



MEXICAN STATE PRISONS WITHIN WIDER CRIMINAL NETWORKS





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Senior Researcher: Mariana Gutiérrez Gaytán

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ABBREVIATIONS

AA	Artistas Asesinos gang
ACA	American Correctional Association
AFI	Federal Investigation Agency (<i>Agencia Federal de Investigación</i>)
ANAP	National Academy for Prison Administration (<i>Academia Nacional de Administración Penitenciaria</i>)
ASF	Federal Superior Auditor (<i>Auditoría Superior de la Federación</i>)
OBL	Beltrán Leyva Organization
CDG	Cartel del Golfo criminal group
CEDES	State prisons in Tamaulipas (<i>Centro de Ejecución de Sanciones</i>)
CEFEREPSI	Federal Center for Psychosocial Rehabilitation (<i>Centro Federal de Rehabilitación Psicosocial</i>)
CEFERESO	Federal Center for Social Reintegration (<i>Centro Federal de Readaptación Social</i>)
CENAPI	National Center for Planning, Analysis and Information to Combat Crime (<i>Centro Nacional de Planeación, Análisis e Información para el Combate a la Delincuencia</i>)
CEPRERESO	Preventive and Social Reintegration Center (<i>Centro Preventivo y de Reinserción Social</i>)
CERESO	Social Reintegration Center (<i>Centro de Readaptación Social</i>)
CIA	US Central Intelligence Agency
CIAN	Mexican Army's Anti-Narcotics Intelligence Center (<i>Centro de Inteligencia Antinarcóticos del Estado Mayor de la Defensa Nacional</i>)
CIPF	Intelligence Center of the Federal Police (<i>Centro de Inteligencia de la Policía Federal</i>)
CISEN	Center for Investigation and National Security (<i>Centro de Investigación y Seguridad Nacional</i>)
CJF	Federal Judicial Council (<i>Consejo de la Judicatura Federal</i>)

CJNG	Jalisco New Generation Cartel (<i>Cartel de Jalisco Nueva Generación</i>)
CNDH	National Human Rights Commission (<i>Comisión Nacional de Derechos Humanos</i>)
CNESP	National Confederation of Private Security Entrepreneurs (<i>Confederación de Empresarios de Seguridad Privada</i>)
CNS	National Commission for Security (<i>Comisión Nacional de Seguridad</i>)
CNSP	National Council of Public Security (<i>Consejo Nacional de Seguridad Pública</i>)
CPS	Services Agreement (<i>Contratos de Prestación de Servicios</i>)
DEA	Drug Enforcement Administration
DNSP	National Diagnosis of Prison Supervision (<i>Diagnóstico Nacional de Supervisión Penitenciaria</i>)
ENPOL	National Survey on Population Deprived of Freedom (<i>Encuesta Nacional de Población Privada de la Libertad</i>)
ENVIPE	National Survey on Victimization and Perception of Public Security (<i>Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública</i>)
FBI	US Federal Bureau of Investigation
FEEPMJ	State Prosecutor for the Execution of Penalties and Judicial Measures (<i>Fiscalía en Ejecución de Penas y Medidas Judiciales del Estado</i>)
UIF	Financial Intelligence Unit
FOI	Freedom of information request
GATE	Coahuila state Special Weapons and Tactics Group (<i>Grupo de Armas y Tácticas Especiales</i>)
GRI	Coahuila state Immediate Reaction Group (<i>Grupo de Reacción Inmediata</i>)
GROMS	Saltillo Metropolitan Operational Reaction Group (<i>Grupo de Reacción Operativa Metropolitana de Saltillo</i>)
ICC	International Criminal Court
INEGI	National Institute of Statistics and Geography (<i>Instituto Nacional de Estadística y Geografía</i>)
INM	National Migration Institute (<i>Instituto Nacional de Migración</i>)
LGSNSP	National Public Security System Law (<i>Ley General del Sistema Nacional de Seguridad Pública</i>)

NL	Nuevo León
OADPRS	Decentralized Administrative Agency for Prevention and Social Reintegration (<i>Órgano Administrativo Desconcentrado Prevención y Readaptación Social</i>)
OAS	Organization of American States
OSJI	Open Society Justice Initiative (<i>Open Society Foundations</i>)
PAN	National Action Party (<i>Partido Acción Nacional</i>)
PF	Federal Police (<i>Policía Federal</i>)
PFP	Federal Preventive Police (<i>Policía Federal Preventiva</i>)
PGE	State Attorney General's Office (<i>Procuraduría General del Estado</i>)
PGR	Federal Attorney General's Office (<i>Procuraduría General de la República</i>)
PJF	Federal Judicial Police (<i>Policía Judicial Federal</i>)
PM	Plataforma México
PPP	Public-Private Partnership
PRD	Democratic Revolution Party (<i>Partido de la Revolución Democrática</i>)
PRI	Institutional Revolutionary Party (<i>Partido Revolucionario Institucional</i>)
RFC	National tax ID number (<i>Registro Federal de Contribuyentes</i>)
SAT	Tax Administration Service (<i>Servicio de Administración Tributaria</i>)
SCT	Secretariat of Communications and Transportation (<i>Secretaría de Comunicaciones y Transportes</i>)
SDN	Specially Designated Nationals and Blocked Persons List
SEDENA	Secretariat of Defense (<i>Secretaría de la Defensa Nacional</i>)
SEGOB	Secretariat of the Interior (<i>Secretaría de Gobernación</i>)
SEMAR	Secretariat of the Navy (<i>Secretaría de Marina</i>)
SESNSP	Executive Secretary of the National Public Security System (<i>Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública</i>)
SFP	Secretariat of Public Affairs (<i>Secretaría de la Función Pública</i>)
SHCP	Secretariat of Finance and Public Credit (<i>Secretaría de Hacienda y Crédito Público</i>)

SIEDO	Assistant Attorney General for Special Investigations and Organized Crime (<i>Subprocuraduría de Investigación Especializada en Delincuencia Organizada</i>)
SNSP	National Public Security System (<i>Sistema Nacional de Seguridad Pública</i>)
SSP	Secretariat of Public Security (<i>Secretaría de Seguridad Pública</i>)
SSPM	Municipal Secretariat of Public Security (<i>Secretaría de Seguridad Pública Municipal</i>)
SSPPRS	Jalisco Secretariat of Public Security, Prevention and Social Readaptation (<i>Secretaría de Seguridad Pública, Prevención y Readaptación Social en el Estado de Jalisco</i>)
SUIC	Single Criminal Information System (<i>Sistema Único de Información Criminal</i>)

EXECUTIVE SUMMARY

In the context of the Mexican Drug War, state prisons are spaces where organized crime groups and the State engage with each other in various ways: dispute, negotiation, and even collaboration. State and private actors, including organized crime groups, have manipulated and exploited prisons. As a result, prisons have become tools of social control and repression rather than places that facilitate the social reintegration of incarcerated persons.

Between 2010 and 2011 in Tamaulipas, organized crime groups orchestrated the escape of at least 433 inmates from state prisons, allowing them to continue filling their ranks in their turf war. Between January and June 2010, prison officials in the CERESO of Gómez Palacio in Durango, allowed inmates to leave the prison, using official vehicles and weapons, to attack businesses tied to the Zetas in Torreón, Coahuila. In Ciudad Juárez in 2011, the extent of privileges conceded to allies of the Sinaloa Cartel in the municipal prison facilitated the smuggling of firearms used to massacre 17 of their rivals. In the 2012 massacre in the CERESO of Apodaca, the number of killed inmates by a rival group amounted to 43.

This study analyzes whether the structure and organization of the prison system in Mexico during the period 2008-12 enabled public corruption and impunity. It then examines the demand side of public corruption in the state prison system, the limits of internal accountability, and how privatization contributed to the ungovernability of prisons. Finally, it will look at the supply side of corruption and examine the extent to which prisons are integrated into wider criminal networks.

For each section, the study looks at evidence obtained from judicial files related to violent incidents that occurred in state and municipal prisons in the North and Northeast regions¹—specifically the states of Chihuahua, Durango, Coahuila, Nuevo León, and Tamaulipas—between 2008 and 2012. In parallel, it traces the economic interests of key actors that reformed, influenced, and even benefited from public security and the prison system. In this sense, the study provides contextual evidence for lawyers and front-line human rights defenders working towards accountability for grave crimes in Mexico.

Managing (un)governability

During the period 2008-12, against the backdrop of the Mexican Drug War and excessive use of pretrial detention, the national prison system relied extensively on state and municipal prisons to house an influx of federal prisoners. While the Mexican government made efforts to coordinate and standardize practices and protocols with state governments, there were no enforcement measures, meaning that policies ultimately depended on state governments. The transfer of funds to the states in the form of subsidies to be invested in infrastructure and equipment fell short and these were often used with little accountability or oversight.

Due to underfunded and understaffed prisons, state governments sought relief through *de facto* privatization and allowing powerful groups (i.e. prison gangs and organized crime) to take on public functions.² Chronic bribery facilitated such arrangements. At the national level, overcrowding and a lack of adequate infrastructure exacerbated significant problems with the separation and classification of inmates. Prison authorities often separated them by gang affiliation to avoid confrontations, but this eventually strengthened the organizational capacity of groups inside the prisons and consolidated their control over the prisons themselves. Prison gangs often became absorbed by or allied with external organized crime groups. This gave them enforcement capabilities both inside and outside the prisons.

In parallel, federal and state authorities sought to centralize public security activities and institutionalize the militarization of public security. Starting in 2009, state governments began appointing retired or licensed military personnel to key positions of prison administration. Furthermore, federal and national security forces often reinforced security in state and municipal prison facilities. Such arrangements often muddled responsibility for grave human rights violations and violence within state prisons.

The Mexican prison system ultimately became a link in the chain of impunity, interconnected with deficiencies and corruption across the criminal justice system. Furthermore, corruption in the prison system was often linked to other crimes, including drug trafficking, massacres, and human trafficking.

Opacity and public corruption: private participation as a solution?

The 2019 indictment of the former Secretary of Public Security, Genaro García Luna, on charges of drug trafficking revealed the extent of public corruption in the PAN administration (2006-12) and specifically the criminal capture of federal public security institutions and strategy. In parallel, the governments of the Northeastern states of Mexico were also involved in numerous corruption scandals and implicated in significant human rights violations. During the period 2008-12, the PRI (*Partido Revolucionario Institucional*) political party governed all of these states.

Demand-side corruption in the prison system—fueled by those who demand and accept corrupt payments—was present all levels:

- High-level corruption: the capture of budgets for public contracting, including irregularities in the privatization of federal prisons;
- Mid-level corruption: the subcontracting of prison services and the revolving door between public and private security;
- Low-level corruption: chronic bribery of officials inside the prisons.

Despite the widespread and systematic nature of human rights violations in the prison system, public accountability was often limited to officials working directly in the prisons, specifically prison directors and guards, and prosecution was almost always initiated following the public exposure of violent incidents. Although there were some dismissals of high-ranking

officials, they were rarely prosecuted for violent incidents and abuses. This reinforced a culture in which prison workers are disposable, mirroring the disposability of incarcerated persons.

Between 2008 and 2012, federal and state governments began to perceive the formal private sector as part of the solution: as a contractor and supplier, as a partner in creating prison industries and capacity building, and as an investor in (mass) incarceration. Private actors, however, operate without being vetted, and with little transparency and accountability. In the CERESO of Apodaca, the witness statement of the deputy director of the prison taken after the massacre of 2012 stated that the Zetas would smuggle prohibited substances into the prison through the CERESO food supplier, Proveedora Salazar, S.A. de C.V., yet no action appeared to be taken against the company. Between 2014-16, Proveedora Salazar continued to supply Nuevo León CERESOS, and received payments totaling over MXN 62 million.³ Another example of a lack of oversight is the hiring of the company Protección Urbana, S.A. de C.V. as a contractor of state prisons in Nuevo León between 2016-18.⁴ The company was not only linked to irregularities in government contracting but one of its shareholders was linked to a wider drug trafficking network investigated by Italian authorities in 2012.⁵

Prisons within wider criminal networks

Between 2008-12, as prison gangs increasingly became associated with organized crime groups, prison facilities became operational centers for criminal activity. The control of the prison—that is, the control over life, punishment, and death inside the prison⁶—not only represented access to a significant source of income but also to recruits. Control of the prison reinforced control of the *plaza* and vice versa.

Our analysis of violent incidents in state prisons in Chihuahua, Durango, Coahuila, Nuevo León, and Tamaulipas identifies similarities in how criminal groups have exploited the prison system. Powerful groups have enjoyed extensive privileges inside the prison, but they have also:

- Controlled contraband and the black markets (including an extortion system);
- Influenced the distribution and separation of inmates, and sometimes even transfers;
- Influenced the appointment of prison officials;
- Controlled access in and out of the prison for goods and individuals (including women for prostitution and kidnapping victims); and
- Transformed the prison into a safehouse used to hide individuals (fugitives), illegal substances, and firearms.

Because they represent significant operational benefits for organized crime groups, prisons have become leverage for waging turf wars or when negotiating with authorities. Together with other forms of corruption in Mexico's criminal justice system, the prison system has become an important link in the chain of impunity, spanning structures of judicial administration (investigators, prosecutors, and courts) and law enforcement (police and other security forces).

Recommendations

Civil society actors and lawyers working to advance accountability of grave crimes in Mexico should emphasize the need to incorporate financial tools in all grave crime investigations. Open source tools and methodologies for researching financial and commercial interests empowers victims and their families to pressure authorities into exploring new lines of investigations.

New legal and advocacy strategies could consider the following:

- The public security and defense sectors must be opened to greater oversight, including from civil society. Federal and state governments should guarantee competitive bidding in these sectors, improve regulation of the private security sector, and restrict the revolving door between the public and private sectors to limit corruption and conflicts of interest.
- Strengthening national courts and investigative mechanisms is paramount. However, due to continuing political obstruction of investigations, Mexico should create an internationalized mechanism with the power to independently investigate and prosecute atrocity crimes and related cases of corruption.⁷ This mechanism should prioritize the corrupt structures and practices rooted in Mexican public security and prisons.
- The international nature of illicit financial flows opens additional jurisdictions and liability frameworks for accountability. New case law and rules regarding the corporate and commercial facilitation of international crimes could support novel cases that consider new modes of liability for actors who are, at first glance, distanced from the crimes.⁸
- Financial tools can provide a new avenue to pursue accountability for grave crimes. These can also help dismantle the financial networks and infrastructure being used to fund criminal operations.
- Further efforts and resources are required to obtain evidence linking corruption to human rights abuses and crimes against humanity. This could be supported through field research and extensive interviews with key public officials and other actors in the prison ecosystem.

1.

INTRODUCTION

After civil society organizations published *“Undeniable Atrocities: Confronting Crimes against Humanity in Mexico”* in 2016 and *“Corruption that Kills: Why Mexico Needs an International Mechanism to Combat Impunity”* in 2018, it became clear that further research was needed to understand the links between rampant corruption and systemic impunity within the Mexican criminal system—regardless of ongoing reforms to the system.⁹ Specifically, the role of the country’s prisons in the context of the “war on drugs” has been mostly overlooked by analysts, even when they are spaces of interaction between organized crime groups and the State.

The control of prisons by gangs and organized crime groups is not new, nor is it a phenomenon limited to Mexico.¹⁰ A 2015 study of the prison situation was presented at the Meeting of the Committee on Hemispheric Security of the Organization of American States (OAS). The Secretariat for Multidimensional Security of the OAS identified that prison systems in the region are faced with common and relatively homogeneous problems, including overcrowding, precariousness of those incarcerated, and the presence of organized crime.¹¹ Since at least 2006, the National Human Rights Commission (*Comisión Nacional de Derechos Humanos - CNDH*) has published an annual assessment of the conditions of (municipal, state, federal, and military) prisons that compose the Mexican prison system (*Diagnóstico Nacional de Supervisión Penitenciaria*), through which it has consistently reported the issue of self-government.¹² The CNDH defines self-government as the condition when “effective control of all internal aspects are in the hands of certain inmates,” and co-government as the condition when “the prison administration shares power in the running of a prison with some of the inmates.”¹³ Prison escapes and violence over the last decade are a reflection of these, particularly in the Northeast region of Mexico between 2008 and 2012.

Other structural issues regarding the prison system in Mexico include overcrowding, deficient infrastructure, an overall lack of resources, understaffing, and systemic corruption that forces inmates to pay bribes—to either guards or other inmates—to receive even the most basic services.¹⁴

This translates into poor living conditions for the vast majority of inmates who face physical and mental insecurity within correctional facilities. Prisons are often considered by human rights organizations an extension of state

violence, due to the State's incapacity to guarantee the basic human rights of the prison population. Prisons have become an important link in the chain of impunity in Mexico. Not only have they been predominantly filled with poor, lower-class young men,¹⁵ but accountability rarely reaches those at the top of the chain of command: the material authors, the facilitators, and the financiers.

Within this context, Empower analyzed the use of state prisons in Northeast Mexico between 2008 and 2012—specifically the states of Chihuahua, Durango, Coahuila, Nuevo León, and Tamaulipas— and the prison system in general, within wider criminal networks.

Despite that prisons, by definition, should be under complete and effective control of the State, governance within correctional facilities is often shared with powerful groups within the prison.¹⁶ The Center for Social Reintegration (*Centro de Readaptación Social* - CERESO) of Piedras Negras, between 2009 and 2012, was an extreme example of this. However, many other prisons throughout Mexico exhibit similarities in their operation, specifically with regard to the power and influence criminal groups have within them. Essentially, the operation of state prisons is founded on arrangements among powerful groups that maintain a grip on prisons and create intransigent structures that are hard to dismantle.

