages and customs law generally excluded women from the political process and often infringed on the rights of women and religious minorities. In some villages women were not permitted to vote or hold office, while in others they could vote but not hold office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not enforce the law effectively. Credible reports indicated that officials frequently engaged in corrupt practices with impunity and that relatively few cases came to trial. Corruption at the most basic level involved paying bribes for routine services or in lieu of fines to administrative officials and security forces. More sophisticated and less apparent forms of corruption included overpaying for goods and services to provide payment to elected officials and political parties. A 2013 survey by Transparency International found that a third of citizens admitted paying a bribe to public officials in the last 12 months, up slightly from 31 percent in 2010-11 and significantly from 26 percent in 2006. The survey also found high levels of perceived corruption in public institutions. Citizens viewed political parties as the most dishonest, with 91 percent of respondents saying they were corrupt or extremely corrupt, followed by the police (90 percent), public officials/civil servants (87 percent), Congress (83 percent), and the judiciary (80 percent). More than 70 percent of respondents said the level of corruption had increased in the country in the last two years, and 79 percent said corruption in the public sector was a serious problem. An Ernst & Young representative told the press that businesses spend on average 5 percent of revenue on bribes and other corrupt practices.

By law all new applicants for federal law enforcement (and other sensitive positions) must pass a vetting process upon entry into service and every two years thereafter throughout their careers. On October 24, CNS Commissioner Manuel Mondragon y Kalb announced a one-year review of the vetting process to determine whether the process should be revised. Mondragon y Kalb noted that, while 98 percent of federal police officers and 70 percent of state law enforcement officials had been successfully vetted, applicants routinely “cheat” the system to gain approval despite their questionable backgrounds. At the state level, there was a lack of uniform vetting procedures.

The CNDH continued to report that police, particularly at the state and local level, were involved in kidnapping, extortion, and providing protection for, or acting directly on behalf of, organized crime and drug traffickers. Local forces in particular tended to be poorly compensated and directly pressured by criminal groups, leaving them most vulnerable to infiltration. Responsibility for investigating federal police criminal or administrative abuse falls under the purview of the PGR or the Secretariat of Public Administration (SFP), depending on the type of offense.

The SFP is charged with sanctioning corrupt practices among federal executive branch employees. According to the SFP, in the last six years the agency levied 50,000 administrative sanctions against public workers for corrupt acts. The SFP referred more than 2,000 cases for criminal prosecution, but only 100 government officials served time in prison as a result of the referrals.

Corruption: On February 26, police arrested Elba Esther Gordillo, the head of the country's main teachers' union, on charges of embezzling two billion pesos (\$200 million) in union funds. The Attorney General's Office alleged that Gordillo used associates to funnel union money first to bank accounts in Liechtenstein and Switzerland, then to the United States, where it was used to pay for designer clothes and handbags, homes, and expenses for Gordillo's private airplane. Gordillo remained in prison as of September while her criminal case continued.

On April 22, the Nayarit State Attorney General's Office announced that 120 state police officers had been relieved of their duties following allegations of corruption and abuse of power. In a statement to the press, the state attorney general stated that the officers were fired because "once someone is corrupt, they are always corrupt and have no place among us."

On June 14, police detained former Tabasco governor Andres Granier on charges of embezzling official funds. The media reported that federal prosecutors estimated Granier's administration siphoned off approximately 104,152,000 pesos (\$80 million) in federal funds intended for the state. Police found nearly seven million in cash in the home of Granier's former treasurer Jose Saiz Pineda, who was arrested June 8 as he attempted to cross into the United States. Both Granier and Saiz Pineda remained in prison at year's end.

Whistleblower Protection: No specific law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross

waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety. Criminal and labor codes, however, include provisions containing protections for whistleblowers. The Attorney General's Office operated a protection program for some witnesses who denounced activities of TCOs. In 2012 the Organization of American States (OAS) Mechanism for Follow-Up noted implementation of protection mechanisms remained inconsistent.

Financial Disclosure: The law requires all federal and state-level appointed or elected officials from the middle to high ranks to provide income and asset disclosure for themselves, their spouses, and dependents. The SFP monitors disclosures with support from each agency. Disclosures are required at the beginning and end of employment; yearly updates are also required. Declarations are not made available to the public unless the official provides consent; otherwise, it is the prerogative of SFP to monitor the statements. Criminal or administrative sanctions apply for abuses.

Public Access to Information: The Federal Institute of Access to Public Information (IFAI) is responsible for guaranteeing access to government information from the federal executive, legislative, and judicial branches. As of August 16, IFAI had received 72,648 such requests, with 2,013 requests related to the PGR and 2,156 related to the SEGOB (including CNS). The law requires that information requests be answered within 20 days. There are minimal reproduction and mailing costs for requested information that is not available in digital format. The law includes exceptions to disclosure of government information, including for information that may compromise national security, affect the conduct of foreign relations, harm the country's financial stability, endanger another person's life, or for information relating to pending law enforcement investigations. The law also limits disclosure of personal information to third parties.

Access to information continued to be difficult in some states. All states have laws complying with the 2007 constitutional reforms regarding access to information and have signed formal agreements with IFAI to make the information system on government operations, Infomex, available for petitions for state government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were somewhat cooperative and responsive to their views. The government attempted to engage civil society on human rights issues by encouraging participation in policy debates and engaging with victims and their family members in public discussions. Civil society played a participatory role in the implementation of the Law to Protect Human Rights Defenders and Journalists, with nine members from civil society forming an advisory board for the protection mechanism, four of whom had a vote in the governing board. SEGOB also involved civil society in the development of the implementing regulations for the protection law. Some NGOs, however, expressed frustration over difficulty in engaging in constructive human rights discussions with government officials. During the October UN Universal Period Review for Mexico, several delegations raised concerns about the continued high levels of violence, killings, and threats against these human rights defenders and journalists.

The UN and NGOs reported continued harassment of human rights defenders, including by state and municipal authorities. As of August 31, the CNDH had received 38 complaints of aggression against human rights activists and one request for protection. In July the Office of the UN High Commissioner for Human Rights (OHCHR) issued a third report in its series on human rights defenders in the country. The OHCHR documented 89 aggressions against human rights activists between November 2010 and December 2012, although it acknowledged the number may be higher based on other independent figures showing 153 cases of aggressions between May 2012 and May 2013 (53 more than between 2011 and 2012). In June the OHCHR reported that 22 human rights defenders and five family members had been killed since 2006. Harassment of human rights defenders was most prevalent in the states of Oaxaca, Chihuahua, Coahuila, Guerrero, and the Federal District, where arbitrary threats and interference were among the most common forms of harassment directed at victims. In response to the threats, human rights defenders routinely were forced to move from their homes and communities. The UN report noted that impunity in many of these cases created an environment that invited new and repeat attacks on human rights defenders. A SEGOB report released July 2 indicated that the federal government was providing protection to 26 human rights defenders and journalists in accordance with requirements established in the Law for the Protection of Human Rights Defenders and Journalists. NGOs reported that application of these protection requirements was uneven.

On May 30, eight members of the indigenous rights group Unidad Popular were kidnapped in Iguala, Guerrero, following a demonstration they participated in against the local government earlier the same day, and one day after the group had

filed a formal grievance with the state Attorney General's Office against local government officials. On June 3, the bodies of three of the kidnapping victims – Arturo Hernandez Cardona, Angel Roman Ramirez, and Felix Rafael Bandera – were discovered along a nearby highway, with evidence that the victims had been blindfolded and tortured before being killed. The remaining five victims managed to escape their captors and remained in hiding as of September. Unidad Popular is an indigenous rights group that lobbies for resources for indigenous communities and supports teachers' movements in Guerrero. Following the kidnapping and killings, Unidad Popular received several additional threats, including a note to the group's leader on June 8 warning it to cease all activities. Several human rights organizations, including HRW and AI, called on federal authorities to conduct a full investigation into the matter. Despite these appeals, the PGR had not initiated an investigation, and the case remained in the hands of local authorities.

Government Human Rights Bodies: The CNDH is an autonomous agency created by the government and funded by the legislature to monitor and act on human rights violations and abuses. It can call on government authorities to impose administrative sanctions or pursue criminal charges against officials, but it cannot impose legal sanctions itself. Whenever the relevant authority accepts a CNDH recommendation, the CNDH is required to follow up with the authority to ensure that it is carrying out the recommendation. The CNDH sends a request to the authority asking for evidence of its compliance and includes this follow-up information in its annual report. When authorities fail to accept a recommendation, the CNDH makes that known publicly and may exercise its power to call government authorities who refuse to accept or enforce its recommendations before the Senate. NGOs and international organizations often drew attention to the failure of an institution to comply with or even accept the CNDH recommendations. The public generally viewed the CNDH as unbiased and trustworthy.

Each of the country's 31 states plus the Federal District has a state human rights commission autonomous from the CNDH, with the authority to investigate human rights complaints against state and local authorities. The CNDH can take over cases from state-level commissions if it receives a complaint that the state level commission is not adequately investigating the case. The effectiveness of the state commissions varied.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. While the government made some progress enforcing these provisions, significant problems, particularly violence against women, persisted.

Women

Rape and Domestic Violence: The federal penal code criminalizes rape, including spousal rape, and imposes penalties of up to 20 years' imprisonment.

Twenty-three states and the Federal District have laws criminalizing spousal rape. According to the UN and NGOs, rape victims rarely filed complaints, in part because of the authorities' ineffective and unsupportive approach to victims, victims' fear of publicity, and a perception that prosecution of cases was unlikely. Human rights organizations asserted that authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized. Forced disappearances and sexual violence continued to be a widespread problem along the border region.

The federal penal code prohibits domestic violence and stipulates penalties between six months' and four years' imprisonment. Twenty-eight states and the Federal District stipulated similar penalties, although actual sentences were often more lenient. Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely fail to meet the required federal standards and often were unenforced, although states and municipalities, especially in the north, were beginning to prioritize domestic violence-related training.

Victims of domestic violence in rural and indigenous communities oftentimes did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint. There were no authoritative government statistics available on the number of abusers prosecuted, convicted, or punished. According to the most recent National Survey on Household Relations, conducted in 2011, 46 percent of women age 15 and older had in their lifetimes been victims of violence by their partner, with the incidence ranging from 30 percent in Chiapas to 57 percent in the state of Mexico.

Femicide is a federal offense punishable by 40 to 60 years in prison. As of September, 28 states and the Federal District had added femicide to their criminal codes. In many cases state laws allow for reduced sentences when a killing was associated with infidelity. According to a report published in late 2012 by SEGOB's Human Rights Office, the number of female homicide victims increased dramatically over the past three years, particularly in the states of Chiapas,

Chihuahua, Durango, Guerrero, Michoacan, Oaxaca, Sinaloa, Sonora, and the Federal District. The study cited regional disparities in the number of female homicide victims, stating that a woman between the ages of 20 and 24 from the northeastern region of the country was 29 times more likely to be killed than a woman of the same age elsewhere in the country.

According to the National Femicide Observatory, between January 2010 and December 2012, offices of state attorneys general in 10 states (Sinaloa, Chiapas, Mexico State, Jalisco, the Federal District, Morelos, Guerrero, Veracruz, Durango and Guanajuato) registered only 388 femicides. The National Femicide Observatory disputed the figure and reported that the actual number of femicide victims was considerably higher.

The PGR's Special Prosecutor's Office for Violence against Women and Trafficking in Persons is responsible for leading government programs to combat domestic violence and prosecuting federal human trafficking cases involving three or fewer suspects. With only 15 federal prosecutors dedicated to federal cases of violence against women and trafficking countrywide, the special prosecutor faced challenges in moving from investigations to convictions, although it achieved several convictions.

On February 4, masked gunmen broke into a beach resort bungalow in Acapulco, Guerrero, and raped six Spanish women who were vacationing in the area. According to official reports, the attackers tied up and gagged several male companions before repeatedly raping the victims over a period of at least three hours. The attackers allegedly spared a seventh woman of Mexican origin. On February 13, PGR officials reported the arrest of six suspects in the case, who allegedly confessed to the crimes. Police officials arrested a seventh suspect on March 7. Following the final arrest, the Guerrero Attorney General's Office stated that its investigation into the matter was closed.

There were approximately 70 shelters for women and their children funded at least in part by the government. Shelters were mostly for victims of gender-based violence, but the PGR operated one government shelter with a focus on adult sex trafficking victims. According to the National Network of Shelters, shelter staff were professional and the shelters well equipped; however, because government funding typically only covered shelter operations for eight months, there was a high turnover of personnel. Civil society and women's rights groups maintained numerous shelters as well.

Sexual Harassment: The federal labor law prohibits sexual harassment and provides for fines from 250 to 5,000 times the daily wage. Sexual harassment is explicitly criminalized in 15 of 31 states and the Federal District, and all states have provisions for punishment when the perpetrator is in a position of power. According to the National Women's Institute (INMUJERES), the federal government institution charged with directing national policy to achieve equality of opportunity between men and women, sexual harassment in the workplace was widespread, but victims were reluctant to come forward and cases were difficult to prove.

Reproductive Rights: Couples and individuals have the legal right to decide the number, spacing, and timing of their children and sometimes have the information and means to do so free from discrimination. Numerous NGOs reported that services, information, and public policies in the area of reproductive health were limited. Despite the existence of a national family planning program, the lack of sex education and access to contraceptives in public hospitals and rural areas continued to undermine the government's commitment to reproductive rights. In a study released in February by SEGOB, the National Commission to Prevent and Eradicate Violence Against Women (CONAVIM) reported that, of indigenous women who underwent sterilization procedures provided by public health services, 27 percent were sterilized after doctors consulted with only the woman's partner and not the woman herself. According to UN estimates from 2011, 67 percent of married women ages 15-49 used a modern method of contraception. Information on maternal health was accessible at public and private health clinics and online at the Federal Secretariat of Health's website. According to government figures, the maternal mortality rate was 47 for every 100,000 live births. Skilled attendants at delivery and in postpartum care were widely available except in some rural indigenous areas.

On October 3, an indigenous woman gave birth on the back lawn of a health clinic in San Felipe Jalapa de Diaz, Oaxaca, after the clinic staff allegedly denied her care. According to the town's mayor, the woman arrived at the clinic experiencing labor pains, but a clinic employee told her that the doctor was not available to help her. The mayor stated a nurse later refused to open the door for the woman, causing the woman to deliver the baby in a grassy space behind the clinic. The Oaxaca secretary of health acknowledged medical negligence in the case but accused the indigenous woman of not following medical instructions and for willingly giving birth "out of desperation" in the back lawn. He further justified the refusal of service by noting the clinic's limited resources to attend to the various needs of its patients. Another indigenous woman delivered a child outside

the same clinic July 18 following similar circumstances. The CNDH opened an investigation into the October 3 case and continued to look into the incident.

Discrimination: The law provides women the same rights and obligations as men and “equal pay for equal work performed in equal jobs, hours of work, and conditions of efficiency.” According to INMUJERES, women continued to earn between 5 and 30 percent less than men for comparable work. According to the World Economic Forum, women earned 42 percent less than men for comparable work. According to the 2011 National Survey on Household Relations, 21 percent of women said they had been victims of discrimination in the workplace in the past year; this figure likely underreported the problem. Women constituted 99 percent of domestic workers and therefore were more likely to experience discrimination in wages, working hours, and benefits. The law provides labor protection for pregnant women. According to the Information Group on Reproductive Rights, some employers reportedly sought to avoid this law by requiring pregnancy tests in pre-employment physicals and by continuing to make inquiries into a woman’s reproductive status. INMUJERES reported that 14 percent of women age 15 and older had been required to take a pre-employment pregnancy test in order to get a job, despite labor laws that prohibit employers from requiring such tests. The illiteracy rate for women living in urban areas was 5 percent, compared with 18 percent for women living in rural areas. In all but two states (Sinaloa and Sonora), women had lower literacy rates than men.

Children

Birth Registration: Citizenship is derived both by birth within the country’s territory and from one’s parents. Citizens generally registered the birth of newborns with local authorities. In some instances government officials visited private health institutions to facilitate the process. Failure to register births could result in the denial of public services, such as education or health care. According to the UN Children’s Fund, 93 percent of children in the country were registered, while the Child Rights Information Network found that 30 percent of children under age five were not registered. States with large rural and indigenous populations, such as Chiapas, Guerrero, Oaxaca, and Puebla, had lower registration rates. Several NGOs noted that under-registration was a significant problem, particularly for more vulnerable populations. Those without registration faced significant barriers to education, health care, protection, and employment, according to the Be Foundation.

Child Abuse: According to data released by the CNDH in April, the number of child abuse cases reported increased by 266 percent between 2006 and 2012. During this period the CNDH reported receiving 10,727 complaints alleging child abuse. In 2012 alone the CNDH reported receiving 2,660 child abuse grievances, compared with 816 such complaints in 2006.

Forced and Early Marriage: Child marriage has historically been a problem in some parts of the country. The minimum marital age is 14 for girls and 16 for boys with parental consent, and 18 without parental consent. With a judge's consent, children can be married at younger ages. According to the National Survey of Demographic Dynamics, in 2009, 23 percent of women ages 20 to 24 were first married before age 18. The rate was 19 percent in urban centers and 31 percent in rural communities.

Harmful Traditional Practices: There were unconfirmed reports of female genital mutilation/cutting taking place in the eastern part of the country.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children; however, NGOs continued to report that sexual exploitation of minors, as well as child sex tourism in resort towns and northern border areas, were significant problems.

Statutory rape constitutes a crime in the federal criminal code. For an adult who has sexual relations with a minor between 15 and 18 years of age, the penalty is between three months and four years in prison. For an adult who has sexual relations with a minor under age 15, the penalty ranges from eight to 30 years in prison. Laws against corruption of a minor and child pornography apply to victims under 18 years of age. For the crimes of selling, distributing, or promoting pornography to a minor, the law stipulates a prison term of six months to five years and a fine of 300 to 500 times the daily minimum wage. For the crimes of involving minors in acts of sexual exhibitionism, or the production, facilitation, reproduction, distribution, sale, and purchase of child pornography, the law mandates seven to 12 years in prison and a fine of 800 to 2,500 times the daily minimum wage.

