

MEXICO – MERIDA INITIATIVE REPORT ("15 PERCENT" REPORT)

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Legislative Context and Scope of Report

This report responds to the requirements of Section 7045(e) of the Department of State, Foreign Operations and Related Programs Act (SFOAA), 2010 (Div. F, P.L. 111-117), incorporating by reference Section 7045(e) of the SFOAA, 2009 (Div. H, P.L. 111-8), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) (2011 SFOAA), and Section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, P.L. 112-74) (2012 SFOAA). Pursuant to these Sections, 15 percent of certain funds that are available for assistance for Mexico cannot be obligated until the Secretary of State reports in writing to the Committees of Appropriations that the Government of Mexico is meeting a number of criteria with respect to transparency, accountability and human rights. (See Annex A for full text of pertinent language regarding the withholding of 15 percent of specified funds.)

This report, which details how the Government of Mexico is meeting the criteria outlined in the above noted provisions, contains information available as of July 2012 (unless otherwise noted). It should be read in conjunction with the State Department's 2011 Human Rights Report for Mexico and previous 15 percent reports – submitted in August 2009 and September 2010 – which provide additional detail on the overall human rights situation.

Background

A principal undertaking of the Calderon administration, which took office in December 2006, has been the decision to confront the violent transnational criminal organizations (TCOs), while simultaneously seeking to restructure, modernize and professionalize law enforcement and justice sector institutions, whose reform is essential to the long-run success of the effort to reduce the power of TCOs, assert the authority of the state, and restore and maintain rule of law. This decision to take on the TCOs led the Mexican government to deploy the military to support civilian law enforcement efforts.

Mexico's intense battle against drug trafficking organizations over the last 5.5 years has achieved considerable success in disrupting and dismantling the TCOs, although at considerable cost – the resulting violence has led to an

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estimated 50,000-plus deaths since 2006. To support the Calderon administration's efforts to confront the TCOs, the United States and Mexico signed the Merida Initiative in December 2008, a multifaceted combination of assistance and cooperation (\$1.6 billion in commitments through FY 2011). The Merida Initiative encompasses equipment that is helping to disrupt the cartels as well as activities to:

- enhance institutional reform and accountability, including justice sector reform to promote civilian police leadership and protect human rights;
- create a modern border that is both efficient and secure; and
- strengthen communities and civil society.

Criminal organizations remain the principal perpetrators of killings and other abuses in Mexico. At the same time, credible allegations of human rights abuses – including arbitrary detention, disappearances, unlawful killings, mistreatment, and torture – have increased as the public security role of the military has expanded in combating organized crime. Violence against journalists and human rights defenders – including murder, kidnapping and threats – is a particular concern.

Recent years have witnessed historic and positive constitutional human rights reforms in Mexico. Constitutional reforms that came into effect in 2011 enhanced the authority of Mexico's independent human rights commission, the National Human Rights Commission (CNDH), and underscored the importance of human rights by according constitutional status to Mexico's human rights obligations under international treaties. Recent constitutional amendments have federalized crimes committed against journalists and femicide.

The ongoing reform of Mexico's justice system, from a written, inquisitorial to an oral, accusatory system, is critical to the country's ability to enhance judicial transparency and efficiency and increase protections for human rights. While Mexico's ambitious judicial reforms represent a major step forward in combating the culture of impunity that allows human rights and other offenses to go unpunished, the reform process scheduled for completion in 2016 has been implemented fully in only a few states. In the meantime, both the traditional, inquisitorial system, along with some elements of an accusatory-style system, operate simultaneously, sometimes causing confusion or uneven results.

The Administration regularly raises human rights concerns with Mexican government officials and consults with human rights non-governmental organizations (NGOs) both in Mexico and the United States. In addition, our Merida Initiative programming seeks to address human rights issues and

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institutional impediments primarily through judicial reform efforts and programs to enhance internal controls and accountability of public institutions. We also are developing projects to help protect journalists and human rights defenders, including a four-year, \$5 million USAID program. This program is currently providing technical assistance to the Mexican government to help it develop secondary regulations that support the implementation of the new Law to Protect Human Rights Defenders and Journalists as well as the modification to Article 73 of the Constitution, which federalizes crimes against journalists.

The following information responds to the four reporting requirements identified in Section 7045(e) of the 2011 SFOAA and the three reporting requirements of the 2012 SFOAA.

Police Transparency and Accountability

The terms of Section 7045(e)(1)(A) of the 2011 SFOAA require the Secretary of State, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to “improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations.”

The 15 percent report submitted in September 2010 outlined ongoing steps taken by the Mexican government since 2006 to increase police accountability and address corruption through training programs and the elaboration of vetting and internal control mechanisms.

Federal agencies in Mexico, including the Federal police, have improved their anticorruption efforts by restructuring and augmenting the use of inspector general offices and internal affairs units to investigate allegations of ongoing corruption. The Mexican Congress enacted a law in January 2009 that gives federal agencies the authority to use intrusive investigative methods, including undercover operations, to conduct preliminary investigations in an effort to prevent crime and corruption. Labor laws have been changed to specifically preclude judges from reinstating police officers separated for corruption allegations.

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The Government of Mexico employs a vetting process referred to as "*Control de Confianza*" to screen new applicants and current officials and remove those implicated in corruption or criminal activity. The process consists of conducting polygraph exams, background investigations, psychological exams, medical exams, and drug testing. By law, all new applicants for law enforcement (and other sensitive positions) must pass these exams upon entry into service and every two years thereafter throughout their careers.

The Mexican government has used advanced technology to create a nation-wide database called "Kardex," which incorporates employment, biographical, and biometric information (such as fingerprints, photographs, and DNA) on more than 400,000 local, state, and federal officials, including records on those officials who were fired for corruption or other reasons. The government has given this measure high priority and allocated significant resources to expand and increase the capabilities of Kardex to prevent corrupt or criminally active officers and officials from being hired elsewhere.

These efforts are beginning to have a positive impact in the government's ability to detect and remove corrupt officials. *Control de Confianza* and internal affairs have been the main tools authorities have used to dismiss more than 30,000 federal employees for corruption, criminal activity, administrative issues, and other misconduct since the Calderon administration assumed office in December 2006 through March 2012. In July 2012, the Attorney General's office (PGR) announced that since April 2011, it had dismissed 729 officials, including federal ministerial police, investigators, and prosecutors, for failing to meet the requirements of *Control de Confianza*.

Through the Merida Initiative, the United States has supported Mexico's *Control de Confianza* and internal affairs efforts with equipment, training, technical assistance, and expert advisors. The biometric equipment the United States provided to the Federal Police (which falls under the Public Security Ministry, SSP) is being used to complement the equipment the Mexican government already has in place to expand its capability to capture the biometric data of law enforcement officials at all levels.

On May 1, 2012, the Deputy Attorney General's office for Human Rights launched a call center to receive, evaluate and follow up on citizen complaints and comments regarding PGR officials and offices. The objective of the Citizen Complaints and Attention Center (CEDAC) is to attend to and follow up on citizen complaints through phone, email, and social networks. CEDAC also accepts

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complaints against authorities besides PGR and channels the complaints to the proper authority for action.

Assessment

The Mexican government continues to take steps to improve the transparency and accountability of federal police forces through increased training and vetting. Efforts must continue, especially with respect to strengthening the role of internal affairs or inspector general functions and ensuring prosecutions for criminal acts, including human rights abuses. Efforts to enhance the performance, competence, and accountability of state police forces are still in very early stages, and there are widespread differences across the country among state police forces. Municipal police forces, by far the most numerous, are also the weakest in terms of professionalism and proficiency. Efforts to consolidate state and local police forces remain under consideration, and it is not certain a political consensus to do so exists. With more than 2,000 municipal and state police forces and more than 400,000 law enforcement personnel nationwide, reforming and improving state and municipal police across Mexico will require a long-term effort.

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

The terms of Section 7045(e)(1)(B) of the 2011 SFOAA require the Secretary of State, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to “conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative”

Since the submission of the last 15 percent report in 2010, the Mexican Foreign Relations Secretariat (SRE) together with the Secretariat of the Interior (SEGOB) has organized a series of meetings with civil society on the implementation of the Merida Initiative: October 7, 2010, Mexico City; November 9, 2010, San Andrés Cholula, Puebla; November 16, 2010, Mexico City; July 25, 2011, Mexico City; and February 16, 2012, Mexico City. According to the SRE, these meetings are intended to facilitate greater understanding of the Merida Initiative and to establish an opportunity for civil society to provide suggestions and proposals. During the February 2012 meeting with 42 civil society organizations, for example, the

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Mexican government and NGOs agreed on the importance of creating thematic coalitions to strengthen and expand the collective action of civic groups. The NGOs reported that they have reached more than 123,000 beneficiaries and 270,500 indirect beneficiaries in 16 states through workshops, awareness campaigns, and surveys using Merida funds.

The official Mexican government website <http://www.iniciativamerida.gob.mx/> provides information on the government's coordination with civil society on the Merida Initiative.

Assessment

The SRE noted that civil society participants in the meetings underlined the importance of protecting human rights, reducing the impact on the public of the military's actions to confront the TCO's, and evaluating the implementation and results of the Merida Initiative. However, civil society representatives criticized the lack of a systematic means of following up on civil society recommendations as well as inadequate advance notification of meetings. In addition to the Merida consultations, the government convened presidential-cabinet-level dialogues in 2011 with members of the Movement for Peace with Justice and Dignity (an NGO organized by prominent members of civil society to address the violence its members believe results from the activities of criminal organizations and the government's response to the drug problem and the TCOs). These dialogues resulted in the creation in September 2011 of *Pro victima*, an office designated by President Calderon to provide comprehensive legal, psychological, and medical assistance to crime victims.

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

The terms of Section 7045(e)(1)(C) of the 2011 SFOAA require the Secretary of State, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to: "ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations." The corresponding section of the FY 2012 SFOAA is similar: "the Secretary of State shall report in writing ... that

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the Government of Mexico is investigating and prosecuting in the civilian justice system, in accordance with Mexican and international law, military and police personnel who are credibly alleged to have violated human rights,” and that the “Mexican military and police are cooperating with civilian authorities in such cases.”