This study analyzes the prison system from a distinct entry point, looking past direct perpetrators of violence and identifying the actors and enablers that contributed to, facilitated, or benefited from the use and manipulation of the Mexican prison system during the period 2008-12. The study also maps the financial infrastructure that such actors could have used to facilitate the laundering of illicit gains. This effort involved monitoring actors navigating the criminal landscape at all levels of analysis— including state officials, companies, and armed non-state actors—and identifying the role each plays within the network. Such roles include employing violence, facilitating the laundering of proceeds, and providing protection. Often, (traditional) organized crime and militias launder their proceeds using the same financial infrastructure used for public corruption and the misappropriation of public funds.

Ultimately, the purpose of this study is to provide contextual and documentary evidence for civil society actors and lawyers working to advance accountability for grave crimes in Mexico, particularly with regard to perpetrators whose links to the crimes at first glance appear distant. This exercise requires lawyers to explore various jurisdictions and liability frameworks, new case law, and new rules regarding the corporate and commercial facilitation of international crimes.¹⁷

Methodology and limitations

The study of prisons presents significant challenges due to an overall lack of information and transparency of the relevant government institutions. Empower's analysis for this study implemented both "follow the money" and "power mapping" methodologies. The study is based on a large number of freedom of information (FOI) requests in Mexico, directed at municipal, state, and federal government entities. Much of the contextual analysis is based on an extensive literature review. This included texts and reports published by universities,

such as Colegio de México and the University of Texas, as well as those published by non-profit organizations such as Documenta, Insyde, Renace, Reintegra, and México Evalúa. For instance, as part of their 'prison observatory' project, the NGOs Documenta and Databuesos jointly developed an index that captures different dimensions of prison living conditions.¹⁸ The study also incorporated information obtained from official records and documents, including a review of corporate and property registries and other official databases, such as DeclaraNet.

For the period analyzed, 2008-12, there is limited public information on the prison system, and a general lack of transparency with regard to Mexico's criminal and public security systems.¹⁹ Institutional overuse of "national security" rationales have limited the ability of Mexico's transparency laws to shed light on the prison system. Since 2006, the National Human Rights Commission (CNDH) has published its National Diagnosis of Prison Supervision (*Diagnóstico Nacional de Supervisión Penitenciaria – DNSP*).²⁰ Since 2016, National Institute of Statistics and Geography (*Instituto Nacional de Estadística y Geografía - INEGI*) has also published the National Survey on Population Deprived of Freedom (*Encuesta Nacional de Población Privada de la Libertad – ENPOL*). We also reviewed the Monthly Reports on National Penitentiary Statistics (*Cuadernos Mensuales de Información Estadística Penitenciaria Nacional*) published by the Decentralized Administrative Agency for Prevention and Social Reintegration (*Órgano Administrativo Desconcentrado Prevención y Readaptación Social – OADPRS*), and the National Census of Government, Public Security and Penitentiary System (*Censo Nacional de Gobierno, Seguridad Pública y Sistema Penitenciario*), also published by INEGI.

One of the primary sources of information used for our research were judicial files derived from official investigations into violent incidents within prisons in the states of Coahuila, Nuevo León, Durango and Tamaulipas, including those of riots, massacres, and escapes. Many documents requested through FOI requests in Mexico—directed at state prosecutors (*Fiscalías*), Judicial Branches at the state level, and the Federal Judicial Branch (*through the Consejo de Judicatura Federal – CJF*)— were at first denied by government transparency committees. They grounded their denials by claiming that many of the investigations were ongoing, even when they occurred nearly ten years ago. This was the case for the majority of requests made to Tamaulipas state government entities. When authorities provided judicial files following our appeals, the documents were all redacted to hide personal information, and some had the description of events either redacted or missing.

The vast majority of police investigations are based on witness statements. That is, there is limited indepth investigation into the violent incidents, and there is no indication of pattern analysis or contextual analysis—despite the fact that there are numerous indications that some of these events could be related. In these testimonies, a version of events is repeated over and over with few variations, and they often coincide with initial official accounts. Furthermore, according to a study published by INEGI, based on a survey of prison inmates in over 300 prisons in 2016 (ENPOL), only 62.6% of the inmates answered that they had provided a witness statement to authorities, and 46.6% responded that they had been pressured by the police or other authorities to alter their version of events.²¹ Of the judicial files reviewed, few resulted in convictions. Of those that did, courts later overturned several of them following

amparo proceedings.²² Courts cited inconsistencies in the investigation, or allegations that key testimony had been obtained through torture or coercion. The epitome of impunity in Mexico, and the failures of its criminal justice system, is the inability to penalize perpetrators of crimes that occurred within prisons, spaces (questionably) under effective state control.

It was not only investigative authorities who used coercion to alter witness testimony, but also organized crime groups in prisons seeking to control the narrative about violent incidents. In November 2015, one news report, later republished in several local media outlets, quoted an alleged hitman who had been present during the 2008 massacre in the CEDES in Reynosa.²³ According to this witness, the dominant group in a prison would leave two inmates of the rival group alive after prison massacres, and threaten them into giving a certain version of events to authorities.²⁴ Such incidents also reflect Mexico's general failure to protect witnesses, a function that "lacks safeguards and remains prone to manipulation and corruption."²⁵

Biases, contradictions or misrepresentations in judicial documents and police investigations are elements of State denial that grave human rights violations occur in prisons. Prisoners and their families face stigma and seldom receive public empathy and support,²⁶ and civil society stakeholders and human rights defenders have limited access to prisons. We identified few attempts to counter the narrative of public officials that often placed the blame on guards and prison directors rather than high-level officials or structural failures. Even media reports often unquestioningly repeat the official version of events.

There is need for new efforts to scrutinize official accounts of violent prison events—an exercise in counterforensics²⁷— and give voice to prison populations in order to develop new notions of public truth.²⁸ The pattern of defects led us to question the judicial files themselves, and analyze them in the context of those who participated in their production and reproduction. As explained by Oriana Bernasconi et al. (2019), "instead of viewing documents as discrete units," they should be taken as "simultaneously constituting a component, and a product, of the network of relations and practices that came together to produce them."²⁹

The contextual analysis also involved a systematic review of newspaper articles. This required multiple checks on truth and accuracy, and an extensive verification of sources. Where information could not be verified through primary documents, the source has usually been contextualized. Further efforts are required to continue obtaining corroborating documentation.³⁰

An important limitation to the research has been the issue of temporality. The violent incidents analyzed took place almost ten years ago, which means there is less information available. Media reports are not always archived, local media outlets or blogs no longer exist, and social media searches are limited. The state's archive is also limited. Institutional restructuring, in Coahuila for example, has limited transparency and accountability. Where institutional structures have changed, there has been no clear delimitation of responsibilities to safeguard documents and archives. Although examining the financial dimension of crimes can provide a new avenue to pursue accountability for grave crimes, Mexico's ten-year statute of limitations for financial crimes means that for such distant events, many relevant documents are no longer

attainable through open source investigation. Of course, many of the companies identified in the criminal networks continue to operate, which might suggest the crimes are ongoing.

Against this background and these limitations, the study's findings are tentative. For a comprehensive mapping of criminal networks in the North and Gulf regions, considerable additional research and resources are necessary.

2.

MANAGING UNGOVERNABILITY (2008-2012)

In December 2006, incoming president Felipe Calderón (2006-2012) declared a “war” on drugs and organized crime. National authorities mobilized resources and launched a massive military and police campaign against an enemy identified as drug trafficking organizations engaged in turf wars to control drug trafficking routes into the United States.³¹ Although the prison crisis did not begin with Felipe Calderón’s administration, the “war on drugs” considerably increased the strains on the system. With limited capacity in federal prisons, the Calderón administration had to rely on the existing infrastructure under the control of state and municipal governments. While the government attempted to solve the issue of capacity with the construction of federal prisons, the process was slow and hampered by corruption and insecurity.³² The government also tried to coordinate and standardize prison operations at all levels throughout the federation. Some of these policies, as will be seen below, facilitated organized crime’s hold and control over prisons.

2.1 The security and criminal justice landscape under Calderón

Three key government entities operationalized the war on drugs: the Secretariat of the Interior (SEGOB), which oversaw the National System of Public Security (*Sistema Nacional de Seguridad Pública*); the Secretariat of Public Security (SSP) under Genaro García Luna, which oversaw all federal police agencies; and the Secretariat of Defense (SEDENA), under Guillermo Galván Galván.³³ Two other supporting entities were the Secretariat of the Navy (SEMAR), under Mariano Francisco Saynez Mendoza, and the Secretariat of Communications and Transportation (SCT), headed by Luis Manuel Enrique Téllez Kuenzler.

Genaro García Luna, linked to drug trafficking and corruption

García Luna was arrested in December 2019 and indicted by the Eastern District of New York on charges related to drug-trafficking and fraud.³⁴ Specifically, the indictment alleges that García Luna used his position in the SSP to “assist the Sinaloa Cartel [...] in exchange for multi-million-dollar bribes.”³⁵ The Mexican government is also

2.1 The security and criminal justice landscape under Calderón

investigating García Luna for suspected illicit enrichment and conducting operations with illicit proceeds.³⁶ In January 2020, the Eastern District of New York filed an indictment against another top-level official tied to García Luna, Iván Reyes Arzate, with cocaine trafficking charges.³⁷ Reyes is a former director of the Mexican Federal Police's Sensitive Investigative Units (SIU) between 2008-17.

García Luna developed his career in police and intelligence agencies. Between 1999 and 2002, federal authorities investigated him for diverting MXN 14 million as Coordinator of Intelligence at the Federal Preventive Police (PFP), but charges were eventually dropped for a lack of evidence.³⁸ In 2000, as director of the Federal Judicial Police (PJF), García supervised maximum security prisons. When “El Chapo” escaped from Puente Grande, Jalisco in 2001—the year that the U.S. indictment alleges that his relationship with the Sinaloa Cartel began—García was in charge of the investigation into the escape.³⁹ Between 2001 and 2005 he was director of Mexico's Federal Investigation Agency (AFI), and became Secretary of Public Security (SSP) in December 2006, at the start of Calderón's administration. García Luna led the relationship with U.S. government in matters of security, including those with the DEA and CIA.⁴⁰

He relocated to Miami after Calderón's administration ended in 2012, and incorporated a series of companies through which he bought properties in Florida.⁴¹ Information obtained from the U.S. records and the Mexican Corporate Registry indicates the extent of García Luna's network, spreading over several jurisdictions, and built with the help of family members⁴² and key associates, particularly the Weinberg family (with links to the US, Panama and Israel), along with that of the law firm Serber & Associates.⁴³ García Luna used these companies, often under other people's names, to pay for tuition, a yacht and the purchase of properties in Florida.⁴⁴ In March 2020, the Eastern District of New York Federal Court rejected García Luna's bond application stating that the “defendant had access to significant funds held in the names of third parties, which could facilitate his flight from the United States.”⁴⁵

The federal government, particularly at the beginning of the Calderón administration, offered two main explanations for the increase and distribution of violence: first, that violence was mainly a result of inter-cartel warfare and, therefore, that the deaths were predominantly of members of organized crime; and second, that violence was really a result of State absence, and that the federal government had to intervene to counter organized crime's capture of municipal governments and police forces.⁴⁶ This narrative was echoed by groups in the U.S. that described Mexico as a failed state and organized crime groups as narco-insurgencies. To respond to public backlash, the Calderón administration minimized the extent of the violence and atrocities, tried to discredit its critics (which included NGOs and international bodies), and ended up making empty promises.⁴⁷

2.1 The security and criminal justice landscape under Calderón

The Calderón government adopted a technocratic approach to the issue of public security and pushed forward institutional changes.⁴⁸ In 2008, the government passed additional constitutional reforms that created a new criminal justice system (*Sistema Integral de Justicia Penal*), essentially an accusatory justice system with oral trials. The reform intended, in part, to provide protections to criminal defendants in criminal pretrial and trial procedures, restricting the use of pre-trial detention (*arraigo*).⁴⁹ The transition—which was backed and partially funded by the United States government, through the Mérida Initiative, investing more than USD 300 million in the project⁵⁰— had an implementation deadline of June 2016. Five years after the 2008 reforms, the Federal Superior Auditor (*Auditoría Superior de la Federación* – ASF) identified a significant lag in the implementation of the new system: only 50% of the states operated the new system in whole or in part.⁵¹

The Mérida Initiative and the U.S. financing of prison reforms

The Drug War in Mexico cannot be understood without a regional lens. When Latin American countries adopted the “new threats” doctrine at the urging of the U.S. government in the late 1990s, public security throughout the region became more militarized.⁵² Many Latin American governments began to involve the army in public security, expand surveillance and intelligence activities, and view social policies through a security lens.⁵³

In December 2008, Mexico and the United States signed the first Letter of Agreement for the Merida Initiative on bilateral security cooperation, signed into effect in July 2009. The Merida Initiative officially provided “US technical expertise and assistance to Mexico for police professionalization, judicial and prison reform, information technology enhancement, infrastructure development, border security, and the promotion of a culture of lawfulness.”⁵⁴ This increased collaboration between Mexican government agencies and the FBI and DEA.

As part of the Initiative’s second pillar—Institutionalize Capacity to Sustain Rule of Law—the U.S. partially funded the reform of Mexico’s penitentiary system through the accreditation of correctional facilities, training, technical assistance and equipment. One of the strategic goals for this pillar was “comprehensive prison reform to modernize and inhibit the influence of incarcerated criminals on outside criminal organizations,” for which the U.S. provided “specialized training to strengthen the procedures and regulations of prison administration.”⁵⁵ By July 2014, the U.S. had committed over USD 14 million in training, capacity building, and equipment for Mexico’s prison system.⁵⁶

A key U.S. goal in the context of the Corrections Program was pushing forward the accreditation of Mexican prisons with the American Correctional Association’s (ACA)

2.1 The security and criminal justice landscape under Calderón

International Standards. The state of Chihuahua was one of the main supporters of this: in 2014, the state had accredited five facilities (the only state prisons to receive ACA accreditations) and had two additional facilities recommended for accreditation.⁵⁷

A key objective of the 2008 constitutional reform of Article 21 was strengthening the coordination across agencies and levels of government, and increasing the integration and collaboration between law enforcement and the prosecution.⁵⁸ In October 2008, lawmakers modified the Organic Law of the Attorney General's Office (*Procuraduría General de la República* – PGR) to make it a part of the National Public Security System (*Sistema Nacional de Seguridad Pública* – SNSP). This meant that the SNSP incorporated all government agencies active along the criminal justice chain, from prevention to social reinsertion.

The federal government's attempt to centralize and coordinate public security was reinforced by the January 2009 National Public Security System Law (*Ley General del Sistema Nacional de Seguridad Pública* – LGSNSP), which established the National Council of Public Security (*Consejo Nacional de Seguridad Pública* – CNSP). It became the government body responsible for issuing policies on the supply, exchange, systematization and updating of information generated by the three levels of government in matters of public security. It was also responsible for establishing criteria for the distribution of federal funds. The LGSNSP further transformed the SNSP into a decentralized administrative body and transferred it back to the Secretary of the Interior (SEGOB), headed at the time by Fernando Gómez Mont.⁵⁹ The SNSP, directed by an Executive Secretary, implemented and monitored the agreements of the CNSP, and coordinated public security efforts among the municipal, state and federal levels. This was operationalized through a series of bodies called “conferences” meant to integrate key public security officials at all levels of government. Among these was the National Conference of the Penitentiary System (*Conferencia Nacional del Sistema Penitenciario*).⁶⁰

Plataforma México and the commodification of prisoner biometrics

The LGSNSP also created Plataforma México (PM), a comprehensive system of information meant to collect, process and share information and intelligence linking police and prosecutors at all levels of government across Mexico. PM was built to host the Single Criminal Information System (*Sistema Único de Información Criminal* – SUIC), made up of different applications. These included the Official Police Report (*Informe Policial Homologado*), biometric records, police records, criminal records, geographic information systems, prison records, ammunition,

2.1 The security and criminal justice landscape under Calderón

vehicle registration, forensic ballistics, among others.⁶¹ By the end of 2007, PM connected the National Migration Institute (INM), SEDENA, SEMAR and the Center for Investigation and National Security (CISEN).⁶²

The PM has been controversial for three reasons: i), a lack of transparency in its spending and contracting; ii), the abuse of the platform for private objectives by Genaro García Luna; and iii), the real-time sharing of information with U.S. government agencies.

i. PM operated opaquely and with limited adherence to the regulations on acquisition. Mexico's Superior Auditors (ASF) issued 16 recommendations and six suggestions of punitive administrative responsibility in relation to PM's development of the SUIC.⁶³ Despite the SSP's investment in the SUIC, states and municipalities had limited access to the system. By 2010, the SSP had spent more than MXN 1.73 billion in works, services and equipment for the PM.⁶⁴ Between 2007 and 2009, PM had directly awarded 29 contracts, although the details of these were not disclosed due to "national security."⁶⁵

The PM required the installation of a complex telecommunications platform. Its development was supervised by the Undersecretary of Evaluation and Institutional Development, Francisco Javier Gerardo Niembro González, a former employee of Teléfonos de México (Telmex).⁶⁶ Unsurprisingly, a large percentage of PM's contracts went to companies controlled by magnate Carlos Slim Helú and family, including Telmex, Consorcio Red Uno, and Radiomovil Dipsa.⁶⁷

ii. Plataforma México was structured under the SSP, rather than the SESNSP, which limited the latter's access even though the legal framework dictates the SESNSP is responsible for managing the National Public Security Information System (*Sistema Nacional de Información sobre Seguridad Pública*).⁶⁸ The platform was monitored through the Intelligence Center of the Federal Police (*Centro de Inteligencia de la Policía Federal* – CIPF), located in Mexico City.⁶⁹

iii. Under the Mérida Initiative, the U.S. government delivered "biometric equipment consisting of fingerprint card readers, voice recognition and DNA test kits" to be used in federal and state facilities "for positive inmate identification and registration in the National Database."⁷⁰ In exchange, it was granted real-time access to available databases.⁷¹ The U.S. government also gained access to biometric data—including fingerprints and ocular scans—of those detained in Mexican immigration jails, collected through screening terminals installed by the Department of Homeland Security.⁷²

2.1 The security and criminal justice landscape under Calderón

The Drug War, built on the militarization of public security and *statebuilding* reforms, failed. Initially, the reliance of Calderón and García Luna's security strategy on the Mexican Army and Navy was founded on their public perception as honest and untarnished institutions that could temporarily replace corrupted municipal and state police forces. Operationally, with increasing involvement in public security functions, the Army perpetrated more grave human rights violations, including: arbitrary arrests; extrajudicial killings and other excessive use of force; use of torture to incriminate individuals, mete out extrajudicial punishment, and cover up military crimes; and enforced disappearances, among others.⁷³ Violations by SEDENA, SEMAR and other forces during this period may have amounted to crimes against humanity.⁷⁴ Rather than reducing violence, the Calderón campaign and reforms led to a significant increase in violence and an expansion of predatory organized crime.⁷⁵ The new justice system and many other reforms in Mexico, furthermore, were not properly implemented, had significant delays, and were rendered ineffective.⁷⁶ Finally, the credibility of the SSP and the Federal Police, along with the Calderón administration's efforts in public security, have since been tarnished by numerous scandals, the most recent being the December 2019 and January 2020 indictments of Genaro García Luna and Iván Reyes Zarate in the U.S. on drug trafficking charges.