Perpetrators who promote, publicize, or facilitate sexual tourism involving minors face seven to 12 years' imprisonment and a fine of 800 to 2,000 times the daily minimum wage. For those involved in sexual tourism who commit a sexual act with a minor, the law requires a 12- to 16-year prison sentence and a fine of 2,000 to 3,000 times the daily minimum wage. The crime of sexual exploitation of a

minor carries an eight- to 15-year prison sentence and a fine of 1,000 to 2,500 times the daily minimum wage. The crimes of child sex tourism and prostitution of children do not require a complaint to prosecute and can be based on anonymous information.

There were some complaints about the complexity of the application of the laws. The lack of legislative harmonization between the general trafficking-in-persons law and the federal criminal code allowed defendants to obtain lower sentences or be acquitted for arguing that their cases were not tried under the appropriate legal framework. In addition there were differences in laws and enforcement across the country's municipalities, and specialized services for child victims of sexual exploitation were often lacking.

Institutionalized Children: In March 2012 the NGO Disability Rights International (DRI) reported to the OAS on grave human rights violations of rights of mentally and physically disabled children in orphanages and care facilities.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm as well as country-specific information at http://travel.state.gov/abduction/country/country_5831.html.

Anti-Semitism

According to the 2010 census, the Jewish community numbered approximately 67,000 persons, 90 percent of whom live in Mexico City.

There were some reports of anti-Semitism during year. For example, a Twitter hashtag with an anti-Semitic theme became the second-most trending topic on January 18. The topic invited people to post derisive messages about soap, ashes, and gas in an offensive reference to victims of the Holocaust. At its peak the topic received more than 13,000 original postings on a single day. The Coordination Forum for Countering Anti-Semitism issued a statement condemning the messages.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other services. The government did not effectively enforce the law. The Law for the Inclusion of People with Disabilities brings the country into compliance with the Convention on the Rights of Persons with Disabilities; however, DRI claimed that the law fails to establish new opportunities for community integration. DRI noted that under the law, the Ministry of Health is required to promote the creation of long-term institutions for people with disabilities in distress, and the Ministry of Social Development must establish specialized institutions to care for, protect, and house people with disabilities in poverty, neglect, or marginalization. As such, DRI noted that the law does not recognize the right of person with disabilities to live in the community.

On January 16, the government published a decree amending and expanding various mental health provisions of the General Health Law. The revisions establish that mental health care be “provided with a focus on community and psychosocial rehabilitation as well as strict respect for human rights.” Among others, the changes require mental health care treatment to include “the reintegration of the person through the creation of social and welfare programs such as protected homes and workshops for the proper care of these patients.” DRI noted that the changes represented positive signs that the country’s mental health services were moving from an institution-based to a community-based mental health system. Also, for the first time in law, there is a provision for independent monitoring of health establishments, in which independent experts monitor human rights conditions for people with mental and behavioral disorders that are treated in health facilities. According to DRI, as of September there had been no changes in the mental health system to create community services, nor had there been any efforts by the authorities to have independent experts monitor human rights violations in psychiatric institutions.

Public buildings and facilities continued to be in noncompliance with the law requiring access for persons with disabilities. The education system provided special education for students with disabilities nationwide. Children with disabilities attended at a lower rate than those without disabilities.

According to data from the Federal District's Secretariat of Health, only 9 percent of the 244 hospitals in the district were wheelchair accessible, and only 9 percent had wheelchair accessible restrooms.

As of August 31, the CNDH had received 116 complaints of human rights violations against persons with physical disabilities and 17 complaints of human rights violations against persons with mental disabilities.

Widespread human rights abuses in mental health institutions and care facilities across the country, including those for children, continued to be a problem. Abuses against persons with disabilities included lack of access to justice, the use of physical and chemical restraints, physical and sexual abuse, disappearances, and illegal adoption of institutionalized children. Institutionalized persons with disabilities often lacked adequate privacy and clothing and often ate, slept, and bathed in unhygienic conditions. They were vulnerable to abuse from staff members, other patients, or guests at facilities where there was inadequate supervision. Documentation supporting the person's identity and origin was lacking, and there were instances of disappearances.

In July DRI, the CDHDF, and other human rights organizations submitted an *amicus curiae* to the Supreme Court in the case of Ricardo Adair, a 24-year-old youth with Asperger Syndrome. Adair had lived under the legal tutorship of his parents since 2007, when a judicial review ruled he was unable to make decisions on his own. As a result he was unable to make fundamental choices about his own life. In the *amicus curiae*, DRI and its counterparts urged the court to recognize the right of persons with psychosocial disabilities to make decisions for their care and life. At year's end the court had not issued a ruling.

Persons with disabilities have the right to vote and participate in civic affairs. Voting centers for federal elections are generally accessible for persons with disabilities, and ballots are available with a Braille overlay for federal elections. In Mexico City, voting centers were also reportedly accessible for local elections and Braille overlays were available; however, in local elections elsewhere in the country, the accessibility for voting centers and the availability of Braille ballots or overlays was inconsistent.

Indigenous People

Indigenous groups continued to report that the country's legal framework did not respect the property rights of indigenous communities or prevent violations of those rights. Communities and NGOs representing indigenous groups continued to report that the government failed to consult indigenous communities adequately when making decisions about the implementation of development projects on indigenous land. Consultation with indigenous communities regarding the exploitation of energy, minerals, timber, and other natural resources on indigenous lands remained limited.

The CNDH reported that indigenous women were among the most vulnerable groups in society. They experienced racism, discrimination, and violence. Indigenous people generally were excluded from health and education services. The CNDH stressed that past government actions to improve the living conditions of indigenous people, namely social programs geared specifically to women, were insufficient to overcome the historical marginalization of indigenous populations. As of August 31, the CNDH's Program for Promotion and Dissemination of Human Rights for Indigenous Peoples had held 266 outreach and training activities with the participation of 78,299 people, including conferences, training for public officials and prison personnel, interagency workshops, and outreach in indigenous communities.

On July 20, the body of indigenous rights activist Heron Luciano Sixto Lopez was discovered in a field in San Sebastian Tecomaxtlahuaca, Oaxaca, five days after a group of masked assailants kidnapped him from his office. An autopsy report indicated that the victim had been shot at least six times. Sixto Lopez worked for the indigenous rights organization Center for Assessment and Orientation for Indigenous Communities that promoted human and indigenous rights in the region. On August 1, the Inter-American Commission on Human Rights issued a statement condemning the killing and calling on the federal government to investigate and prosecute the crime. The Oaxaca State Attorney General's Office continued its investigation as of September.

The law provides for educational instruction in the national language, Spanish, without prejudice to the protection and promotion of indigenous languages, but many indigenous children spoke only their native languages. Education in indigenous languages was limited by the lack of textbooks and teaching materials, as well as by the lack of qualified teachers fluent in these languages. According to the UN, 25 percent of indigenous girls were denied by their own parents the opportunity to go to school. As of August 31, the CNDH had received 43 complaints related to human rights abuses of the indigenous population, but had

not issued any related recommendations. Most complaints pertained to a lack of interpreters and discriminatory practices by government officials.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination against LGBT individuals; however, LGBT persons reported that the government did not always investigate and punish those complicit in abuses. As of August 31, the CNDH had not received any complaints of human rights abuses against LGBT individuals. Discrimination based on sexual orientation and gender identity was prevalent, despite a growing public acceptance of LGBT individuals.

On October 6, two attackers released tear gas in an auditorium hosting the “Miss Gay 450 Durango” pageant, injuring several contestants and members of the audience. The Durango State Human Rights Commission condemned the attack and called on the community to promote tolerance and respect diversity.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Self-defense militias – or civilian armed groups that claimed to fight crime – proliferated rapidly. According to the CNDH, civilian militias operated in 15 states and 101 municipalities throughout the country. These groups were concentrated in the southwestern states of Michoacan and Guerrero and emerged most frequently in small towns without a local police force and with a growing crime problem. Some groups called themselves “community police” and others “self-defense groups.” Federal and state authorities responded to the expansion of self-defense militias with conflicting statements and mixed reactions, ranging from law enforcement operations to disarm and arrest militia members to state efforts that sought to incorporate them into the law enforcement framework. The federal government issued clear condemnations of the militias. In a statement released on January 28, the CNDH said that self-defense militias were not justified, but that position subsequently was softened. The CNDH received multiple complaints from individuals alleging human rights abuses by members of the militia groups, including arbitrary detention and illegal raids.

In Michoacan dozens of self-defense groups emerged in rural communities along the mountainous western edge of the state. Armed with assault rifles and, in some cases, armoured vehicles, the groups claimed to defend their communities against kidnapping, extortion, and other violent crime perpetrated by drug traffickers. Security experts and press commentators cited difficulties in determining which of these groups were fighting crime and which were front groups for organized crime.

On June 4, the government published an amendment to the migration law passed in 2011 to protect further the human rights of unaccompanied child migrants. The amendment requires the government to assume responsibility for the child migrants and ensure appropriate measures are taken to protect their human rights. Several NGOs criticized the law's implementing regulations, which allow migration officials discretion in application of the law.

The World Organization Against Torture and the NGO network Todos Los Derechos para Todas y Todos released a joint report in October 2012, the *State of Torture in Mexico* that describes inhuman conditions and severe overcrowding in migrant holding centers, in particular in the Iztapalapa center in Mexico City and Century XXI center in Tapachula, Chiapas.

On August 25, 11 Central American migrants were killed and several more were injured when the cargo train they were riding derailed in rural Tabasco. According to Tabasco officials, at least 250 Honduran migrants were aboard the northbound train when it derailed. The train, commonly referred to as "The Beast," served as a regular means of transportation for thousands of migrants willing to pay a fee to criminal organizations in exchange for a ride on the train's roof. According to the CNDH, more than 140,000 Central American migrants transit the country each year.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

National labor reform, which took effect on December 1, 2012, provides for the right of workers to form and join unions, to strike in both the public and private sector, and to bargain collectively. The law requires a minimum of 20 workers to form an independent union and requires official recognition from the government to register the union. A union established in accordance with its own bylaws may call for a strike or bargain collectively. Before a strike may be considered legal, a

union must file a “notice to strike” with the appropriate labor authorities. These elements of the federal labor law were unchanged in the reform.

Although the law authorizes the coexistence of several unions in one worksite, it sets rules on which union has priority and limits collective bargaining to the union that has the largest number of workers. The fact that only one union is legally recognized to negotiate for all workers effectively shuts out all but one union and prevents meaningful negotiations when that one union is a protection (company controlled) union. It is not mandatory for a union to consult with workers or have worker support in order to sign a first collective contract with an employer.

The government did not consistently protect worker rights. Its general failure to enforce labor law, to strengthen key elements of the federal labor law with the reform, and to enforce other laws left workers with little recourse regarding violations of freedom of association, poor working conditions, or other problems. The government failed to address the serious lack of transparency surrounding unions. For example, it is not mandatory that the election of union leadership be conducted by secret ballot, and often workers forming a union may not even know there is already a union in place and recognized by a company. A proposed requirement that workers ratify union contracts was dropped from the reform legislation. Union organizers from several sectors complained about the overt and usually hostile involvement of the government when organizers attempted to create independent unions.

The process for official government recognition of unions was politicized, and the government occasionally used the process to reward political allies or punish political opponents. According to union organizers, government labor boards frequently rejected union registration applications on technicalities. In addition independent union activists claimed that the requirement that the government approve strikes in advance gave authorities the power to show favoritism by determining which companies would be protected from strikes. Because of numerous restrictions, few formal strikes occurred, but protests and informal work freezes were fairly common.

Protection (company-controlled) unions continued to be a problem in all sectors, and many observers noted that a majority of workers in unions belonged to unrepresentative unions. Officially sanctioned “protection contracts” – formal agreements whereby the company created an unrepresentative union in exchange for labor peace and other concessions – were common in all sectors and often prevented workers from fully exercising their labor rights as defined by law.

These contracts often were developed before the company hired any workers and managed without direct input from workers. Collective bargaining agreements resulting from protection contracts usually failed to provide worker benefits beyond the legal minimum and impeded the rights of independent unions to effectively and legitimately bargain collectively on behalf of workers.

According to several NGOs and unions, many workers continued to face intimidation during bargaining-rights elections from other workers, union leaders, hired thugs, or employers favoring a particular union. Practices such as providing very limited notice prior to an election and allowing management or nonemployees to vote were increasingly common. The Supreme Court declared illegal the practice of a voice vote, but the practice was still used. The new labor reform law establishes that internal union leadership votes may be held via secret ballot, either directly or indirectly.

Workers were excluded from official unions for trying to organize their colleagues into separate, independent unions. The “exclusion clause” in the labor law gives these unions the right to prevent the formation of an authentic union by expelling agitators from the “official” union, thereby obliging the company to fire these individuals. Some fired workers accused official or protection unions of harassment and intimidation.

For example, according to Proyecto de Derechos Economicos, Sociales y Culturales (ProDesc), an NGO that states its primary mission is the defense of economic, social, and cultural rights of underrepresented workers and communities, the Canadian company Excellon, which operated the silver mine “La Platosa” in the state of Durango, did not respect its workers’ and landowners’ rights protected under the law. In 2008 the company signed an agreement with landowners for the use of their land in exchange for rental payments and other contributions to the social and economic development of the community. ProDesc reported that Excellon failed to uphold fully the agreement. After losing what workers and observers claimed was a rigged bargaining rights election in July 2012, Excellon workers affiliated with the local 309 of the National Mining Union joined the landowners’ peaceful protest. Excellon denied that workers were intimidated into voting in favor of a union leader imposed on them by the company. On October 24, ProDesc reported that armed security forces broke into the protest camp (located on privately owned land with the consent of the landowners) to force the miners and landowners to end their protest. The landowners and the workers filed complaints with the Canadian authorities and the Organization for Economic Cooperation and Development. In November 2012 the

organization's national contact point in the country, which operates as part of the Ministry of the Economy, released its initial evaluation and concluded that the facts presented did not substantiate the need for further investigation. The decision was widely criticized, according to ProDESC.

Worker's rights advocates also decried labor law violations in the Atento call and data-processing centers in Mexico City. In recent years threatened workers made complaints to NGOs and the International Labor Organization (ILO) citing poor working conditions and violations of freedom of association. According to the independent Mexican Telephone Workers' Union (STRM), as well as national and international industrial and labor rights experts, the company holds a protection contract that it signed without informing the workers years ago. Workers reported that the company fired, harassed, and otherwise discriminated against worker activists who led or supported a democratic movement to oust the protection union. Since 2009 STRM reported that workers faced subsequently two fraudulent bargaining rights elections at which managers voted while thugs prevented eligible workers from placing their ballots. In June the ILO reported evidence of irregularities in the election process, including the inability of the protection union to prove that it has members. In addition workers reported that wage theft, unpaid overtime and bonuses, illegal firings, sexual harassment, and unsafe working conditions continued.

b. Prohibition of Forced or Compulsory Labor

Although the law prohibits all forms of forced or compulsory labor, the government did not effectively enforce such laws. Forced labor persisted in the agricultural and industrial sectors, as well as in the informal sector. Women and children were subjected to domestic servitude. Migrants, including men, women, and children, were the most vulnerable to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 14 from working and allows those between the ages of 14 and 17 to work limited daytime hours in nonhazardous conditions, and only with parental permission. The December 2012 labor reform law made it a federal crime to employ children under the age of 14.

The government did not effectively enforce such prohibitions. According to sources, including the ILO, government enforcement was reasonably effective in large and medium-sized companies, especially in factories run by U.S. companies, and in the “maquila” (in-bond export) sector, as well as other industries under federal jurisdiction. Enforcement was inadequate in many small companies and in the agriculture and construction sectors, and nearly absent in the informal sector, in which most children worked. Complex divisions and a lack of coordination between federal and state jurisdictions complicated the labor inspection process. The Secretariat for Social Development, the PGR, and the National System for Integral Family Development all have responsibility for enforcement of some aspects of child labor laws or intervention in cases where such laws are violated. The Secretariat of Labor and Social Security (STPS) is responsible for carrying out child labor inspections.

According to the National Institute of Statistics and Geography (INEGI), the percentage of employed children fell slightly from 10.8 percent in 2009 to 10.5 percent in 2011. Of employed children, 29.5 percent worked in the agricultural sector in the harvest of melons, onions, sugarcane, tobacco, and tomatoes. Other sectors with significant child labor included services (26.7 percent), retail sales (25.4 percent), manufacturing (11.9 percent), and construction (4.8 percent).

The government made significant efforts to address child labor in the sugarcane sector. The government of Veracruz was in the process of formally installing the Committee for Planning, Evaluating, and Monitoring the Prevention and Eradication of Child Labor to address child labor in the state’s agricultural industry, as part of the cooperation agreement signed with the ILO in August 2012, the first of its kind in the country. ILO’s International Program on the Elimination of Child Labor and the System of Productivity Measurement and Progress (SIMAPRO) worked with sugarcane producers to develop corporate social responsibility programs to improve the safety, welfare, and future of the children and families of cane cutters. On June 27, the government established a Cross-Sectoral Commission for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers of Legal Age.

d. Acceptable Conditions of Work

The minimum wage was set at 64.76 pesos (\$4.90) per day for Zone A and 61.38 pesos (\$4.65) per day for Zone B. Most formal sector workers received between one and three times the minimum wage. The National Council for Evaluation of

Social Development Policy estimated the poverty line at 77.60 pesos (\$5.90) per day for the year.

The law sets six eight-hour days and 48 hours per week as the legal workweek. Any work more than eight hours in a day is considered overtime, for which a worker receives double the hourly wage. After accumulating nine hours of overtime in a week, a worker earns triple the hourly wage; the law prohibits compulsory overtime. The law includes eight paid public holidays and one week of paid annual leave after completing one year of work. The law requires employers to observe occupational safety and health regulations, issued jointly by the STPS and the Mexican Institute for Social Security. Legally mandated joint management and labor committees set standards and are responsible for overseeing workplace standards in plants and offices. Individual employees or unions may complain directly to inspectors or safety and health officials.

The STPS is responsible for enforcing labor laws. Early in the year, the STPS was authorized to hire 179 additional inspectors. The STPS carried out regular inspections of workplaces, using a questionnaire and other actions to identify victims of labor exploitation. Between January and July, it undertook 59,746 inspections in 40,078 workplaces, including the monitoring of industries identified as having a high incidence of child labor (agriculture, coal mines, and construction). On April 9, the STPS trained 300 federal and local labor inspectors on child labor. According to the STPS, training for labor inspectors included a program focused on enforcement of labor laws in the agricultural sector, but there was no program for labor inspections in the informal sector. Nevertheless, all workplaces are subject to STPS inspection.