Investigation of Human Rights Violations

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

The CNDH is the autonomous agency created by the Mexican government and funded by the Mexican Congress to monitor and act on human rights violations. It can call upon government authorities to impose administrative sanctions or pursue criminal charges against officials through a formal “recommendation” to the relevant authority, but cannot impose legal sanctions itself. CNDH recommendations consist of three parts: reparations to victims; implementation of human rights training or internal reforms to prevent future abuses by the authority; and access to justice for victims. When an authority has completed all the elements spelled out in the CNDH recommendation, the recommendation is considered “completed.” (Note: See previous 15 percent reports for further background on the functioning of the CNDH.)

As a result of constitutional reforms in June 2011, Congress has granted CNDH greater authority to investigate alleged human rights violations and enforce its recommendations. The reforms grant CNDH the power to require authorities to respond publicly for failing to accept or comply with a recommendation. If an authority fails to accept or comply with a CNDH recommendation, the authority can now be called before the Senate to explain their reasons for non-compliance. The reforms also formalize CNDH’s access to pretrial investigations (“averiguaciones previas”).

Secretariat of National Defense (SEDENA): SEDENA was cited in 1,415 complaints received by CNDH in 2010. Of the complaints, 22 resulted in recommendations from CNDH to SEDENA (based on CNDH’s determination that a case involved a serious human rights violation and merited further investigation

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or sanction). In 2011, SEDENA was cited in 1,695 complaints received by CNDH. Of these, 25 resulted in recommendations. SEDENA accepted all CNDH recommendations in 2010 and 2011 – meaning SEDENA agreed to carry out the recommendations.

Secretariat of the Navy (SEMAR): In 2010, SEMAR was cited in 198 complaints to CNDH, of which six resulted in recommendations to SEMAR. Of the six cases, SEMAR accepted five in 2010. In 2011, SEMAR was cited in 495 complaints, of which six resulted in recommendations. SEMAR accepted all of CNDH's recommendations in 2011.

The military has increased transparency and cooperation with CNDH on human rights cases. SEDENA's General Directorate for Human Rights has accepted all of CNDH's recommendations during the current administration through the end of 2011. SEDENA has also taken steps to increase the transparency of human rights cases, such as listing on its website the status of compliance with CNDH recommendations. According to the SEDENA website, CNDH has received 6,925 human rights related complaints against SEDENA from the beginning of the Calderon administration in 2006 through July 13, 2012. Of those complaints, 105 – approximately 1.5 percent – resulted in formal CNDH recommendations to SEDENA. SEDENA reports that it has completed 25 of the recommendations, 78 are in the process of being completed, and two recent recommendations in 2012 are under review. In December 2011, SEMAR similarly established a General Directorate for Human Rights to investigate violations of human rights identified by CNDH.

Military Jurisdiction vs. Civilian Jurisdiction

Article 13 of the Mexican Constitution states that military jurisdiction applies to "crimes against military discipline," but that military tribunals have no jurisdiction over people who do not belong to the military. However, Article 57 of the Military Justice Code defines crimes against military discipline as "state or common offenses that have been committed by active duty military." In practice, civilian courts have generally ceded jurisdiction to the military in cases where military personnel stand accused of human rights violations committed against civilians.

In June 2011, constitutional reforms strengthened the CNDH and accorded constitutional status to Mexico's human rights obligations under its international treaties. In an important decision in July 2011, the Mexican Supreme Court stated that in cases involving a violation of human rights of civilians, military jurisdiction

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should not operate. The court also stated that Mexico's judges must interpret human rights legislation in accordance with international treaties to which Mexico is a party, even if those provisions conflict with other Mexican laws, including the Military Justice Code. The July 2011 opinion, while not binding, culminated the Supreme Court deliberations regarding Mexico's obligations to comply with the Inter American Human Rights Court (Inter American Court) ruling in the case of Rosendo Radilla Pacheco, a community leader abducted in 1974 by soldiers in Guerrero. The Supreme Court's July 2011 decision followed a series of rulings by the Inter American Court in 2009 and 2010. Those Inter American Court rulings affirmed that the use by Mexico of military tribunals for cases involving civilians violated international law and called on the Mexican government to adopt legislative reforms, "within a reasonable period of time" to ensure that these cases were tried by civilian authorities.

In the aftermath of the Supreme Court's July decision, military prosecutors signaled their acceptance of this particular ruling. On August 12, 2011, military prosecutors declined jurisdiction in writing in favor of the PGR in two "emblematic" human rights cases (involving two women, Ines Fernandez and Valentina Rosendo, who were allegedly raped and tortured by members of the Mexican army in 2002). On September 21, 2011, the PGR announced it would accept jurisdiction in the two cases through its Special Prosecutor for Crimes against Women and Trafficking in Persons (FEVIMTRA). As of July 2012, FEVIMTRA reports the investigation is still ongoing, although human rights organizations have criticized the pace of the investigations and FEVIMTRA's failure to bring the case before a judge. FEVIMTRA also provided information about four additional cases it is investigating in which members of the military stand accused of violating the human rights of civilians.

In addition, President Calderon has publicly voiced his commitment to ensuring military personnel accused of human rights crimes be tried in civilian jurisdiction on two occasions: in a speech on Human Rights Day in December 2011 and in remarks honoring Mexican Human Rights Defenders in January 2012. At the December event, the President announced the issuance of a directive to SEMAR and SEDENA instructing those authorities to decline military jurisdiction in human rights cases in favor of civilian jurisdiction. On February 19, 2012, Secretary of Defense General Galvan Galvan publicly confirmed that the military had received instructions from the President to develop procedures to transfer cases of alleged military abuses of human rights of civilians to civilian courts.

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Despite the Supreme Court ruling and the President's stated commitment to ensure human rights cases are tried in civilian courts, the Mexican military has continued to claim jurisdiction in some cases involving allegations of human rights violations against civilians. While the military relinquished jurisdiction to civilian courts in the cases of Ines Fernandez and Valentina Rosendo, it has been reluctant to accept civilian jurisdiction in the case of Bonfilio Rubio, who was killed at a military checkpoint in 2009. The case was initially transferred to a civilian court when, based on the Supreme Court ruling, a Guerrero-based judge ruled that the Military Justice Code contradicts Article 13 of the constitution and Inter American Court jurisprudence. However, since then, the military has challenged the decision – seeking to retain jurisdiction in military courts – and the case is, together with other cases related to the issue of military jurisdiction, currently under review by the Supreme Court.

Efforts to reform the Mexican Military Justice Code, which has long been interpreted so that members of the military are tried in military courts even in cases involving crimes committed against civilians, remain stalled in Congress. The Calderon administration introduced a proposal in October 2010 that identified three specific crimes that would no longer be subject to military jurisdiction: torture, rape and forced disappearance. The proposal, which did not progress in Congress, was strongly criticized by Mexican and international NGOs for not including all types of human rights violations. According to NGO representatives, the military lobbied the Mexican Senate in 2012 to block consideration of a proposed bill that would have reformed the Military Justice Code to exclude all human rights cases from military courts.

In the absence of legislative action to reform the Military Justice Code, Mexican law remains unclear on the issue of civilian jurisdiction in cases of alleged abuse of human rights committed by the military against civilians, creating ongoing conflicts of jurisdiction. On May 7, 2012, the Supreme Court announced that it would establish formal jurisprudence (i.e., binding legal guidance) on issues related to jurisdiction, including cases involving alleged human rights abuses committed by the military. As a result, the Supreme Court ordered that all cases dealing with the military in lower civilian courts not be resolved until it had decided on a group of 30 cases the Supreme Court selected for review. (Note: Not all 30 cases involve allegations of human rights abuses, but all involve issues of jurisdiction.)

On August 9, 2012, the Supreme Court ruled in the first of the 30 cases, a case involving an army officer accused of covering up the torture and death of a

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civilian, deciding the case should be tried in a civilian court. The Supreme Court is expected to issue decisions in the remaining 29 cases in the coming weeks. By itself, the single decision does not establish formal jurisprudence, but taken together the decisions in the remaining cases may produce criteria and judicial precedent binding on both military and civilian courts.

The following five emblematic cases, all of which were brought before international human rights fora, in which military members stand accused of violating the human rights of civilians, have been transferred from military to civilian jurisdiction since the last 15 percent report in September 2010: Rosendo Radilla Pacheco (the basis of the July 2011 Supreme Court ruling); Ines Fernandez Ortega; Valentina Rosendo Cantu; Nitza Paula Alvarado Espinoza, Rocio Irene Alvarado Reyes, and Jose Angel Alvarado Herrera (transferred to civilian jurisdiction in April 2012); and Ramiro Ramirez (transferred to civilian jurisdiction in May 2012).

In addition to these cases, SEDENA transferred its closed case file in July 2011, when the PGR opened an investigation into the case of Rodolfo Montiel and Teodoro Cabrera in response to an Inter American Court decision. The environmental defenders from Guerrero allegedly were victims of arbitrary detention and torture by members of the military in 1999.

According to a CNDH document (June 2012), there are at least 28 cases in which the military has declined jurisdiction in favor of civilian authorities (see annex B). Twenty-seven of the cases are based on recommendations by CNDH (one case was a complaint before CNDH that did not result in a recommendation). Of the 27 CNDH recommendations, 21 are cases involving SEDENA, seven cases involve SEMAR (one case involves both SEDENA and SEMAR). Five of the cases also involved state-level authorities in addition to the military.

Based on SEDENA's human rights website, which tracks all CNDH recommendations issued to SEDENA, as of July 26, 2012, there were a total of 37 cases in which SEDENA has relinquished jurisdiction to civilian authorities based on CNDH recommendations (see annex C). The 37 cases represent 35 percent out of 105 CNDH recommendations since December 2006. We do not have information as to whether civilian authorities have assumed jurisdiction formally in all 37 cases, nor do we know whether all charges in these cases were relinquished to civilian authorities. Moreover, the total number of cases before the military justice system is considerably greater than the 105 CNDH recommendations referred to above. Human Rights Watch reported that based on information they

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obtained from the Military Prosecutor's office, military authorities opened nearly 5,000 investigations involving allegations of human rights violations against civilians between 2007 and April 2012.