Militarization of public security and of the prison system in the Northeast

The federal security strategy, between 2007 and 2008, pushed for a systemic and coordinated approach at all levels of government, centered around the CNSP and the Executive Secretary of the National Public Security System (SESNSP).⁷⁷ With rising insecurity, federal and state policies tended to favor centralizing strategies, through the use of the Army in public security operations and, in 2010, through the consolidation of a single command structure in state police. The single command structure, or “Mando Único”, merged the preventive and investigative police units in each state, and served to reinforce their militarization as state governments began adopting a militarized police model.⁷⁸ Unsurprisingly, militarization had a detrimental effect on accountability. Between 2007 and 2013, the CNDH received 54,658 complaints, 33.2% (18,148) of which were against public and national security authorities.⁷⁹ Of these 18,148 complaints, 42.8% (7,775) were against public security authorities and 57.2% (10,373) were against national security authorities, namely the Army and the Navy.⁸⁰

Two issues are particularly relevant in northeastern Mexico, although they are also present in other parts of the country. First, as stated above, state governments adopted a militarized police model and appointed retired or inactive military personnel in key positions within state and municipal security institutions—including their prison systems. Second, state governments centralized public security functions and third, created state “elite” police forces with military training. These will be explained in further detail in the following sections.

Ciudad Juárez

The municipal government of Juárez in Chihuahua began militarizing its entire police structure in March 2009, with the appointment of retired army commanders in charge of the municipal public security forces, including the local police, transit and the CERESO.⁸¹ Retired General Julián David Rivera Bretón was appointed secretary of the Municipal Public Security

Militarization of public security and of the prison system in the Northeast

(SSPM) and Infantry Colonel Alfonso Cristóbal García Melgar was appointed director of the Municipal Police.⁸² Brigadier General Mario Hernández Escobedo, an active member of the Army, served as an intermediary between SEDENA and the Municipality of Juárez and an external advisor to Reyes Ferriz.⁸³ In June 2009, federal forces implemented a joint operation in Juárez; the Army reinforced security in the municipal CERESO after the detention of 25 alleged hitmen (*sicarios*). The Army also inspected the prison for firearms, drugs and other prohibited substances.⁸⁴

In March 2011, the Juárez municipality announced the hiring of Lieutenant Colonel Julián Leyzaola Pérez, originally from Culiacán, Sinaloa. He had earned a controversial reputation after being associated with systematic human rights violations during his tenure as head of public security in Tijuana, Baja California. Leyzaola occupied the new position until the end of Héctor Agustín Murguía Lardizábal's administration in 2013.

Coahuila

One of the first states to adopt a militarized police model was Coahuila under the Humberto Moreira Valdés (2005-2011) administration. The “Modelo Coahuila” (2009-2010), consisted of assigning retired or licensed army commanders to key positions within the state public security structure, within strategic municipal police structures, and within state police structures.⁸⁵ The XI Army Region organized the scheme, but it was under the direct command of the governor (Humberto Moreira).⁸⁶ In 2009, the state government appointed several former army personnel to security positions. General Jesús Ernesto Estrada Bustamante became coordinator of the State Police, General Juan José Castilla Ramos was director of Special Investigations, and General Brigadier Rafael García Barbosa became the fourth police commander from a military background. These individuals would, in part, coordinate with General Salvador Rodríguez Orozco, Commander of the Sixth Army Zone (2006-2009).⁸⁷ During the implementation of Modelo Coahuila, a total of 16 army commanders were integrated into municipal and state police structures.⁸⁸

Coahuila's prison management was also under the control of former army generals as of 2009. In February 2009, a week after an incident in the CERESO of Torreón in which three inmates were killed and nine escaped, the management of prisons in Coahuila was placed under the command of retired General José Luís García Dorantes. Then-Secretary of the Interior of Coahuila, Armando Luna Canales, appointed García as Undersecretary of Prevention and Social Reintegration.⁸⁹ In 2010, the state government appointed General Carlos Sánchez y Fernández Commissary General of the Decentralized Unit for the Execution of Penalties and Social Reintegration (*Comisario General de la Unidad Desconcentrada de Ejecución de Penas y Reinserción Social*), created in June 2009.⁹⁰

Nuevo León

In Nuevo León, the state government began to militarize its police institutions in 2011. In February 2011, General Jaime Castañeda Bravo was appointed state Secretary of Public Security, and a few months later the state inaugurated the Fuerza Civil, a new police model under a single command structure.⁹¹ Castañeda Bravo was replaced by Javier De Real Magallanes (February - December 2012).

Militarization of public security and of the prison system in the Northeast

In December 2010, Colonel Ernesto García Guerrero was appointed as Commissary of Penitentiary Administration (*Comisario de Administración Penitenciaria*), an entity structured under the state Secretary of Public Security. He held the position until December 2012, when he was dismissed after the prison escape from Apodaca.⁹² De Real Magallanes was also dismissed as secretary of public security that December, and replaced by General Alfredo Flores Gómez, who up until that point had been Commander of the Seventh Army Zone, in charge of the *Grupo de Coordinación Operativo Nuevo León* involving SEDENA, the state government and several municipalities.⁹³ Flores Gómez became the fifth secretary during the Rodrigo Medina de la Cruz administration (2009-2015).

The CERESO of Apodaca is located right next to the base of the Seventh Army Zone. According to the statement of the prison director at the time of the escape, Gerónimo Miguel Andrés Martínez, the Army would often reinforce the prison's security and even control its entry points.⁹⁴ A statement made by another prison official in Apodaca said that from September 2011, the Army controlled access to the state prison.⁹⁵ The commander of the IV Army Region, Noé Sandoval Alcázar, later denied this.⁹⁶ However, there are other indications of Army involvement in the Apodaca prison; in November 2011, army officers indicated that following a review of their files, three inmates were missing.⁹⁷

Tamaulipas

The use of the Army for the fight against organized crime in Tamaulipas preceded Calderón's administration. The PAN administration of Vicente Fox Quezada (2000-6) deployed the Army to conduct security operations in the border region of Tamaulipas.⁹⁸ However, the Army and Navy's interventions intensified under Felipe Calderón in response to surging violence derived from the turf war between the Zetas and the Gulf cartel in 2010. The turf war in Tamaulipas played out on two levels: first as an inter-cartel war, and second as a war between criminal groups and national security forces.⁹⁹

The security crisis greatly affected state prisons, which were turned into spaces of confrontation by the criminal organizations. Throughout 2010, Army and federal security forces frequently responded to violent incidents in Tamaulipas state prisons. In April 2010, the federal government, in coordination with then-Governor Eugenio Hernández Flores, announced an initiative in which the Army would take charge of the security of five state prisons: Altamira, Nuevo Laredo, Victoria, Matamoros and Reynosa.¹⁰⁰ In September of that year there were also reports that the Federal Police were controlling access to the state prison in Reynosa, the most populated prison in the state.¹⁰¹

In 2011, as a result of surging violence in Tamaulipas and a severe crisis in the state's prison system, incoming Governor Egidio Torre Cantú announced the appointment of Army officers to the state's public security structures, including nine in charge of municipal police.¹⁰² Tamaulipas had not yet implemented the "Mando Único," however, Torre Cantú confirmed that the Army was already coordinating security efforts in the state.¹⁰³

Durango (La Laguna)

Violence and criminality—particularly high-impact crime—surged in La Laguna starting in 2007 with the arrival of the Zetas in the region. In response to insecurity, the federal government coordinated a series of interventions in the region. The Federal Police first intervened in June 2007 with the deployment of 600 officers.¹⁰⁴ Between June 2007 and June 2008, the Federal Police coordinated the *Operativo Conjunto Laguna*, involving state and municipal security forces.

The Army also began taking an increasingly central role in the region. In early 2007, the commander of the XI Army Region, General Jorge Juárez Loera, moderated a meeting in Torreón between state and municipal authorities of Durango and Coahuila, in which they discussed the possibility of creating a metropolitan “interstate” police. This proposal was tabled at the time, though it was partly implemented in 2012 through the Metropolitan Police. In January 2011, the Army launched operation “*Sellamiento Nazas*” which essentially installed checkpoints between Gómez Palacio and Torreón to limit confrontations between rival cartels.¹⁰⁵ Between November 2011 and February 2012, the Army also led the operation *Laguna Segura*.

The need to improve security coordination in the region eventually led to SEDENA’s 2012 extension of the jurisdiction of the XI Army Region to integrate 10 additional municipalities in Durango under the Sixth Army Zone.¹⁰⁶ In February 2013, police forces were placed under the command of General José de Jesús Hernández Rivera as part of the operation *Laguna Segura*.¹⁰⁷ Finally, in May 2014 General Noé Sandoval Alcázar of SEDENA appointed General Sergio Arturo Martínez Castuera Special Commander of *Laguna Segura* to coordinate efforts at all levels of government.¹⁰⁸ The Special Commander oversaw the *Fuerza Metropolitana*, an “elite” police force created in 2016 and backed by the Military, the Navy, the Federal Police, and state police forces.¹⁰⁹

The federal government’s involvement in public security in La Laguna also responded to the weakening of the municipal police forces of Lerdo, Gómez Palacio and Torreón, which were recurrently linked to organized crime groups. There were some attempts at the state and municipal levels to reform these structures. In October 2007, municipal police officers of both Gómez Palacio and Torreón went on strike, protesting measures being put in place by local governments to “clean” the local police forces.¹¹⁰

In January 2010, the Durango state government adopted a militarized police structure with the appointment of Brigadier General Valentín Romano as head of the Durango SSP by Governor Ismael Hernández Deras. Romano’s appointment was controversial. In 2003, *El Norte* reported that a U.S. FBI agent—which the U.S. Embassy shared with the AFI in 2001¹¹¹—stated that Valentín Romano López had provided protection to Osiel Cárdenas Guillén, leader of the CDG.¹¹² According to *El Norte*, a protected witness tied to the Juárez Cartel also named Romano as part of their protection network in Veracruz, while acting as Under-Secretary of Public Security.¹¹³ No formal charges against Romano were filed.

Militarization of public security and of the prison system in the Northeast

In May 2010, the Durango SSP under Romano began implementing the single command structure (*Mando Único*) in the municipalities of Durango, Ciudad Lerdo and Gómez Palacio, all coordinated under the SSP.¹¹⁴ In June 2010, Valentín Romano survived an attack by a group of non-state armed actors in the city of Durango.¹¹⁵ This period coincided with an increasing number of attacks against bars and restaurants in Gómez Palacio and Torreón, some of which were attributed to inmates in Gómez Palacio state prison. As Secretary of Public Security, Romano oversaw Durango's prison system. Romano appointed Noel Díaz Rodríguez as Director of state CERESOs in August 2010, and Under-Secretary of the Durango State Penitentiary System in October 2010.

Valentín Romano remained as head of the Durango SSP until the end of Hernández Deras' administration in September 2010. Incoming Governor Jorge Herrera Caldera (PRI) appointed Jesús Antonio Rosso Holguín, from a non-military background, as Romano's replacement.

Centralization of public security functions

The second trend was amending the legal framework to centralize all public security functions under one government entity. In February 2009, the Coahuila state government under Humberto Moreira created the *Fiscalía General del Estado* by first merging its state public ministries (prosecution authorities) and police institutions, and later its prison administration system. In 2010, Chihuahua did the same under governor José Reyes Baeza Terrazas, and structured its *Fiscalía* by regions and expertise.¹¹⁶ While the Coahuila *Fiscalía* was later turned into a *Procuraduría*, and turned back into a *Fiscalía* (though separated from a Public Security Commission), the centralized structure in Chihuahua continues to this day.

While centralization was intended to create efficiencies and improve coordination and information sharing across all public security activities, these centralized structures eventually limited checks and balances and accountability. Placing institutions under the control of a single individual also increased the risk of capture by private interests (i.e. organized crime). For instance, civil society actors have made numerous allegations against the former Prosecutor of Coahuila, Jesús Torres Charles, including illicit enrichment, maintaining links to organized crime and of protecting his brother, Humberto Torres Charles.¹¹⁷

Elite forces with military training

A third trend was the creation of "elite police forces," often trained by the Army or Navy, specifically to combat organized crime in their territories.¹¹⁸ Many of these forces later participated in significant abuses and human rights violations, such as extrajudicial killings and enforced disappearances.¹¹⁹ For instance, the Grupo Táctico Preventivo (Delta)¹²⁰ that operated in Ciudad Juárez, Chihuahua between 2009 and 2011; the Grupo de Reacción Inmediata (GRI), Grupo de Reacción Operativa Metropolitana de Saltillo (GROMS) and Grupo de Armas y Tácticas Especiales (GATE) operated in Coahuila in 2009, 2009-18 and 2009-16, respectively;¹²¹ a group known as the "FIELES" or "Grupo Tajín"¹²² that operated in Veracruz between 2012-16.

Arguably, the militarization of the police and the centralization of public security functions did lead to stronger, more “efficient” states, but ones that used indiscriminate violence and extrajudicial force against their own populations, with limited accountability.¹²³ Impunity and corruption are not always a result of “institutional weakness” but can also arise in “strong” institutions, by design.

Finally, the security of municipal and state prisons was often reinforced by one or more security force, including municipal, state, or federal police, and (often) the Army. Particularly in the event of a brawl, riot or escape, all types of security forces would often intervene or reinstate order. In these cases, prison officials had to notify security forces to respond. Official reports or the recommendations made by human rights commissions of some violent incidents suggested that these responses and interventions were sometimes delayed—such as in the Reynosa state prison massacre of October 2008¹²⁴ or the July 2011 massacre in Ciudad Juárez.¹²⁵

The militarization of public security and prisons in Mexico often obscured the chain of command and diffused responsibility. Together with a lack of information, this has significantly undermined accountability efforts. For instance, in response to a report evidencing atrocious crimes in the CERESO of Piedras Negras, ex-Governor Humberto Moreira Valdés published a letter in October 2017 directed at the International Criminal Court (ICC). He argued that the prison had been under the control of the federal government and militarized since 2009, thus limiting the state government’s responsibility.¹²⁶

2.2 The Mexican prison system

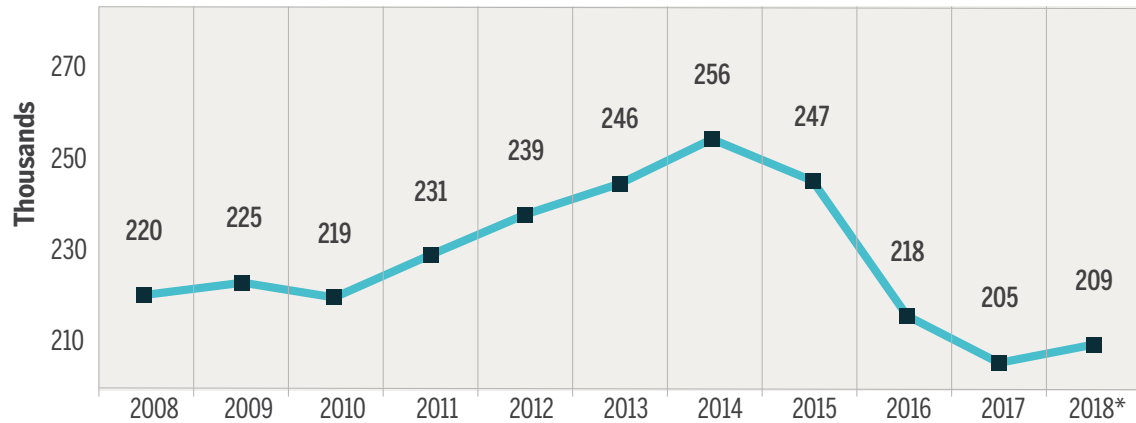
Mexico’s prison system is composed of different types of correctional facilities that can be categorized according to the government entity that oversees its operations and the type of crimes they sanction. In other words, there are parallel correctional systems composed of federal, state, and municipal prisons.