According to labor rights NGOs, employers in all sectors sometimes used the illegal “hours bank” approach – requiring long hours when the workload is heavy and cutting hours when it is light – to avoid compensating workers for overtime. In addition many companies evaded taxes and social security payments by employing workers informally. INEGI estimated that 59 percent of the workforce was engaged in the informal economy.

There were several complaints of poor working conditions in maquiladoras. Low wages, poor labor conditions and relations, long work hours, unjustified dismissals, the lack of social security benefits and safety in the workplace, and the lack of freedom of association were among the most common complaints. Most maquilas hired employees through outsourcing with few social benefits. According to INEGI data, in 2008 more than 53,000 workers were employed under the

outsourcing model in the maquila sector, but as of April this number had declined to 45,000, largely due to the economic recovery and the labor reform.

1 a point of law that I need to rule on or that I think the
2 attorneys might ask me about, and I am keeping a record of
3 those things, and I am annotating the transcript as the
4 witnesses testify so I can do that. So it might be important
5 to me, but that does not at all mean it is important to you.

6 So again, take notes if you want, I am not
7 discouraging you in any way, but please, most importantly,
8 listen to the testimony.

9 All right. At this point we will begin with the
10 government's opening statement.

11 MS. [REDACTED]: May I proceed, Your Honor?

12 THE COURT: Please.

13 MR. [REDACTED]: I want to tell you about the man who was
14 the top law enforcement officer in Mexico. While entrusted to
15 work for the Mexican people, he also had a second job, a
16 dirtier job, a more profitable job. He took millions of
17 dollars in cash bribes to enable the biggest drug cartel in
18 Mexico to operate freely so they could send tons, literal
19 tons, of cocaine to the United States. That man I'm talking
20 about, he's sitting right over here today. It's the
21 defendant, Genaro Garcia Luna. Because he controlled his
22 country's entire federal police force, the defendant thought
23 he was above the law. But we are here today in this courtroom
24 because no one is above the law.

25 Good morning, members of the jury. My name is

1 THE COURT: Foundation?

2 MR. [REDACTED]: Yes.

3 THE COURT: Sustained.

4 BY MS. [REDACTED]

5 Q During your time with the Sinaloa cartel, who was
6 primarily in charge of paying the defendant, Genaro Garcia
7 Luna, on behalf of the cartel?

8 A Arturo Beltran.

9 Q Were you present for some of those payments?

10 A At some points I was, yes.

11 Q During what time period did Arturo Beltran pay the
12 defendant Genaro Garcia Luna on behalf of the Sinaloa cartel?

13 A When I came in, he was already getting paid. And he was
14 paid until the last day of Arturo Beltran, the last day of his
15 life.

16 Q When did Arturo Beltran die?

17 A I believe it was 2008.

18 Q Can you remind us what year you started working with the
19 Sinaloa cartel?

20 A 2001.

21 Q Over the course of those years, how did the payments to
22 Genaro Garcia Luna impact the Sinaloa cartel?

23 A Well, they were of -- he was of great help because we
24 were able to grow and also minimize our rivals.

25 Q Can you briefly explain that to us?

1 A Well, with the help of the Government, the cartel was
2 able to grow in terms of territory, we call them plazas. Also
3 in the quantity of drugs that were able to be brought into
4 Mexico. And also in eliminating rival groups.

5 Q At the time of your arrest in 2010, how did the Sinaloa
6 cartel compare in size and power with other drug cartels in
7 Mexico?

8 A The Sinaloa cartel was already divided, but it was still
9 strong.

10 Q How did it compare with other cartels?

11 A There was no rivals.

12 Q During the period you've just described, generally what
13 kinds of support did the defendant, Genaro Garcia Luna,
14 provide to the cartel?

15 A He would give us information about operations and
16 investigations against the organization. He helped us put in
17 and take out commanders and agents in any plaza in Mexico.
18 And we shared information so that we could hit our rivals.

19 Q I want to show you now on the screen what is marked as
20 Government Exhibit 325. Do you recognize this?

21 A Yes.

22 Q What is it?

23 A It's the country of Mexico, it's the map.

24 Q Does this appear to be a fair and accurate map of the
25 country of Mexico?

1 A Yes.

2 MS. [REDACTED] Your Honor, I'd ask that Government
3 Exhibit 325 be admitted in evidence.

4 THE COURT: Well, since you've already shown it to
5 the jury.

6 MS. [REDACTED]: I apologize.

7 MR. [REDACTED]: No objection.

8 THE COURT: Received.

9 (Government Exhibit 325, was received in evidence.)

10 MS. [REDACTED]: We'll publish it to the jury.

11 BY MS. [REDACTED]:

12 Q Mr. Villarreal Barragan, I want you to start in the 2001
13 time period when you first joined the Sinaloa cartel. At that
14 time, can you show us on this map what areas of Mexico the
15 Sinaloa cartel had control over? And you can draw on the map.

16 A Sonora, Chihuahua, Sinaloa.

17 Q Could I ask you to stop and use your finger to actually
18 draw on the screen?

19 THE COURT: Unfortunately, I'm told the annotation
20 feature is not working.

21 MS. [REDACTED]: Your Honor, in that case with your
22 permission, I'd ask the witness to step down and show us on
23 the big map.

24 THE COURT: That's fine.

25 MS. [REDACTED]: Thank you.

1 A Sonora, Chihuahua, Sinaloa, Durango, and a small strip
2 here that goes from Torreon to a part of Monterrey. And they
3 were fighting over the plaza de Nuevo Laredo and Miguel
4 Aleman.

5 Q Mr. Villarreal Barragan, can you show us what areas of
6 Mexico the Sinaloa cartel had over time as its power grew?

7 A North and south Baja California, Sonora, Chihuahua,
8 Sinaloa, Durango, Zacatecas, Nayarit, Jalisco, parts of New
9 Leon, Colima, Guanajuato, Queretaro, the State of Mexico,
10 Guerrero, Puebla, Jalapa, Tabasco, Chiapas, Quintanaroo, and
11 part of Yucatan.

12 Q You may have a seat. Did the payments to the defendant,
13 Genaro Garcia Luna, play a role in this growth that you've
14 just described?

15 A Yes.

16 Q Just briefly can you tell us about that?

17 A The payments grew as the cartel grew; without that
18 support it, would have been practically impossible.

19 Q I'd like to talk a little bit about your background.

20 A Yes.

21 Q Where did you primarily grow up?

22 A In Torreon Coahuila, Mexico.

23 Q How far did you go in school?

24 A Second year of law school.

25 Q Did you finish law school?

1 (In open court; jury present.)

2 BY MS. [REDACTED]:

3 Q Mr. Avila, why are you testifying here today?

4 A Because I also wanted for it to be known that
5 relationships and the role that the gentleman was playing for
6 the cartel because the cartel doesn't function without the
7 government's help.

8 Q And what gentleman are you discussing?

9 A Mr. Garcia Luna.

10 MS. [REDACTED]: No further questions.

11 THE COURT: All right.

12 Nothing, right?

13 MR. [REDACTED]: Nothing.

14 THE COURT: All right. Let's have the witness taken
15 out, please.

16 (The witness steps down.)

17 THE COURT: The government's next witness.

18 MR. [REDACTED]: Your Honor, the government calls
19 Harold Mauricio Poveda Ortega.

20 THE COURT: Okay.

21 (Witness sworn.)

22 THE COURT: Please state your name for the record.

23 THE WITNESS: Harold Mauricio Poveda Ortega.

24 THE COURT: Spell it, please.

25 THE WITNESS: H-A-R-O-L-D, M-A-U-R-I-C-I-O,

1 best is the one here in New York.

2 Q What are some of the things that the Sinaloa Cartel did
3 to make sure it was successful in trafficking cocaine to the
4 United States?

5 A Well, some of the resources that you use in order to feel
6 secured or safe to move the cocaine is the connections with
7 the government.

8 Q What is the importance of the connections with the
9 government?

10 A Well, it's really the most important one for the cartel
11 to flow and to have a certain affluence and for it to grow, do
12 you understand?

13 Q Between 2000 and 2008, within the Sinaloa Cartel, which
14 leaders typically made arrangements at the highest levels of
15 government?

16 A Well, Arturo Beltran Leyva, my brother, Mayo, Juan Jose
17 Esparragoza, Azul, Nacho Coronel, Hector Beltrán.

18 Q And when you said -- when you testified about connections
19 with the government, what level are you talking about?

20 A Well, these leaders would always try to have connections
21 with the highest levels, directors, the top leaders.

22 Q Did you become aware of any of these arrangements?

23 A Yes.

24 Q How?

25 A Well, one time Arturo offered me work to work for him,

Ramirez - direct - [REDACTED]

1857

1 Q What does that mean?

2 A For example, let's say I was sending him 1,000 kilos of
3 cocaine. He would charge me 40 percent to transport that
4 cocaine to the United States. Forty percent of 1,000 kilos is
5 400 kilos of cocaine. And I would receive 60 percent of the
6 cocaine, that is, I would receive 600 kilos of cocaine in the
7 United States.

8 Q The other Mexican traffickers that you were working with,
9 did they also charge you a percentage fee?

10 A Also, yes.

11 Q How did the defendant's rate of 40 percent compare to the
12 other traffickers?

13 A Well, I had been paying 37 percent before my business
14 deal with Mr. Guzman who was charging 40 percent so it was
15 more expensive.

16 Q Did the defendant explain to you why he was charging you
17 a higher percentage than the other traffickers?

18 A Yes.

19 Q What did the defendant tell you?

20 A He said: I'm a lot faster. Try me and you'll see. And
21 your planes and your cocaine and your pilots are going to be
22 secure because I have very good arrangements.

23 Q When the defendant told you that your planes would be
24 secure, what did you understand that to mean?

25 A That the corruption arrangements he had for receiving,

Ramirez - direct - [REDACTED]

1858

1 receiving the planes were good, they were effective, and that
2 would make me feel sure for my, the security or the safety of
3 my planes and my pilots.

4 Q How would the defendant's corruption payments make your
5 pilots and your cocaine safe?

6 A Well, precisely because when the planes arrive to the
7 Mexican airstrips, they were being protected by the federal
8 police. They were receiving my planes and the cocaine and on
9 many occasions, they were doing the transportation themselves.

10 Q At the end of this meeting with the defendant, the first
11 meeting you had with the defendant, did you finalize every
12 single detail of your business arrangement with the defendant?

13 A No.

14 Q Was the defendant carrying a weapon during this meeting?

15 A Yes.

16 Q What kind of gun?

17 A A pistol.

18 Q So what was your understanding after this first meeting
19 of the business deal you had arranged with the defendant?

20 A That we had an agreement for me to send my planes with my
21 coke in from Colombia, for him to receive it in Mexico and to
22 transport, to transport it for me to the United States.

23 Q And what was, what was -- did you finalize on the
24 percentages that you would pay?

25 A Yes.

- direct - Ramirez

1909

1 quality.

2 Q Was there any discussion of the quantity or the
3 percentage rate that you would have to pay for them to
4 transport your cocaine in this new maritime method?

5 A Yes.

6 Q What did they tell you?

7 A That now the percentage that they were going to charge me
8 to transport my cocaine from Mexico into the United States was
9 going to be 45 percent.

10 Q Who told you that the rate was going to increase from 40
11 to 45 percent?

12 A Mr. Guzmán Loera.

13 Q And did the defendant tell you why it was that he was
14 increasing the rate from 40 to 45 percent?

15 A Yes.

16 Q What did the defendant tell you?

17 A That the arrangements they had in the capital city with a
18 federal commander, Calderoni were expensive, plus another man
19 of high-ranking men in the Mexican Attorney General's Office
20 in PGR, the Mexican Attorney General's Office, and that now
21 they had arrangements also with the Mexican navy, therefore,
22 that increased the cost for them.

23 Q Did you agree to pay a higher percentage fee to the
24 Sinaloa Cartel to receive your cocaine?

25 A Yes.

1 Reassurance, why is reassurance important? Rey also
2 talked to you about this. The promise of protection is
3 actually key in the business of the cartel because when the
4 Mexicans, who were doing the distribution and transportation,
5 and the Colombians, who were the supply, are arranging their
6 contracts, it's part of the contract negotiations. Each side
7 says, do you have your side of the government taken care of?
8 Is it all okay? They specifically discussed safety measures
9 because they're taking huge risks, and that's how you mitigate
10 the risk. So the promise of protection enables the Sinaloa
11 Cartel to enter into more contracts to move more cocaine.

12 And Conejo, the Colombian you heard from, confirmed
13 that. Said he would talk to Arturo. He didn't pay the bribes
14 directly. That wasn't his job; Conejo is Colombian. The
15 Mexican counterpart, that is his job to take care of the
16 Mexican government. But he would talk to him when they were
17 settling accounts.

18 He would say, yeah, we have to pay The Government.
19 He always called it "the government." But we were protected.
20 They were protected by the highway police, by the judicial
21 police, by the state police. Everything was going very well
22 for us. Everything was arranged. Was that important to
23 Conejo? Of course it was. You could go around with extreme
24 peace of mind. That's what the promise of protection gets
25 you.

Ramirez - direct - [REDACTED]

1833

1 Q I'd like to go through a couple of those fronts with the
2 jury, please. You mentioned the general ledger front?

3 A Correct.

4 Q What was the purpose of that front?

5 A It handled all the dirty money of the organization.

6 Q For what purpose?

7 A For the cocaine shipments, for the corruption payments to
8 the politicians and the police and the acts of violence.

9 Q You said you had a front that was dedicated to
10 corruption. Can you briefly describe what that was?

11 A Correct. So the corruption one was one that we used in
12 order to have the officers from the Colombian government not
13 do their job and that way it would benefit our illegal drug
14 trafficking organizations or activities rather.

15 Q I'm sorry, I think there was a problem with the
16 microphone. Based on your experience as the boss of a cartel
17 why was it important to have a corruption front?

18 A Because it's impossible to be the leader of a drug
19 trafficking cartel in Colombia without having that corruption.
20 They go hand-in-hand.

21 Q You mentioned also that you had an armed wing?

22 A Correct.

23 Q What was the purpose of that?

24 A The purpose was to protect my organization, to protect
25 the safety and the life of my family, to protect the cocaine

From: Mandojana, Marcos </O=CLASSSTATE/OU=BOGOTA
AG/CN=RECIPIENTS/CN=MANDOJANAM>
Sent: Monday, October 31, 2011 3:08 PM
To: Renzulli, Anthony F <RenzulliAF@state.sgov.gov>
Subject: Fast & Furious Qs & As
Attach: Burns Q and A on Fast and Furious 10 31 11.docx