Federal Police and PGR

The SSP was cited in 595 complaints received by the CNDH in 2010. Of the complaints, eight resulted in recommendations. The SSP accepted seven of the eight recommendations in 2010. In 2011, the SSP was cited in 767 complaints received by the CNDH, for which 15 resulted in recommendations. SSP accepted 14 of the 15 CNDH recommendations in 2011. The PGR (which includes the investigative police) was cited in 957 complaints received by the CNDH in 2010, of which two resulted in recommendations. In 2011, there were 1,160 complaints against the PGR; these complaints resulted in six recommendations. The PGR accepted all of the recommendations issued by the CNDH in 2010 and 2011.

In May 2012, the CNDH filed complaints against the police with both the federal PGR and the state attorney general's office for grave human rights violations resulting from the violent December 2011 student protest in the state of Guerrero. According to a CNDH report, all security forces that day "used excessive force" and "were negligent in seeking a peaceful outcome with the protestors." The report said 42 people were detained arbitrarily, 24 were physically beaten, and one was tortured. The CNDH also issued a formal recommendation to federal and state authorities that included 30 steps they should take to prevent such abuses from happening in the future.

Assessment

Mexico continues to work to ensure that human rights violations by security forces will be tried in civilian jurisdiction. The President has publicly asserted his support for moving human rights cases to civilian vice military courts, and the Supreme Court issued a ruling in July 2011 stating that all human rights abuses of civilians, including those committed by the military, should be tried in civilian courts. Human rights abuse cases allegedly involving the military have begun to be transferred in greater numbers to civilian jurisdiction. The CNDH has cited at least 28 recent cases in which the military has declined jurisdiction in favor of the PGR and, more recently, SEDENA reports it has transferred 37 cases. At the same time, Mexico's Supreme Court is currently taking steps to establish formal jurisprudence by reviewing 30 separate cases related to the issue of civilian versus military jurisdiction, attempting to elaborate the Court's July 2011 opinion and

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provide binding guidance for military and civilian authorities to define civilian jurisdiction and the legal basis for the transfer of cases from military to civilian courts. On August 9, 2012, the Court ruled in the first of the 30 cases, deciding in favor of civilian jurisdiction.

Nonetheless, the number of cases that have been transferred by the military to civilian jurisdiction, based on the information made available to us by CNDH and SEDENA, is a small fraction of the total number of human rights cases before the military justice system. Moreover, in some cases military authorities have still sought to assert jurisdiction. Efforts in the Mexican Congress to reform the Military Code of Justice – which provides the legal underpinning for military assertion of jurisdiction in cases involving military personnel and civilians – have not advanced. Issues of “double jeopardy” can also complicate efforts to move to civilian jurisdiction cases that have already progressed to a certain point in military jurisdiction. Resolution of the jurisdictional issues awaits rulings in a series of cases currently under review by the Supreme Court.

Enforcing the Prohibition on Testimony Obtained through Torture

The terms of the FY 2011 SFOAA require the Secretary of State, before obligating 15 percent of the funds made available for certain assistance to Mexico, to report that the Government of Mexico is continuing to “enforce the prohibition ... on the use of testimony obtained through torture or other ill-treatment.” The FY 2012 SFOAA contains similar language, “the Government of Mexico ... is enforcing prohibitions on the use of testimony obtained through torture,” and that the “Mexican military and police are cooperating with civilian authorities in such cases.”

Mexican law prohibits torture and other cruel, inhuman, or degrading treatment and stipulates that confessions obtained through illicit means, such as torture, are not admissible as evidence in court. An admissible confession must be recorded formally before a prosecutor or judge, not given directly to the police, with the acknowledgement that it is being made voluntarily and after examination by a doctor confirming that the person has not been subjected to physical abuse.

Mexico has begun taking steps to enforce its prohibition on the use of evidence obtained through torture but needs to complete the transition to an oral, advocacy system as mandated by the 2008 justice reform (which stipulates the transition be completed by 2016). Currently, in the absence of a federal criminal penal code,

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which is pending before the Mexican congress, the new adversarial system is not in place in federal courts. At the state level, however, the criminal procedure code has been passed in 14 states; three states are implementing the new system statewide, while another eight states are implementing the reforms in at least one judicial district. In contrast to the closed door, written system, the transparency of the new oral system should provide greater protections that testimony that has been induced by use of torture is not admitted.

Constitutional reforms on human rights passed in 2011 elevate Mexican human rights commitments under international treaties and agreements – including documents such as the UN Optional Protocol on Torture – to the level of constitutional law. In April 2012, the Mexican Senate unanimously passed reforms to the Law to Prevent, Punish and Eradicate Torture, which are now before the Chamber of Deputies. If passed, the reforms would expand the role of the CNDH to visit prisons and increase the penalty from seven years to 16 years for public servants convicted of torture. Similarly, the state of Chihuahua and the Federal District (Mexico City) have increased penalties for public officials convicted of torture.

In addition, some steps have been taken to better ensure that torture is not used to obtain testimony and to identify cases in which detainees allege they have been tortured.

The PGR set up a special unit within their Human Rights Division in January 2012. A Special Prosecutor of Justice and Human Rights was named to head the unit which has set up centers called Human Rights Protection Units (Unidades de Protección a los Derechos Humanos), located within PGR offices, to receive complaints against public officials. The centers are open 365 days a year so that people subject to investigations or pre-trial detention (arraigo), as well as their lawyers and families, can submit complaints at any time. There are currently three centers, one in the Federal Investigation Center, one in the Special Prosecutors Office for Organized Crime (SIEDO), and one in the Federal District PGR office (DDF). PGR plans to have the Human Rights Protection Units in all states eventually, and currently has plans to open centers in nine states in the near future. The goal is to provide access to a complaint mechanism at a point in which detainees are vulnerable to torture.

On April 23, 2012, SEDENA, SEMAR, SSP, and PGR published security protocols for chain of custody and use of force. The protocols are designed to reduce the time that arrestees are under military custody and outlines specific

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procedures for the handling of detainees. By mandating the immediate transfer of detainees to civilian authority, the security protocols address the period of time in which detainees are most vulnerable to torture – between arrest and arraignment.

The government also has taken steps to implement preventive measures against the practice of torture, including applying, at the federal level, the Istanbul Protocol, which contains guidance on investigating and documenting torture and other abuses. As noted in the 2011 Human Rights Report, according to the PGR, 14 of the country's 31 states had passed laws to implement the protocol and established offices to evaluate allegations. Additionally, the PGR reported that it had provided training on human rights and torture to its local, state, and federal staff, and the CNDH has also conducted human rights courses, including on torture, for security forces.

Cases such as that of Israel Arzate Melendez – who was allegedly arbitrarily detained and tortured by military forces into confessing to murders in Villas de Salvacar, Chihuahua, in January 2010 – are often cited by NGOs. In December 2010, a judge in Chihuahua dismissed evidence allegedly corroborating security forces' use of torture on Arzate. According to the NGO Centro de Derechos Humanos Miguel Agustín Pro Juárez (Miguel Agustín Pro Juárez Human Rights Center), Arzate was returned on several occasions to military custody, where he was again tortured. He remains in custody. The CNDH conducted an investigation in 2011 and affirmed that government officials, including representatives of the military, the state prosecutor's office, investigative judicial police, and the director of the state prison were responsible for violations, including torture and arbitrary use of force. In addition, the UN Special Rapporteur on Torture sent a communiqué to the Mexican government on the case in September 2011. The Representative in Mexico of the UN High Commissioner for Human Rights, Javier Hernández, said in a press conference in March 2012 that Arzate had been tortured.

In contrast, in an April 2012 case, a judge in the state of Puebla ruled in favor of an appeal from a defendant who alleged his confession was obtained by torture committed by Chiapas state investigative police in March 2011. The judge in Puebla instructed the judge in the criminal case to initiate an investigation into the allegations of torture, citing Mexico's recent constitutional reforms and a decision of the Inter American Court of Human Rights.

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Assessment

Mexico is making some progress on formalizing the prevention of torture to obtain testimony through new security protocols for the appropriate use of force and chain of custody for arresting authorities. The closed nature of the Mexican court system makes it difficult to gather information about enforcement of Mexico's prohibition on the use of testimony obtained by torture. We lack information on the current deterrent effects of the prohibition on the use of testimony obtained by torture and new anti-torture training. However, the implementation of justice reform and the transition to an oral trial system should decrease reliance on written testimony, thereby reducing the potential for torture and mistreatment to extract confessions.

In addition, Mexican authorities are receiving increased training on preventing torture, and PGR has made it easier for detainees to submit complaints of torture during detention. However, there are widespread and credible reports, including investigations by the CNDH and respected human rights NGOs, that Mexican security forces employ torture and other forms of mistreatment to obtain information and confessions. More generally, the lack of control mechanisms in the detention and interrogation process has allowed for the persistence of instances of torture, as evidenced by CNDH complaints and recommendations, NGO reports, the recent report by the UN Subcommittee on the Prevention of Torture, as well as information provided by detained American citizens to U.S. consular personnel.

ANNEX A: Text of 15 Percent Language in Appropriation Legislation**1. FY 2011 Language**

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

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

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

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

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

2. FY 2012 Language

[Under Sec. 7045(e)] Prior to the obligation of 15 percent of the funds appropriated by this Act that are available for assistance for Mexican military and police forces, the Secretary of State shall report in writing to the Committees on Appropriations that: the Government of Mexico is investigating and prosecuting in the civilian justice system, in accordance with Mexican and international law, military, and police personnel who are credibly alleged to have violated human rights; is enforcing prohibitions on the use of testimony obtained through torture; and the

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Mexican military and police are cooperating with civilian judicial authorities in such cases: *Provided*, that the restriction in this subsection shall not apply to assistance to promote transparency, anti-corruption and the rule of law within the military and police forces.

RELEASE IN PART
B5

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, August 12, 2009 9:23 AM
To: H
Subject: Fw: 8/11 Senior Staff Meeting

From: Smith, Daniel B
To: Mills, Cheryl D; Abedin, Huma; Sullivan, Jacob J
Sent: Tue Aug 11 11:25:08 2009
Subject: 8/11 Senior Staff Meeting

Sensitive but Unclassified

New York City

- Jack raised the issue of a proposal from Senator Schumer to reimburse New York for the loss of property tax revenue on diplomatic residences. [REDACTED]
[REDACTED] Jack said he would be glad to call Schumer about this, and would like to intervene before this becomes a public dispute.