In December 2007, the OADPRS reported a total prison population of 212,841: 3,804 held in federal prisons; 205,131 held in state prisons; and 3,906 held in municipal prisons.¹²⁷ In December 2009, the prison system comprised 431 centers, 322 of which were under state governments, 92 under municipal governments, ten under the Federal District, and seven under the federal government.¹²⁸ In 2011, the number of centers had decreased to 418, with a capacity of 187,752.¹²⁹

Hard-line policies and the “war against drugs” had a significant impact on Mexico’s prison population, which increased from 155,000 in 2000, to 239,000 in 2012. In 2009, the country’s prison population consisted of 272,469 prosecuted and sentenced inmates. Of these, 227,457 were actually confined in correctional facilities and 45,012 were monitored by the system but carrying out their sentence in liberty.¹³⁰

2.2 The Mexican prison system

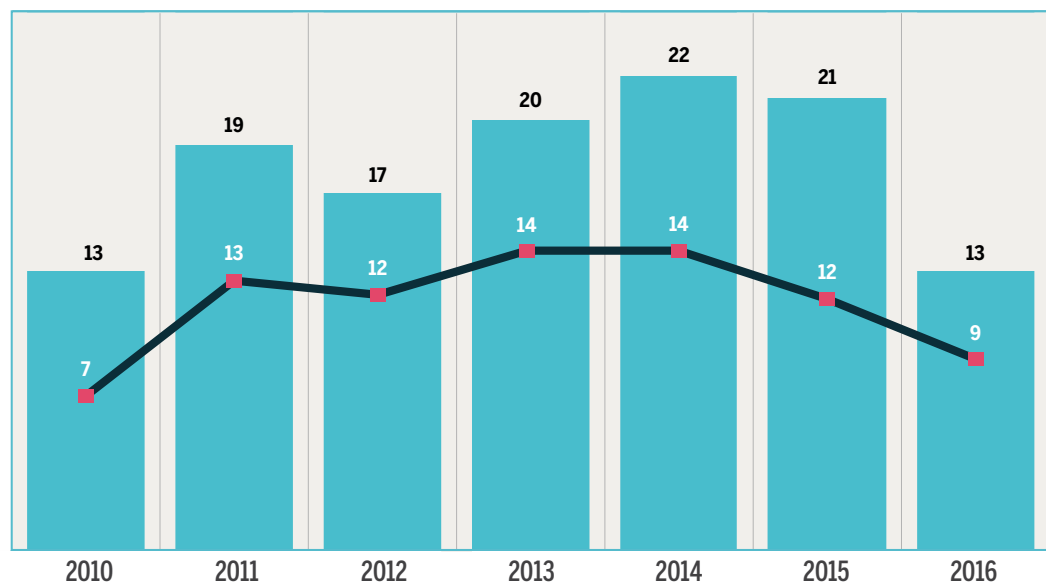
CHART 1. | PRISON POPULATION, 2008-2018*



Source: SEGOB, 2018, based on data from the OADPRS and state governments. *Figures for 2018 are those registered in the month of September.¹³¹

During the period 2008-2015, the system was overcrowded.¹³² Between 2011 and 2015, the average Mexican prison had an overcrowding rate above 120%.¹³³ This was largely a result of the extensive use of pre-trial detention, which accounted for almost 40% of all inmates.¹³⁴ In 2016, with the implementation of the new criminal justice system, Mexico started to see a shift in this trend, when only 14 states still reported overcrowding in their prisons.¹³⁵ However, this may have been more a reflection of deficient prosecutions than any reduction in the perpetration of crime.¹³⁶

CHART 2. | NUMBER OF STATES WITH OVERPOPULATION IN PRISONS BY TYPE, 2010-2016



Source: INEGI, 2017.¹³⁷

2.2.1 Managing (un)governability in state prisons

With the start of the Calderón administration, the public security system underwent significant reform. In March 2007, the SSP began an organizational restructuring which created the Under-Secretariat of the Penitentiary System (*Subsecretaría del Sistema Penitenciario*), responsible for federal prison policy.¹³⁸ In June 2008, a reform to Article 18 of the Mexican Constitution shifted the purpose of imprisonment from “re-adaptation” to reintegration, and emphasized the state’s obligation to guarantee the rights of inmates. Furthermore, the General Law of the National Public Security System (*Ley General del Sistema Nacional de Seguridad Pública*), entered into force in January 2009, which refocused the public security system and implemented numerous mechanisms to coordinate policies across all levels of government.¹³⁹ The main body that organized, supervised and operated federal prisons was the Decentralized Administrative Agency for Prevention and Social Reintegration (*Órgano Administrativo Desconcentrado Prevención y Readaptación Social – OADPRS*), structured under the Under-Secretariat of the Penitentiary System as of 2010.¹⁴⁰ State prisons, though part of the federal penitentiary system, were governed and managed by the relevant state government body, usually under the equivalent to the state secretariat of public security or the secretariat of government.

On 1 March 2008, García Luna appointed José Patricio Patiño Arias Undersecretary of the Penitentiary System and on 1 December 2008, García Luna appointed Dr. and Gral. Eduardo Enrique Gómez García as Commissioner of the OADPRS.

José Patricio Patiño Arias, sanctioned by the SFP in 2004

Patiño Arias’ professional trajectory is tied to that of García Luna’s. Between 2000 and 2001 he worked with the Federal Preventive Police (*Policía Federal Preventiva – PFP*), and in 2001 the Federal Attorney General appointed him as director of planning at the Federal Investigation Agency (*Agencia Federal de Investigación - AFI*). According to *El Norte*, in 2002 the Secretariat of Public Affairs (*Secretaría de la Función Pública – SFP*) disqualified Patiño Arias from holding office for five years, and in 2004 the PGR initiated an investigation against him for the irregular purchase of 393 PFP vehicles.¹⁴¹ A Sixth District judge eventually exonerated him. In 2007 García Luna appointed him as Undersecretary of Strategy and Police Intelligence, which oversaw the activities of police forces under the SSP.¹⁴² In March 2008, José Patricio Patiño Arias replaced José Luis Lagunes López as Undersecretary of the Penitentiary System.

The federal strategy (2008-2010 Penitentiary Strategy) under Patiño Arias and Gómez García focused on expanding federal prison capacity to eventually compete with the state prison system; the federal Penitentiary Strategy planned to increase capacity from 3,500 inmates in five prisons in 2008 to over 57,000 to be held in 22 prisons by 2012.¹⁴³ For this purpose, the ex-General Gómez García essentially led a nationwide recruitment process for the hire of 4,000 federal prison employees.¹⁴⁴

2.2.1 Managing (un)governability in state prisons

The strategy also pushed forward the standardization of norms across state and federal prisons. These norms related to the reception and classification of inmates, the improvement of equipment and infrastructure, the implementation of processes and protocols, the professionalization of guards and prison officers, and the creation of a Comprehensive System for Prison Information (*Sistema Integral de Información Penitenciaria*), which standardized the production and sharing of information among prisons and government entities.¹⁴⁵ For the professionalization of federal prison guards, the Under-Secretariat established the National Academy for Prison Administration (*Academia Nacional de Administración Penitenciaria – ANAP*), to be managed by the OADPRS, in El Lencero, Veracruz. It started operating in May 2009.¹⁴⁶

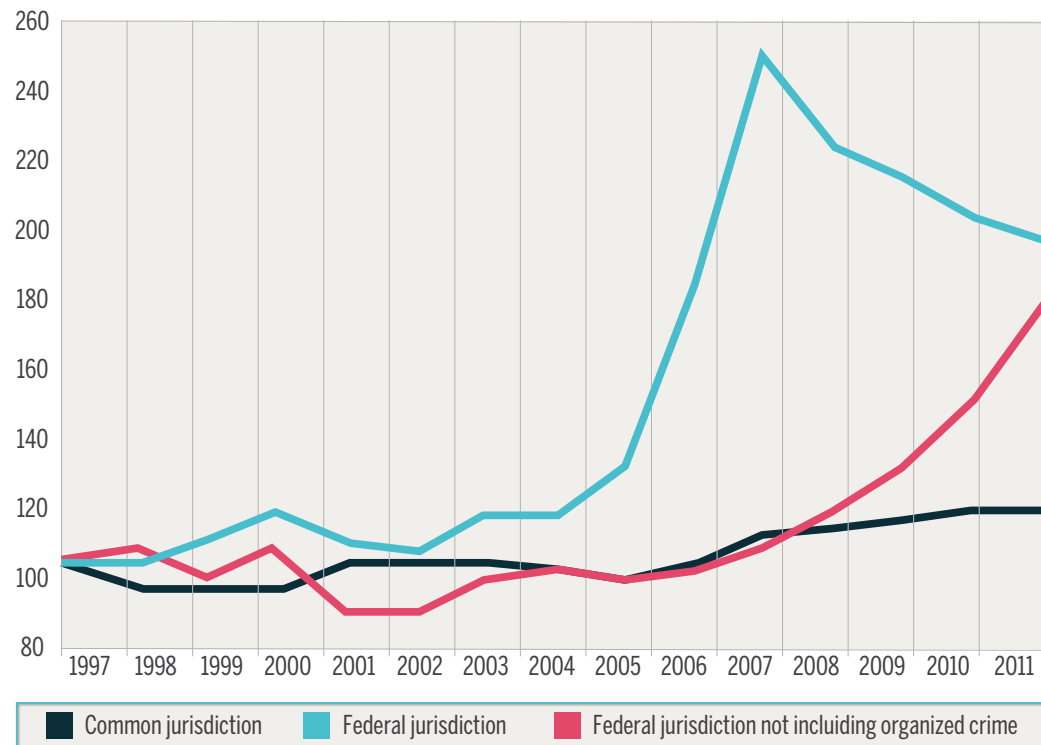
Federal penitentiary policy was coordinated through the National Conference of the Penitentiary System (*Conferencia Nacional del Sistema Penitenciario*), part of the SNSP. The Conference's purpose was to coordinate all levels of government, standardize the operation of state-level prisons and promote best practices to be implemented across all correctional facilities.¹⁴⁷ The Conference, chaired by an SSP appointee,¹⁴⁸ brought together the directors of the prevention and social reintegration bodies and their equivalents¹⁴⁹ of the states and the Federation. Parallel to the national conference, regional conferences took place throughout the year. The Northeast Regional Conference, for instance, was composed of the states of Chihuahua, Durango, Coahuila, Tamaulipas and Nuevo León.

2.2.2 Separation and classification of inmates

During the period 2008-2012, the confinement of federal jurisdiction inmates was a prominent issue. The 2008-2010 Penitentiary Strategy¹⁵⁰ set out criteria for the redistribution of federal-jurisdiction inmates in accordance with three criteria: i) the separation of sentenced and non-sentenced inmates (as established by the Mexican Constitution), ii) the separation of inmates of the federal jurisdiction and those of the common jurisdiction; and iii) reducing overcrowding in state prisons.¹⁵¹ The greatest barrier to the correct classification of inmates, according to the SSP, was overcrowding.¹⁵² Because federal penitentiaries had such limited capacity, this was often left to the states. According to the ASF in 2011, in that year, the OADPRS did not collect information from the CERESOS to verify that the separation of inmates had been carried out in conformity with the agreed standards for the national prison system.¹⁵³

The 2008-2010 Penitentiary Strategy determined that the federal government, in coordination with state governments, would take advantage of existing penitentiary capacity and infrastructure.¹⁵⁴ However, the confinement of federal jurisdiction inmates in state prisons became a significant burden for the states. This was particularly difficult because state prisons did not have the necessary infrastructure and resources to house maximum-security inmates. By 2011, state prison system was facing significant challenges from an influx of prisoners being processed for federal crimes, including those related to drug trafficking and the possession of arms restricted to security forces. The number of federal-jurisdiction inmates in state prisons also increased for other reasons, including constitutional requirement that sentences be served near the inmate's place of residence in order to facilitate their reintegration into society.¹⁵⁵

CHART 3. PRELIMINARY INVESTIGATIONS INITIATED BY TYPE OF JURISDICTION, 1997-2011



Source: IMCO, based on SESNSP. Standardized series. The third category excludes crimes against health, violations of the Federal Law on Firearms and Explosives, criminal association, and violations of the Federal Law against Organized Crime.¹⁵⁶

In 2011, the SSP signed agreements with the states establishing the federal government's responsibility to manage the confinement of defendants and convicts under federal jurisdiction and those under common jurisdiction who necessitated special security measures, particularly those linked to organized crime.¹⁵⁷ These agreements established the federal government's responsibility to progressively take over the confinement of federal jurisdiction inmates, including both defendants facing trial and convicts serving sentences. This responsibility began the moment the inmate appeared before the corresponding jurisdictional authority to begin criminal proceedings.

By 2016, Mexico's prison system had failed to separate inmates in pre-trial detention and at trial from those convicted. This failure represented a continuing violation of inmates' human rights. There were still state prisons lacking any capacity, or sufficient capacity, to receive detainees in pre-trial detention.¹⁵⁸ According to the ENPOL conducted by the INEGI, only 44.6% of surveyed inmates identified some form of inmate separation in the correctional facility.¹⁵⁹ In Nuevo León, Tamaulipas and Durango, the percentages that answered yes were only 6.5%, 19.3%, and 33.2%, respectively.¹⁶⁰ Coahuila was one of the highest-rated prison systems in this regard, with 89.7% of inmates responding they did experience this separation.¹⁶¹

2.2.2 Separation and classification of inmates

To manage ungovernability created by the influx of high-security inmates, states began separating inmates according to their gang affiliation, which arguably benefited organized crime groups and strengthened their hold over the prisons. For instance, in the municipal prison of Ciudad Juárez, two prison brawls in 2005 and 2007 had left eight inmates dead and close to 100 injured.¹⁶² In January 2008, prison authorities built two walls to divide “Los Aztecas” from “Los Mexicles”, shortly after the Chihuahua state Attorney General removed the prison director, Fernando Romero Magaña, for allegedly being under the payroll of “Los Aztecas”.¹⁶³ According to *Proceso*, one side held 600 inmates associated with “Los Mexicles”, distributed in cells 1-4, and on the other side 1,600 members of “Los Aztecas” distributed in cells 5-10.¹⁶⁴ Cells 11-12 held low-security inmates, another room held former policemen and public officials detained for providing protection to organized crime, and yet another held members of the “Artistas Asesinos” (AA) gang, a group recently on the ascent.¹⁶⁵ This separation was still in place in July 2011, when members of “Los Mexicles” and the Artistas Asesinos killed 17 members of “Los Aztecas”.¹⁶⁶

In Tamaulipas, particularly at the height of its prison crisis in 2010—the year the Zetas broke away from the Gulf cartel (CDG)—state prisons were segregated by gang affiliation. According to an interview of a prison official published by *Proceso* in December 2010, the Zetas controlled the Nuevo Laredo, Victoria and Mante prisons, and the CDG controlled the Reynosa, Matamoros, Miguel Alemán and Altamira prisons.¹⁶⁷ Military sources cited by *Proceso* further indicated that often, members of a certain cartel would be transferred by state officials to prisons under the control of a rival cartel to be killed.¹⁶⁸ Allegedly, there was an agreement between organized crime groups and the director of prisons in the state to confine members of each group in prisons controlled by that group.¹⁶⁹ After 14 members of the Zetas held in the CDG-controlled Matamoros prison were killed on August 6, 2010, the Zetas allegedly ordered the murder of Amado González Escalante, director of CEDES in Tamaulipas, for “supporting the CDG.”¹⁷⁰ González Escalante was replaced by Jesús Horacio Sepúlveda Acosta, who allegedly negotiated the escape of 152 inmates from the CEDES of Nuevo Laredo in December 2010, after his life was threatened when another three Zetas taken to the Matamoros prison had been murdered.¹⁷¹

Ultimately, overcrowding and a deficient system of classification and separation benefited criminal groups in the prisons. The situation allowed them to consolidate their power and organization in the prison and gave them a broader basis for extortion and recruitment. This will be discussed further in Section 4.

2.2.3 A link in the chain of impunity

Prisons in Mexico, much like the rest of Latin America, are the most neglected link of the judicial chain, which has facilitated their manipulation.¹⁷² The prison is a strategic link between the Executive Branch, which controls and manages the prisons, and the Judicial Branch, which has the power to convict and sentence. The 2008 reforms gave further oversight authority to the Judicial Branch by creating the position of Judge for the Enforcement of Sentences (*Juez de Ejecución de Sanciones*), with the responsibility for safeguarding the rights of inmates and

2.2.3 A link in the chain of impunity

redressing abuses. The 2016 reform gave further oversight responsibilities to the Judge for the Enforcement of Sentences by extending the law's control to the prison administration and warden.¹⁷³ Essentially, to control a prison, criminal actors were required to exert influence on both branches of government at either the state or federal level, depending on the jurisdiction.

TABLE 1. | THE CRIMINAL JUSTICE CHAIN

COORDINATED THROUGH THE SNSP AND THE CONFERENCES ¹⁷⁴					MÉRIDA INITIATIVE STRUCTURE
	PREVENTION AND LAW ENFORCEMENT	PROSECUTION	ADMINISTRATION OF JUSTICE	SOCIAL REINTEGRATION	
Federal	SEGOB CNS PF SFP SHCP ¹⁷⁵ SAT	PGR, ¹⁷⁶ and the Federal Public Ministry, SIEDO ¹⁷⁷ CENAPI CNS PF Influence the arrest and the charges.	CJF and judicial branches - Control over transfers and oversight of the prisons; resolve amparo proceedings that can reverse or stop the transfer of inmates ¹⁷⁸	OADPRS CNS PF	Funding Training of guards and prison officials Certification of prisons
Plataforma México					US access to information and data systems
State	State police and elite forces C4	PGEs	State judicial branches	Provision of security under entities focused on public and national security forces	Training and certification of prisons
Private	Private security and other militias	Subcontractors	Subcontractors	Subcontractors CPS agreements PPP	Subcontractors

Source: Empower, LLC.