RELEASE IN FULL

There are a couple clearances outstanding, but most have cleared on these, so can go ahead and add to Fast & Furious section of Qs & As. Note the final question is a non-answer, but that's the best we can do. (Obviously, basically no way that DOJ asked for an export license as part of questionable op to allow guns to "walk" to Mexico, especially since it wasn't DOJ providing the guns, but given legal cases and investigations, PM and other are being very cautious)

~~~~~  
MARCOS MANDOJANA  
SPECIAL ASSISTANT TO DEPUTY SECRETARY BURNS, D(B)  
647-5889

**From:** (b) (7)(C)  
**To:** "Kevin M. O'Reilly,(b) (6) "  
**Subject:** Re: Quite the Press Release and Letter  
**Date:** Wednesday, March 30, 2011 9:52:15 AM

---

Ah I see have a good trip.

---

**From:** O'Reilly, Kevin M.  
**To:** (b) (7)(C)  
**Sent:** Wed Mar 30 09:32:44 2011  
**Subject:** Re: Quite the Press Release and Letter

I'm in Mexico - a few hours earlier out here.

Kevin M O'Reilly  
Director  
North American Affairs  
National Security Staff  
The White House

(b) (6)

---

**From:** (b) (7)(C) <(b) (7)(C) >  
**To:** O'Reilly, Kevin M.  
**Sent:** Wed Mar 30 06:55:37 2011  
**Subject:** Re: Quite the Press Release and Letter

It just does not stop.

Why r u up at 230 in the am?

----- Original Message -----  
**From:** O'Reilly, Kevin M. <(b) (6) >  
**To:** (b) (7)(C)  
**Sent:** Wed Mar 30 02:17:23 2011  
**Subject:** Quite the Press Release and Letter

U.S. Sen. Grassley: Concerned that ATF's risky strategy of letting guns walk may have been used beyond fast and furious  
3/29/2011

For Immediate Release Monday, March 28, 2011  
WASHINGTON In a letter to the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Senator Chuck Grassley pressed for additional details about the bureau's knowledge of the straw purchasers of the guns involved in the killing of Immigration and Customs Enforcement Agent Jaime Zapata.

Today's letter follows a March 4 letter where Grassley cited press reports and a Justice Department press release that raised the prospect that the ATF strategy of allowing straw purchasers to continue to operate in hopes of making bigger cases may have contributed to the shooting of Zapata. The Justice Department responded to Grassley's letter on behalf of the ATF but refused to provide any substantive

1 BY THE WITNESS:

2 A. The two high officials, La Reina who was sitting at the  
3 table.

4 BY MS. [REDACTED]:

5 Q. What did they do?

6 A. After narrating everything verbally, they showed him a  
7 photograph of the Colombian.

8 Q. And did members of the Beltran Leyva organization  
9 recognize that individual?

10 THE COURT: Who is "they"? Mr. Lopez wanted to know,  
11 and I do, too. He said that "they." The two high officials,  
12 is that who we're talking about?

13 THE WITNESS: Two high officials, La Reina, and the  
14 third person -- the fourth person, I don't know that person's  
15 name.

16 THE COURT: Okay.

17 BY MS. [REDACTED]:

18 Q. Can you describe how it happened that a photo was provided  
19 to Arturo Beltran Leyva?

20 A. That's correct. La Reina had a cardboard binder. He gave  
21 it to his immediate superior who in turn gave it to Arturo  
22 Beltran, who Arturo Beltran recognized the photograph that he  
23 was being shown.

24 Q. Just to clarify, the two high-ranking officials who you've  
25 referred to, would those people have been considered La

1 Reina's boss at the time?

2 A. That's correct, the high, the very high official who had  
3 met the first time and the person next in charge.

4 Q. Now, after recognizing the photo of the Colombian  
5 individual, what did Arturo Beltran Leyva do? How did he  
6 respond?

7 A. He became very angry and ordered that he be kidnapped.

8 Q. That who be kidnapped?

9 A. The Colombian. And interrogated.

10 Q. To your knowledge, did that happen?

11 A. That's correct.

12 Q. And based on your knowledge, did the informant admit  
13 cooperating with the DEA?

14 A. That's correct.

15 Q. And what ultimately happened to that Colombian informant?

16 A. He was murdered.

17 Q. And were you present when Arturo gave the order for the  
18 informant to be murdered?

19 A. That's correct.

20 MS. [REDACTED]: All right.

21 (Pause.)

22 BY MS. [REDACTED]:

23 Q. Now, Mr. Villarreal, prior to January 2017, do you recall  
24 that you had already provided information about this  
25 particular meeting to investigators other than myself and the

ACTION INL-00

**RELEASED IN FULL**

INFO LOG-00 MFA-00 EEB-00 AID-00 AMAD-00 GHFS-00 RPPR-00  
 CA-00 CIAE-00 DODE-00 DOTE-00 WHA-00 DS-00 DHSE-00  
 AVC-00 OIGO-00 E-00 FAAE-00 FBIE-00 UTE-00 FOE-00  
 TEDE-00 INR-00 L-00 J-00 MOFM-00 MOF-00 DCP-00  
 NSAE-00 ISN-00 EPAU-00 MCC-00 SCT-00 ISNE-00 DOHS-00  
 SP-00 IRM-00 SSO-00 SS-00 DPM-00 NCTC-00 FMP-00  
 BBG-00 R-00 EPAE-00 SHEM-00 DSCC-00 PRM-00 G-00  
 NFAT-00 SAS-00 FA-00 SANA-00 /000W  
 -----34FFE8 131931Z /38

R 131913Z FEB 12

**FM AMEMBASSY MEXICO**  
**TO SECSTATE WASHDC 0027**  
**INFO DEA HQS WASHINGTON DC**  
 AMEMBASSY MEXICO

UNCLAS MEXICO 000416

**REVIEW AUTHORITY: Oscar Olson, Senior Reviewer**

**STATE FOR INL/RM, INL/LP**  
**DEA FOR OD, OF, OFC, NPSM**

E.O. 13526: N/A

TAGS: PREL, AFIN, SNAR, MX

SUBJECT: END-USE MONITORING REPORT FOR CALENDAR YEAR 2011

REF: A) 10 STATE 119905;

**BACKGROUND****A. EUM Program Coordinator**

NAS Management Officer, Richard Glenn, is the NAS Mexico End Use Monitoring (EUM) program coordinator, responsible for coordinating the EUM of equipment funded by INL and for verifying the accuracy of the EUM data. The EUM's program coordinator's contact information is as follows: e-mail: GlennRH@state.gov <mailto:GlennRH@state.gov>; phone 011-5255-5080-2990, extension 5624. Additionally, the NAS personnel listed below assist the program coordinator with EUM activities.

Fred Schellenberg - IT/Infrastructure Coordinator, 52-55-5080-2990, Ext. 5631, SchellenbergFA@state.gov <mailto:SchellenbergFA@state.gov>

Yvette Marquez - Training Program Coordinator, 52-55-5080-2990, Ext. 5602, MarquezYE@state.gov <mailto:MarquezYE@state.gov>

Luis Matos -Border/POE Security Program Coordinator, 52-55-5080-2990, Ext. 5605, Matosle@state.gov <mailto:Matosle@state.gov>

James Osborn - Aviation Projects Coordinator, 52-55-5080-2990, Ext. 5646, OsbornJP@state.gov <mailto:OsbornJP@state.gov>

Gary Golder - Corrections Reform Program Coordinator,  
52-55-5080-2990, Ext. 5650, GolderGP@state.gov  
<mailto:GolderGP@state.gov>

Charles Jakosa - Rule of Law Program Coordinator, 52-55-5080-2990,  
Ext. 5659, JakosaC@state.gov <mailto:JakosaC@state.gov>

David Wattley - Law Enforcement Professionalization Program  
Coordinator, 52-55-5080-2990, Ext. 5653, WattleyDG@state.gov  
<mailto:WattleyDG@state.gov>

Carolina Felix - NAS Property/EUM Supervisor, 52-55-5080-2990,  
Ext.5618, Felixc@state.gov <mailto:Felixc@state.gov>

## B. Inventory System

The EUM database will be used to record new property and those reported as lost, damaged, or destroyed.

During CY-2011, GOM officials continued signing Notes of Agreement (NOAs) to document the receipt of the donated commodities. The NOAs specify the donated items, quantities, descriptions, serial numbers, intended use, locations and the legal authority for donation and confirmation of receipt of such goods. Use of these NOA documents helped GOM and NAS officials manage the centralized inventory of donated equipment. Supporting records are kept by individual project coordinators and NAS accounting. These records are updated periodically through field visits, the comparison of USG written records with GOM written records and through discussions with GOM contacts.

## C. Staff Member EUM Responsibilities

The NAS Management Officer, NAS program coordinators and the NAS Property/EUM Supervisor support the EUM process. Using information from the automated EUM database, the NAS logistics office provides a list of property to NAS field visitors for the purpose of monitoring/checking status of donated resources during field visits. The NAS Property Supervisor reports property discrepancies, losses, or damages in the EUM database.

The project coordinators and their deputies advise GOM agencies on matters related with anti-narcotics operations, training, maintenance, equipment requirements, and provide subject matter expertise. The project coordinators and their deputies gather EUM information by regular site visits with the assistance of NAS Locally Engaged Staff (LES). Site visit results are reported written reports and communications with GOM contacts.

The following Merida Initiative projects form part of the EUM program: aviation, border security, information technology, internal controls, prisons reform, and training, rule of law, sensitive investigative unit, and strategic communications. The EUM supervisor coordinates sites visits with NAS travelers to collect EUM data, related with specific donated equipment located in areas where travelers will visit.

D. Other USG Agency Assistance

Drug Enforcement Administration (DOJ/DEA)

Office of Defense Coordination (DOD/ODC)

Customs and Border Protection (DHS/CBP)

Immigration and Customs Enforcement (DHS/CBP/ICE)

The agencies listed above collaborated frequently with NAS in order to achieve mission plans. NAS collaborated frequently with DHS/CBP in the identification, testing, selection, implementation, and analysis of non-intrusive inspection equipment (NIIE). In addition, DHS/CBP/ICE provided ongoing advice for NIIE x-ray equipment used at major Mexican ports.

E. Counterpart Agencies

Mexican Government (GOM) agencies listed below meet the terms of the EUM process discussed in the Letters of Agreement (LOAs). NAS programs coordinators conduct periodic field visits to listed agencies and have established a EUM reporting mechanism to facilitate the process. In cases where the donated equipment has reached the end of its life cycle, GOM agencies report to NAS and assist with the disposal process when appropriate. Specifically, the GOM agencies are:

Ministry of Foreign Affairs (SRE)

Office of the Mexican Attorney-General (PGR)

Public Security Secretariat (SSP)

Federal Police (PF)

The Government Secretary (SEGOB)

Center for Research and National Security (CISEN)

National Migration Institute (INAMI)

National Defense Secretariat (SEDENA)

Secretariat of the Navy (SEMAR)

Finance and Public Credit Secretariat (SHCP)

Financial Intelligence Unit (UIF)

General Customs Administration (AGA)

Federal Tax Agency (SAT)

National Banking and Securities Commission (CNBV)

Asset Management and Disposition Agency (SAE)

National Council against Addictions (CONADIC)

Transportation and Communications Secretariat (SCT)

Ministry of Public Administration (SFP)

F. Receipt

The following documents are used to support the donation process:

Letter of Agreement (LOA) (USG/GOM)

Donation Letter (NAS)

Acceptance Letter (GOM)

Free Entry Permit (if applicable) (SRE)

Handwritten Receipt (NAS)

Note of Agreement (NOA) (USG/GOM)

GOM agencies that receive USG donated equipment are required to sign NOAs. Upon delivery of the equipment, NAS personnel prepare NOAs to document transfer and receipt of equipment. The NOA's specify the donated items, cost (project code and contract), location, use and the agreement of EUM.

## MONITORING PROCEDURES

### A. On-site Inspections

As instructed in the referenced cable and as listed below, scheduled and unscheduled on-site physical inspections were the preferred method of monitoring INL-funded resources.

Number of scheduled on-site inspections performed: 33

Number of unscheduled on-site inspections performed: 0

Number of counterpart sites and cities visited: 33 sites in 24 cities.

Date and location of on-site inspections performed:

NIIE/X-Ray/Gamma/Hand Held Equipment and Canine Inspections:

8/5/2011

Ciudad Hidalgo, Chiapas

8/5/2011

Huixtla, Chiapas

8/9/2011

Morelia, Michoacan

8/12/2011

Aguascalientes, Aguascalientes

8/12/2011

Cosio, Aguascalientes

8/12/2011

Acayucan, Veracruz

8/12/2011

Coatzacoalcos, Veracruz

8/18/2011

Ensenada, Baja California

8/18/2011

Tijuana, Baja California

8/19/2011

Mexicali, Baja California

8/19/2011

Tecate, Baja California

8/19/2011

Cucapa, Sonora

8/19/2011

San Luis Rio Colorado, Sonora

8/26/2011

Ciudad Juarez, Chihuahua

9/8/2011

Querobabi, Sonora

9/12/2011

Mexico City, DF.

9/19/2011

Toluca, Estado de Mexico

9/19/2011

Queretaro, Queretaro

9/20/2011

Leon, Guanajuato

9/21/2011

Ciudad del Carmen, Campeche

9/21/2011

Progreso, Yucatan

9/22/2011

Cancun, Quintana Roo

9/22/2011

Cozumel, Quintana Roo

9/23/2011

Subteniente Lopez, Quintana Roo

Vehicles Inspections:

3/28/2011

Mexico City, DF.

Number of donated items subject to inspection: 16,144 donated items (including non-expendable supplies) currently in the NAS EUM database. This quantity does not include all items donated in CY 2011. The estimated number of items donated in CY as part of the EUM planning and inspection prioritization process, NAS logistics grouped items subject to inspection in the following categories: Aviation; sensitive equipment such as NIIE and items regulated by International Traffic in Arms Regulations (ITAR); canine; accountable property such as vehicles and boats; and non-expendable serialized items worth \$5,000 or more.

The percentage (%) of donated items personally inspected during CY-2011: approximately 10 %

B. Secondary Methods of Monitoring Resource Status

## Comparison of Records

NAS Logistics performed records comparison of 25% of the accountable property, by means of comparing bi-lateral property records and the balance through discussions with GOM contacts.

## Discussions

In CY-2011, approximately 65% of the total donated property could not be physically inspected for security, safety, lack of access to equipment, and constant movement of equipment to support urgent operations. However, NAS was able to obtain information regarding the status and use of this equipment through discussions and meetings with GOM contacts.

Percentage (%) Monitored by Secondary Method: NAS performed 90% of inspections using records comparison or discussions.

## STATUS- COMMODITIES

### A. Type of commodity and project by location, use, and condition

In 2011, NAS executed 292 major donations of commodities to various GOM agencies, as summarized below. An extensive listing of commodities provided under these NOAs is available in the Department of State EUM database and property records. Commodities were monitored by type of location, use, condition, and commodity type, as described in Section B.

In addition to the equipment described in Section B, below is a list of CY 2011 donations by program and includes the total

acquisition cost of the equipment. The total acquisition costs include spare parts, associated services such as transportation, and operator training for the 292 major donations. Each donation ranged from 1 item such as an aircraft to 10,000 items such as was the case for a demand reduction donation in December.

Aviation: \$189.7 million

Border Security: \$101.3 million

Demand Reduction: \$14 million

Information Technology: \$73.9 million

Internal Controls: \$8.4 million

Prison Reforms: \$4.7 million

Rule of Law: \$7.1 million

Special Projects: \$0.8 million

### B. Inventories (aircraft, vehicles, vessels, weapons)

Aircraft (added in CY 2011)

To enhance field operations in CY-2011, NAS donated 3 UH-60 M helicopters and 1 CASA 235 helicopter to the Secretariat of the Navy (SEMAR); and 1 UH-60 M helicopter to Public Security Secretariat - Federal Police (SSP - PF). All aircraft in the active inventory are operational.

Ministry of Public Administration (SFP)

UH 60 M helicopters

1

Mexico City. DF

Secretariat of the Navy (SEMAR)

UH 60 M helicopters

3

Mexico City. DF

CASA 235 helicopter

1

Mexico City. DF

Aircraft (added prior to CY 2011)

Thirteen (13) Bell UH-1H helicopters:

Office of the Mexican Attorney-General (PGR)

XC-LKD

1

Puerto Penasco, Sonora

XC-BBA

1

Santana, Sonora

XC-BBG

1

Hermosillo, Sonora

XC-BBH

1

Hermosillo, Sonora

XC-BBJ

1

Hermosillo, Sonora

XC-LJJ

1

Guadalajara, Jalisco

XC-JAD

1

Cd. Del Carmen

XC-LJK

1

Guadalajara, Jalisco

XC-LIY

1

Guadalajara, Jalisco

XC-BBF

1

Guadalajara, Jalisco

XC-BBE

1

Chihuahua, Chihuahua

XC-LIZ

1

Nogales, Sonora

XC-LKF

1

Mexicali, Baja California

Nine (9) Schweitzer SAC-333 helicopters for aerial surveillance and border security were based in the following locations:

XC-DAH

1

Hermosillo, Sonora

XC-DAJ

1

Chihuahua, Chihuahua

XC-UAJ

1

Acapulco, Guerrero

XC-LJH

1

Ciudad Carmen, Campeche

XC-LJI

1

Cd. Juarez, Chihuahua

XC-LJL

1

Chetumal, Quintana Roo

XC-LJX

1

Guadalajara, Jalisco

XC-LKC

1

Guadalajara, Jalisco

XC-LKDm

1

Mexicali, B.C.

The locations of the aircraft reported above are as of December 2011. These aircrafts are deployed to locations as required for operational and maintenance considerations. Location and condition information is provided to the NAS aviation advisor by the GOM agencies monthly.

#### Computer Equipment

In CY- 2011, NAS donated computer equipment to National Council against Addictions (CONADIC) to improve the infrastructure that will provide a better orientation in the community about addiction issues.

National Council against Addictions (CONADIC)

#### Computer Equipment

2202

Mexico City. DF

#### Vessels

During CY-2011, NAS donated Air Ranger Model Airboat to the National Migration Institute (INAMI).

National Migration Institute (INAMI)

#### Air Ranger Model Airboat

8

Mexico City. DF

#### Vehicles (added in CY 2011)

NAS donated to GOM agencies SPF, SSP and PGR the following vehicles to improve their current programs in CY-2011.

Ministry of Public Administration (SFP)

#### Ford Expedition

1

Mexico City. DF

Secretariat of Public Security (SSP)

#### Cargo Van

32

Mexico City. DF

Pick-up truck F150

10

Mexico City. DF

Office of the Mexican Attorney-General (PGR)

Armored Suburban

13

Mexico City. DF

Rhino

3

Mexico City. DF

Vehicles (added prior to CY 2011)

Office of the Mexican Attorney-General (PGR)

Chevrolet Suburban armored 2009

1

Mexico City. DF

Chevrolet Suburban armored 2009

1

Mexico City. DF

Chevrolet Suburban armored 2009

1

Mexico City. DF

Chevrolet Suburban armored 2009

1

Mexico City. DF

Chevrolet Suburban armored 2009

1

Toluca, Edo. de Mexico

Chevrolet Suburban armored 2009

1

Chilpancingo, Guerrero

Chevrolet Suburban armored 2009

1

Morelia, Michoacan

Chevrolet Suburban armored 2009

1

Guadalajara, Jalisco

Chevrolet Suburban armored 2009

1

San Luis Potosi, SLP

Chevrolet Suburban armored 2009

1

Reynosa, Tamaulipas

Chevrolet Suburban armored 2009

1

Monterrey Nuevo, Leon

Chevrolet Suburban armored 2009

1

Tijuana, B.C.

Chevrolet Suburban armored 2009

1

Chihuahua, Chihuahua

Chevrolet Suburban armored 2009

1

Veracruz, Veracruz

Chevrolet Suburban armored 2009

1

Saltillo, Coah.

Chevrolet Suburban armored 2009

1

Culiacan, Sinaloa

These vehicles are deployed to locations as required for operational and maintenance considerations.

Laboratory Equipment

In CY-2011, NAS delivered 3 Integrated Ballistics Identification Systems (IBIS) to PGR to enhance the performance of their current laboratories. This technology will help the laboratories to comply

with international standards.

Office of the Mexican Attorney-General (PGR)

IBIS

3

Mexico City, DF

Miscellaneous Equipment

In CY-2011, NAS donated under the Border Security program miscellaneous equipment and canines, to SSP, SEMAR, PGR, SEDENA and SAT. To cover major airports and border crossings in the states with highest reported acts of criminal activities.

Secretariat of Public Security (SSP)

Z Backscatter Vans (ZBV)

10

Mexico City, DF

All Terrain Vacis (ATV)

12

Mexico City, DF

CT-30

20

Mexico City, DF

K9

26

Mexico City, DF

Secretariat of the Navy (SEMAR)

Z Backscatter Vans (ZBV)

10

Mexico City, DF

CT-30

10

Mexico City, DF

Office of the Mexican Attorney-General (PGR)

K9

10

Mexico City, DF

National Defense Secretariat (SEDENA)

All Terrain Vacis (ATV)

12

Mexico City, DF

Federal Tax Agency (SAT)

Z Backscatter Vans (ZBV)

10

Mexico City, DF

CT-30

100

Mexico City, DF

Mobile X-Ray Equipment

3

Mexico City, DF

X-Ray Equipment

2

Mexico City, DF

Gamma Equipment

4

Mexico City, DF

Survey Meters

24

Mexico City, DF

K9

40

Mexico City, DF

#### STATUS-SERVICES

##### A. Construction Projects

No construction projects were completed in CY2011.

##### B. Demand Reduction Services

The establishment of internationally accredited curriculum for 600 drug counselors. Establishment of clinical trials at research facilities in conjunction with drug abuse resource centers throughout Mexico. Emplacement of new informatics system in "Nueva Vida" centers which offers training, patient tracking and information exchange among more than 330 addiction centers.

##### C. Other Professional Services

As part of the computer systems, software, and specialized X-ray equipment NAS donated training and other professional services to ensure the host nation could effectively employ the donated resources.

#### PROGRAM IMPACT

##### A. Information and Communications Technology (ICT) Equipment

The ICT and the associated computer systems NAS donated to GOM continue to facilitate connectivity and interoperability within the GOM and with elements of the USG. Strengthen satellite mobile communications between GOM national security entities used in their field operations and/or to provide support in case of natural disasters.