B5

Merida Initiative

- Both Jack and Jim voiced misgivings over the current state of the Merida Initiative report needed for the release of the last 15 percent of the allocated resources. Jim noted that, in effect, this is a certification. He said that there is still insufficient transparency on the part of the Mexicans and that it is unclear that their proposal to try alleged military human rights violations in military courts covers the full range of potential transgressions. Jim said he would have a meeting later this morning to review with WHA, INL, H and others what needed to be added, but the goal is to turn it around as quickly as possible and ensure that we do not lose out on the 15 percent.

Somalia

- Jack said that he had looked at the draft OFAC letter on humanitarian assistance to Somalia and thought it went about as far as possible in addressing the concerns of USAID, short of granting a license in advance for any actions that might inadvertently provide material support to terrorist groups. In essence, the OFAC letter tells AID that they do not need authorization to proceed as they plan. The concern is that USAID may not be fully satisfied and may try to re-litigate the issue. I was going to join AID in a meeting later today to discuss and would seek to persuade them to accept the answer they had received from OFAC.

Colombia

- Jim voiced his displeasure over a cable from WHA on the proposed U.S.-Colombia Defense Cooperation Agreement. I can provide you more details on the high side if you want, but in essence he noted that the policy has not been fully thought out and that there needs to be a full policy review before we provide such guidance to the field.

Honduras

- Jim asked me where we stood on the milair request for the OAS delegation to Honduras. I said everyone is on board, but that the paper work has still not been blessed. Jim stressed that, contrary to SOUTHCOM plans, the plane should not be a "blue and white" with United States of America boldly marked all over it, but rather a regular white plane or other military aircraft. I undertook to convey this to all concerned.

Aung San Suu Kyi

- Jim noted that the Secretary had made a good statement on the decision to sentence ASSK to house arrest for another 18 months, but stressed to PA the need for them to coordinate closely with the White House today on what more we say.

RELEASE IN PART
B5

From: Mills, Cheryl D <MillsCD@state.gov>
Sent: Wednesday, August 12, 2009 10:45 AM
To: H
Subject: Fw: 8/12 Senior Staff Meeting

Fyi

From: Smith, Daniel B
To: Mills, Cheryl D; Abedin, Huma; Sullivan, Jacob J
Sent: Wed Aug 12 10:33:22 2009
Subject: 8/12 Senior Staff Meeting

Sensitive But Unclassified

Afghanistan

- Jack raised today's Washington Post article on Ambassador Eikenberry's request for a major increase in spending on development and civilian reconstruction in Afghanistan next year. PJ indicated he thought that the story had come out about as well as possible – Jack had been careful not to reject it out of hand, but make it clear we needed to evaluate the request carefully, a line that a Senate staffer quoted in the article echoed. The Post article, however, will prompt additional stories. The related article that DeYoung has been working on with reference to alleged State/DOD rivalry over civilian staffing is not dead, but PJ says he has arranged for Petraeus to speak to her.

Merida Initiative

- WHA is working on a revision of the 15 percent report, which Jim and Jack have not yet seen. Rich Verma said that Tim Rieser has indicated that Senator Leahy will not block the money in the end, but clearly this issue will have an impact on future appropriations. Jim asked Rich to tell Rieser that he is prepared to meet with him, along with Carlos Pascual and Valenzuela, to discuss the matter further and as a signal of our continued involvement and good faith. The message will be that we have heard their concerns, that we share them, and that we will stay on it. Jim noted that the tone of the report should be that this is a work in progress, and that both presidents at the recent summit meeting agreed to take steps to increase transparency.

Leahy Vetting

- Rich reported that Tim Rieser has asked for a status report on Leahy vetting with respect to Israel. The problem is that we have nothing to report beyond what has been in the press. [REDACTED]

Colombia

- WHA is working on revised guidance with respect to the proposed U.S.-Colombia Defense Cooperation Agreement. [REDACTED]

President Carter

- Pat reported President Carter is planning another trip into Gaza later this month and the Secret Service is requesting substantial DS support for this or hoping State will dissuade the former President from going. Pat said he is going to raise this issue with Cheryl.

Appropriations

- Pat noted that given the legislative calendar in September, it is likely we will not have an appropriations bill before the end of the fiscal year and will face the prospect of a Continuing Resolution. Jack said, in that case, we will have to appeal to OMB for "anomaly treatment" in order to give us what we need for operations in Iraq, Afghanistan and Pakistan.

Afghanistan/Pakistan Benchmarks

- Rich asked where we stood on the benchmarks.

B5

Somalia

- Jack said that the meeting yesterday with regard to the OFAC letter and humanitarian assistance to Somalia had failed to resolve USAID's concerns. In essence, the OFAC letter referred both to permitted and non-permitted actions, but also used the term "illegal" in describing any material assistance, even inadvertent, that goes to terrorist groups. AID will not move forward if that term is used. There will be another meeting today, and Jack said he is prepared to speak to Stuart Levey if necessary.

UBS

- Jim Thessin reported a deal in the UBS case that will likely be announced tomorrow. Both sides seem satisfied.

Kazakhstan

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B5

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RELEASED IN
PART 1.4(B), B1,
1.4(D)

From: svcsmartmfi
Sent: 8/14/2009 6:07:52 PM
To: SMART Core
Subject: NARCOTICS AFFAIRS SECTION MEXICO MONTHLY REPORT FOR July 2009

UNCLASSIFIED
Sensitive

DECONTROLLED



MRN: 09 MEXICO 2425
Date/DTG: Aug 14, 2009 / 142228Z AUG 09
From: AMEMBASSY MEXICO
Action: WASHDC, SECSTATE, ROUTINE
E.O.: 12958
TAGS: SNAR, KCRM, KJUS, PGOV, PREL, MX
Captions: SENSITIVE
Sensitivity: Sensitive
Pass Line: STATE FOR INL AND WHA/MEX
TREASURY FOR ENFORCEMENT SECRETARY
DOJ FOR BSWARTZ/KBLANCO DEP ASSIST ATTY GEN
FBI DIR FOR LA/CU, OC/DB, OIU, CID
DEA FOR OD, OF, OFC, AO, DO, NPSM
CUSTOMS FOR LA OPS AND FOR OIA/WHB
Subject: NARCOTICS AFFAIRS SECTION MEXICO MONTHLY REPORT FOR July 2009

UNCLAS MEXICO 002425

SENSITIVE

STATE FOR INL AND WHA/MEX
TREASURY FOR ENFORCEMENT SECRETARY
DOJ FOR BSWARTZ/KBLANCO DEP ASSIST ATTY GEN
FBI DIR FOR LA/CU, OC/DB, OIU, CID
DEA FOR OD, OF, OFC, AO, DO, NPSM
CUSTOMS FOR LA OPS AND FOR OIA/WHB

E.O. 12958: N/A
TAGS: SNAR, KCRM, KJUS, PGOV, PREL, MX
SUBJECT: NARCOTICS AFFAIRS SECTION MEXICO
MONTHLY REPORT FOR July 2009

1. (U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED

INTERNAL DEVELOPMENTS

2. (SBU) INCREASING VIOLENCE: Violent deaths
attributed to organized crime surpassed previous

Classified by DAS, A/GIS, DoS on: 02/19/2013,
Class: CONFIDENTIAL Reason: B1, 1.4(B,D)
Declassify on: 08/13/2024

REVIEW AUTHORITY:
Alan Flanigan, Senior
Reviewer

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records, reaching an estimated 854 at the close of July. The majority of these murders occurred in regions with joint military operations and increased law enforcement presence,

[redacted]

The state of Chihuahua continues to lead as the most violent state, reporting 344 organized crime-related deaths in July, the majority of those in Ciudad Juarez.

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3. (SBU) In the face of escalating violence, President Calderon has remained resolute, again attributing the backlash in these key regions to a Qdesperate reactionQ to his governmentQs pressure against the DTOs. The retaliation attacks of July 11 following the arrest of Alfonso QLa MinsaQ Rueda Medina in CalderonQs home state of Michoacan and the subsequent deployment of an estimated 4,500 federal troops and 1,000 federal police further highlight the GOMQs resolve to continue to press the fight. Approximately 645,000 federal, state and municipal officers are involved to some degree in the fight against organized crime, most in the 13 joint operations in the states of Michoacn, Guerrero, Baja California, Tamaulipas, Monterrey, Coahuila, Durango, Sinaloa, San Luis Potosi, Aguascalientes, Chihuahua, Veracruz, Chiapas and Tabasco. Over half of this force is comprised of state and municipal police in the affected regions. The other half consists of 45,000 troops from the Secretariat of Defense (SEDENA) (22% of the Army personnel), 31,851 Federal Police officers (4.9%), and 25,785 Ministerial Police (4%).

4. (SBU) CALLS FOR A NEW STRATEGY: The rise in violence has led some, including newly elected legislators, to question the current strategy. The most vocal of critics within both houses have called on Calderon to QredefineQ what they consider a Qfailed drug warQ. Most proposals focus on improved intelligence and closer coordination at the state-local level, change that even proponents of the current approach agree will be necessary to turn the tide. Others wonder if pressing the fight is worth it and some voices call for quietly accommodating the traffickers. While there has been limited talk of withdrawing the military, there seems to be general consensus to keep them engaged.

[redacted]

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5. (SBU) In July, Joint Operation Chihuahua (JOC) took steps to assess the strategy in

Ciudad Juarez. [redacted]

[redacted]

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6. (SBU) Current Senate leader Gustavo Enrique Madero signaled that the government and ruling party are disposed to look closely at its current strategy for combating organized crime. PANQs point man in the Senate said that an exhaustive analysis of the military role in policing would be debated on the floor in September as well as an evaluation of the proposals sent by the executive in April. These proposals call for modifications to the National Security Law, Military Justice Code, Organic Law of the Federal Courts, Federal Firearms Law, Organized Crime Law, and the Federal Code of Criminal Procedures to legitimize the role of the military and set penalties of 30 to 60 years for troops who aid organized crime.