Of course, organized crime has influenced or even captured all links of the justice system, from prevention, procurement, and justice administration to social reintegration—helping to convert them into a chain of impunity. According to México Evalúa, the greatest corruption comes during the arrest, which usually involves the Public Ministry (*Ministerio Público*).¹⁷⁹ There are numerous cases of senior prosecutors collaborating with organized crime. At federal level, paradigmatic cases include high-level arrests of public officials in the PGR and the AFI, some of whom were linked to García Luna.¹⁸⁰ They also include the 2012 arrest of Claudia González López, the local PGR delegate in Coahuila, in what was known as the “Coahuilazo.” In March 2011, the Mexican Army detained several members of the Zetas in Coahuila, including Saltillo plaza boss Pedro Toga Lara (“El Guacho”) and Gerardo Hernández Sánchez (“El Jerry”).¹⁸¹ The witness statements of those detained shed light on the protection networks that existed in the region, and eventually led to the arrest of several public officials by the PGR. In addition to González López, this network allegedly included Humberto Torres Charles, brother of Coahuila General Attorney Jesús Torres Charles, and Manuel de Jesús Cícero Salazar, director of the state police in Coahuila.¹⁸² In February 2012, Claudia González López was arrested alongside six Coahuila state officials, including Sergio Tobías Salas, former director of the municipal police in Saltillo.¹⁸³ These public officials were eventually acquitted in 2017 and paid MXN 4.5 million in total as compensation.¹⁸⁴ El Guacho’s declarations also led to the arrest and investigation of 16 Army officials linked to the 69th Battalion.¹⁸⁵

2.2.3 A link in the chain of impunity

The systematic nature of impunity in Mexico is further reflected in the prison population. According to INEGI in 2017, prisons have historically been filled with predominantly poor, lower-class, young men who have little formal education.¹⁸⁶ The excessive use of pre-trial detention drove mass incarceration from 2008-2016. The system held presumably innocent suspects in jail until and throughout their trials, subjecting them to coercive practices by prosecutors and security forces (including the Army). Penal populism and “tough on crime” policies reinforced this system. By 2010, 42% of all people imprisoned in Mexico had never been convicted of any crime.¹⁸⁷ According to a study published by Guillermo Zepeda Lecuona, pre-trial detention had an annual direct and indirect cost of MXN 9.750 billion, equivalent to 62% of the federal budget designated for public security, in addition to the social costs for detainees, their families and communities.¹⁸⁸

Eventually, the 2008 reform of the criminal justice system did result in fewer arrests, due to new limitations on the use of pre-trial detention and as a consequence of poorly built cases by prosecutors and other authorities.¹⁸⁹ Structural weaknesses in prosecutions (both within state and federal *procuradurías*) led to fewer convictions. In 2016, it was estimated that only nine out of every 100 crimes resulted in convictions.¹⁹⁰ More recently, an investigation by the media outlet *Animal Político* indicated that the new *Fiscalía General de la República* continues to have significant structural problems: fewer than 10% of cases are resolved, and this percentage is even lower for cases related to organized crime, torture, enforced disappearance, or corruption.¹⁹¹ There continue to be deeprooted problems with criminal investigations. Rather than understanding criminality as a system or network, prosecutors continue to investigate crimes on a case-by-case basis and overlook the crimes’ financial dimensions.¹⁹² As of early 2020, under the current presidential administration (2018-2024) the FIU had presented close to 160 formal accusations related to money laundering; however, the new *Fiscalía* had resolved fewer than 1% of these cases and had failed to secure a single arrest warrant.¹⁹³

The problem of understudying crime in Mexico has received significant attention, particularly after the INEGI began publishing the National Survey on Victimization and Perception of Public Security (*Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública - ENVIPE*) survey, which allowed a comparison with INEGI and SESNSP crime statistics. In the words of lawyer Miguel Sarre, prisons became underpopulated even if they continued to be overcrowded.¹⁹⁴ Furthermore, while on paper the reform represented important advancements in terms of pre-trial justice, in practice it opened a window for corrupt judges to cite procedural errors in order to release defendants.

Despite the implementation of the new justice system, the primary obstacle to implementation of new pre-trial justice protections continued to be access to a good defense lawyer. Unaffordability of legal counsel for lower-class citizens made the justice system complicit in the criminalization of poverty. Essentially, accountability rarely reaches those at the top of the chain of command: the material authors, the facilitators, the financiers. This, again, begs the question of whether impunity, especially that of public officials, continues to be a deliberate policy of the Mexican government.¹⁹⁵

Violent incidents within prisons and escapes

Between 2008 and 2012, violent incidents—such as brawls, riots and escapes—became manifestations of the prison crisis in Mexico. The failure to clarify crimes occurring within prisons—spaces of formal legal state control—epitomized impunity in Mexico, and broader criminal justice failures. Authorities rejected many of the requests we made to obtain public versions of judicial files related to these incidents. They argued that the investigations into the incidents were still ongoing, even when these occurred 8 to 12 years ago.

The series of prison reforms and increased investment in the system over the last 14 years have neither improved conditions for inmates nor the state's ability to protect their human rights. In an interview, a top prison official in Nuevo León stated that state authorities conducted limited investigation of torture and other abuses in state prisons due to the prosecutor's high workload and other, "higher priorities."¹⁹⁶ Across the bureaucratic apparatus, investigations and prosecutions of prison violence are stymied by a series of hurdles that prevent their success.

Violent incidents are often an expression of cartel control, of inmates' rebellion against predatory practices by guards or prison gangs, or fights among gangs for control of the prisons. Many of these incidents—particularly prison escapes—are also linked to other human rights abuses. For instance, the May 2008 escape was led by Salvador Alfonso Martínez Escobedo (aka Carlos García Hernández or "La Ardilla"), whom authorities later linked to the massacre of 72 immigrants in San Fernando, Tamaulipas in August 2010.¹⁹⁷ In 2010, attacks on bars in Torreón had left a total of 52 dead and 199 injured.¹⁹⁸ Authorities traced several of these attacks (against the Ferrie bar, Juanas VIP bar and the Quinta Italia) to inmates in the CERESO of Gómez Palacio. Prison authorities allegedly allowed the inmateperpetrators to leave the prison at night and use the guards' vehicles and weapons. Finally, authorities also linked José Ricardo Barajas López, "el Bocinas," an inmate who escaped from the Apodaca prison in 2012, to the subsequent massacre of 49 people in Cadereyta, Nuevo León.¹⁹⁹

Violent incidents within prisons and escapes

TABLE 2. VIOLENT INCIDENTS AND ESCAPES IN STATE PRISONS IN THE NORTHEAST AND GULF, 2008-12

YEAR	DATE	PRISON	INCIDENT
2008	17 May 2008	CERESO Coatzacoalcos, Veracruz	6 escaped
	18 September 2008	Tijuana, Baja California	19 killed
	20 October 2008	CERESO Reynosa, Tamaulipas	15 killed, 11 injured
2009	22 March 2009	CERESO Durango, Durango	7 killed
	17 July 2009	CERESO Gómez Palacio, Durango	6 killed
	14 August 2009	CERESO Gómez Palacio, Durango	20 killed, 26 injured
2010	25 January 2010	CERESO Durango, Durango	24 killed
	25 March 2010	CEDES Matamoros, Tamaulipas	40 escaped
	2 April 2010	CEDES Matamoros, Tamaulipas	12 escaped
	6 August 2010	CEDES Matamoros, Tamaulipas	14 killed
	10 September 2010	CERESO Reynosa, Tamaulipas	85 escaped
	16 December 2010	CEDES Nuevo Laredo, Tamaulipas	141-152 escaped
2011	11 January 2011	CERESO Gómez Palacio, Durango	11 killed
	19 May 2011	CERESO Durango	19 killed, 10 injured
	20 May 2011	CERESO Apodaca	Fire killed 14 inmates, 35 injured
	15 July 2011	CEDES Nuevo Laredo, Tamaulipas	7 killed, 59 escaped
	25 July 2011	CERESO municipal Ciudad Juárez	17 killed, 20 injured
	19 September 2011	CERESOs of Duport Ostión in Coatzacoalcos; La Toma, in Amatlán de los Reyes; and Cosamaloapan, Veracruz	32 escaped
	13 October 2011	CERESO Cadereyta, Nuevo León	7 killed
	15 October 2011	CEDES Matamoros, Tamaulipas	20 killed, 12 injured
	18 November 2011	CERESO Apodaca, Nuevo León	3 escaped
2012	5 January 2012	CEDES Altamira, Tamaulipas	31 killed, 13 injured
	19 February 2012	CERESO Apodaca, Nuevo León	44 killed, 37 escaped
	17 September 2012	Piedras Negras, Coahuila	132 escaped

Source: Compilation of open sources and reports.

3.

DEMAND-SIDE CORRUPTION: OPACITY AND PUBLIC CORRUPTION

Between 2008 and 2012, prisons suffered from pervasive corruption and a general lack of resources and infrastructure, including limited access to electricity and water. Corruption was evident inside the prisons and at senior levels, where it implicated public officials within wider government security structures.

This section will focus on the “demand-side” of corruption in state prisons, and the extent to which corruption has contributed to grave crimes and human rights violations. In doing so, it highlights three main aspects: 1) the capture of public resources and the incidence of high-level corruption in state governments in the Northeast; 2) a general lack of transparency that has limited oversight and accountability in prison and security contracts; and 3) low-level corruption and chronic bribery involving prison officials. To the extent that there has been accountability, it has rarely reached beyond low-level public servants.

3.1 High-level corruption in the Northeast: the PRI connection

Past governments in the North and Gulf regions of Mexico—Chihuahua, Durango, Coahuila, Nuevo León, Tamaulipas and Veracruz—have been implicated in scandals of corruption and embezzlement, and also grave human rights violations. Between 2008 and 2012, the PRI party (*Partido Revolucionario Institucional*) governed all of these states, while the PAN (*Partido Acción Nacional*) of Calderón led the federal government. This is relevant for two reasons: first, several studies have linked violence to partisanship, subnational party alteration and/or electoral motives.²⁰⁰ For instance, according to Correa-Cabrera (2014), the decentralization of political power that accompanied the “democratic transition” of 2000, which brought an end to more than 70 years of PRI rule, meant that drug trafficking organizations had to negotiate with several governors, rather than solely the president.²⁰¹ Second, numerous cases of high-level grand corruption in Mexican federal and state institutions in the last 15 years have involved PRI affiliates.²⁰²

3.1 High-level corruption in the Northeast: the PRI connection

Two Tamaulipas governors have been prosecuted for financial crimes and links to organized crime. Police in Florence, Italy arrested Tomás Yarrington Ruvalcaba (1999-2005) and he was extradited to the U.S. in 2018 to face charges of racketeering, drug smuggling, money laundering and bank fraud. The Mexican government has investigated Eugenio Javier Hernández Flores (2005-2010) for illicit enrichment and money laundering. Since 2015, he has faced similar allegations in the U.S. after investigators linked him to a money laundering network involving his brother-in-law, Óscar Gómez Guerra, and headed by businessman Guillermo Flores Cordero.²⁰³

The Guillermo Flores money laundering scheme

Guillermo Flores Cordero is a businessman from Torreón, Coahuila, who set up a money laundering scheme for politicians and other businessmen using an unlicensed currency exchange business composed of several shell companies, registered to operate in construction, casino management, and human resources.²⁰⁴ This financial and business infrastructure, established to launder money from embezzlement and corruption, then proved useful for the laundering of money from organized crime protection rackets.

U.S. authorities arrested Flores in San Antonio, Texas in August 2013. In December of the same year, he pleaded guilty to charges of conspiracy to launder money. Between 2009 and 2013, Flores and his wife used shell companies to transfer over USD 31 million to the U.S., using bank accounts at Banorte, International Bank in McAllen, Texas and Wells Fargo Banks.²⁰⁵ According to the court documents, the money was used to buy properties for former Tamaulipas Governor Eugenio Javier Hernández Flores (2005 - 2010), his sister Elsa Hernández Flores, his brother-in-law Óscar Manuel Gómez Guerra, and Tamaulipas businessman Luis Carlos Castillo Cervantes, against whom an indictment filed with the U.S. Southern District Court Corpus Christi Division linked to corruption and money laundering in Coahuila, Tamaulipas, and Aguascalientes.²⁰⁶ Eugenio Hernández was arrested in October 2017 in Tamaulipas on charges of illicit enrichment and operations with illicit proceeds; he also awaits a U.S. extradition request to face charges of embezzlement and money laundering.

Searches in the Mexican Corporate registry identified other entities and individuals linked to the network, including Javier Lechuga Jiménez Labora, former director of the Public Registry of Coahuila, and Álvaro Elías García González, former state legislator for the PRI party.

Héctor Javier Villarreal Hernández²⁰⁷ and Jorge Juan Torres López²⁰⁸—two top-level officials of the Humberto Moreira Valdés (2005-2011) administration, linked to the fraudulent subscription of public debt—were indicted in the U.S. in November 2013 on charges of laundering the proceeds of bribery, misappropriation, and theft of public funds.²⁰⁹ Villarreal Hernández was arrested in February 2014 in the U.S. and pleaded guilty before the Southern

3.1 High-level corruption in the Northeast: the PRI connection

and Western Districts of Texas, after which he was freed on bond; in June 2020, he was still awaiting sentencing.²¹⁰ In 2014, U.S. authorities seized, through the Civil Action No. 2:13-CV-294, two foreign bank accounts located in Bermuda linked to Villarreal and Torres, containing more than USD 2 million each.²¹¹ Torres, who was also the interim governor of Coahuila in 2011, was arrested in Puerto Vallarta, Jalisco, in February 2019, and extradited to the U.S. in October of that year to face charges of money laundering and fraud.²¹² In June 2020, Torres López pleaded guilty to “conducting financial transactions in the United States to conceal bribes that he received in exchange for assigning road-building contracts in Coahuila.”²¹³

Villarreal and Torres López were two key officials in former governor Humberto Moreira’s administration (2005-11). In January 2016, the Spanish government arrested Humberto Moreira on suspicion of money laundering and embezzlement, though he was later released due to insufficient evidence to hold him. Moreira was associated by Spanish authorities with Juan Manuel Muñoz Luevano, a financial operator linked to the Zetas and other organized crime groups in Mexico and Spain. Muñoz Luevano was also arrested in Spain in 2016 on drug-related charges, and extradited to the U.S. in 2019, where he faces charges on drug-trafficking and money laundering. In May 2019, Muñoz Luevano pleaded guilty to conspiracy to launder drug money and was released on bond, allegedly becoming an informant to the U.S. government.²¹⁴

In October 2016, Chihuahua state authorities formally accused former governor of Chihuahua César Horacio Duarte Jáquez (2010-16) of corruption, embezzlement and fraud.²¹⁵ Currently, Duarte is linked to 11 criminal investigations at the state level, and one criminal investigation at the federal level for the misappropriation of public funds.²¹⁶ According to the allegations, César Duarte diverted close to MXN 96.7 million from state subsidy programs to two businesses under his control.²¹⁷ César Duarte was also linked to other high-level corruption cases. He is considered a partner of Alejandro Gutiérrez Gutiérrez, a former director of the PRI National Executive Committee, in the diversion of close to MXN 1.74 million from Chihuahua state public funds.²¹⁸ Alejandro Gutiérrez was arrested in 2017 and convicted in 2019 by a Chihuahua state court.²¹⁹ A review of corporate filings found that Alejandro Gutiérrez and his son, Alejandro Gutiérrez Gómez, participate in an extensive network of companies, many of which are part of multilayered structures. Duarte was also key in what became known as “Operation Safiro,” a scheme involving numerous top-level PRI officials used to divert public funds to finance political campaigns in 2016.²²⁰ César Duarte was arrested by Miami Police in Florida in July 2020, and is awaiting extradition to Mexico.²²¹ According to statements made by the current Governor of Chihuahua, Javier Corral, asset-tracing and recovery efforts in the US had found close to 50 properties linked to Duarte’s network.²²²

Nuevo León state authorities arrested Rodrigo Medina de la Cruz, the state’s former governor (2009-15), in January 2017 on charges of embezzlement, abuse of power, and damage to state property. The arrest came as part of an investigation launched by Medina’s successor, Jaime Rodríguez Calderón, called “Operation Tornado.” This investigation of corruption in Medina’s administration resulted in accusations that Medina allegedly granted irregular tax incentives to Korean carmaker KIA Motors that cost the state MXN 3.128 billion (approximately USD 147

3.1 High-level corruption in the Northeast: the PRI connection

million).²²³ Medina was placed in pre-trial detention (*prisión preventiva*) and confined in the Topo Chico prison in Nuevo León to prevent him from fleeing, though he was quickly released to continue his trial in liberty. Medina was eventually acquitted by the Fifth District Court in Nuevo León and the decision was confirmed by the Second Collegiate Tribunal in Criminal Matters of the state of Nuevo León (*Segundo Tribunal Colegiado en Materia Penal del Cuarto Circuito Judicial*) in August 2018.²²⁴

The Medina family had been investigated by Nuevo León state authorities since at least 2015 after he was linked to a real estate scandal involving his immediate family²²⁵ and the purchase of lands to be used for the construction of the new state CERESO in Mina. In December 2019, Reforma reported that the Mexican FIU was investigating Medina, his family, and key associates for the diversion of public resources used to purchase properties in Texas, U.S.²²⁶ The Medina family was further linked to at least ten Texas-based companies and the purchase of at least two properties in San Antonio between 2005 and 2006.²²⁷

Purchase of land by Medina's family in Mina, Nuevo León

According to local news reports, between 2008 and 2014 the Medina family purchased a total of 2,428 hectares of communal land in the Mina municipality, which it later tried to resell to the state government for the construction of the new CERESO to confine high-security prisoners.²²⁸ The family members involved in the sale included Rodrigo Medina's father, Humberto Ricardo Medina Ainslie, his mother María Rebeca de la Cruz Barrera, and his brothers Humberto Ricardo and Alejandro David Medina de la Cruz.