B. Weapons (not applicable)

C. Construction Projects (not applicable)

D. Surveillance Equipment

The USG-provided Non-Intrusive Inspection Equipment (NIIE), both mobile and fixed, continues providing the GOM additional capability for detecting and confiscating drugs, weapons, chemicals, explosives, laundered money, and contraband, at diverse, and constantly changing strategic locations throughout Mexico. The expansion of SAT's capabilities to more effectively cover major airports and border crossings. The expansion of PGR/AFI special investigations capabilities in states with highest reported acts of criminal activities using trained canines in human remains detection.

E. Vessels (not applicable)

F. Laboratory Equipment

During 2011 NAS provided PGR three (3) Integrated Ballistics Identification System (IBIS) and related equipment. This equipment allows firearms examiners and technicians to acquire analog images of the markings made by a firearm on bullets and cartridge casings. PGR and SSP forensics laboratories are nearing international accreditation. New capacity to conduct crime scene investigations to international standards. Nationwide use of a secure network to effectively collect and store DNA data. PGR now has the tools for technical collection and exploitation for field operations

G. Aviation

The helicopters donated increased significantly the actual fleet of SSP, expanding their field operations, facilitating a quicker response and mobility of Mexico's security forces through locations of limited access to fight against criminal organizations.

#### PROBLEMS AND CORRECTIVE ACTION PLAN

During CY-2011, NAS received significant support from the Mexican Ministry of Foreign Affairs and donation recipients in relation to free entry permits. NAS is implementing the use of special in-transit permits that will allow the cargo be transported and delivered to the host nation at a bonded warehouse in Mexico City. Once at the bonded warehouse, the host nation would be responsible for obtaining the required importation permits.

A. Unmonitored Resources.

Items not monitored during CY-2011 will be incorporated into the NAS EUM 2012 plan.

B. Repair and Maintenance of Commodities.

No issues to report for CY-2011.

C. Lack of Use and Misuse of Commodities

No issues to report for CY-2011.

D. Disposal of Commodities

Host Nation Agency Office of the Mexican Attorney-General (PGR) has vehicles donated by NAS between 1991 and 2003 in their inventories. In CY-2011, NAS officially approved the disposal process for a total of 26 vehicles in November 2011.

No.

Brand

Model

Year

VIN No.

1

FORD

LOBO

2001

1FTRW08L71KA38903

2

FORD

LOBO

2001

1FTRW08LX1KA38877

3

FORD

LOBO

2001

1FTRW08L41KA38888

4

FORD

LOBO

2001

1FTRW08LX1KA39043

5

FORD

LOBO

2001

1FTRW08L21KA92660

6

FORD

LOBO

2001

1FTRW08L71KA01849

7

FORD

LOBO

2001

1FTRW08L41KA59787

8

FORD

LOBO

2001

1FTRW08L91KF65633

9

FORD

LOBO

2001

1FTRW08L71KA38867

10

KAWASAKI

ZX 9R

1999

JKAZX2C17XA032784

11

KAWASAKI

ZX 9R

1999

JKAZX2C13XA030157

12

KAWASAKI

ZX 9R

1999

JKAZX2C12XA032885

13

CHEVROLET

PICK UP

1993

1GBHK33K3PJ308445

14

CHEVROLET

PICK UP

1993

1GBHK33K4PJ308275

15

CHEVROLET

PICK UP

1993

1GBHK33K8PJ308585

16

VOLKSWAGEN

JETTA

1998

3VWJ2A1W5WM269847

17

VOLKSWAGEN

JETTA

1998

3VWJ2A1W6WM215876

18

FORD

F700

1992

1FDPF70J1NVA35599

19

FORD

F700

1992

1FDPF70J4NVA35600

20

CHEVROLET

3500

1998

1GBJV34M5JJ109686

21

CHEVROLET

3500

1991

1GBJK34N2ME161453

22

VOLKSWAGEN

POINTER

2003

9BWCC05X63T103751

23

VOLKSWAGEN

POINTER

2003

9BWCC05X83T118025

24

FORD

F700

1990

FDPF70H0LVA04032

25

NISSAN

PICK UP

1998

3N1CD13SXWK007532

26

FORD

F250

1999

1FTNW21F8XEB52155

E.

Other Problems -

No other significant problems were noted.  
WAYNE

NNNN

ACTION INL-00

**RELEASED IN FULL**

INFO LOG-00 MFA-00 EEB-00 AF-00 AID-00 AMAD-00 A-00  
 GHFS-00 CA-00 CIAE-00 DODE-00 DOTE-00 WHA-00 DS-00  
 DHSE-00 AVC-00 OIGO-00 E-00 FAAE-00 UTED-00 FOE-00  
 OBO-00 TEDE-00 INR-00 L-00 MOFM-00 MOF-00 DCP-00  
 NSAE-00 ISN-00 EPAU-00 MCC-00 P-00 SCT-00 ISNE-00  
 DOHS-00 IRM-00 DPM-00 NCTC-00 FMP-00 BBG-00 EPAE-00  
 SHEM-00 DSCC-00 PRM-00 NFAT-00 SAS-00 FA-00 SWCI-00  
 PESU-00 SRND-00 SANA-00 /000W  
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R 021630Z MAR 11  
 FM AMEMBASSY MEXICO  
 TO SECSTATE WASHDC 5977  
 INFO DEA HQS WASHINGTON DC  
 AMEMBASSY MEXICO

**REVIEW AUTHORITY: Oscar Olson, Senior Reviewer**

UNCLAS MEXICO 000858

STATE FOR INL/RM, INL/LP  
 DEA FOR OD, OF, OFC, NPSM

E.O. 13526: N/A

TAGS: PREL, AFIN, SNAR

SUBJECT: SUBJECT: MEXICO: END-USE MONITORING REPORT FOR CALENDAR YEAR  
 2010

REF: A) STATE 119905;

**1. SUMMARY**

In the referenced cable, INL reminded posts that the Calendar Year 2010 (CY10) End Use Monitoring report is due in INL/RM/MS by January 31, 2011. Accordingly, Post followed the prescribed End Use Monitoring (EUM) procedures and is hereby providing the requested report.

**2. BACKGROUND****A. EUM Program Coordinator**

NAS Management Officer, Les DeGraffenried, is the NAS Mexico End Use Monitoring (EUM) program coordinator, responsible for coordinating the End Use Monitoring of support funded by INL and for verifying the accuracy of the EUM data. The EUM's program coordinator's contact information is as follows: e-mail DeGraffenriedLS@state.gov; phone 011-5255-5080-2000, extension 4679. Additionally, the NAS personnel listed below assist the program coordinator with EUM activities.

Fred Schellenberg - IT/Infrastructure Coordinator, 52-55-5080-2990, Ext. 5631, SchellenbergFA@state.gov

Fernando Cuadra - Deputy IT Program Coordinator for Secretariat of Government (SEGOB) projects, 52-55-5080-2990, Ext. 5634, CuadraOF@state.gov

Monica Niiranen - Deputy IT Program Coordinator for Secretariat of Communications and Transportation (SCT), Secretariat of Finance and Public Credit (SHCP), 52-55-5080-2990, Ext. 5630, NiiranenM@state.gov

Alejandro Bonino - Deputy IT Program Coordinator for Secretariat of

Public Security (SSP), Secretariat of Health (SSA) - National Commission for Drug Abuse (CONADIC), Office of the Attorney General (PGR), 52-55-5080-2990, Ext. 5633, TDYBoninoAC@state.gov <mailto:TDYBoninoAC@state.gov>, Mick Hogan - Law Enforcement Program Coordinator, 52-55-5080-2990, Ext. 5602, HoganM@state.gov <mailto:HoganM@state.gov>, Luis Matos -Border/POE Security Program Coordinator, 52-55-5080-2000, Ext. 4185, Luis Matos -Border/POE Security Program Coordinator, 52-55-5080-2990, Ext. 5605, matosle@state.gov <mailto:matosle@state.gov>, Andrew Zgolinski - Aviation Projects Coordinator, 52-55-5080-2990, Ext. 5655, ZgolinskiAB@state.gov <mailto:ZgolinskiAB@state.gov>, Fabiola Flores - Property Management Assistant (PMA), 52-55-5080-2000, Ext. 4868, FloresF2@state.gov

#### B. Inventory System

In August 2010 ILMS implemented the EUM module to better manage the USG donated items to GOM. The NAS EUM property management assistant will start using the ILMS EUM module in CY 2011 to manage EUM information. The EUM database will be used to record new property, those reported as lost, damaged, or destroyed.

During CY10 GOM officials continued signing Notes of Agreement (NOAs) to document the receipt of the donated commodities. The NOAs specify the items donated, their quantities, descriptions, serial numbers, intended use, locations and the legal authority for donation, and confirmation of receipt of such goods. Use of these documents helped GOM and NAS officials manage the centralized inventory of donated equipment. Supporting records are kept by individual project coordinators and NAS accounting. These records are updated periodically through field visits, the comparison of USG written records with GOM written records, and through discussions with GOM contacts.

#### C. Staff member EUM Responsibilities

NAS program coordinators, NAS Logistics Advisor, and the Property Management Assistant, support the EUM Program Coordinator with the EUM process. Using information from the automated EUM database, the NAS logistics office provides a list of property to NAS field visitors for the purpose of monitoring/checking status of donated resources during field visits. The NAS Property Management Assistant (PMA) reports property discrepancies, losses, or damages in the EUM database.

The Border Security Projects (BSP) Coordinator serves as the project advisor for all projects falling under the border security program area. The BSP Coordinator regularly performs on-site visits throughout Mexico and gathers EUM information through communications with GOM contacts.

The Information Technology (IT) and Infrastructure Projects Coordinator advise GOM agencies on matters related to IT. Maintains ongoing communications with GOM contacts and assesses the use of donated equipment associated with IT projects.

The Aviation Projects Coordinator advises GOM agencies on all aviation related matters dealing with anti-narcotics operations, i.e. training, maintenance, equipment, etc. End-use information is gathered by regular on-site visits with the assistance of NAS Locally Engaged Staff (LES), written weekly and monthly reports, and verbal communications with GOM contacts.

#### D. Other USG Agency Assistance

- Drug Enforcement Administration (DOJ/DEA)
- Office of Defense Coordination (DOD/ODC)
- Customs and Border Protection (DHS/CBP)
- Immigration and Customs Enforcement (DHS/CBP/ICE)

The agencies listed above collaborated frequently with NAS in order to achieve mission plans. NAS collaborated frequently with DHS/CBP in the identification, testing, selection, implementation, and analysis of non-intrusive inspection equipment (NII). In addition, DHS/CBP/ICE provided ongoing advice for NII x-ray equipment used at major Mexican ports.

#### E. Counterpart Agencies

Mexican Government (GOM) agencies listed below met the terms of the EUM process discussed in the Letters of Agreement (LOAs). NAS programs coordinators conduct periodic visits to listed agencies and have established a EUM reporting mechanism to facilitate the process. In cases where the donated equipment has reached the end of its life cycle, GOM agencies report to NAS and assist with the disposal process when appropriate. Specifically, the GOM agencies are:

- \* Office of the Attorney General (PGR)
- \* Secretariat of Public Security (SSP)
- \* Federal Police (PF)
- \* Secretariat of Government (SEGOB)
- \* National Intelligence Services (CISEN), National Immigration Institute (INAMI)
- \* Secretariat of National Defense (SEDENA)
- \* Secretariat of Finance and Public Credit, Customs (SHCP), Financial Intelligence Unit (UIF)
- \* Federal Tax Collection Agency (SAT)
- \* Mexican Customs Service (SHCP SAT AGA)
- \* Banking Commission (CNBV)
- \* Services and Administration of Seized Goods (SHCP SAE)
- \* Secretariat of Public Health's National Commission for Protection against Health Risks (COFEPRIS)
- \* National Commission for Drug Abuse (CONADIC)
- \* Secretariat of Communications and Transportation (SCT)
- \* Mexican Postal Service (SEPOMEX)
- \* Federal Roads and Bridges (CAPUFE)

#### F. Receipt

Once the purchase of the items are completed and the contracting officer has signed a Purchase Order (PO) or Contract with details of equipment (or item, etc.) being purchased, the NAS Logistics Office drafts a memorandum for the NAS Director's signature, informing the host nation recipient office of the planned donation. The memorandum includes estimated delivery time, costs, quantity, specifications, weight, volume, special handling (such as hazardous material), and any other information that will assist with expediting the free entry permit process. The GOM office then uses the information indicated in the memorandum to obtain entry permits from the Mexican Foreign Ministry (SRE).

If additional special permits are required, such as from the Mexican Nuclear Energy Commission, the GOM recipient office will process the request. Once the free entry and other required permits are available, the Logistics Office coordinates with the GOM's

customs broker (if applicable) and arranges for transportation of the purchased items. The Logistics Office drafts a donations memorandum for the NAS Director's signature, documenting the official transfer of the imported items to the GOM recipient office. Whenever possible a NAS representative is present during the physical turnover of the donated items to the GOM. The Logistics Office then enters the donate items information into the NAS EUM property database to support the EUM tracking process. GOM agencies that receive USG donated equipment are required to sign NOAs. Upon delivery of the equipment, NAS personnel prepare NOAs to document receipt of equipment. These NOA's specify the project code, donated items, quantities, descriptions, serial numbers, and authority for the donation.

### 3. MONITORING PROCEDURES

#### A. On-Site Inspections

The NAS Logistics Office provides NAS with services similar to those GSOs provide to an embassy. Using information from the automated EUM database, the Logistics Office provides a list of property to NAS field visitors for the purpose of monitoring/checking status of donated resources during field visits. The NAS Property Management Assistant immediately documents and reports discrepancies, losses or damages in the EUM automated database. In CY2010 approximately 81% of the accountable property donated that year was inspected on-site. As instructed in the referenced cable and as listed below, scheduled and unscheduled on-site physical inspections were the primary method of monitoring INL-funded resources.

Fifty four (54) scheduled inspections were executed during CY10. These visits were performed by NAS project coordinators and by the NAS logistics staff.

The number of unscheduled on-site inspections performed: Prior coordination with GOM agencies is required, all inspections were pre-scheduled.

The number of host nation sites and cities NAS and other USG representatives visited during 2010 were: thirty-two (31) sites and two (2) PGR and SAT GOM agency throughout Mexico in calendar year 2010.

The date and location of on-site inspections performed:

Tijuana, B.C., Mazatlan, Sin., Mexicali, B.C., Culiacan, Sin., Mexico City, Toluca, Edo. Mex., Chilpancingo, Gro., Acapulco, Gro. Zihuatanejo, Gro., Morelia, Mich., Guadalajara, Jal., Puerto Vallarta, Jal., Zacatecas, Zac., Queretaro, Qro., Silao, Gto., San Luis Potosi, S.L.P., Nuevo Laredo, Tamps., Reynosa, Tamps., Monterrey, N.L., Puerto Penasco, Son., Nogales, Son., Santana, Son., Hermosillo, Son., Chihuahua, Chih., Cd. Juarez, Chih., Veracruz, Ver., Tapachula, Chi., Cd. Del Carmen, Camp., Cancun, Q.R., Chetumal, Q.R. and Saltillo, Coah. These sites were visited throughout the year at least once, from January to December 2010.

The number of donated items subject to inspection: out of the 9,910 donated items (including supplies) currently in the NAS EUM database, approximately 5,516 items were subject to inspection.

The percentage (%) of donated items personally inspected during CY10: Approximately 56% of all donated items during CY2009 items were inspected on-site.

## B. Secondary Methods of Monitoring Resource Status

### Comparison of Records

Twelve percent (12%) of the accountable items were inspected by means of comparing bi-lateral written records and the balance through discussions with GOM contacts.

### Discussions

In CY10 approximately 32% of total (all years) U.S. donated property could not be physically inspected for security or safety reasons. However, NAS was able to obtain information regarding the status and use of this equipment through discussions and meetings with GOM contacts.

### 4. Status of Commodities.

In 2010, NAS executed 27 major donations of commodities to various GOM agencies, as summarized below. An extensive listing of commodities provided under these NOAs is available in the NAS EUM database and property records.

#### Type of Commodity

##### Aircraft

During CY09, NAS donated, under a no-cost lease, 18 Bell UH-1H helicopters, 10 Schweitzer SAC 333 helicopters, aviations supplies, and spare parts to the Office of the Attorney General (PGR) Air Service; and the leasing continues till CY10, thirty (30) training helicopter pilot coaching to SSP, three (3) Helicopters UH 60 M and one thousand two hundred and forty seven (1,247) aviation supply parts. All aircraft in the active inventory are operational.

##### Vessels - N/A

##### Vehicles

In CY 2010, NAS donated ten (10) four-wheels all terrain vehicles, four (4) motorcycles, twenty 20 bicycles and related items to better use of the mentioned vehicles to SSP/PF, thirteen (13) Suburban five Armored level to PGR, ten (10) prisoners transport van to SSP/PRS, thirteen (13) Suburban five Armored vehicles to PGR, and ten (10) motorcycles to SSP/SIU. Seven (7) Z Backscatter Vans with X-ray System and seven (7) forwarder scatter trailers were donated to SSP/PF. All vehicles in the active inventory are operational.

##### Computer Systems

In CY 2010, NAS donated one hundred and ninety-eight (198) training equipment items to SSP/PRS, sixty-seven (67) cameras and computer devices to PGR/CENAPI, thirty (30) training books to PGR/DGSP, eighty (80) computer equipment to SSP/PRS, one thousand six hundred and twenty-seven (1,627) biometric identifying equipment items to INAMI, three hundred forty-seven (347) Polygraph equipment to CISEN, twenty-five (25) Polygraph equipment to PGR/CEDH), fifty (50) Polygraph equipment to SSP/PF, thirty-five (35) Polygraph equipment to SHCP/SAT, twenty-eight (28) Polygraph equipment to INAMI, Software Computer Equipment to PGR, thirty (30) Drug and Explosive mobile trace equipment to SEDENA, ten (10) Computer Equipment to PGR/CENAPI, seven (7) Licenses i2 to SHCP/UIF, two (2) IBIS Equipment to PGR, thirty-five (35) Licenses i2 to SEMAR, Computer equipment to SSP/SIU, one (1) Tactical Equipment to SSP/SIU, one (1) Audio equipment to PGR/ICAP, Licenses-Hardware and Software to SHCP/UIF, One (1) Gas Chromatograph equipment, two (2) Capillary Electrophoresis System and one (1) Chromatograph of Liquids to PGR/DGCSP, One (1) Computer Equipment to PGR, One (1) Software and Hardware to PGR/INACIPE, three (3) Forensic Equipment Lab,

The equipment and software are all operational.

As explained in the vehicles section, NAS donated seven (7) Vans with specialized X-ray equipment to the SSP/PF.

Canine Program

Donations included ten (10) dogs to SSP/AFI, K9 Equipment to care and maintain dogs for PGR/AFI, SAT, SHCP/SAT, and PGR/AFI; forty (40) and (60) sixty collapsible cages to SHCP/SAT and SSP/PF respectively.

Miscellaneous

Gym and Training Equipment to SSP and fifty (50) vest armored to SSP/SIU. The equipment is all operational.

Weapons - N/A

A. Location

Aircraft

Thirteen (13) Bell UH-1H helicopters:

PGR/DGSA

XC-LKD

Puerto Penasco, Sonora

XC-BBA

Santana, Sonora

XC-BBG

Hermosillo, Sonora

XC-BBH

Hermosillo, Sonora

XC-BBJ

Hermosillo, Sonora

XC-LJJ

Guadalajara, Jalisco

XC-JAD

Cd. Del Carmen

XC-LJK

Guadalajara, Jalisco

XC-LIY

Guadalajara, Jalisco

XC-BBF

Guadalajara, Jalisco

XC-BBE

Chihuahua, Chihuahua

XC-LIZ

Nogales, Sonora

XC-LKF

Mexicali, Baja California

Nine (9) Schweitzer SAC-333 helicopters for aerial surveillance and border security were based in the following locations:

XC-DAH

Hermosillo, Sonora

XC-DAJ

Chihuahua, Chihuahua

XC-UAJ

Acapulco, Guerrero

XC-LJH

Ciudad Carmen, Campeche

XC-LJI

Cd. Juarez, Chihuahua

XC-LJL

Chetumal, Quintana Roo

XC-LJX

Guadalajara, Jalisco

XC-LKC

Guadalajara, Jalisco

XC-LKDm

Mexicali, B.C.

The locations of the helicopters reported above are as of December 2010. These aircrafts are deployed to locations as required for operational and maintenance considerations. Location information is provided to NAS by the PGR monthly.

Aircraft parts, cannibalized from Bell UH-1H helicopters that were destroyed by Project OLR in Temple, TX and with a book value of approximately USD \$2.3 million, were delivered to the PGR's main maintenance base and warehouse in Guadalajara, Jalisco.

Vessels - N/A

Vehicles

PGR

Chevrolet Suburban armored 2009

DF, Mexico City

Chevrolet Suburban armored 2009

DF, Mexico City

Chevrolet Suburban armored 2009

DF, Mexico City

Chevrolet Suburban armored 2009

DF, Mexico City

Chevrolet Suburban armored 2009

Toluca, Edo. de Mexico

Chevrolet Suburban armored 2009

Chilpancingo, Guerrero

Chevrolet Suburban armored 2009

Morelia, Michoacan

Chevrolet Suburban armored 2009

Guadalajara, Jalisco

Chevrolet Suburban armored 2009

San Luis Potosi, SLP

Chevrolet Suburban armored 2009

Reynosa, Tamaulipas

Chevrolet Suburban armored 2009

Monterrey Nuevo, Leon

Chevrolet Suburban armored 2009

Tijuana, B.C.

Chevrolet Suburban armored 2009

Chihuahua, Chihuahua

Chevrolet Suburban armored 2009

Veracruz, Veracruz

Chevrolet Suburban armored 2009

Saltillo, Coah.

Chevrolet Suburban armored 2009

Culiacan, Sinaloa

Of the twenty-one (21) vehicles donated during CY10, only seventeen (17) were monitored, the others were out in field. Although the vehicles were turned over to the GOM in Mexico City, the vehicles

are used where required throughout the country.