7. (SBU) CORRUPTION: In July the GOM continued efforts to root out corruption within the ranks of security forces, a primary piece of its current strategy. Some 20 officers operating from the San Pedro, Nuevo Leon C-4 command center were arrested for leaking information to the Beltran Leyva Cartel. Ongoing investigations show that these officers, including the center coordinator, provided tips to cartels on operations and ordered the release of known cartel vehicles detained through the use of the C-4 center monitoring system. In return they received payments from 1,500 to 5,000 MXN, equivalent or superior to their salaries.

8. (SBU) HUMAN RIGHTS: The Mexican National Human Rights Center (CNDH) received 2,956 complaints during the first half of 2009, with 559 complaints levied against the military. This sharp increase in alleged violations, according to SEDENA Human Rights Director Jaime Antonio Lopez Portillo, is attributed to the increased contact with the public given SEDENAQs significant presence in current operations against organized crime are soldiers. Lopez Portillo claimed this figure has been inflated by false and duplicate complaints filed by organized crime groups. This sentiment was repeated by former president of the Chamber of Deputies Naval Commission, Jose Manuel del Rio Virgen, who attributed 3/4 of complaints to false allegations by organized crime interests.

9. (SBU) Lopez Portillo further noted that 12 military officials have been sentenced during

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CalderonQs administration and an additional 53

cases are being processed.

10. (SBU) CHANGING POLITICAL LANDSCAPE: Mid-term elections tilted the balance within the legislature, making it less sympathetic to CalderonQs agenda. Unsurprisingly, areas with high concentrations of organized crime reported lower than average voter turnout during the July 5 vote, with one Ciudad Juarez district reporting the highest absentee rate, approximately 74.1%. Tijuana reported a similar turnout. However elections proceeded without the setbacks and violence previously forecasted confirmed the vitality of the Mexican democratic process.

MERIDA INITIATIVE

11. (SBU) The fifth Merida Mexico Bilateral Implementation Meeting was held July 1 in Mexico City, chaired by technical director of the Mexican National Security Council Monte Alejandro Rubido Garcia and NAS Director Keith Mines. The forum drew participation from the major stakeholder agencies from both sides of the border and included a review of project status, discussion of the 2009 budget talks as they impact on the various entities, and confirmation of the working groups on arms trafficking and public affairs. (MEXICO 1948)

12. (SBU) The Merida Initiative Public Affairs Working Group held its first meeting July 8. The GOM delegation committed to provide a draft joint press strategy and obtain consensus from GOM stakeholder agencies on the groupQs work plan. The strategy will define how events will be publicized, institutionalize contact and communication with participating entities, and create a portal to catalog Merida Initiative implementation and programs.

13. (SBU) The Bilateral Arms Trafficking Working group met for the first time July 15 in Mexico City. Representatives from DOS/NAS, DOJ/ATF, DEA, FBI, DHS/CBP, ICE and DOD/ODC met with counterparts from Presidencia, SRE, SEDENA, SEMAR, SSP, SHCP/ACIA (Aduanas), PGR/CENAPI, and CISEN to set the framework for collaboration within the context of Merida Initiative working groups. This initial encounter yielded consensus from the GOM on sub-working groups, leadership, and draft work plans. The three sub-working groups will be: 1) information sharing/tracing/investigations, 2) judicial coordination, and 3) interdiction and Non-Intrusive Inspection Equipment. (MEXICO 2145)

PROFESSIONALIZATION AND TRAINING

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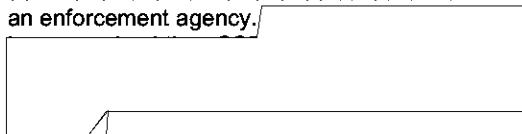
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14. (SBU) Ongoing NAS/DEA training in May provided over 450 law enforcement officials from the PGR, SSP and other Mexican state/federal law enforcement institutions with coursework on

Crime Scene and Homicide Investigation, Interviewing Techniques, Auto Theft Identification, Basic Drug Identification, Methamphetamine and Clandestine Labs and Officer Safety. Additional training provided by postQs law enforcement community included courses on Counter Terrorism and Basic Police Tactics.

15. (SBU) The U.S. led training of 1,450 new Federal Police Investigators kicked off July 20 in the SSP training base at San Luis Potosi with 13 ICE agents, two Colombian investigators, and one Spaniard federal police officer training 456 new agents in basic investigative techniques. The international team was also joined by 50 Mexican trainers who received a week-long course in instruction methodology by Salvadoran instructors from ILEA. An additional 450 students and 15 instructors (DEA and ATF) arrived on July 27. To date logistics, security, and instruction has gone smoothly. The SSP has already started GOM-led basic training for the next complement of 1,500 and would like to keep the program running straight through. SSP would also like our assistance with training for up to 40 senior leaders who will direct these new recruits in their new posts, and 300 mid-level leaders. (MEXICO 2180)

16. (SBU) NAS Director and Mexican Customs Directors met briefly to discuss training needs as it transitions from a revenue collection to an enforcement agency.



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17. (SBU) USAID ended a month-long anti-kidnapping anti-extortion course for officials from the State of ChihuahuaQs Attorney GeneralQs Office. USAID is also sponsoring Anti-kidnapping, Anti-extortion training for 38 Officials from the Baja California Attorney GeneralQs Office. The four week session will be followed by another session for 45 SSP officials.

CORRECTIONS SYSTEMS REFORM PROJECT

18. (SBU) Efforts to revamp the federal prisoner classification system made advances with the test sampling of 700 offenders. This process will validate the system developed by the first group of 23 corrections classification

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specialist trained in Colorado. Data collection and analysis will last approximately one month and planning is underway for a second group of classification specialists to attend training in Colorado in early September.

19. (SBU) NAS Corrections Reform Coordinator provided a presentation on Supermax design criteria and operating practice which led to an initial request from SSP and their architect to visit the Colorado Department of Correction

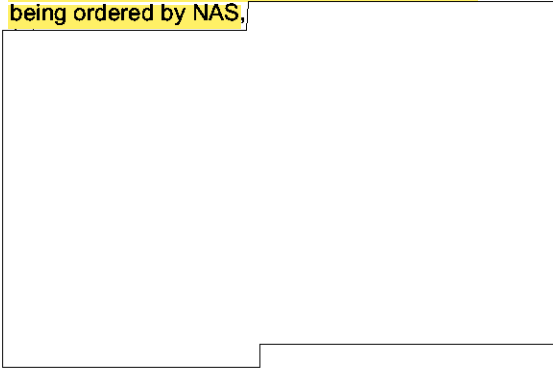
(CDOC) Supermax facility. CDOC has already committed to share drawings from the Colorado State Penitentiary 1 facility.

20. (SBU) Training for the second group of Mexican Corrections instructors began July 19 at the New Mexico Corrections Training Academy. The 30 participants from SSP will undergo a eight week program and will join the 23 instructors that graduated in April in the training of new corrections officers at the at the National Academy for Penitentiary Administration in Xalapa, Veracruz.

21. (SBU) Equipment continues to arrive for the National Academy for Penitentiary Administration in Xalapa, Veracruz. In July we received part of the equipment for the Defensive tactics module. Post is working to procure certain items locally, which will significantly reduce lead times and assist the Academy to reach its goal to train 1,000 new Corrections Officers by the end of the year.

NON-INTRUSIVE INSPECTION EQUIPMENT

22. (SBU) The Mexican Secretariat of Public Security (SSP) stepped up to the plate and agreed to accept all ten (10) X-Ray Minivans being ordered by NAS,



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IT PROGRAMS

23. (SBU) SECRETARY OF COMMUNICATIONS AND TRANSPORTATION: NAS completed documentation to

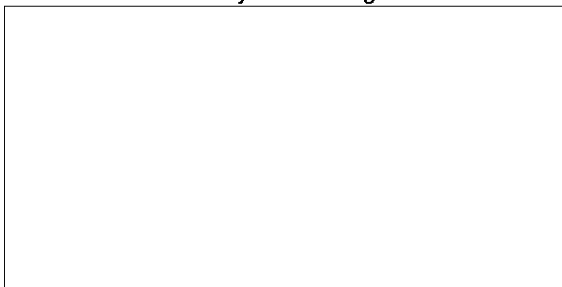
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support acquisition of \$14,000,000 worth of satellite communication ground station terminals. This will establish a redundancy in infrastructure to support its sole satellite-based secure mobile telecommunications network for national security agencies. The support will also provide for the design of the next generation of MexicoQs secure telecommunications network, and will allow for a major overhaul of SCTQs infrastructure for system administration. The Merida Initiative funded portion of the project will be completed in twelve months.

24. (SBU) PGR Q OASISS: We executed a second extension to the contract to allow additional time for a US-Mexico Memorandum of Understanding

(MOU) to be drafted and approved and to allow more time for the OASISS application developer to make the necessary software changes that result from the MOU negotiations. This extension runs from 4 August to 30 November 2009 and will allow the determination of what information will actually be exchanged between



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25. (SBU) Project Constanza: Contract negotiations continue for the prime contractor to support the PGRQs transition to a consolidated digitized paperless system in order to provide transparency, accountability, and efficiency to MexicoQs judicial system. Some \$18,000,000 of Merida Initiative funds has been obligated to assist in the PGR efforts to strengthen, secure and standardize the supporting case management system. Project Constanza depends on the successful deployment, implementation, acceptance and use of sophisticated technical information management systems by all prosecutors with an initial focus at the federal level. Software deliveries will begin in September.