On October 13, 2011, the OADPRS agreed to transfer MXN 100 million to the Nuevo León state government for the first stage of the prison's construction.²²⁹ The prison, however, was never completed. In 2019 the Nuevo León government announced that it would use the facilities to shelter immigrants.²³⁰

In Durango, there have been numerous allegations of top-officials' involvement with organized crime, including against former Governor Ismael Alfredo Hernández Deras (2004-2010), though these have not necessarily led to official investigations and prosecutions. Governor José Rosas Aispuro Torres (2016-present), for instance, made grave accusations against Hernández Deras when he ran for governor in 2010, and linking him to the Sinaloa Cartel.²³¹ During Hernández Deras's administration, federal authorities (PGR) arrested former assistant attorney general in La Laguna Hugo Armando Reséndiz Martínez in 2007 and charged him with crimes against public health and organized crime (criminal case 103/2008). The indictment linked him to several murders and accused him of leaking information to Juárez Cartel allies, including Sergio Villarreal Barragán ("El Grande"), the *plaza* boss for the Beltrán Leyva cartel in La Laguna.²³² Reséndiz was placed in pre-trial detention (*arraigo*) in the CERESO of Torreón, and acquitted in 2014.²³³

3.1 High-level corruption in the Northeast: the PRI connection

Other PRI governors have also been officially investigated for their ties to corruption and grave human rights violations. In 2017, Guatemalan police arrested the former governor of Veracruz, Javier Duarte de Ochoa, in response to a warrant issued by a Mexican court. Prosecutors accused Duarte of illicit enrichment, and later enforced disappearance, along with the Veracruz state Secretary of Public Security, Arturo Bermúdez Zurita. In June 2017, Roberto Borge Angulo, the former governor of Quintana Roo (2011-16) was arrested in Panama at the request of Mexican authorities.²³⁴ Charged with illicit enrichment, embezzlement, and abuse of public office, his extradition to Mexico is pending. In May 2019, the Office of Foreign Assets Control of the U.S. Treasury Department designated Roberto Sandoval Casteñeda, the former governor of the state of Nayarit, for corruption-related conduct under Executive Order 13818 (which builds upon and implements the Global Magnitsky Human Rights Accountability Act), and linked him to the New Generation Jalisco Cartel (CJNG) and the Beltrán Leyva Cartel.²³⁵

Many of these financial networks overlap and have regional footprints. For instance, Empower's review of corporate filings found that Roberto Sandoval and his son²³⁶ participate as manager and representative of the company Mocabel, S.A. de C.V. based in Coahuila, which links them to the conglomerates Grupo Industrial Saltillo, S.A. de C.V. (GIS) and Grupo Industrial Monclova (GIMSA).²³⁷ Mocabel also has links to Gustavo Adolfo Fuentes Yañez, a known frontman for Juan Manuel Muñoz Luevano, financial operator of the Zetas in La Laguna.²³⁸ Fuentes Yañez acted as legal representative of the company between June 2008 and May 2016.²³⁹ Ernesto Francisco Valdés Cepeda, former municipal president (2010-2013) of Arteaga, Coahuila, also acted as manager of the company between 2014 and 2017, before being replaced by Roberto Sandoval. According to searches in the Public Registry of Water Concessions (*Registro Público de Derechos de Agua* – REPDA) maintained by the National Water Commission (CONAGUA), Mocabel has a concession (06COA102909/24ISDL12) to exploit 2,542,600 m³ of groundwater every year in the municipality of Saltillo.²⁴⁰ Given the low profile of the company, no other information regarding the company's activities was confirmed.

Top-level political connections of the CDG in Tamaulipas

The consolidation of the Gulf Cartel in Tamaulipas was founded on a complex corruption network connecting organized crime and Tamaulipas government authorities.²⁴¹ During the expansion of the CDG, these connections were forged through negotiations with the PRI party, which controlled both the federal and state governments. With the democratic transition in 2000, rising levels of violence were partially attributed to the political dissonance between the federal and Tamaulipas state government.²⁴²

Carlos Flores (2014) traces these networks to the beginning of whisky smuggling between Mexico and the U.S. in the 1930s, which eventually led to the creation of the CDG in the 1960's by Juan García Ábrego.²⁴³ The 1997-9 trial against former Deputy Attorney General (1993-1994) Mario Ruiz Massieu in the U.S. shed light on the extent of

3.1 High-level corruption in the Northeast: the PRI connection

the CDG's links to top Mexican officials in the Carlos Salinas de Gortari administration (1988-1994).²⁴⁴ Ruiz Massieu was charged with money laundering and drug trafficking after he allegedly received close to USD 8 million in payments from the CDG in exchange for protection; he committed suicide before being convicted in September 1999.²⁴⁵ Testimonies during the trial, however, also linked President Salinas' father, Raúl Salinas Lozano, and his brother, Raúl Salinas de Gortari, to the CDG.

In 1995, a classified document of the Mexican Army's Anti-Narcotics Intelligence Center (*Centro de Inteligencia Antinarcóticos del Estado Mayor de la Defensa Nacional* - CIAN) established links between the Hank Rhon, Salinas Lozano, the González Barrera families, and the Gulf Cartel.²⁴⁶ Other businessmen implicated included Ricardo Salinas Pliego, Adrián Sada González, Alfredo Díaz Ordaz, Carlos Peralta, Diego Ormedilla, Ricardo Gómez, and the lawyers José Arsenio Farell Campa and José Luis del Valle.²⁴⁷ These businessmen facilitated international bank transfers for Raúl Salinas de Gortari, with many of these transfers making use of corporate vehicles incorporated in other jurisdictions, through bank accounts at Citibank LTD.²⁴⁸

Associates of former President Carlos Salinas de Gortari—such as the Hank Rhon family, extensively linked to drug trafficking—have also been active in prison privatization (See Section 3.1.2 below). This suggests that the nexus between organized crime and prisons may extend to the highest levels of the Mexican state.

3.1.1 Funding of the state and federal prison system

Funds for the prison system and social reintegration are not easily traceable since in expenditure categories they are not always disaggregated by project.²⁴⁹ According to the 2009 Federal Expense Budget (*Presupuesto de Egresos de la Federación*), correctional facilities in the country had an approved budget of MXN 2.5 billion. This included significant investment in infrastructure for the federal prison system. When analyzed by public works, the SSP had an approved budget of MXN 3.70 billion and MXN 3.98 billion in 2009 and 2010, respectively.²⁵⁰

In addition to public works and investments, the OADPRS budget covered the cost of prison operations and included salaries of prison officials, food, medicine, uniforms, utilities, fuel, and building maintenance. The budget also covered the costs of inmates' social reintegration activities, including education, culture, and sports.

State prisons relied on state governments' budgets for public security and prison administration. Federal funds transferred to the states (in addition to general federal contributions to their budgets), included a contribution called *socorro de ley*, and subsidies to strengthen state penitentiary systems through the SNSP or the OADPRS. *Socorro de ley* referred to a food quota provided by the federal government (budgeted under the OADPRS) to cover food expenses of federal jurisdiction inmates.²⁵¹ In 2007, this contribution was equal

3.1.1 Funding of the state and federal prison system

to MXN 40 per inmate, per day, which represented a total budget of MXN 713 million.²⁵² By 2009, the contribution had increased to MXN 50 per inmate, per day.²⁵³ In 2011, the amount transferred to the states under this budget line had decreased to MXN 210,715,075.²⁵⁴ State governments would consistently argue that the *socorro de ley* did not cover the food costs of federal inmates.

TABLE 3. | 2009 BUDGET FOR SPENDING IN CEFERESOS

RAMO 36- PUBLIC SECURITY: CEFERESOS	TOTAL (MXN)
	2,500,000,000
Construction of the second phase of the facility in Guasave, Sinaloa	441,840,000
Completion of the Correctional Facility in Papanla, Veracruz	441,000,000
Enlargement of a module in Nayarit	336,000,000
Development in the de la Islas Mariás Federal Criminal Colony	319,200,000
Development in the federal facilities in Altiplano, Jalisco and Matamoros	141,960,000
Construction in Tijuana Baja California	420,000,000
Construction in Cadereyta de Jiménez, Nuevo León	200,000,000
Construction in Cd. Victoria, Tamaulipas	200,000,000

Source: FOIA request number 0002200069910, SSP, 2010.

Between 2007 and 2008, the SNSP and the SSP also provided funds for state and municipal prison infrastructure.²⁵⁵ As of 2011, the OADPRS was the main body determining the criteria for distribution of federal funds to the states in the form of subsidies. The funds were for investment in prison infrastructure, the purchase of specialized equipment, or the purchase and operation of technology and computer systems. A series of agreements signed with the relevant prison authorities in each state authorized the disbursement of funds. For the federal government, the signatories of these disbursement agreements were Genaro García Luna, Sergio Montaña Fernández (SSP), Patiño Arias, and Gómez García.

TABLE 4. | SUMMARY OF SUBSIDIES PROVIDED BY THE OADPRS OR THE UNDERSECRETARY TO STATE PENITENTIARY SYSTEMS

DATE	STATE OR JURISDICTION	SUBSIDY DESCRIPTION	SUBSIDY AMOUNT (MXN)	STATUS
Published on 1 February 2011, and modified on 10 July 2012	Federal District (now Mexico City) ²⁵⁶	Infrastructure, equipment and furniture, and technology systems, including the purchase of signal blockers. ²⁵⁷	100,000,000	Not operationalized or activated
12 October 2011	Chihuahua and Juarez Municipality ²⁵⁸	The construction of the <i>Centro de Reinserción Social Productivo</i> .	200,000,000	Never finished

3.1.1 Funding of the state and federal prison system

12 October 2011	Baja California ²⁵⁹	Equipment and furniture (not specified).	150,000,000	-
13 October 2011	Nuevo León ²⁶⁰	Construction of the first stage of a medium security CERESO in Mina, Nuevo León.	100,000,000	Never finished
13 October 2011	San Luis Potosí ²⁶¹	Infrastructure (not specified).	8,000,000	-
13 October 2011	State of Mexico ²⁶²	Infrastructure, equipment and furniture, and technology systems, including the purchase of signal blockers.	100,000,000	-
31 October 2011	Coahuila ²⁶³	Construction, remodeling, expansion, and equipment of the CERESO in Monclova.	180,000,000	Shut down in 2015
31 October 2011	Durango ²⁶⁴	Infrastructure (not specified).	30,000,000	-
1 November 2011	Yucatán ²⁶⁵	Infrastructure (not specified).	30,000,000	-
1 November 2011	Sinaloa ²⁶⁶	Construction of the CERESO of Guasave and contracting for the state prisons in Sinaloa.	110,000,000	-
24 May 2012	Coahuila ²⁶⁷	Construction, remodeling, expansion, and equipment of the CERESO in Monclova	100,000,000	Shut down in 2015
29 May 2012	Sinaloa ²⁶⁸	Construction and expansion of a penitentiary system.	200,000,000	-

Source: Empower, LLC based on multiple sources.

Total **1,308,000,000**

There is a general lack of transparency regarding the state governments' use of these funds. Little to no public information is available regarding the public acquisitions and contracting related to these projects.

Eduardo Enrique Gómez García, sanctioned by the SFP in 2014

Gómez García has a military background. In 1999, he was Legal Assistant Attorney for Litigation in the Army Attorney General's Office (*Procuraduría de Justicia Militar*), and in 2000 he went on to work with the Mexico City government (then *Distrito Federal*). Between 2003 and 2004, while García Luna was head of the AFI, Gómez García headed the Strategic Planning Unit at the PGR. In 2008, García Luna named him Commissioner of the OADPRS under the SSP, a position he held until 2013.

In April 2014, the Internal Audit Body of the OADPRS disqualified Gómez García from holding public office for a period of twenty years and fined him MXN 63,618,221

3.1.1 Funding of the state and federal prison system

(resolution ER-040/2012). The auditors sanctioned him for omitting to “subscribe a contract to formalize the acquisition of goods and services for the project called ‘Reconfiguration of the Comprehensive Security System for the CEFERESO No. 4,’” and for having made irregular payments (amounting to over MXN 175 million) between 2009 and 2011 to *another public servant* [the Coordinator of Federal Prisons, Julio Lomelí Vázquez] without a contract in place.²⁶⁹ In 2012, the referenced project had over three years delay and the equipment had not been installed. A search of legal databases reveals that between 2014 and 2017, Gómez García was involved in one administrative proceeding (file number 29681/14-17-10-8) with the Mexican federal tax court (*Tribunal Fiscal de la Federación*) and several *amparo* proceedings to demand the invalidity of the OADPRS’ ruling. The *amparo* (455/2015) was eventually granted on account of due process and the lack of damage to the state’s property.

The ASF carried out 11 audits in 2009, 2011 and 2012 of the OADPRS, resulting in 16 findings of wrongdoing and one criminal complaint for a lack of documentation to support MXN 146.4 million in expenses 2012.²⁷⁰

3.1.2 The privatization of federal prisons

As the “war on drugs” overwhelmed the capacities of the federal prison system, the federal government sought to increase the system’s capacity.²⁷¹ In December 2007, the federal prison system comprised the Islas Marías Federal Criminal Colony (population 1,137), the CEFERESO No. 1 “Altiplano” (pop. 648), the CEFERESO No. 2 “Occidente” (pop. 602), the CEFERESO No. 3 “Noreste” (pop. 519), the CEFERESO No. 4 “Noroeste” in Nayarit (pop. of 629) and the Centro Federal de Rehabilitación Psicosocial (CEFEREPSI) (pop. 269). In 2009, during the first meeting of the *Conferencia Nacional del Sistema Penitenciario*, García Luna announced the construction of two additional federal prisons: the first in Guasave, Sinaloa, and the second, which would be a maximum security prison, in Papantla, Veracruz.²⁷² The facility in Guasave became the CEFERESO No. 8 “Nor-Poniente”, and began operating in 2011. As of June 2020, the CEFERESO in Papantla is still not operating—almost 11 years after its announcement.

States also transferred five CERESOS to the federal government, which incorporated them into the federal penitentiary system:

- CEFERESO No. 5. “Oriente”, located in Villa Aldama, Veracruz (former CERESO)
- CEFERESO No. 6 “Sureste”, located in Huimanguillo, Tabasco (former CERESO)
- CEFERESO 7 “Nor-Noroeste”, Guadalupe Victoria, Durango (former CERESO)
- CEFERESO 9, located in Ciudad Juárez, Chihuahua (former CERESO)
- CEFERESO 10, “Nor-Noreste”, Monclova, Coahuila (former CERESO, shut down in early 2017)

3.1.2 The privatization of federal prisons

Additionally, the federal government sought relief through privatization. It implemented a long-term contracting scheme for comprehensive prison capacity services (*contratos de prestación de servicios* – CPS) with private contractors for a period of 20 to 30 years. Under this arrangement, private companies were to provide all basic services. This included the provision of food, cleaning, and clothing, in addition to reintegration activities for inmates such as education, sports and recreation; the government continued to provide security and guard functions within the facilities.²⁷³ Most of these centers have the capacity to hold 2,520 inmates, and one has a capacity of 4,832 inmates.²⁷⁴ The government has deemed the terms of these contracts confidential based on “national security” rationales.²⁷⁵

The CPS scheme operates in the CEFERESO No. 11 CPS in Sonora, the CEFERESO No. 12 CPS in Guanajuato, the CEFERESO No. 13 CPS in Oaxaca, the CEFERESO No. 14 CPS in Durango and the CEFERESO No. 15 CPS in Chiapas. The same CPS scheme was used for the *Centro Federal Femenil* in Morelos, which began operating in 2015. These facilities largely adopted the U.S. model of high-security prisons, including the use of biometrics, the employment of rigorous control standards, and the use of isolation and repression.²⁷⁶

The project to privatize federal prisons in Mexico was largely supported by the U.S. and designed by Protego Asesores—a consulting company owned by the former secretary of Treasury during the Carlos Salinas administration, Pedro Aspe Armella.²⁷⁷ Prison privatization is controversial because, among numerous reasons, it creates an economic incentive for mass incarceration (and penal populism) while minimizing costs, in detriment of the restorative aims of imprisonment. Beyond these general controversies, the numerous irregularities in contracting procedures characterized the privatization scheme in Mexico. All CPS contracts were awarded directly, with the terms kept confidential for reasons of “national security”. These private companies taking on public services and state functions have evaded the standards of transparency and accountability that apply to state agencies.

Although the program initially contemplated the construction of twelve new facilities,²⁷⁸ by 2015 only six had been built. There were two main reasons for this. First, the companies and not the state had to obtain land rights, which meant that many facilities ended up in isolated, hard-to reach places.²⁷⁹ Second, the companies faced threats from organized crime. For example, threats and extortion from Los Caballeros Templarios caused significant delay in the building of CEFERESO No. 17 CPS in Buenavista Tomatlán, Michoacán.²⁸⁰ Of the consortium of six companies to sign CPS agreements with the federal government, two eventually sold off their stakes to other interested parties.