#### Computer Systems

NAS donated 335 computers, related equipment, and associated software to PGR, SSP and SEMAR in 2010. The equipment and software are all operational and located in Mexico City.

#### X-Ray/Non-Intrusive Inspection Equipment

SAT AGA: The first three x-ray minivans are in the last year of a three-year USG-funded extended maintenance contract; the fourth minivan is under its initial USG-funded warranty year, with an additional USG-funded one year extended maintenance contract in place; the ten X-Ray vans have a USG-funded initial warranty year and a one-year extended maintenance contract in place; NAS still provides initial crew training for these ten x-ray units.

Secretariat of Public Security (SSP): The three gamma radiation mobile trucks are in the third year of a USG-funded six-year extended maintenance contract.

#### Secretariat of Communications and Transportation (SCT):

The six SENTRI (Secure Electronic Network for Travelers Rapid Inspection) Access Lanes constructed in Mexico by NAS between 2004 and 2007, which included infrastructure such as concrete, signs, lane barriers, relocating trees and kiosks, light poles, paint, reflectors, etc., continued being operated by the Secretariat of Communications and Transportation (SCT) at the following major northern ports of entry: Tijuana, Baja California; Mexicali, Baja California; Nogales, Sonora; Nuevo Laredo, Tamaulipas; Matamoros, Tamaulipas; and Reynosa, Tamaulipas. NAS officers witnessed the lanes in use throughout the year during office-related and personal trips across the border.

As discussed in the vehicles section, in CY 2009 NAS donated 15 Vans with specialized X-ray equipment to the SSP. Additionally; NAS donated 35 pieces of specialized X-Ray equipment to SAT. The X-ray equipment is located at the Mexico City International Airport and at border entry points at various locations throughout Mexico.

#### Canine Program

During CY10 ten trained dogs were donated to PGR/AFI. They will be used to detect drugs and explosives.

#### X-Ray

N/A

#### Miscellaneous

NAS donated gym and fitness equipment to SSP. All equipment is operational.

#### Weapons - N/A

#### B. Use

##### Aircraft

The USG-provided aircraft are an integral part of the PGR's interdiction and border security activities. The UH-1Hs are indispensable in interdiction activities by transporting law enforcement personnel to make seizures and arrests, transporting seized drugs and arms, and pursuing suspects. The Schweizer helicopters, with their sensors and cameras, are used to patrol the border areas and support police ground activities.

##### Vessels

N/A

##### Vehicles

With the exception of the vans with special X-ray equipment, the other vehicles (including motor cycles) are used to transport GOM

personnel who are directly supporting the Merida Initiative.

#### Computer Systems

During CY10 NAS provided PGR with two (2) Integrated Ballistics Identification Systems (IBIS) and related equipment. This equipment continues to allow firearms examiners and technicians to acquire analog images of the markings made by a firearm on bullets and cartridge casings.

The GOM is using the two (2) IBIS equipment/system donated in CY09 and 10 and the computer systems to modernize outdated systems and improve connectivity/monitoring, and communication among the GOM agencies that are supporting the Merida Initiative.

#### X-Ray/Non-Intrusive Inspection Equipment

The USG-provided the GOM NII Equipment, both mobile and fixed, to expand their capability in detecting and confiscating drugs, weapons, chemicals, explosives, laundered money, as well as other contraband, at diverse, and constantly changing strategic locations throughout Mexico. The x-ray minivans alone have contributed to SAT discovering over USD \$70 million in cash since the beginning of CY04.

#### Canine Program

Donated dogs have supports the accurate detection of drugs and explosives at various locations in Mexico.

#### Miscellaneous

Weapons - N/A

#### C. Condition

All equipment discussed above and below is either operational or in maintenance (in case of the aircraft). The GOM identified fifteen (15) vehicles in CY09 that have reached the end of their useful

life and should be disposed. NAS is in the process of disposing of these vehicles, and will report their destruction in CY11. As soon as vehicles are disposed, the information will be entered in the EMU database.

Complete Inventory - Aircraft, Vehicles, and Weapons. The list below includes the 18 UH-1H and 10 Schweizer SAC-333 helicopters, donated to GOM under a no cost lease in CY 2009.

#### Aircraft

##### PGR Maintenance Service

##### XC-DAH

##### Morelia, Michoacan

During CY10 NAS continues with the a non-cost leasing contract of 18 Bell UH-1H Helicopters, Schweizer SAC 333 Helicopters, aviations supplies, and spare parts to the Office of the Attorney General (PGR) Air Service.

##### Mexicali (February 5th, 2010)

XC-LIX 68-17381 is right now in Mexicali. Working perfectly well based on the last flight binnacle. The aircraft is used for tracking when they receive the coordinates of suspicious aircraft.

##### Culiacan

Site inspection visit was canceled due to a last minute mission in other Mexican states. These aircraft are all operational. The full inventory is listed in paragraph 4B, above.

#### Vessels

N/A

#### Vehicles

In CY 2009, NAS donated eight (8) armored vehicles to PGR, one (1) armored vehicle and one (1) vehicle with specialized X-ray equipment to Secretariat of Finance and Public Credit, Customs (SAT), and 32 vehicles to Secretariat of Public Security (SSP). Seventeen (17) are armored vehicles, fifteen (15) of the SSP vehicles contained specialized X-ray equipment.

#### Computer System

Culiacan (February 3th, 2010 - NOA 2009-13) and Tijuana (February 4th, 2010)

- \* The Culiacan office reported that all donated equipment is operational.

- \* IBIS in Tijuana is operational. The equipment has experienced variations of voltage. This voltage problem is caused by the electrical power company.

#### X-Ray

Mazatlan (February 2nd, 2010) and Tijuana (February 4th, 2010)  
Mazatlan reported problems such as

- \* Some Stripes which appear eventually in the monitor. The operator said that this problem appears once in a while, so they do not give too much importance to this issue.

- \* The project coordinator is working other technical and warrantee issues with the contracting officer.

- \* Tijuana reported problems such as: Same issues as in Mazatlan.

#### Canine Program

Five (5) of the ten dogs were sent back to the contractor because of inadequate training and hip problems.

#### Miscellaneous

Weapons - N/A

### 5. STATUS-SERVICES

A. Construction Projects - In CY 2011, NAS is planning to construct a canine training academy.

B. Demand Reduction Services - N/A

C. Other Professional Services

As part of the computer systems, software, and specialized X-ray equipment NAS donated training and other professional services to ensure the host nation could effectively employ the donated resources.

### 6 PROGRAM IMPACT

#### A. Aviation

The USG-provided aircraft are an integral part of the PGR's interdiction and border security activities. The UH-1H helicopters are indispensable for the interdiction activities by transporting law enforcement personnel to make seizures and arrests, transporting seized drugs and arms, and pursuing suspects. The Schweizer helicopters, with their sensors and cameras, are used to patrol the border areas and support police ground activities.

#### B. Information and Communications Technology (ICT)

The ICT and the associated computer systems NAS donated to GOM continue to facilitate connectivity and interoperability within the GOM and with elements of the USG. For instance, the OASISS project continues supporting information interchange between the Mexican PGR and U.S. Department of Homeland Security, relating to illegal human smuggling cases.

#### C. Surveillance Equipment

The USG-provided Non Intrusive Inspection (NII) equipment, both

mobile and fixed, continues providing the GOM additional capability for detecting and confiscating drugs, weapons, chemicals, explosives, laundered money, and contraband, at diverse, and constantly changing strategic locations throughout Mexico. For example, the x-ray minivans contributed to SAT discovering almost USD \$30 million in cash during CY 2009. Following delivery and

manufacturer training in CY09, NIIIE units augmented the capability developed in 2008.

D. Laboratory (Forensic) Equipment

During 2009 NAS provided PGR five (5) Integrated Ballistics Identification System (IBIS) and related equipment. This equipment allows firearms examiners and technicians to acquire analog images of the markings made by a firearm on bullets and cartridge casings.

7. Problems and Correction Action Plan

During CY 2010, NAS experienced slow response from the Mexican Ministry of Foreign Affairs and donation recipients in relation to free entry permits. The slow GOM response additionally contributed to a delay in importing purchased equipment into Mexico, which affected the EUM process. NAS is studying the possibility of using special in-transit permits that will allow the cargo be transported and delivered to the host nation at a bonded warehouse in Mexico City. Once at the bonded warehouse, the host nation would be responsible for obtaining the required importation permits.

A. Unmonitored Resources - N/A

B. Repair and Maintenance of Commodities

No issues to report for CY2010.

C. Lack of Use and Misuse of Commodities

No issues to report for CY2010.

D. Disposal of Commodities

No issues to report for CY2010.

E. Other Problems - N/A

PASCUAL

NNNN

ACTION WHA-00

**RELEASED IN FULL**

INFO LOG-00 A-00 ACQ-00 CIAE-00 INL-00 DODE-00 UTED-00  
 VCI-00 FOE-00 TEDE-00 INR-00 L-00 MOFM-00 VCIE-00  
 NSAE-00 ISN-00 NSCE-00 OMB-00 PA-00 PM-00 PRS-00  
 P-00 ISNE-00 SP-00 SS-00 TRSE-00 T-00 FMP-00  
 IIP-00 PMB-00 DRL-00 G-00 SAS-00 /000W  
 -----18C474 301853Z /69

R 301820Z JAN 10  
 FM AMEMBASSY MEXICO  
 TO SECSTATE WASHDC 0261  
 INFO AMEMBASSY MEXICO

UNCLAS MEXICO 000310

**REVIEW AUTHORITY: Oscar Olson, Senior Reviewer**

E.O. 12958: N/A

TAGS: PREL, AFIN, SNAR, MX

SUBJECT: MEXICO NAS: END USE MONITORING REPORT FOR CALENDAR YEAR 2009

REF: 09 STATE 119905

**1. SUMMARY**

In the referenced cable, INL reminded posts that the Calendar Year 2009 (CY09) End Use Monitoring report is due in INL/RM/MS by January 31, 2010. Accordingly, Post followed the prescribed End Use Monitoring (EUM) procedures and is hereby providing the requested report.

**2. BACKGROUND****A. EUM Program Coordinator**

NAS Management Officer, Les deGraffenried, is the NAS Mexico End Use Monitoring (EUM) program coordinator, responsible for coordinating the End Use Monitoring of support funded by INL and for verifying the accuracy of the EUM data. The EUM's program coordinator's contact information is as follows: e-mail DeGraffenriedLS@state.gov; phone 011-5255-5080-2000, extension 4679. Additionally, the NAS personnel listed below assist the program coordinator with EUM activities.

Fred Schellenberg - IT/Infrastructure Coordinator, 52-55-5080-2000, Ext. 4102, SchellenbergFA@state.gov

Fernando Cuadra - Deputy IT Program Coordinator for Secretariat of Government (SEGOB) projects, 52-55-5080-2000, Ext. 4926, CuadraOF@state.gov

Monica Niiranen - Deputy IT Program Coordinator for Secretariat of Communications and Transportation (SCT), Secretariat of Finance and Public Credit (SHCP), 52-55-5080-2000, Ext. 4932, NiiranenM@state.gov

Alejandro Bonino - Deputy IT Program Coordinator for Secretariat of

Public Security (SSP), Secretariat of Health (SSA) - National Commission for Drug Abuse (CONADIC), Office of the Attorney General (PGR), 52-55-5080-2000, Ext. 4957, TDYBoninoAC@state.gov

Mick Hogan - Law Enforcement Program Coordinator, 52-55-5080-2000, Ext. 4903, HoganM@state.gov.

William Carroll - Border/POE Security Program Coordinator, 52-55-5080-2000, Ext. 4185, CarrollWJ@state.gov

Luis Matos - Deputy Border/POE Security Program Coordinator, 52-55-5080-2000, Ext. 4426, matosle@state.gov

Andrew Zgolinski - Aviation Projects Coordinator, 52-55-5080-2000, Ext. 4192, ZgolinskiAB@state.gov

Sofia Lozano - Property Management Assistant, 52-55-5080-2000, Ext. 4417, LozanoMS@state.gov

## B. Inventory System

The NAS Mexico City Logistics Office uses an in-house developed Microsoft Access automated inventory tracking system to record and track the distribution of all resources donated to host government agencies. The EUM program coordinator uses the automated system to manage EUM information. Additionally, the database records property that is lost, damaged, or destroyed.

During CY09 GOM officials regularly signed Notes of Agreement (NOAs) documenting receipt of donated commodities. The NOAs specify the items donated their quantities, descriptions, serial numbers,

intended use, locations and the legal authority for donation, and confirmation of receipt of such goods. Use of these documents helped GOM and NAS officials maintain the centralized inventory of donated equipment. Supporting records are kept by individual project coordinators and NAS accounting. These records are updated periodically through field visits, the comparison of USG written records with GOM written records and through discussions with GOM contacts.

## C. Staff member EUM Responsibilities

As discussed below, in addition to the NAS program coordinators, the NAS Logistics Advisor, and the Property Management Assistant, support the EUM Program Coordinator with the EUM process. Using information from the automated EUM database, the NAS logistics office provides a list of property to NAS field visitors for the purpose of monitoring/checking status of donated resources during field visits. The NAS Property Management Assistant records property discrepancies, losses or damages in the database.

The Border Security Projects (BSP) Coordinator serves as the project advisor for all projects falling under the border security program area. The BSP Coordinator regularly performs on-site visits throughout Mexico's ports of embarkation and gathers EUM

information through communications with GOM contacts.

The Information Technology (IT) and Infrastructure Projects Coordinator advises GOM agencies on matters related to IT. Maintains ongoing communications with GOM contacts and assesses the use of donated equipment associated with IT projects.

The Aviation Projects Coordinator advises GOM agencies on all aviation related matters dealing with anti-narcotics operations, i.e. training, maintenance, equipment, etc. End-use information is gathered by regular on-site visits with the assistance of NAS Locally Engaged Staff (LES), written weekly and monthly reports, and verbal communications with GOM contacts.

#### D. Other USG Agency Assistance

- Drug Enforcement Administration (DOJ/DEA)
- Office of Defense Coordination (DOD/ODC)
- Customs and Border Protection (DHS/CBP)
- Immigration and Customs Enforcement (DHS/CBP/ICE)

The agencies listed above collaborated frequently with NAS in order to achieve mission plans. Of these agencies, NAS collaborated frequently with DHS/CBP in the identification, testing, selection, implementation, and analysis of non-intrusive inspection equipment (NIIE). In addition, DHS/CBP/ICE provided ongoing advice for NIIE x-ray equipment used at major Mexican airports.

#### E. Counterpart Agencies

Mexican Government (GOM) agencies listed below comply with the EUM process discussed in the Letters of Agreement (LOAs). Additionally, NAS programs coordinators conduct periodic visits to listed agencies and have established a EUM reporting mechanism to facilitate the process. In cases where the donated equipment has reached the end of its life cycle, GOM agencies report to NAS and assist with the disposal process when appropriate. Specifically, the GOM agencies are:

- Office of the Attorney General (PGR)
- Secretariat of Public Security (SSP), Federal Police (PF)
- Secretariat of Government (SEGOB), National Intelligence Services (CISEN), National Immigration Institute (INAMI)
- Secretariat of National Defense (SEDENA)
- Secretariat of Finance and Public Credit, Customs (SHCP), Unidad de Inteligencia Financiera (UIF), (SAT) Servicio de Administracion Tributaria - Administracion General de Aduanas (SHCP SAT AGA), Comision Nacional Bancaria y de Valores (CNBV), (SHCP SAE) Servicio de Administracion y Enajenacion de Bienes.

- Secretariat of Public Health's National Commission for Protection against Health Risks (COFEPRIS), National Commission for Drug Abuse (CONADIC)

- Secretariat of Communications and Transportation (SCT), Servicio Postal Mexicano (SEPOMEX), Caminos y Puentes Federales (CAPUFE)

#### F. Receipt

Once the purchase of the items are completed and NAS has a signed Purchase Order (PO) or Contract with details of equipment (or item, etc.) being purchased, the NAS Logistics Office drafts a memorandum for the NAS Director's signature, informing the host nation recipient office of the planned donation. The memorandum includes estimated delivery time, costs, quantity, specifications, weight, volume, special handling (such as hazardous material), and any other information that will assist with expediting the free entry permit process. The GOM office then uses the information indicated in the memorandum to obtain a free entry permit from the Mexican Foreign Ministry (SRE).

If additional special permits are required, such as from the Mexican Nuclear Energy Commission, the GOM recipient office will process the request. Once the free entry and other required permits are available, the Logistics Office coordinates with the GOM's customs broker (if applicable) and arranges for transportation of the purchased items. The Logistics Office drafts a donations memorandum for the NAS Director's signature, documenting the official transfer of the imported items to the GOM recipient office. Whenever possible a NAS representative is present during the physical turnover of the donated items to the GOM. The Logistics Office then enters the donated items information into the NAS EUM property database to support the EUM tracking process.

GOM agencies that receive USG donated equipment are required to sign NOAs. Upon delivery of major equipment, NAS personnel prepare NOAs to document receipt of equipment. These NOA's specify the donated items, quantities, descriptions, serial numbers, and authority for the donation.

### 3. MONITORING PROCEDURES

#### A. On-Site Inspections

The NAS Logistics Office provides NAS with services similar to those GSOs provide to an embassy. Using information from the automated EUM database, the Logistics Office provides a list of property to NAS field visitors for the purpose of monitoring/checking status of donated resources during field visits. The NAS Property Management Assistant immediately documents and reports discrepancies, losses or damages in the EUM automated database. In CY09 approximately 55% of donated accountable property was inspected on-site. As instructed in the referenced cable and as listed below, scheduled and unscheduled on-site physical inspections were the primary method of monitoring INL-funded

resources.

- The number of scheduled on-site inspections performed: At least 12 scheduled inspections were executed during CY09.
- The number of unscheduled on-site inspections performed: Because prior coordination with GOM agencies is required, all inspections were pre-scheduled.
- The number of counterpart sites and cities visited: NAS

and other USG representatives visited at least ten GOM agency sites throughout Mexico in calendar year 2009.

- The date and location of on-site inspections performed: Mexico City, Baja California, Campeche, Chiapas, Guerrero, Jalisco, San Luis Potosi, Sinaloa, Sonora, and Veracruz. These sites were visited throughout the year at least once, from January to December 2009.
- The number of donated items subject to inspection: Of the 6,416 items (including supplies) currently in the NAS EUM database, approximately 4,700 were subject to inspection.
- The percentage (%) of donated items personally inspected. In CY09 approximately 55% of all donated items were inspected on-site.

#### B. Secondary Methods of Monitoring Resource Status

##### Comparison of Records

Ten percent of the accountable items were inspected by means of comparing bi-lateral written records and the balance through discussions with GOM contacts.

##### Discussions

In CY09 approximately 35% of U.S. donated property could not be physically inspected for security or safety reasons. However, NAS was able to obtain information regarding the status and use of this equipment through discussions and meetings with GOM contacts.

#### 4. Status of Commodities.

In 2009, NAS executed 23 major donations, using NOAs, of commodities to various GOM agencies, as summarized below. An extensive listing of commodities provided under these NOAs is available in the NAS EUM database.

##### A. Type of Commodity

###### Aircraft

During CY09, NAS continued to provide, under a no-cost lease, 18 Bell UH-1H helicopters, 10 Schweitzer SAC 333 helicopters,

aviations supplies, and spare parts to the Office of the Attorney General (PGR) Air Service. All aircraft in the active inventory are operational.

Vessels - N/A