26. (SBU) SECRETARY OF PUBLIC SECURITY: The SSPQs National Command and Control Center, or Qthe BunkerQ is scheduled to have an initial operating capability in August - September 2009. Presently, NAS is providing technical assistance to SSP to build a large screen display system (video wall) to show separate data feeds from major civilian entities such as the national petroleum company, federal prisons, vigilance security camera platforms in major Mexico population centers as well as emergency feeds in

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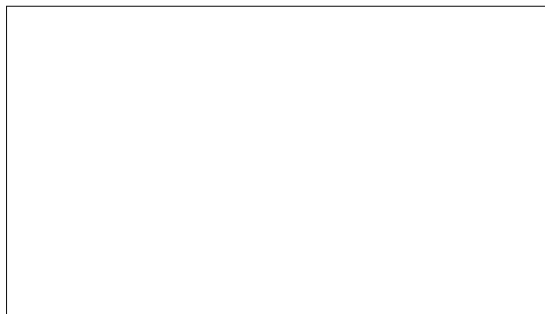
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times of crisis relating to natural disasters. According to the SSP, the facility will be inaugurated by Mexican President Felipe Calderon. Previously, NAS has delivered and installed some 60 servers for the project and currently is providing technical support to define the best means to enhance the capability of the Mexican federal entities dedicated to public security and civil preparedness to manage complex law enforcement operations as well as civil disaster mitigation efforts in a coordinated and effective fashion across multiple jurisdictions and agencies.

27. (SBU) INAMI: The Mexican Immigration Service (INM) project for issuance of biographic and biometrical identification credential (migratory form) for frequent visitors and temporary workers on the Mexico Guatemala border began in June, starting at three points on MexicoQs southern border (Ciudad Hidalgo, Talisman, and

El Ceibo). Procurement of biometric equipment is complete. Initial equipment delivery is expected be take place 4 weeks ahead of schedule (6th of September, 2009). Fully operational sites are expected by early November, 2009.

28. (SBU) The Mexican database for the INM System for Immigration Operations (SIOM) project is underway with the review of GOM requirements, and creation of a draft procurement document. An accepted and final procurement file is expected to be in place by the end of September, 2009. Phase 1 of SIOM re-engineering is expected to be delivered late March, 2010.



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CANINES

30. (SBU) To address the urgent need for space for canine units throughout the country, Aduanas and PGR officials visited the Front Royal Academy canine facilities the week of June 29 to develop concepts for the construction of their own facilities. DHS/CBP and DOJ/ATF provided guided tours of their respective facilities complete with canine demonstrations and an in-depth presentation of their activities. Both GOM agencies requested copies of the AcademyQs

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blueprints to begin construction of their own facilities. SSP, also invited to attend, cancelled a day prior departure due to internal issues.

 AVIATION PROGRAM

31. (SBU) On July 21, 2009 NAS and Foreign Ministry co-hosted inter-agency talks on aviation strategy and programs. The talks covered current missions and inventory, with future needs and projected Merida programming for the Secretariat of National Defense (SEDENA), Secretariat of the Navy (SEMAR), the Attorney General's Office (PGR), and the Secretariat of Public Security (SSP). SEDENA and SEMAR gave straight-forward presentations of missions and requirements and noted that their FY08-FY09 Merida Initiative programs are on track. Discussion with PGR focused on their current missions and future strategy, which does not include Merida funding. The SSP aviation program is expanding rapidly and must address a number of needs and make mission critical

decisions. We discussed in depth the requirements for maintenance, training, and spares for the three Blackhawks, the fixed wing package, and surveillance aircraft which we are providing as part of Merida in 2009. There were still some issues to resolve but overall the talks were extremely productive and gave us the background we needed to work closely with the GOM on their aviation needs. (MEXICO 2284)

 INTERDICTION

32. (SBU) [REDACTED]

major

seizures in July:

--July 3 - Durango, Durango: Military revision at a check point established by Joint Operation Durango led to the seizure of approximately 1.5 tons of marijuana.
 --July 3 Q Zapopan, Jalisco: Seizure of 137 kilograms of synthetic drugs and approximately one kilogram of cocaine.
 --July 4 Q Mexico City International Airport: Seizure of 16.66 kilograms of cocaine en route from Barcelona, Spain.
 --July 5 - San Juan Nepomuceno, Chihuahua: Military forces discovered an abandoned vehicle with 458 kilograms of marijuana and 73 kilograms of marijuana seeds, as well as 8.58 kilograms of opium gum, 200 grams of cocaine and ammunition.
 --July 9 Q Corralito, Zacatecas: Following and armed confrontation, military forces seized 318 kilos de marihuana and nine rifles, two pistols and three grenades. Three of the assailants were

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killed during the attack.

--July 10 Q San Ignacio, Baja California Sur:

Military forces seized 1.2 tons of marijuana found aboard a tractor-trailer.

--July 15 Q Tijuana, Baja California: Seizure of 2.9 tons of marijuana.

--July 16 Q Escuinapa, Sinaloa: Federal Police seized 28.17 kilograms of heroin secreted in the tires of a vehicle en route from Michoacan.

--July 16 Q Zapopan, Jalisco: Federal Police seized 137 kilograms of ephedrine tablets, one kilogram of cocaine, and three handguns.

--July 18 - Tijuana, Baja California: Military forces seized USD \$3.6 million and a large jewelry collection believed to belong to the Arellano Felix Cartel.

--July 18 Q Mexico City: PGR canine teams discovered 100 kilograms of marijuana hidden in shipping containers near the Mexico City International Airport.

--July 19 Q Culiacan, Sinaloa: Military forces seized 17 vehicles (3 were replicas of military vehicles), 136 rifles, 69 handguns, 1 grenade launcher, 8 grenades, more than 3,000 rounds of ammunition, USD \$20,000, MXN \$93,000 as well as small amounts of marijuana, cocaine and crystal meth. Seven individuals in possession of MXN \$333,670 were also arrested.

--July 21 Q Ciudad Juarez, Chihuahua: SSP SIU search of a local warehouse yielded 5.3 tons of marijuana.

--July 21 Q Navojoa, Sonora: Seizure of 3.1 kilograms of heroin

--July 22 Q Huatulco, Oaxaca: Joint Operation Aztec Eagle between the U.S., Mexico, Belize and Guatemala led to the seizure of 7.5 tons of cocaine.

--July 24 - Tijuana, Baja California: Seizure of a methamphetamine laboratory and 7 kilograms of methamphetamine.

--July 25 - Santiago Undameo, Michoacan: Seizure of a methamphetamine laboratory in a remote mountain forest.

--July 26 Q Durango, Durango: Military forces seized 1 submachine gun, 1 grenade launcher, 3 grenades, 1 gas grenade, a large cache of ammunition, 19 bullet proof vests, 28 plates for the vests, and gear with Federal Police and Federal Investigative Agency (AFI) insignias.

--July 29 Q Mexico City International Airport: Mexican Customs seized approximately USD \$500,000 using x-ray non-intrusive inspection equipment.

--July 29 Q Uruapan/Apatzingan, Michoacan: Military forces discovered four methamphetamine laboratories.

----- DEMAND REDUCTION -----

33. (SBU) NAS coordinated the visit to Mexico City of ONDCP Director Gil Kerlikowske.

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Director Kerlikowske met with GOM officials including Attorney General Medina Mora and Secretary Garcia Luna of the Federal Police force where they discussed ways in which the Merida Initiative could further support drug interdiction efforts. Additionally, Director Kerlikowske met with demand reduction and drug treatment professionals. Programs such as RENADIC, an information sharing network funded under the Merida Initiative, were praised as having a direct and immediate impact on the treatment community's ability to connect and exchange essential information.

CONFERENCE OF WESTERN ATTORNEYS GENERAL

34. (SBU) Attorney General Medina Mora led a delegation of 20 Mexican State Attorneys General to the 2d Annual Meeting of the Conference of Western U.S. Attorneys General and the National Conference of Attorneys General of Mexico. The Mexican AGs were exposed to the U.S. methods of conducting drug courts and the two sides signed two letters of intent Q on drug and arms trafficking. Medina Mora and the Mexican AGs were extremely pleased with the hospitality they were shown by their American counterparts and the meeting cemented a growing partnership that is leading to an increasing number of training events and exchanges between the two sides. The Mexican delegation again stressed that the key issue on arms trafficking is to develop a protocol for tracing and exchange of data.

JUDICIAL PROGRAMS

35. (SBU) In July the Colorado AG hosted a workshop for 22 GOM investigators and prosecutors with USAID support under the state alliance agreement with the Council of State Governments. Colorado state and local agencies ran a collection drive and donated 120 vests to the attorneys general of the three Mexican states.

36. (SBU) NAS Director, USAID Director, Legatt, and DOJ Justice Advisor were hosted by the senior PGR team to review judicial programs and cooperation. The PGR team is interested in vastly increased interaction between their personnel and U.S. active duty judicial and investigative personnel, and would like all the capacity building we can offer.

37. (SBU) During the month of July, 18 officials from the Morelos Center for Alternative Justice are learning best practices and training techniques. USAID and the state of Morelos Attorney General's Office designed this course to improve services and train future trainers

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for other officials from the stateQs Alternative Justice Centers.

The Chihuahua Secretariat of Public Security and the Autonomous University of Chihuahua have joined forces to provide training to 15 psychologists, social workers, and anthropologists who will serve as facilitators in finding case resolution alternatives to full court trials. These participants received USAID sponsored basic training on justice reforms and the role of pre-trial case resolutions during July. They will also receive specific feedback on their performance as they serve in new roles created as part of Mexican justice reform.

38. (SBU) DOJ sponsored a course this week on asset forfeiture. DOJ RLA continues to work with the GOM to develop a curriculum for trafficking in persons, oral trials and extradition training.

INTERNAL CONTROLS PROGRAMS

39. (SBU) Two OIG experts from DOJ completed an assessment tour of the SSP/OIG offices the second week of July. They inspected facilities and worked directly with counterparts to understand immediate needs, resource gaps and future plans. The team will carry out an assessment of the PGR/OIG offices next week followed by a written assessment report and a potential exchange visit by counterparts from both agencies to Washington. SSP was extremely satisfied with this initial piece of the OIG project, which has already yielded changes to their internal affairs bureau organization and role.

CULTURE OF LAWFULNESS/CITIZEN PARTICIPATION COUNCILS

40. (SBU) Twenty-three Mexican state prosecutors, Attorneys General and Citizen Participation Council members conducted a study tour to Italy June 20-30, to learn from Government and civil societyQs experience in confronting the mafia and lessons learned about how to effectively fight organized crime. The delegation also included the U.S. state Attorneys General who contributed experiences in applying U.S. judicial practices. This USAID sponsored event is part of an ongoing Merida Initiative program to provide technical assistance to justice officials and civil society organizations.