The new federal facilities have fewer problems of overcrowding and self-government, but still suffer from other structural shortcomings, including an overall lack of resources, particularly personnel.²⁸¹ According to the 2015 CNDH prison study, CPS prisons registered a high number of riots; 54% of complaints received by the CNDH from federal prisons came from the CPS (numbers 12 and 16).²⁸²

3.1.2 The privatization of federal prisons

TABLE 5. | PRIVATE PARTICIPATION IN FEDERAL PRISONS

PRISON	LOCATION	INAUGURATED	NAME OF COMPANY	BENEFICIAL OWNERS
CEFERESO No. 11 CPS	Hermosillo, Sonora	October 2012	Ingenieros Civiles Asociados, S.A. de C.V. (ICA) ²⁸³	Alonso Quintana Kawage and Bernardo Quintana Isaac
CEFERESO No. 12 CPS	Ocampo, Guanajuato	November 2012	ICA	Alonso Quintana Kawage and Bernardo Quintana Isaac
CEFERESO No. 13 CPS	Miahuatlán de Porfirio Díaz, Oaxaca	May 2012	Constructora y Edificadora GIA+A, S.A. de C.V.	Hipólito and Jerónimo Gerard Rivero
CEFERESO No. 14 CPS	Gómez Palacio, Durango	Operating	Promotora Desarrolladora Mexicana, S.A. de C.V (PRODEMEX) ²⁸⁴	Subsidiary of Grupo Ángeles. Olegario Vázquez Raña
CEFERESO No. 15 CPS	Villa de Comaltitlán, Chiapas	Operating	Desarrolladora Homex, S.A.B. de C.V. ²⁸⁵ and Arendal, S. de R.L. de C.V. 2013: sold to IDEAL (Grupo Carso) for MXN 4 million	Arendal: José de Jesús García Vázquez Grupo Carso: Slim family
Cefereso Femenil CPS No. 16	Coatlán del Río, Morelos	Operating	Desarrolladora Homex, S.A.B. de C.V. and Arendal, S. de R.L. de C.V. 2013: sold to IDEAL (Grupo Carso) for MXN 4 million	Arendal: José de Jesús García Vázquez Grupo Carso: Slim family
CEFERESO No. 17 CPS	Buenavista Tomatlán, Michoacán	2017 (delayed 5 years)	Promotora Desarrolladora Mexicana, S.A. de C.V (PRODEMEX)	Subsidiary of Grupo Ángeles. Olegario Vázquez Raña
CEFERESO No. 18 CPS	Ramos Arizpe, Coahuila	October 2018	Operadora de Infraestructura Especializada de Guanajuato, S.A. de C.V. (OIEGSA) ²⁸⁶ and Grupo Tradeco, S.A. de C.V. In 2015, Blackrock acquired all of I2's assets, including the CEFERESO (BlackRock México Infraestructura I, S. de R.L. de C.V.) ²⁸⁷	OIEGSA and I2: Jerónimo Gerard Rivero Tradeco: Federico Alberto Martínez Urmeneta Blackrock: directed by Larry Fink ²⁸⁸
Centro Federal de máxima seguridad (PPP) ²⁸⁹	Papantla, Veracruz	Nov 2020 (estimated)	Prodemex Grupo Tadeco June 2018: Servicios, Infraestructura y Tecnología Papantla S.A. de C.V. ²⁹⁰ (joint venture between Comtelsat S.A. de C.V. and Grupo Lauman Holdings)	Comtelsat and Grupo Lauman: Manuel de Jesús Arroyo Rodríguez, owner of the newspaper <i>El Financiero</i>

All of these companies maintain extensive high-level political connections. For instance, IDEAL (Grupo Carso) is controlled by the Slim family, one of the wealthiest families in the world. Carlos Slim Domit and Bernardo Quintana Isaac of Ingenieros Civiles Asociados, S.A. de C.V. (ICA) are members of the influential Mexican Business Council (*Consejo Mexicano de Negocios*), and have historically maintained close commercial ties.²⁹¹ Hipólito and Jerónimo Gerard Rivero of Constructora y Edificadora GIA+A, S.A. de C.V. are closely linked to the PRI party. Jerónimo and Hipólito are brothers-in-law to Carlos Salinas de Gortari, married to Ana Paula Gerard Rivero.

3.1.2 The privatization of federal prisons

A key financier of these federal private prisons was Grupo Financiero Banorte, S.A.B. de C.V. (Banorte).²⁹² IDEAL's 2013 Annual Report disclosed that the construction of the CEFERESO in Morelos was financed through a MXN 6.3 billion loan signed with banks Banorte and Santander.²⁹³ Banorte was also one of the underwriters for Prodemex's real estate *Fibra E* bond (*Fideicomiso de Inversión en Bienes Raíces*), which incorporated its prison CPS contracts in 2017.²⁹⁴ Grupo Financiero Interacciones (now merged with Banorte), also financed the construction of a state CERESO in Ciudad Valles, San Luis Potosí, and operates one prison in Mexico City, the *Centro Varonil de Seguridad Penitenciaria 1*, through a CPS scheme.²⁹⁵

Banorte's controlling family, the Hanks, has been historically linked to significant regulatory issues and organized crime. The Hank Rhon family is one of Mexico's wealthiest and most politically powerful families. The family patriarch, Carlos Hank González²⁹⁶ was a key political figure within the PRI party, and considered part of Salinas de Gortari's inner circle. His sons continued to maintain and develop the family's political connections. Carlos Hank Rhon²⁹⁷ was Raúl Salinas de Gortari's reference in Citibank, a facilitator in Salinas' money laundering scheme, and admitted to making a transfer on Salinas' behalf.²⁹⁸ A 2015 investigation by the U.S. Department of Justice into Citigroup's money laundering controls again linked to Carlos Hank Rhon companies.²⁹⁹ Carlos Hank Rhon was also named in ICIJ's 2015 Swiss Leaks after being linked to over 10 bank accounts under the name "Hmex Pte. Ltd," which at some point held over USD 158 million; and was named again in 2016 in ICIJ's Panama Papers.³⁰⁰

The Hanks have also been investigated by U.S. authorities for links to organized crime. These links date back to a 1999 preliminary report on the U.S. National Drug Intelligence Center's "Operation White Tiger," which accused the Hank family businesses of moving cocaine to the U.S. and laundering the proceeds for the Tijuana Cartel.³⁰¹ In 2000, the Laredo National Bank, controlled by Carlos Hank Rhon through a British Virgin Islands entity called Incus, Co., Ltd., was fined USD 40 million by the U.S. Federal Reserve for hiding its real ownership structure through offshore entities (later linked to Carlos Hank González Sr.).³⁰² In 2001, Carlos Hank Rhon was forced to resign as chairman of the board and director of Laredo National Bank.³⁰³

The other Hank Rhon brother, Jorge, is even more controversial. Jorge Hank is former municipal president of Tijuana, Baja California, and owner of Grupo Caliente, a casino conglomerate. Jorge Hank has been investigated by Mexican authorities for money laundering and drug and wildlife trafficking, and has been arrested at least twice though never prosecuted: first in 1995 by customs agents in the Mexico City Airport, and second by the Mexican Army in 2011 for illegal weapons possession.³⁰⁴

Another government prison contractor, Grupo Tradeco, has been tied to several regulatory issues in recent years. For instance, in 2016, the SFP disqualified the Grupo Tradeco companies from obtaining public contracts for two-and-a-half years.³⁰⁵ In 2019, the U.S. Department of Justice began an investigation into Tradeco for possible links between Carlos González Macías, a shareholder and Vice President of Tradeco Infraestructura, and Juan Antonio Hernández Alvarado, the brother of Honduran president Juan Orlando Hernández Alvarado convicted of drug trafficking charges in a Manhattan Federal Court.³⁰⁶

3.2 Mid-level corruption: Subcontracting in state prisons

Information on government spending in state prisons is extremely limited. The transparency of the information depends on the state entity responsible for contracting the services. This limits public oversight into prison spending on construction and refurbishment, contracting of services (such as food, cleaning, laundry), or the purchase of uniforms (for both inmates and public officials) and other equipment, such as signal blockers and video surveillance systems. Of the FOIA requests submitted regarding the subcontracting of prison services, including for food, cleaning, and clothing, very few government agencies provided information. Some claimed that this information is confidential because its release could undermine the prison's security and objectives, its personnel's security, or the contractors' security. Information on contractors for prison maintenance and building improvements was also restricted. The lack of transparency inevitably limits the possibility of public oversight, making the prison system ideal for corruption and the diversion of funds.

Government spending on signal blockers

In the Second Conference of the Penitentiary System, held in October 2009, the federal government and the state resolved to increase spending on radio frequency signal blockers. The signal blockers could counter the smuggling of wireless communication devices into prisons and restrict communications between inmates and the outside. Federal and state governments pledged resources to implement this agreement between 2010 and 2011. This was also one of the main commitments of the National Agreement on Security, Justice and Legality (*Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad*) in August 2008, and the National Priority Programs established by the CNSP. In 2011, the ASF confirmed that 87.9% of state and municipal prisons did not have signal blocking systems.

One of the key government suppliers was the company Software DSI S.A. The Mexico City (Federal District) government contracted the company in 2011 to install 155 jammers in six prisons at a cost of MXN 24.79 million (approximately USD 1.9 million).³⁰⁷ The systems, however, had limited effect, and government authorities suspected that the blocking devices had been tampered with.³⁰⁸ The government terminated the contract in 2013.

Software DSI is controlled by Rafael Abraham Hamanoiel Frangie, linked to software and real estate companies in Mexico.

Prison food cartels

In recent years there have been reports of irregularities in the contracting of food for prisons. The contracts include the supply, preparation and distribution of food among inmates, activities that usually require the company to employ inmates for operations and food preparation. Between 2013 and 2014, many states pushed to certify prison kitchens and their food suppliers with either “Distinctivo H” or the International Organization for Standardization (ISO).

A review of available information, particularly media reports, indicates that few prison companies operate in the market and that the market share tends to be concentrated among key players in each region. In Mexico City and federal prisons, for instance, a dominant player has been La Cosmopolitana, S.A. de C.V., based in Mexico City and incorporated in 1985. According to an investigation by Quinto Elemento Lab and Vice, between 2002 and 2019, La Cosmopolitana obtained 17 contracts with the OADPRS, all awarded directly, to provide food services in CEFERESOS.³⁰⁹ Between 2012 and 2016, the company expanded its service provision in CEFERESOS to include 12 additional services: laundry, gardening, maintenance, and others.³¹⁰

The company has become a dominant player of prison food services in Mexico City³¹¹ and Jalisco.³¹² Between 2002 and 2019, La Cosmopolitana had signed at least 704 contracts with government entities worth MXN 29 billion.³¹³ La Cosmopolitana is part of Grupo Kosmos³¹⁴, owned by the Landsmanas family (Jack Landsmanas, Ilja Landsman Dymensztejn or Elías Landsmanas Dymensztejn, Jorge Landsmanas Dymensztejn and Lázaro Zagorin Dabbah). The family has links to Florida in the U.S. Recently, the Mexican Financial Investigative Unit (FIU) investigated the company for links to a money laundering network associated with top public servants of the Venezuelan government—allegations that the company denies.³¹⁵

In the Northeast region, our review identified two other players: Alimentos con IDEA S.A. de C.V. (iFood México) and Grupo Samaku. Alimentos con IDEA S.A. de C.V. (iFood México), is part of Grupo LUGOR,³¹⁶ a dominant supplier in Chihuahua since 2011.³¹⁷ It is controlled by brothers José Raymundo and Luis Antonio Ortiz Domínguez, both originally from the Laguna region in the state of Durango. In Ciudad Juárez, Alimentos con IDEA supplied food to the municipal CERESO at least between January and March 2011 for a daily price of MXN 38,700, and continued to be listed as a supplier in 2016.³¹⁸ A local media outlet linked the company to corruption in 2019, though there are no indications of official investigations.³¹⁹ Targeted searches also identified contracts between Alimentos con IDEA and the state of San Luis Potosí.³²⁰

Proveedora Salazar, S.A. de C.V. (Grupo Samaku³²¹), particularly between 2004 and 2014, was a dominant supplier in Nuevo León and Tamaulipas. Between 2004 and 2010, Proveedora Salazar, signed seven contracts with the Oficialía Mayor de Nuevo León to provide food services in state prisons (worth approximately MXN 219.8 million).³²² Between 2012 and 2014, the company signed at least three contracts with the Tamaulipas government to provide food in its CEDES (approximately MXN 128.2 million). Searches of procurement databases and FOI

requests identified contracts between Grupo Samaku companies and the states of Sinaloa, Sonora, Jalisco, Michoacán, Nayarit and San Luis Potosí (CERESO La Pila).³²³

Red flags and political connections of Grupo Samaku

The deputy director of the CERESO of Apodaca, Juan Hernández Hernández, testified that organized crime groups in the prison used supplier Proveedora Salazar to smuggle illegal substances, including alcohol, into the facility. Proveedora Salazar, S.A. de C.V. was incorporated in Ciudad Victoria, Tamaulipas in 2001 by José Salazar Arzola (RFC SAAJ600406364) and José Salazar Canales.³²⁴ It became one of the main suppliers of state prisons in Tamaulipas and Nuevo León before being dissolved in 2016.³²⁵

Searches found that Proveedora Salazar is affiliated with Grupo Samaku, controlled by brothers José and Alfonso Manuel Salazar Arzola. Alfonso Salazar (RFC SAAA6202051B6) was Secretary of Tourism in Tamaulipas during the Tomás Yarrington administration (1999-2005). Local media outlets have described Alfonso Salazar as a front man (*prestanombres*) for Yarrington, and reported that the proceeds from state prisons contracts were used by Alfonso to buy a private jet and properties in Texas, USA, though it is unclear whether these were ultimately controlled by Yarrington.³²⁶ In January 2012, the PGR issued a warning to three former Tamaulipas governors and some of the officials who worked in their administrations to stop them from leaving the country; among the latter was Alfonso Salazar, whom the PGR later asked to testify.³²⁷ According to local journalists, Alfonso Salazar acted as an intermediary between Yarrington and Rodrigo Medina de la Cruz in 2009, before he became governor of Nuevo León.³²⁸

José and Alfonso Salazar Arzola are also partners of two other former state officials: Miguel del Riego de los Santos (RFC RISM5402243WD), former director of CEDES in Tamaulipas during the Yarrington administration,³²⁹ and Eduardo Rafael Luque Altamirano, the former director of the SCT in the State of Mexico.³³⁰

Prison suppliers are vulnerable to organized crime groups. Due to their access in prisons, they can easily become targets of extortion and coercion. Based on information from a preliminary investigation obtained through a freedom of information request, the federal and state prosecutors made no further investigation into the responsibility of Proveedora Salazar, its employees, or directors in relation to the smuggling of contraband into Apodaca.

Beyond a source of income, organized crime groups also exploit prison contracts to consolidate control within prisons. Although not within the scope of this study, the case linking the New Generation Jalisco Cartel (CJNG) with prison suppliers in Jalisco in 2016 is a clear example of this.

Food suppliers in Jalisco prisons with alleged ties to the CJNG

A federal and state investigation in 2016 linked Sergio Kurt Schimdt Sandoval (“La Pistola”), a financial operator of the New Generation Jalisco Cartel (CJNG), to businesses operating inside Jalisco prisons, including 24 stores (*tienditas*) between 2010 and 2013.³³¹ Authorities were also investigating links between Schimdt and the company Comser de Occidente, S. de R.L. de C.V. (Grupo Fudex), a supplier of food services in Jalisco prisons owned by Ramiro Baeza González and José Manuel Sotelo Rivera.³³² *Reforma* added that the company was incorporated in March 2008, and two years later was receiving 76% of all food contracts signed by Jalisco’s Secretary of Public Security, Prevention and Social Reintegration (SSPPRS).³³³ Schimdt allegedly benefitted from his relationship with Alejandro Díaz Guzmán, his brother-in-law, who served as deputy director of the entity for the Execution of Special Measures and Social Adaptation in Jalisco from 2007 to 2013.³³⁴

The business of (in)security and the revolving door

Since the beginning of the Drug War, the security industry has grown considerably, as companies and citizens have turned to the private sector for solutions to increasing crime and insecurity. For the rich, a security industry provides such services; the poor are left to rely on “crude protection rackets,” participation in self-defense groups, or vigilantism. The privatization of security, however, has created new forms of security arrangements beyond the state, composed of “hybrid” and “grey” forms of public-private and global-local interaction, redefined through new structures of political power and authority and the movement of global capital.³³⁵

In 2011, the National Confederation of Private Security Entrepreneurs (CNESP) estimated that demand for private security services in the country had risen 40% during the past year, especially in northern and central Mexico, reflected in the hiring of guards to secure people, buildings, establishments, and the transportation of goods.³³⁶ The CNESP also estimated that the industry had grown 50% since 2006.³³⁷ In 2005, 173 private security companies were registered with the federal government;³³⁸ by 2016, the number had increased to 1,168,³³⁹ and to 3,977 one year later.³⁴⁰ According to the CNESP, another 8,000 to 10,000 unlicensed firms operated illegally throughout the country, suggesting that the informal market is much larger than the formal one.³⁴¹

However, poor regulation and oversight have been major contributors to significant problems and controversies in the industry. First, there is the issue of a revolving door between public security and private security, in which a vast number of public servants have incorporated or worked for private security companies after leaving public office (or sometimes even while holding office). The participation of former members of the army and police within the industry

is not limited to Mexico, but it is a common practice in all of Latin America— and the US— creating “often close-knit ties between private security firms, the government, and security forces.”³⁴² The political influence of private security, and a general lack of industry oversight, has contributed to corruption and abuse, which hinders accountability. Genaro García Luna is a perfect example of this.