#### Vehicles

In CY 2009, NAS donated eight (8) armored vehicles to PGR, one (1) armored vehicle and one (1) vehicle with specialized X-ray equipment to Secretariat of Finance and Public Credit, Customs (SAT), and 32 vehicles to Secretariat of Public Security (SSP). Seventeen (17) of the SSP vehicles are armored and fifteen (15) contain specialized X-ray equipment. All vehicles in the active inventory are operational.

#### Computer Systems

In CY09 NAS donated 155 computers, related equipment, and associated software to the PGR, 39 to SSP, biometric information capture systems for three locations on the Mexican Guatemalan border. The equipment and software are all operational.

#### X-Ray/Non-Intrusive Inspection Equipment (NIIE)

As explained in the vehicles section, NAS donated 15 Vans with specialized X-ray equipment to the SSP. Additionally, NAS donated 35 pieces of specialized X-Ray equipment to SAT.

Weapons - N/A

#### B. Location

##### Aircraft

Eighteen Bell UH-1H helicopters:

- XC-BBA Nogales, Sonora
- XC-LIX Culiacan, Sin
- XC-BBG Mexicali, Baja California
- XC-HGR Insurance Repair Station
- XC-BBH Santana, Sonora
- XC-BBJ Hermosillo, Sonora
- XC-LJJ Guadalajara, Jalisco
- XC-JAD Guadalajara, Jalisco
- XC-LJK Chetumal, Quintana Roo
- XC-LIY Caborca, Sonora

- XC-BBL Hermosillo, Sonora
- XC-JAS Caborca, Sonora
- XC-BBF Culiacan, Sinaloa
- XC-BBE Nogales, Sonora
- XC-LIW Insurance Repair Station
- XC-LIZ Tapachula, Chiapas
- XC-LKF Acapulco, Guerrero
- XC-LKG Ciudad Carmen, Campeche

The following Bell nine (9) UH-1H helicopters were destroyed or decommissioned in CY09 and are no longer in use:

- XC-JAX Demilitarized/Destroyed
- XC-JAQ Demilitarized/Destroyed
- XC-JAN Demilitarized/Destroyed
- XC-JAV Demilitarized/Destroyed
- XC-JAM Demilitarized/Destroyed
- XC-JAO Demilitarized/Destroyed
- XC-JAA Demilitarized/Destroyed
- XC-JAR Demilitarized/Destroyed
- XC-BBD Demilitarized/Destroyed

Ten Schweitzer SAC-333 helicopters for aerial surveillance and border security were based in the following locations:

- XC-DAH Guadalajara, Jalisco
- XC-DAJ Nogales, Sonora
- XC-UAJ Guadalajara, Jalisco
- XC-LJH Ciudad Carmen, Campeche
- XC-LJI Chihuahua, Chihuahua
- XC-LJL Chetumal, Quintana Roo
- XC-LJY Acapulco, Guerrero
- XC-LJX Culiacan, Sinaloa

- XC-LKC Guadalajara, Jalisco
- XC-LKD Acapulco, Guerrero

The locations of the helicopters reported above are as of December 2009. These aircrafts are deployed to locations as required for operational and maintenance considerations. Location information is provided to NAS by the PGR monthly.

Aircraft parts, scavenged from Bell UH-1H helicopters that were to be destroyed by Project OLR in Temple, TX and with a book value of approximately USD \$2.3 million, were delivered to the PGR's main maintenance base and warehouse in Guadalajara, Jalisco. As of the end of the CY09 the parts were being inventoried, inspected to determine usefulness, and entered into the PGR's tracking system.

Vessels - N/A

Vehicles

PGR

- |   |                     |         |
|---|---------------------|---------|
| - | Nissan Pick Up 1996 | Unknown |
| - | Nissan Pick Up 1996 | Unknown |
| - | Nissan Tsuru 1996   | Unknown |
| - | Nissan Sentra 1996  | Unknown |
| - | VW Golf 1997        | Unknown |
| - | VW City 1997        | Unknown |
| - | VW Derby 1997       | Unknown |
| - | VW Jetta CL         | Unknown |
| - | VW Jetta CL         | Unknown |
| - | VW Jetta CL         | Unknown |
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- VW Jetta CL Unknown
- VW Jetta CL Unknown
- VW Sedan Unknown
- VW Sedan Unknown
- VW Sedan Unknown
- VW Sedan Unknown
- VW Sedan Unknown
- VW Sedan Unknown
- Nissan Pick-up Unknown
- Nissan Pick-up Unknown
- Nissan Pick-up Unknown
- Nissan Pick-up Unknown
- Jeep Grand Cherokee armored Unknown
- Jeep Grand Cherokee armored Unknown
- Jeep Grand Cherokee DF, Mexico City
- Jeep Grand Cherokee DF, Mexico City
- VW Pointer Unknown
- VW Pointer Unknown
- VW Pointer Unknown
- VW Pointer Unknown
- Yamaha Motorcycle Unknown
- Yamaha Motorcycle Unknown
- Mobile equipment to detect  
drugs, contraband, arms DF, Mexico City
- Mobile equipment to detect  
drugs, contraband, arms DF, Mexico City
- Mobile equipment to detect  
drugs, contraband, arms DF, Mexico City

- Chevrolet for clandestine labs  
DF, Mexico City
- Chevrolet for clandestine labs  
DF, Mexico City
- Chevrolet for clandestine labs  
DF, Mexico City
- Chevrolet for clandestine labs DF, Mexico City
- Ford for clandestine labs DF, Mexico City
- Ford for clandestine labs DF, Mexico City
- Hummer for clandestine labs DF, Mexico City
- Hummer for clandestine labs DF, Mexico City
- Chevrolet Suburban armored 2009  
DF, Mexico City
- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
DF, Mexico City

SAT AGA

- Minivan with XR equipment Colombia, Nuevo Leon
- Minivan with XR equipment Colombia, Nuevo Leon
- Minivan with XR equipment Colombia, Nuevo Leon
- Mercedes Benz Van Z Backscatter  
with XR equipment Veracruz, Veracruz

- Mercedes Benz Van Z Backscatter  
with XR equipment            Ensenada, BC
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Progreso, Yucatan
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Mazatlan, Sinaloa
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Tampico, Tamaulipas
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Guadalajara, Jalisco
  - Mercedes Benz Van Z Backscatter  
with XR equipment            DF, Mexico City
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Cd. Hidalgo, Chiapas
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Lazaro Cardenas, Mch
  - Mercedes Benz Van Z Backscatter  
with XR equipment            Reynosa, Tamaulipas
  - Trailer for SR equipment      Lazaro Cardenas, Mch
  - Trailer for SR equipment      Reynosa, Tamaulipas
  - Trailer for SR equipment      Veracruz, Veracruz
  - Ford Van Ecoline with special  
equipment for XR              Guadalajara, Jalisco
  - Ford Van Ecoline 2008          Unknown
  - Chevrolet Suburban armored 2009 DF, Mexico City
- SSP
- Chevrolet Malibu              DF, Mexico City
  - Chevrolet Malibu              DF, Mexico City

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- Chevrolet Malibu DF, Mexico City
- Chevrolet Malibu DF, Mexico City
- Chevrolet Cheyene DF, Mexico City
- Chevrolet Cheyene DF, Mexico City
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- Chevrolet Suburban armored 2009  
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- Chevrolet Suburban armored 2009  
DF, Mexico City
- Mercedes Benz Van Z Backscatter  
with NIIE                      Unknown
- Mercedes Benz Van Z Backscatter  
with NIIE                      Unknown
- Mercedes Benz Van Z Backscatter  
with NIIE                      Unknown
- Mercedes Benz Van Z Backscatter  
with NIIE                      Unknown
- Mercedes Benz Van Z Backscatter  
with NIIE                      Unknown
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD
- Ford Minivans with NIIE      TBD

Government of Baja California, Police

- Cadillac 2002 Baja California
- Chevrolet Suburban 4x4 Baja California
- Chevrolet Suburban Silverado Baja California

Other. Sierra Madre

- Nissan Pick-up Unknown

Other. El Caracol

- Ford Aerostar Wagon 1992 DF, Mexico City

Other. Casa Amiga

- Chevrolet Suburban Cd. Juarez, Chih

In CY09, (included above) NAS donated eight (8) armored vehicles to PGR, one (1) armored vehicle and one (1) vehicle with specialized X-ray equipment to Secretariat of Finance and Public Credit, Customs (SAT), and 32 vehicles to Secretariat of Public Security (SSP). Seventeen (17) are armored vehicles, fifteen (15) of the SSP vehicles contained specialized X-ray equipment. Although the vehicles were turned over to the GOM in Mexico City, the vehicles are used where required throughout the country.

#### Computer Systems

NAS donated 155 computers, related equipment, and associated software to the PGR and 39 to SSP in CY09. The equipment and software are all operational and located in Mexico City.

#### X-Ray/Non-Intrusive Inspection Equipment

SAT AGA: The first three x-ray minivans are in the last year of a three-year USG-funded extended maintenance contract; the fourth minivan is under its initial USG-funded warranty year, with an additional USG-funded one year extended maintenance contract in place; the ten X-Ray vans have a USG-funded initial warranty year and a one-year extended maintenance contract in place; NAS still provides initial crew training for these ten x-ray units.

Secretariat of Public Security (SSP): The three gamma radiation mobile trucks are in the third year of a USG-funded six-year extended maintenance contract.

Secretariat of Communications and Transportation (SCT):

The six SENTRI (Secure Electronic Network for Travelers Rapid Inspection) Access Lanes constructed in Mexico by NAS between 2004

and 2007, which included infrastructure such as concrete, signs, lane barriers, relocating trees and kiosks, light poles, paint, reflectors, etc., continued being operated by the Secretariat of

Communications and Transportation (SCT) at the following major northern ports of entry: Tijuana, Baja California; Mexicali, Baja California; Nogales, Sonora; Nuevo Laredo, Tamaulipas; Matamoros, Tamaulipas; and Reynosa, Tamaulipas. NAS officers witnessed the lanes in use throughout the year during office-related and personal trips across the border.

As discussed in the vehicles section, in CY 2009 NAS donated 15 Vans with specialized X-ray equipment to the SSP. Additionally, NAS donated 35 pieces of specialized X-Ray equipment to SAT. The X-ray equipment is located at the Mexico City International Airport and at border entry points at various locations throughout Mexico.

Weapons - N/A

C. Use

Aircraft

The USG-provided aircraft are an integral part of the PGR's interdiction and border security activities. The UH-1Hs are indispensable in interdiction activities by transporting law enforcement personnel to make seizures and arrests, transporting seized drugs and arms, and pursuing suspects. The Schweizer helicopters, with their sensors and cameras, are used to patrol the border areas and support police ground activities.

X-Ray/Non-Intrusive Inspection Equipment

The USG-provided NII Equipment, both mobile and fixed, have given the GOM additional capability in detecting and confiscating drugs, weapons, chemicals, explosives, laundered money, as well as other contraband, at diverse, and constantly changing strategic locations throughout Mexico; the x-ray minivans alone have contributed to SAT discovering over USD 70 million in cash since the beginning of CY04.

Vehicles

With the exception of the vans with special X-ray equipment, the other vehicles (including motor cycles) are used to transport GOM personnel who are directly supporting the Merida Initiative.

Weapons - N/A

Computer Systems

During CY09 NAS provided PGR with five (5) Integrated Ballistics Identification Systems (IBIS) and related equipment. This equipment continues to allow firearms examiners and technicians to acquire analog images of the markings made by a firearm on bullets and cartridge casings.

The GOM is using the five (5) IBISes donated in CY09 and the computer systems to modernize outdated systems and improve connectivity/monitoring, and communication among the GOM agencies

that are supporting the Merida Initiative.

#### D. Condition

All equipment discussed above and below is either operational or in maintenance (in case of the aircraft). However, the GOM identified fifteen (15) vehicles in CY09 that have reached the end of their useful life and should be disposed. NAS is in the process of disposing of these vehicles, and will report their destruction in CY10.

Complete Inventory - Aircraft, Vehicles, and Weapons. The list below includes the 18 UH-1H and 10 Schweizer SAC-333 helicopters, donated to GOM under a no cost lease in CY 2009.

#### Aircraft

##### PGR Air Service

|                    |    |
|--------------------|----|
| Bell UH-1H         | 18 |
| Schweitzer SAC 333 | 10 |

During CY09 NAS provided on a non-cost lease 18 Bell UH-1H Helicopters, Schweizer SAC 333 Helicopters, aviations supplies, and spare parts to the Office of the Attorney General (PGR) Air Service. These aircraft are all operational. The full inventory is listed in paragraph 4B, above.

As noted in paragraph 4B, nine (9) Bell helicopters were destroyed or decommissioned in CY09 and are no longer in use.

#### Vehicle Inventory

##### PGR

|                               |    |
|-------------------------------|----|
| - Nissan Pick Up 1996         | 2  |
| - Nissan Tsuru 1996           | 1  |
| - Nissan Sentra 1996          | 1  |
| - VW Golf 1997                | 1  |
| - VW City 1997                | 1  |
| - VW Derby 1997               | 1  |
| - VW Jetta CL                 | 12 |
| - VW Sedan                    | 6  |
| - Nissan Pick-up              | 5  |
| - Jeep Grand Cherokee armored | 2  |

- Jeep Grand Cherokee 2
- VW Pointer 4
- Yamaha Motorcycle 2
- Mobile equipment to detect  
drugs, contraband, arms 3
- Chevrolet for clandestine labs 4
- Ford for clandestine labs 2
- Hummer for clandestine labs 2
- Chevrolet Suburban armored 2009 8

## SAT AGA

- Minivans with XR equipment 3
- Mercedes Benz Van Z Backscatter  
with XR equipment 10
- Trailer for XR equipment 3
- Ford Van Ecoline with special  
equipment for XR 1
- Ford Van Ecoline 2008 1
- Chevrolet Suburban armored 2009 1

## SSP

- Chevrolet Malibu 6
- Chevrolet Cheyene 6
- Chevrolet Suburban armored 2009 17
- Mercedes Benz Van Z Backscatter  
with NIIE 5
- Ford Minivans with NIIE 10

## Government of Baja California

- Cadillac 2002 1
- Chevrolet Suburban 2

## Other

- Nissan Pick-up 1
- Ford Aerostar Wagon 1992 1
- Chevrolet Suburban 1

In CY 2009, (included above) NAS donated eight (8) armored vehicles to PGR, one (1) armored vehicle and one (1) vehicle with specialized X-ray equipment to Secretariat of Finance and Public Credit, Customs (SAT), and 32 vehicles to Secretariat of Public Security (SSP). Seventeen (17) are armored vehicles, fifteen (15) of the SSP vehicles contained specialized X-ray equipment.

Weapons - N/A

## 5. STATUS-SERVICES

A. Construction Projects - In CY 2009, NAS did not have any construction projects. However, for CY 2010, NAS is planning to construct a canine training academy.

B. Demand Reduction Services - N/A

C. Other Professional Services

As part of the computer systems, software, and specialized X-ray equipment NAS donated to GOM, training and other professional services (such as translation) were required to ensure the host nation could effectively employ the donated resources.

## 6 PROGRAM IMPACT

A. Aviation

The USG-provided aircraft are an integral part of the PGR's interdiction and border security activities. The UH-1H helicopters are indispensable for the interdiction activities by transporting law enforcement personnel to make seizures and arrests, transporting seized drugs and arms, and pursuing suspects. The Schweizer helicopters, with their sensors and cameras, are used to patrol the border areas and support police ground activities.

B. Information and Communications Technology (ICT)

The ICT and the associated computer systems NAS donated to GOM continue to facilitate connectivity and interoperability within the GOM and with elements of the USG. For instance, the OASISS project continues supporting information interchange between the Mexican PGR and U.S. Department of Homeland Security, relating to illegal human smuggling cases.

C. Surveillance Equipment

The USG-provided Non Intrusive Inspection (NII) equipment, both mobile and fixed, continue giving GOM additional capability in detecting and confiscating drugs, weapons, chemicals, explosives, laundered money, and contraband, at diverse, and constantly changing strategic locations throughout Mexico. For example, the x-ray minivans contributed to SAT discovering almost USD \$30 million in cash during CY 2009. Following delivery and manufacturer training in CY09, NII units augmented the capability developed in 2008.

#### E. Laboratory (Forensic) Equipment

During 2009 NAS provided PGR five (5) Integrated Ballistics Identification System (IBIS) and related equipment. This equipment allows firearms examiners and technicians to acquire analog images of the markings made by a firearm on bullets and cartridge casings.

#### 7. Problems and Correction Action Plan

During CY 2009, NAS experienced slow response from the Mexican Ministry of Foreign Affairs and donation recipients in relation to free entry permits. The slow GOM response additionally contributed to a delay in importing purchased equipment into Mexico, which affected the EUM process. NAS discussed the issue with GOM representatives and developed a streamlined process to expedite the free entry process. Additionally, NAS is exploring the possibility of consolidating freight forwarder services at the Mexican-U.S. border and turning over donations in the U.S. versus in Mexico.

The paying of taxes and importation duties were not clearly described in the Mexico-U.S. Merida bilateral agreement. Consequently, these issues caused a three month delay in some of our 2009 major programs. However, our discussions with the Mexican government were successful and we were able to resolve the issues satisfactorily for both nations.

#### A. Unmonitored Resources - N/A

#### B. Repair and Maintenance of Commodities

In CY08, GOM agencies were failing at times to follow procedures for reporting repair and maintenance needs, this year we have not had any major repair or maintenance issues. Program coordinators will continue to monitor and ensure the GOM agencies report repair and maintenance needs.

#### C. Lack of Use and Misuse of Commodities

As reported last year, some items continue to be underutilized due to a shortage of trained personnel. For instance, SAT waits until a major item is donated, such as a piece of NII equipment, before recruiting the personnel needed to operate the equipment. This problem has improved compared to CY08, but NAS Mexico will continue to monitor improvements in FY10.

Many SAT and SSP personnel have not owned a vehicle, or driven one,

prior to recruitment by those agencies, therefore the GOM has to conduct training to ensure personnel can safely operate the donated equipment. Consequently, in CY 2008 three of the 12-ton gamma radiation mobile trucks donated to the SSP were involved in accidents in their first three years of operation. In one case, the cobalt radiation source, which is normally only changed after five years of operation, had to be replaced at USG expense during the first year because of improper use. However, NAS has offered the GOM basic driver training for NII heavy equipment before USG-funded manufacturer operator training. As a result, the GOM experienced no accidents with donated property in CY09.

#### D. Disposal of Commodities

In CY 2009, NAS authorized the destruction of nine UH-1H helicopter fuselages at the PGR's main helicopter maintenance base in Guadalajara. These aircraft were not deemed economically viable to repair. NAS obtained INL/RM permission to destroy these fuselages and the NAS Aviation Projects Coordinator observed the destruction and recovered the aircraft identification data plates. Additionally, as mentioned earlier in this report, the GOM identified 15 vehicles that have reached their useful life and will be disposed during CY 2010.

E. Other Problems - N/A  
FEELEY

NNNN

# Congressional Budget Justification

## Department of State, Foreign Operations, and Related Programs



FISCAL YEAR 2024

partners to contain and defeat terrorist groups, and overburden partner militaries with internal security responsibilities, diverting valuable resources away from other critical security threats. INCLE programs will advance U.S. national security interests by building the capacity of judicial and law enforcement sectors in Lebanon and Jordan. Continued assistance for the West Bank will help build professional and accountable security and criminal justice institutions that maintain security and stability, uphold the rule of law and human rights, and contribute directly to regional security. Assistance for Syria will support non-regime civilian security providers to deliver security services to their communities in northeast Syria.