MANAGEMENT

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41. (SBU) The Reforma 265 project continues to progress. Design firm EYP visited post in July and has submitted an initial design that was met with general approval from USG and GOM parties. The GOM has requested clarification on some technical IT and security issues, but none seem a threat to derail the project.

42. (SBU) WAE Management Officer Mark Young completed his very successful tenure in Mexico City and departed post to make way for our new Management Officer, Les DeGraffenried, who arrived August 2.

PROJECTS OFF TRACK

43. (SBU) The following Merida projects are stalled for reasons listed (action varies; some are in DF and some DC):



1.4(B)

1.4(D)

B1

-- PGR SIEDO OASISS: This project is stalled but there has been some recent, positive motion. OASISS is held up at CBP Washington because this project requires an MOU to be signed / agreed to by the GOM and the USG. The MOU is still in the drafting phase within CBP. We have been told, in writing, that this latest draft will be completed by 14 August. However, in reality this MOU still has a ways to go as it clears CBP and the State Department before it

comes to the GOM.

-- PGR SIEDO OASISS ENHANCEMENT: This project is to produce the next version of OASISS. It will include software (JAVA) that is much easier to administer and requires less expensive and specialized software engineering. This project will include a Requirements Study on Arms Trafficking, Marijuana Smuggling and Money Laundering modules that may be included or integrated into OASISS. Project impact: We are concerned given that we are moving to contract and with delays in the current system operations that the PGR may opt out of the project.

-- SHCP / PGR / SSP ANTI MONEY LAUNDERING EFFORTS: This project is stalled due to lack of staffing. The contractor has done some preliminary work on the effort under an existing

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contract. Project impact: Lack of NAS staff to focus on the Government of Mexico computer hardware and software needs to initiate new contract has delayed the project by three months. The new contract is anticipated to start in September and deliveries to commence in last quarter CY09.

-- SHCP / PGR ASSET SEIZURE & FORFEITURE: This project is stalled due to lack of staffing. The contractor has done some preliminary work on the effort under an existing contract. Project impact: Lack of NAS staff to focus on the Government of Mexico computer hardware and software needs to initiate new contract has delayed the project by three months. The new contract is anticipated to start in September and deliveries to commence in last quarter CY09.

-- RENADIC (Demand Reduction): This project has been stalled due to lack of information needed from the GOM (CONADIC). NOBLIS team provided their recommendations and an acquisition strategy in mid-June, but cannot move forward until certain information regarding set-up, providers and installations are provided. NAS has pressed CONADIC urgently for this information but to no avail.

-- Aviation Training: During July solicitations for the SSP Blackhawk Pilot Training Contract were submitted to CNTPO for evaluation. The evaluation process uncovered a need for clarification and went back for another round. Final selection of a training contractor is expected by the middle of August.

-- INAMI Rescue Equipment and Communications (Grupos Beta): First attempt to do this was delayed because of CBP security concerns (now resolved), and inability by NAS to procure equipment in time for the training. It might be more efficient to use an IAA and transfer money to CBP but CBP detailee will make a recommendation on how to best accomplish this.

-- USAID Police Continuing Education: Part of the funding is stuck pending completion of IAAs with other agencies.

-- Citizen Participation Councils: USAID project but the funding is still with State. Need to transfer the money.

-- Judicial Reform Projects (5): Pending incoming DOJ personnel.

PASCUAL

Info: ONDOP WASHINGTON DC, DIR, ROUTINE, DEPT OF TREASURY WASHINGTON DC, ROUTINE,
DEPT OF JUSTICE WASHINGTON DC,

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ROUTINE; FBI WASHINGTON DC,*ROUTINE*; HQS WASHINGTON DC, DEA,*ROUTINE*; BATF WASHINGTON DC,
ROUTINE; NAT DRUG INTEL CTR JOHNSTOWN PA,*ROUTINE*; EPIC EL PASO TX,*ROUTINE*;
WASHINGTON DC, SECDEF,*ROUTINE*; JOINT STAFF WASHINGTON DC,*ROUTINE*; HQ USNORTHCOM,*ROUTINE*;
HQ USSOUTHCOM MIAMI FL,*ROUTINE*; DEPT OF HOMELAND SECURITY WASHINGTON DC,*ROUTINE*;
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WHA CENTRAL AMERICAN COLLECTIVE,*ROUTINE*

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From: H' <hrod17@clintonemail.com>
Sent: Saturday, May 30, 2009 6:42 AM
To: 'reinesp@state.gov'
Cc: 'sullivanjj@state.gov'
Subject: Re: Brazil and Mexico

How will we set any expectations? Did anyone background the press yet?

----- Original Message -----

From: Reines, Philippe I <reinesp@state.gov>
To: H
Cc: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Fri May 29 21:47:49 2009
Subject: Re: Brazil and Mexico

If we set the expectation now that the outcome is likely to not go our way, ANY alternative - even one kicking the can down the road as Jake outlines below - would be seen as a significant victory.

And as an added bonus, it would be an opportunity to highlight your personal dedication to and prioritization of human rights/democracy, which we've been criticized for since China.

From: Jake Sullivan [redacted]
To: H <hdr22@clintonemail.com>
Cc: Reines, Philippe I
Sent: Fri May 29 20:59:26 2009
Subject: Brazil and Mexico

B6

B5

ACTION INL-00 RELEASED IN FULL

INFO LOG-00 EEB-00 AID-00 AMAD-00 ~~GHFS-00~~ RPPR-00 CIAE-00
CPR-00 CTME-00 DOTE-00 WHA-00 PDI-00 DS-00 DHSE-00
OIGO-00 FAAE-00 UTE-00 VCI-00 FRB-00 H-00 TEDE-00
INR-00 JUSE-00 LAB-01 L-00 MOFM-00 MOF-00 VCIE-00
DCP-00 NSAE-00 ISN-00 NIMA-00 OPR-00 EPAU-00 MCC-00
PER-00 GIWI-00 SCT-00 ISNE-00 DOHS-00 SP-00 IRM-00
SSO-00 SS-00 TRSE-00 NCTC-00 FMP-00 R-00 EPAE-00
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DEA FOR OD, OF, OFC, AO, DO, NPSM
CUSTOMS FOR LA OPS AND FOR OIA/WHB

E.O. 12958: N/A
TAGS: SNAR, KCRM, KJUS, PGOV, PREL
SUBJECT: TENTH BILATERAL IMPLEMENTATION MEETING

1. (SBU) SUMMARY: GOM hosted the Tenth Merida Mexico Bilateral Implementation Meeting in Mexico City on June 10, 2010. The meeting included attendees from all U.S. and Mexican agencies involved in the Merida Initiative.

REVIEW AUTHORITY: Adolph Eisner, Senior Reviewer

2. (SBU) Key issues raised during the meeting were:

-- New following new partners attended the meeting for the first time and play key functions in the judicial reform arena:

-- Secretaria Tecnica del Consejo de Seguridad Nacional,

(Technical Secretariat of the National Security Council): The Technical Secretariat reports directly to the President on matters related to national security, including technical analysis of action plans and agreements proposed by the National Security Council.

-- Poder Judicial (Judicial Branch of the GOM): The Judicial Branch of Mexico is responsible for oversight of constitutional and legal matters. Similar to the U.S. judicial sector, the Poder Judicial includes the Supreme Court, the Electoral Tribunal, Federal District Courts, Circuit Courts, Arbitration Tribunals, and the Federal Judiciary Council.

-- Consejeria Juridica del Poder Ejecutivo Federal (Judicial Advisory Board of the Executive Branch of the GOM): The Judicial Advisory Board is responsible for providing recommendations and technical support as it relates to judicial matters to the President of Mexico.

-- Secretaria Tecnica para la Reforma Penal (Technical Secretariat for Prison Reform): The Technical Secretariat for Prison Reform is responsible for providing guidance and coordination of prison reforms in Mexico.

-- RENAPO (the National Population Registry) also participated in the bilateral meeting for the first time. RENAPO is the government institution responsible for registering and maintaining data on citizens and residents in Mexico.

--NAS emphasized the importance of creating the capacity to build capacity as an across-the-board strategy for ensuring sustainability of Merida Initiative programs and the institutional reforms they support.

--In this vein, NAS Director suggested consideration be given to the creation of a Mexican training institution modeled on the American Federal Law Enforcement Training Center (FLETC). This new institution could provide shared training facilities for Mexican law enforcement agencies that currently lack the capacity to maintain their own training centers. Mexican officials agreed that the Sistema Nacional de Seguridad Publica (SNSP) would be a natural place for further consideration, beginning with a study tour to

--GOM agreed (again) to meet and discuss public communications strategy.

--USG announced that the Bilateral Implementation Office (BIO) is now operational. Mexican agencies said they would assign specific personnel to the BIO upon completion of an exchange of notes

between the GOM and the Embassy.

--GOM and USG representatives agreed to meet during the week of June 14 to review achievements and metrics under the Merida Initiative during CY2009.

-- The next Bilateral Implementation meeting was not set but will be around week of July 19.

End summary.

NINTH BILATERAL IMPLEMENTATION MEETING

3. (SBU) The tenth Merida Mexico Bilateral Implementation Meeting was held in Mexico City on June 10, co-chaired by Secretaria de Relaciones Exteriores (SRE) Merida Coordinator Ambassador Benito Andion and NAS Director Keith Mines. GOM representation included the Technical Secretariat of the National Security Council, the Secretariat of Foreign Relations (SRE), the Secretariat of Government (SeGOB), the Attorney General's office (PGR), the National Institute for Immigration (INAMI), the Center for National Security Investigations, the Secretariat of National Defense (SEDENA), the Secretariat of the Navy (SEMAR), the Secretariat of Prisons, the Secretariat of Public Security (SSP), Customs (AGA/SAT), the Financial Intelligence Unit (UIF), the Secretariat of Communications and Transportation (SCT), and the National Council Against Addictions (CONADIC).

KEY POINTS FROM IMPLEMENTATION WORKING GROUPS

4. (U) Program I - Law Enforcement Professionalization and Training

-- Control de Confianza: GOM Partners feel underfunded on control de confianza programs and would like to request additional funding.