**South and Central Asia (\$49.1 million):** In Central Asia, assistance will help improve the effectiveness of criminal justice systems and increase the capacities of drug enforcement agencies to interdict illicit narcotics, which help to fund extremists in the region. Funding will also support initiatives to combat corruption, promote the rule of law, and counter malign influence. South Asia programs will strengthen border and maritime security; work with law enforcement entities to combat transnational crimes, including cybercrime and trafficking of wildlife, narcotics, and precursor chemicals for fentanyl and methamphetamine. Programs will also seek to strengthen bilateral relations with India and other key partners to counter PRC malign influence. Assistance for Pakistan will target the newly merged districts, particularly along the Afghan border, promoting border security, capacity building for police, prosecutors, and the judiciary, and opportunities for women to access justice and actively participate in the administration of justice. Limited assistance in Afghanistan will continue to address the prevention and treatment of substance abuse, including for women, while also implementing programming to turn farmers towards licit livelihoods.

**Western Hemisphere (\$536.5 million):** INCLE resources will support programming to reduce synthetic drug and cocaine production and trafficking, disrupt TCOs, advance anti-corruption efforts, improve citizen security, and address irregular migration through efforts to strengthen border security and reduce human smuggling. Programs will expand information sharing across regional law enforcement networks, support vetted units and task forces for transnational crime and counternarcotics, and increase the capacity of local prosecutors to investigate and litigate criminal cases. Assistance will further bolster anti-money laundering capabilities to deny and recover illicit revenue from organized crime. INL will build partner country law enforcement capacity to eradicate and interdict drugs in Colombia, Peru, Mexico, and Ecuador. The security relationship with Mexico is critical to efforts to address fentanyl trafficking. **In Mexico, funds will strengthen law enforcement capabilities, the rule of law, integrated border security, and other efforts outlined in the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, with a sustained focus on reducing fentanyl production and trafficking.** Resources will support a whole-of-government approach to tackling the global synthetic drug challenge with the Government of Mexico, building upon the North American Drug Dialogue initiatives that facilitate collaboration with Canada, Mexico, and other key countries to address the drug epidemic and its related harms. In Colombia, INL will continue to advance a counternarcotics strategy inclusive of drug supply reduction, rural security and development, and efforts to reduce environmental crimes. In Haiti, INL will expand its assistance to build the capacity of the HNP as a professional, accountable, and effective institution to support citizen security and democratic stability. Programs will also strengthen the HNP anti-gang capabilities and support joint efforts with USAID to institute longer-term community policing and community-based crime prevention. In Central America, funding for anti-corruption, law enforcement professionalization, and justice sector programs will support the Administration's Root Causes of Migration Strategy. Support to bilateral and regional partners through the Caribbean Basin Security Initiative will promote regional cooperation to strengthen border security, counter trafficking and gang violence, target money laundering, and support criminal justice sector reforms and capacity building.

## Economic Support Fund (ESF)

(\$ in thousands)

|                                                               | FY 2022 Initial<br>Actual | FY 2022<br>Ukraine 1 Initial<br>Actual <sup>1</sup> | FY 2022<br>Ukraine 2 Initial<br>Actual <sup>2</sup> | FY 2023<br>Adjusted<br>Enacted | FY 2023<br>Ukraine 3<br>Supplemental<br>Enacted <sup>3</sup> | FY 2023<br>Adjusted<br>Ukraine 4<br>Supplemental<br>Enacted <sup>4</sup> | FY 2024<br>Request |
|---------------------------------------------------------------|---------------------------|-----------------------------------------------------|-----------------------------------------------------|--------------------------------|--------------------------------------------------------------|--------------------------------------------------------------------------|--------------------|
| Tajikistan                                                    | -                         | -                                                   | 13,000                                              | *                              | *                                                            | *                                                                        | -                  |
| Uzbekistan                                                    | -                         | -                                                   | 2,000                                               | *                              | *                                                            | *                                                                        | -                  |
| State South and Central Asia Regional                         | 9,000                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 19,044             |
| <b>Western Hemisphere</b>                                     | <b>437,413</b>            | <b>-</b>                                            | <b>64,000</b>                                       | <b>*</b>                       | <b>*</b>                                                     | <b>*</b>                                                                 | <b>532,100</b>     |
| Barbados and Eastern Caribbean                                | -                         | -                                                   | 10,000                                              | *                              | *                                                            | *                                                                        | -                  |
| Colombia                                                      | 141,000                   | -                                                   | 6,000                                               | *                              | *                                                            | *                                                                        | 122,000            |
| Cuba                                                          | 20,000                    | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 20,000             |
| Dominican Republic                                            | -                         | -                                                   | 3,000                                               | *                              | *                                                            | *                                                                        | -                  |
| Guatemala                                                     | -                         | -                                                   | 20,000                                              | *                              | *                                                            | *                                                                        | -                  |
| Haiti                                                         | 5,500                     | -                                                   | 15,000                                              | *                              | *                                                            | *                                                                        | -                  |
| Honduras                                                      | -                         | -                                                   | 10,000                                              | *                              | *                                                            | *                                                                        | -                  |
| Mexico                                                        | 56,750                    | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 60,700             |
| Venezuela                                                     | 40,000                    | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 50,000             |
| Organization of American States (OAS)                         | 5,000                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | -                  |
| State Central America Regional                                | 111,000                   | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 167,500            |
| State Western Hemisphere Regional                             | 43,000                    | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 106,900            |
| USAID Caribbean Development Program                           | 6,500                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | -                  |
| USAID Central America Regional                                | 2,000                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | -                  |
| USAID Latin America and Caribbean Regional                    | 6,663                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 5,000              |
| <b>CPS - Bureau for Conflict Prevention and Stabilization</b> | <b>5,000</b>              | <b>-</b>                                            | <b>-</b>                                            | <b>*</b>                       | <b>*</b>                                                     | <b>*</b>                                                                 | <b>-</b>           |
| USAID Bureau for Conflict Prevention and Stabilization (CPS)  | 5,000                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | -                  |
| <b>CSO - Conflict and Stabilization Operations</b>            | <b>3,500</b>              | <b>-</b>                                            | <b>-</b>                                            | <b>*</b>                       | <b>*</b>                                                     | <b>*</b>                                                                 | <b>7,500</b>       |
| State Bureau of Conflict and Stabilization Operations (CSO)   | 3,500                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 7,500              |
| <b>CT - Bureau of Counterterrorism</b>                        | <b>7,500</b>              | <b>-</b>                                            | <b>-</b>                                            | <b>*</b>                       | <b>*</b>                                                     | <b>*</b>                                                                 | <b>7,500</b>       |
| Bureau of Counterterrorism (CT)                               | 7,500                     | -                                                   | -                                                   | *                              | *                                                            | *                                                                        | 7,500              |
| <b>CDP - Bureau of Cyberspace and Digital Policy</b>          | <b>17,000</b>             | <b>-</b>                                            | <b>-</b>                                            | <b>*</b>                       | <b>*</b>                                                     | <b>*</b>                                                                 | <b>39,394</b>      |

## International Narcotics and Law Enforcement (INCLE)

(\$ in thousands)

|                                                                  | FY 2022 Initial<br>Actual | FY 2022<br>Ukraine 1 Initial<br>Actual <sup>1</sup> | FY 2022<br>Ukraine 2 Initial<br>Actual <sup>2</sup> | FY 2023<br>Adjusted<br>Enacted | FY 2023<br>Adjusted<br>Ukraine 4<br>Supplemental<br>Enacted <sup>3</sup> | FY 2024<br>Request |
|------------------------------------------------------------------|---------------------------|-----------------------------------------------------|-----------------------------------------------------|--------------------------------|--------------------------------------------------------------------------|--------------------|
| Ukraine                                                          | 30,000                    | 30,000                                              | 375,000                                             | *                              | *                                                                        | 50,000             |
| Europe and Eurasia Regional                                      | 7,000                     | -                                                   | 10,000                                              | *                              | *                                                                        | 7,750              |
| <b>Near East</b>                                                 | 68,485                    | -                                                   | -                                                   | *                              | *                                                                        | 59,200             |
| Iraq                                                             | 1,200                     | -                                                   | -                                                   | *                              | *                                                                        | -                  |
| Jordan                                                           | 2,500                     | -                                                   | -                                                   | *                              | *                                                                        | 2,500              |
| Lebanon                                                          | 8,200                     | -                                                   | -                                                   | *                              | *                                                                        | 7,200              |
| Morocco                                                          | 3,600                     | -                                                   | -                                                   | *                              | *                                                                        | 2,500              |
| Syria                                                            | 6,135                     | -                                                   | -                                                   | *                              | *                                                                        | 10,000             |
| Tunisia                                                          | 6,000                     | -                                                   | -                                                   | *                              | *                                                                        | 4,000              |
| West Bank and Gaza                                               | 40,000                    | -                                                   | -                                                   | *                              | *                                                                        | 33,000             |
| State NEA Regional                                               | 850                       | -                                                   | -                                                   | *                              | *                                                                        | -                  |
| <b>South and Central Asia</b>                                    | 62,550                    | -                                                   | -                                                   | *                              | *                                                                        | 49,100             |
| Afghanistan                                                      | 6,000                     | -                                                   | -                                                   | *                              | *                                                                        | 3,000              |
| Kazakhstan                                                       | 3,000                     | -                                                   | -                                                   | *                              | *                                                                        | 4,000              |
| Kyrgyz Republic                                                  | 1,650                     | -                                                   | -                                                   | *                              | *                                                                        | 1,900              |
| Pakistan                                                         | 25,000                    | -                                                   | -                                                   | *                              | *                                                                        | 17,000             |
| Tajikistan                                                       | 6,000                     | -                                                   | -                                                   | *                              | *                                                                        | 5,250              |
| Uzbekistan                                                       | 5,000                     | -                                                   | -                                                   | *                              | *                                                                        | 5,000              |
| Central Asia Regional                                            | 6,450                     | -                                                   | -                                                   | *                              | *                                                                        | 4,950              |
| State South and Central Asia Regional                            | 9,450                     | -                                                   | -                                                   | *                              | *                                                                        | 8,000              |
| <b>Western Hemisphere</b>                                        | 541,762                   | -                                                   | -                                                   | *                              | *                                                                        | 536,500            |
| Colombia                                                         | 189,000                   | -                                                   | -                                                   | *                              | *                                                                        | 160,000            |
| Ecuador                                                          | 13,262                    | -                                                   | -                                                   | *                              | *                                                                        | 15,000             |
| Haiti                                                            | 30,300                    | -                                                   | -                                                   | *                              | *                                                                        | 45,000             |
| <b>Mexico</b>                                                    | 64,000                    | -                                                   | -                                                   | *                              | *                                                                        | 48,000             |
| Peru                                                             | 47,800                    | -                                                   | -                                                   | *                              | *                                                                        | 41,300             |
| State Central America Regional                                   | 155,000                   | -                                                   | -                                                   | *                              | *                                                                        | 191,200            |
| State Western Hemisphere Regional                                | 42,400                    | -                                                   | -                                                   | *                              | *                                                                        | 36,000             |
| <b>INL - International Narcotics and Law Enforcement Affairs</b> | 346,916                   | -                                                   | -                                                   | *                              | *                                                                        | 464,370            |
| INL - Anti-Money Laundering Programs                             | -                         | -                                                   | -                                                   | *                              | *                                                                        | 14,150             |