-- Merida partners evaluated a center for capacity building in

-- The process of prioritizing capacity-building for PGR/AFI is ongoing.

-- CBP-provided training for SAT personnel continues and additional investigation courses will start in July 2010.

--Forensic Laboratories: Forensics advisor arrives June 14 to evaluate the needs for SSP and PGR forensic labs.

5. (U) Program II - Justice Sector

--Culture of Lawfulness: PGR highlighted their investment in C of L projects and desire to coordinate further in this area.

--Strengthening Judicial and Investigative Capacity: Programs in process to build capacity in 'oral interrogations' with COPLADI and INACIPE. USAID trained 75 judges, public officials and public defenders in Baja California on practices of the new judicial system.

--Extradition Training: DOJ has two new funds specifically for activities related to extraditions from Mexico. Meeting is planned for June 2010 in Washington D.C. to coordinate.

--Victim Protection Program: USAID is collaborating with SEGOB and the Center for Family Justice in San Diego to implement a model program for restitution of victims in Ciudad Juarez.

--Prosecution and Interrogations: USAID will give a course on prevention, detection, prosecution as well as protection of victims.

--Judicial Exchanges: USAID supported a study trip to Chile for SETEC officials; a training course in South Dakota for 24 police ministers; and a litigation course in Los Angeles for 40 GOM public officials. 400 other justice officials were trained through exchange programs in Nuevo Leon, Hidalgo and Durango.

--Conflict Resolution - 400 mediators throughout Mexico were trained by USAID and DOJ on negotiation, crisis intervention, conflict management, resolution strategies and interventions in domestic abuse.

--Support for Training Programs for Lawyers: USAID collaborated with ITESN of Monterrey and Southwestern University to support training for lawyers on the new judicial system.

--Conservation of Evidence and Chain of Custody: DOJ provided oral litigation and chain of custody protocol trainings and have more planned for PGR and SSP personnel in six different cities.

--National Police Registry: A contract for \$4.8M USD for equipment to support Kardex was negotiated and program will begin to roll out in late summer.

6. (U) Program III - Information Management Technology Enhancement

--INAMI Capacity Building: NAS trained 19 biometric teams at INAMI. In addition, PGR has asked for NAS support in maintaining their IT systems for the next two years. Work in this area is pending an MOU between DHS-CBP and PGR. Action is pending from DHS. NAS and GOM partners are eager to resolve this issue and to move forward in providing support in this area.

--Secure Digital Communication Systems: NAS has prioritized helping SCT with secure digital communication systems and is helping SCT develop secure back-up systems.

--SSP Data Management Platform: NAS is working to purchase software to support SSP's data management needs and plans to help put this program in place in September 2010. NAS is also supporting similar data management programs in other GOM agencies.

7. (SBU) Program IV - NIIE and Canines

--Non-Invasive Inspection Equipment (NIIE): GOM partners are extremely focused on earliest provision of NIIE and are frustrated with delays caused by vendor protests. The good news is that the first shipments of NIIE equipment for AGA/SAT are in hand and two units from VACIS are slated for delivery in August 2010.

--Canine programs: NAS is in the process of purchasing equipment for canine teams at PGR, and is working on a number of projects with SSP including expansion of SSP canine teams in Tepic and Nayarit, strengthening of the Canine Unit of Mexico City and expansion of canine programs in Mexico's principal airports. The canine programs are on schedule.

8. (U) Program IV - Aviation

--Three UH-60M helicopters for SSP are scheduled for delivery in October of 2010. Additional funding of \$83.5M USD will be used for either UH-60Ms or UH-60Ls when clear timelines are available.

-- Training for a program for Maritime Vigilance and Maintenance for SEMAR (Navy) is slated for September to December 2011.

--UH-60 Helicopters for SEMAR are scheduled for delivery in September 2011.

-- 2 Bell Helicopters for SEDENA are scheduled for delivery in October 2010.

-- ISR Aircraft for SSP: Intelligence, Surveillance and Reconnaissance Aircraft for SSP slated for delivery in 2011.

9. (U) Program VIII - Financial Crimes

--SSP announced they would like to use vetted unit resources for counter money laundering activities.

-- GOM Embassy rep expressed a desire to coordinate more closely on money laundering activities and in particular emphasized the value of bilateral, rather than unilateral, release of USG money laundering reports in the future.

10. (U) Program IX- Demand Reduction

--CIDAC/OAS opened its implementation office for the counselor certification program in Mexico City in June 2010. Surveys and curricular development will be conducted from this office for all of Mexico.

11. (U) Program X - Culture of Lawfulness

-- Expansion of Culture of Lawfulness activities: The state of Nuevo Leon and the University of Technology of Monterrey evaluated the opportunities and technical assistance needed to build stronger civil society in the metropolitan area of Monterrey.

--Civil Society: Merida partner agencies supported the design and launch of the "Somos Mas" Campaign and the new websites <http://www.notedeges.mx> and www.concuerda.mx

--Support for Human Rights and Civil Society NGOs: SEGOB identified those NGOs recognized by the federal government for their work in HR and civil society development. USAID, CNDH and various NGOs met on the subject of human rights and the importance of monitoring police behavior.

12. (SBU) NEXT STEPS IN JUAREZ: Merida partner agencies reiterated their commitment to build deeper bilateral cooperation not just in technical assistance programs but also across broader justice reform and capacity building activities. GOM and USG partners, as well outside SMEs, will meet the week of June 21, 2010 in Ciudad Juarez (CJ) in order to assess progress in strengthening an

UNCLASSIFIED U.S. Department of State Case No. F-2010-03406 Doc No. C17520460 Date: 08/24/2012
integrated and bilateral law enforcement approach to the area. The
meeting will be hosted by SSP as a follow-up to the first bilateral
meeting held in February 2010. It will focus on intelligence,
judicial capacity and police deployment. The meeting represents an
ongoing concerted effort by all partners to better leverage and
coordinate municipal, state, federal and bilateral efforts to
stabilize Juarez.
PASCUAL

NNNN

1 bribed, remember that?

2 A I don't remember.

3 Q Do you remember that you said that a fellow drug
4 trafficker named Mario Acosta Chaparro, that that drug
5 trafficker was released from detention by Secretary of Defense
6 Guillermo Galván Galván?

7 A Yes. Yes. I do remember. I do remember. He was at
8 some meeting, Acosta Chaparro, yes.

9 Q And you said that Acosta had a special relationship with
10 Galván Galván, the Secretary of Defense of Mexico; right?

11 A Right. I don't remember very clearly, but, yes, it's
12 been a long time.

13 Q Okay. And in those years in which you had proffer
14 meetings before 2020, there is one name that you never
15 mentioned. Do you know what name I'm going to ask you?

16 A Tell me.

17 Q Genaro Garcia Luna. You never mentioned him once before
18 2020, did you?

19 A There were topics that were not touched. There were also
20 delicate topics and I was afraid. There's a lot of thing
21 going on.

22 Q You mentioned the Mexican Secretary of Defense, but you
23 were reluctant to mention the Mexican Secretary of Public
24 Security, is that your testimony?

25 A I was talking -- I was talking about Acosta Chaparro

1 because that's the question that I was being asked and that's
2 what we talked about at that time.

3 Q So is your testimony that the reason you never mentioned
4 Mr. Garcia Luna's name in all those years is because you were
5 never asked directly whether you bribed him?

6 A Directly that there wasn't an interest directed to those
7 topics. We talked about those topics very superficially, like
8 Government corruption. We didn't really go deep into it until
9 the time came.

10 Q So even though you were asked questions specifically
11 about the cartel's relationship with Government and Government
12 corruption, Mr. Garcia Luna's name just never happen to come
13 to mind?

14 A Of course it came to mind.

15 Q But you just didn't mention it?

16 A I wasn't asked specifically at that time.

17 Q Okay. There's another name that you never mentioned
18 during all those years when you were asked about corruption.
19 That was Luis Cardenas Palomino.

20 A Yes, that's correct.

21 Q And you testified at length today about Mr. Palomino and
22 how you were present at meetings with him or a meeting with
23 him; correct?

24 A Yes, correct.

25 Q But not a word about him between 2011 and 2020?

1 Q Just a question, side question about Pilo.

2 You testified earlier that he is the one that paid,
3 essentially, your ransom so that you would get released from
4 your kidnappings; isn't that right?

5 A Yes. Yes. That's right. He was the person who was in
6 charge of taking the money to Mexico City and delivering it.

7 Q And the amount that he was supposed to pay was \$5
8 million; right?

9 A Yes, that's right.

10 Q Presumably in cash?

11 A Yes. Cash. In dollars; right.

12 Q Isn't it true that Pilo told you later that he only paid
13 \$4 million because he couldn't fit \$5 million into his car?

14 A Yes.

15 MS. [REDACTED]: Objection.

16 THE COURT: There was an objection?

17 MS. [REDACTED]: Yes.

18 THE COURT: Overruled.

19 A Yes.

20 Well, when one of the units was going to be
21 delivered, they -- they could only fit four in, they couldn't
22 fit all five.

23 Q All right. Let's go back to your cooperation, okay?

24 So you testified that you started cooperating with
25 the Drug Enforcement agency in 2011; correct?

1 A Yes, that's right.

2 Q And when you say cooperate -- when I say cooperate, you
3 understand that to mean you had meetings with law enforcement
4 agents and prosecutors; correct?

5 A Yes. That's right.

6 Q And during those meetings you were honest and complete;
7 right?

8 A Yes, that's right.

9 Q And between 2011 and 2016, you met with law enforcement
10 agents dozens of times; isn't that right?

11 A Yes. Yes. We met several times, yes.

12 Q You met not just several times, you met dozens of times,
13 didn't you?

14 A Well, yes. You could say that, yes.

15 Q Okay. And now, those meetings they were not recorded,
16 right? They didn't have a video camera or anything like that
17 playing while you were talking; correct?

18 A That's right. I imagine.

19 Q But somebody in the meeting was always taking notes, you
20 saw that; correct?

21 A Yes.

22 Q Sometimes more than one person?

23 A Yes, they were always taking notes. Yes.

24 Q And you know that those notes were eventually turned into
25 official DEA reports; right?