The revolving door and federal government corruption: García Luna

After leaving the federal government, García Luna incorporated a series of security consulting companies, with offices in the U.S. and Mexico. These companies operated under the commercial name GL & Associates Consulting (GLAC). Other partners in GL & Associates Consulting include José A. Rodríguez Jr. (former CIA), Carlos Villar (former FBI), Luis Montenegro Rinco (former *Policía Nacional de Colombia*) and Larry Holifield (former DEA).³⁴³

Since 2014, journalists Peniley Ramírez and Anabel Hernández have extensively reported on García Luna’s links to Mauricio Samuel Weinberg and his family. Weinberg is the owner of ICIT Private Security México S.A. de C.V. in Mexico. Marco Antonio Novella Juárez, former director of Prison Development in the Secretariat of Public Security (SSP) under García Luna, acted as an external consultant for ICIT.³⁴⁴ José Carreto Ortega, a former regional director of the AFI in Guerrero and Campeche, was also linked to ICIT in Toluca.³⁴⁵

Recent investigations conducted by the Financial Intelligence Unit (FIU) revealed that SEGOB transferred close to MXN 2 billion to a company linked to García Luna, and that associated companies then hid close to USD 50 million in offshore accounts, including Hong Kong, Israel, Latvia, Panama, the United Kingdom, Cyprus and Curaçao.³⁴⁶ According to the Mexican FIU director, the public contracting of shell companies was the means of diverting funds.³⁴⁷

The revolving door also characterizes the actions of key officials in the states, including the former director of prisons in the state of Chihuahua.

Revolving door at the state level: The case of Chihuahua

In July 2011, the Secretariat of Public Security of the Municipality of Juárez was responsible for management of the municipal prison. Lieutenant Colonel Julián Leyzaola Pérez served in this position during the tenure of Juárez Municipal President Héctor Murguía Lardizábal (2010-2013).³⁴⁸ After leaving office, the two officials incorporated the security company LEYZA Titan del Norte, S.A. de C.V. in Juárez, along with Stella Maris Domínguez Gutiérrez, former director of Municipal Transit, part of the SSPM.

The Sonora Group

As head of the *Fiscalía en Ejecución de Penas y Medidas Judiciales del Estado* (FEEPMJ) between 2010 and 2015, Eduardo Guerrero Durán was a big promoter of the American Correctional Association (ACA) certification program.³⁴⁹ During this time, he allegedly hired several individuals from Sonora, dubbed the “Grupo Sonora,” to take charge of state prisons.³⁵⁰ He allegedly had close ties to figures in the federal government, including Genaro García Luna, José Patricio Patiño Arias, and Eduardo Enrique Gómez García.³⁵¹ In 2015, García Luna appointed him commissioner of the OADPRS, a position he held until October 2017. According to the testimony of a Sinaloa Cartel member given in a U.S. court, the cartel payed Guerrero USD 2 million in bribes to facilitate El Chapo’s escape.³⁵²

Guerrero Durán is linked to numerous private security companies.³⁵³ In at least four companies, Guerrero Durán participates as a shareholder alongside Luis Carlos Cordero Camarillo,³⁵⁴ a former public official of the *Fiscalía*. The four companies are Vigila de Juárez, S. de R.L. de C.V.; Seguridad Privada y Vigilancia del Bravo, S. de R.L. de C.V. (commercially known as “Safe it”); Seguridad Privada Colombo México, S.A. de C.V.; and PBS Security, LLC, incorporated in November 2009 in El Paso, Texas, and dissolved in July 2011.³⁵⁵ Another shareholder of Vigila de Juárez, Luis Arturo Arellano Cuarón, also appears to have a presence in El Paso, Texas. Many of the four companies have been listed as suppliers and contractors for government entities, including those of Nuevo León, Coahuila, and Gualadajara (Jalisco).

According to guards quoted in reports by Proceso, Juan Pedro Santa Rosa was involved in the operation of “tienditas” inside state prisons.³⁵⁶ Searches in the Mexican Corporate Registry found that Santa Rosa has acted as legal representative of several security companies, including Servicios Integrales Corporativos del Bravo, S. de R.L. de C.V., in which Guerrero Durán is a shareholder.³⁵⁷

The general lack of transparency in public security procurement, under the guise of “national security,” has also facilitated illicit enrichment, corruption, and embezzlement by public officials.

Irregular purchase of drone in Nuevo León tied to the Moreira network

In April 2019, the Nuevo León government received public scrutiny regarding the irregular purchase of a drone worth close to MXN 29 million for the *Fuerza Civil*, from

the company Unmanned Systems Technology International, S.A. de C.V. (USTI).³⁵⁸ The state eventually returned the drone, and the company reimbursed the state. One year later, however, the SSP NL purchased specialized equipment from an affiliated company called Soluciones y Opciones de Seguridad Privada, S.A. de C.V.³⁵⁹

Corporate filings show that Soluciones y Opciones de Seguridad Privada, S.A. de C.V. was incorporated in August 2007 in Guadalupe, Nuevo León, under the name Security Privada and Armoring, S.A de C.V.³⁶⁰ Its first registered shareholders were Elena Martínez Chavana and Eréndira Martínez Chavana, who were linked to Humberto Moreira Valdés' network by Spanish authorities in 2016. Humberto Moreira used two companies initially incorporated by the Martínez Chavana family in Coahuila—Construcciones Chavana and Servicio Joluca—to transfer funds to his bank accounts in Spain.³⁶¹

These links also reflect the overlapping nature of economic networks in the Northeast, particularly between public officials in the Coahuila and Nuevo León state governments.

Criminal gangs and groups have also used security firms to disguise or legitimize their operations. They have used these firms to obtain gun licenses, and even to launder money—taking advantage of the industry's lack of regulation and oversight.³⁶² An example from Jalisco in 2016 sheds light on organized crime's abuse of corporate vehicles and the "formal" economy. In March 2016, the Jalisco state government arrested 13 individuals and shut down the company Segmex, S.A. de C.V., which the Cartel de Jalisco Nueva Generación (CJNG) had been using to recruit new members, who were then trained at a remote ranch in the state.³⁶³

Searches of specialized databases reveal another example: two security companies based in Jalisco tied to Miguel Loza Hernández and Arnoldo Villa Sanchez: Sistemas Élite de Seguridad Privada, S.A. de C.V., incorporated in 2001; and ML Seguridad Privada, S.A. de C.V., incorporated in 2009. The two men were members of the Beltrán Leyva Cartel, whom the U.S. Treasury listed in 2013 on the Specially Designated Nationals and Blocked Persons List (SDN), pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act).³⁶⁴ Sistemas Élite was identified by U.S. authorities, sanctioned, and eventually shut down, though ML Seguridad appears to still be active.³⁶⁵

Public purchasing of security chips from a company linked to the Italian Mafia in Nuevo León

According to news reports, the Superior Auditors of the states of Nuevo León and Zacatecas investigated two sister companies—Protección Urbana, S.A. de C.V. and Tecnología Assul, S.A. de C.V.—for irregularities in government contracts.³⁶⁶ In 2009, the Municipality of San Pedro Garza García in Nuevo León purchased 100,000 GPS tracking chips from Protección Urbana, worth MXN 5.8 million. The city intended to place the chips on taxis as part of a Vehicle Identification System (*Sistema de Identificación Vehicular*), a project it eventually abandoned.³⁶⁷ The owner and representative of both companies was Gustavo Gámez Castillejos, who was also part of a wider network of companies linked by Italian authorities to drug trafficking in 2012.

The Mexican Corporate Registry confirms that Gustavo Gámez Castillejos was appointed legal representative of Bolman de Monterrey in July 2008,³⁶⁸ a company incorporated in Monterrey in 1990 by Ma. de la Luz Alanis de Guajardo and two of her daughters.³⁶⁹ In 2001, Italian national Giuliano Baragiotta Bonasegale bought shares in the company.³⁷⁰ In 2012, Bolman de Monterrey, S.A. de C.V. was linked by Italian authorities to drug trafficking activities after a truck with the Bolman de Monterrey logo was found carrying a ton of cocaine and hash in Italy.³⁷¹

In 2012, investigators uncovered Giuliano Baragiotta Bonasegale's links to a network of companies being used to ship and then distribute cocaine in Europe. Through "Operation Monterrey"³⁷² the U.S. and Italian governments identified a network centered around Bruno Gerardi Poggioli and Giuliano Baragiotta Bonasegale. The network also involved Mexican nationals Reynaldo Oyervides Jaime, arrested in Santa Catarina, Nuevo León in 2015, and Julio César Olivas Félix, arrested in Milan, Italy, in 2016.³⁷³

The Corporate Registry shows that Gustavo Gámez Castillejos and Giuliano Baragiotta Bonasegale are part of a much wider network involving companies registered to operate in the areas of private security, casinos and entertainment, livestock and agriculture, construction, real estate, water treatment, and chemical products. Gustavo Gámez Acuña, a key partner of Gámez Castillejos, is listed as a director of several companies registered in the state of Texas, in the US.³⁷⁴

According to a freedom of information request filed with the Nuevo León Treasury in 2019, between 2016 and 2018, Protección Urbana, S.A. de C.V. was also a contractor of state CERESOS and received three payments totaling almost MXN 7.2 million.³⁷⁵ The specifics of the services provided, however, were not disclosed.

3.3 Low-level corruption and complicity inside the prisons

3.3 Low-level corruption and complicity inside the prisons

Numerous studies and witness-based investigations have concluded that Mexican prisons are corrupt, including through widespread and chronic bribery, paid by inmates and their visitors.³⁷⁶ Guards and/or other inmates often demand payments in exchange for protection, free transit throughout parts of the prison, or even access to basic services and needs, such as food, electricity and drinking water. The INEGI's first survey of the prison population in 2016 confirmed high levels of corruption throughout all types of prisons, and further indicated that about 87.4% of the inmates surveyed had paid bribes to guards, and 36.1% to other inmates.³⁷⁷ In 2010, the Secretary of Public Affairs (SFP) sanctioned a total of 231 OADPRS officials, almost 5% of OADPRS personnel.³⁷⁸

A shortage of prison resources—infrastructure, equipment, and staff—has led to a precarious equilibrium within the prisons in which guards share power with inmates to maintain some level of order and control.³⁷⁹ Limited resources and overcrowding further translate into unequal access to basic services and the creation of a black market, controlled and monitored by powerful groups, using the currency of cash and violence. The bribery system privileges certain inmates or groups, providing such benefits as the possibility to change cells or go to the visitation room. It also provides them access to controlled or prohibited objects and substances, including cell phones, televisions, electronic devices, and drugs. For example, as of 2008 in the CERESO of Reynosa, inmates could pay guards for permission to keep doors among the cell blocks open at night and to keep electronic devices in their cells.³⁸⁰ An investigation documented bribery for privileges in Ciudad Juárez in July 2011, in which certain inmates were regularly allowed to hold parties. According to a study by *Excelsior*, the examining judge who ordered prison officials held in pre-trial detention found that:

The defendants improperly granted inmates privileges to hold a party and, using their employment, position or commission in the prison establishment, facilitated the introduction, use, consumption, possession or trade of intoxicating beverages, psychotropic substances, cell phones within the prison, in addition to the entrance of several women.³⁸¹

Particularly during 2008-2012, the most visible evidence of corruption and insecurity inside state prisons was the number of escapes in which prison officials were complicit. In 2010, escapes reached an all-time high in the Northeast states, particularly in Tamaulipas. According to the CNDH, by 2016 only 24 states confirmed that they had protocols in place to respond to prison escapes, and only 16 had protocols to react to other violent incidents.³⁸² Even basic protocols for keeping track of inmates were often rudimentary. For instance, in state prisons, guards vaguely counted inmates in each prison wing or cell three times a day.³⁸³ In 2016 the ENPOL survey indicated that 66.4% of inmates surveyed had paid to skip a roll call.³⁸⁴

3.3 Low-level corruption and complicity inside the prisons

In response to prison violence, government officials (and the general public) have been quick to attribute responsibility to prison directors and staff. Such blame persists even though more senior officials were inevitably aware of the conditions and structural problems inside the prisons. This is evidenced through their repeated public explanation of violence as arising from organized crime's control of prisons, or rival groups' fights over prison control. Following a violent incident in state prisons, officials have routinely ordered the arrest of prison officials (the director and guards), placing them under investigation and into pre-trial detention, only to replace them with new ones—who often would be involved in the next violent incident.³⁸⁵

In 2011, Mexican prisons had, on average, 25 inmates for every guard.³⁸⁶ Not only were prisons understaffed and the prisons overcrowded, but guards did not have the equipment or infrastructure to maintain order. This was particularly evident when high-security prisoners had the capacity to organize (and enforce) inside and outside the prisons. The SESNSP reported that between 2009 and 2011, state and federal authorities had investigated 365 prison officials for alleged participation in prison escapes.³⁸⁷ According to statements from the director of the SESNSP in 2011, there had been friction between the federal government and the states of Tamaulipas, Chihuahua (specifically Ciudad Juárez), and Durango, because state governments were employing unqualified prison officials.³⁸⁸

Deficient hiring practices were common practice in these states, and a lack of controls and oversight led to the appointment of prison directors and guards with questionable backgrounds. The fact that few people actually wanted to work in the prisons at the height of violence only exacerbated the problem. According to an interview conducted by OSJI with a senior Nuevo León prison official in 2012, the government would conduct general background checks on all hires, but did not implement specific procedures for those working in prisons.³⁸⁹ The federal government attempted to improve the professionalization of prison staff through the ANAP, though these policies did not trickle down to state prisons.

Diffused responsibility: the CERESO of Gómez Palacio

According to a report by *El Universal*, the CERESO of Gómez Palacio, in Durango, began experiencing a “crisis of directors” when Director Tomás Aspland Aguilera was dismissed March 2009 for facilitating the escape of five high-security inmates.³⁹⁰ Tomás Aspland was imprisoned together with Chief Guard Jesús Cuauhtémoc Pérez and 11 other prison officials.³⁹¹ Between March and August 2009, three other directors passed through the prison, including Antonio Molina Díaz, Arturo Sánchez, and Israel Villalobos Valenzuela.

Margarita Rojas Rodríguez assumed office on August 28, 2010, and was arrested less than one year later, alongside other guards.³⁹² They faced charges related to organized crime, crimes against health, homicide, and attempted murder (*causa penal* 80/2010).³⁹³ Following an *amparo* proceeding, the court ordered six guards released, finding insufficient evidence to demonstrate their probable responsibility in the crimes.³⁹⁴ According to a news article by La Jornada, whose reporters had access to the preliminary investigation, a prison guard had stated that Rojas received between MXN 10 and 25 thousand every month to protect the criminal group known as “Gente Nueva,” allied to the Sinaloa cartel.³⁹⁵

Diffused responsibility: the CERESO of Gómez Palacio

The crisis in the prison continued after Rojas' arrest. In August 2010, Noel Díaz Rodríguez, head of Durango state prisons, appointed José Villegas Hernández as director, and in turn, Villegas appointed Julio César Palomares Arciniega as deputy director.³⁹⁶ On December 19, 2012, a foiled escape from the CERESO turned violent, resulting in 24 deaths: 15 inmates and nine guards.³⁹⁷ Prosecutors later charged Julio César Palomares Arciniega in connection with the attempted escape.³⁹⁸ After the 2012 incidents, the state government decided to shut down the Gómez Palacio prison.

Crisis in Tamaulipas' prisons

Tamaulipas suffered a deep crisis in its prisons during this period. Between 2010 and 2011, 433 inmates escaped from Tamaulipas state prisons.³⁹⁹ This was more than four times the number of people who escaped from Tamaulipas state prisons between 2000 and 2009.⁴⁰⁰ Throughout 2010 and 2011, the state government claimed that the CDG and Zetas orchestrated the escapes as part of an ongoing effort to recruit members to fight both their rivals and federal security forces in the context of *Operación Coordinada Noreste*; they claimed that low-level corruption in prisons facilitated the escapes.⁴⁰¹

TABLE 6. | ESCAPES FROM TAMAULIPAS STATE PRISONS, 2010-2011

DATE	PRISON LOCATION	INMATES ESCAPED
25 March 2010	Matamoros	40
2 April 2010	Reynosa	12
7 May 2010	Miguel Alemán	8
16 June 2010	Reynosa	4
25 June 2010	Reynosa	8
4 July 2010	Reynosa	14
18 August 2010	Matamoros	30
10 September 2010	Reynosa	89
16 December 2010	Nuevo Laredo	152
25 May 2011	Reynosa	17
15 July 2011	Nuevo Laredo	59
Total		433

Source: Compilation based on several sources, including several recounts from *El Norte*.

The crisis led to a high turnover of prison officials. Between January 2005 and March 2010, the state directorate of prisons (CEDES) during Eugenio Hernández' administration went through five different directors. The last, Orlando Saucedo Pinta, was fired after the escape of 40 inmates from the CEDES of Matamoros.⁴⁰² In April 2010, Eugenio Hernández defended prison officials, stating that while they were often involved in corruption, they were also frequently threatened into collaborating with organized crime.⁴⁰³ He further blamed the federal government for not taking responsibility for federal jurisdiction inmates, who, he said, were a central part of the problem.⁴⁰⁴

Impunity for the Ciudad Juárez massacre

In the municipal prison of Ciudad Juárez, in July 2011, members of the criminal groups “Artistas Asesinos (AA)” and “Mexicles” murdered 17 alleged members of “Los Aztecas” and wounded 20 more, with the alleged complicity and/or negligence of prison officials.⁴⁰⁵ Right after the events, the Chihuahua state *Fiscalía General* detained the prison director Lucio Cuevas Sánchez and six other guards,⁴⁰⁶ investigating them for omissions, complicity, and acts of corruption (*carpeta de investigación* number 19075/2011, *causa penal* 1365/2011).⁴⁰⁷ Eventually, the court cited procedural grounds in exonerating the director—who was allegedly in El Paso, Texas on the day of the massacre—and other guards; they were exonerated both in relation to the massacre, and the accusation that they had allowed inmates to throw a party the day prior to the massacre.⁴⁰⁸

Professionalization as a limited solution in Apodaca

General Jaime Castañeda Bravo, director of the Nuevo León SSP, appointed Gerónimo Miguel Andrés Martínez, a lawyer, as director of the CERESO of Apodaca, on May 27, 2011. The appointment immediately followed an incident in which 14 inmates were beaten and killed in a fire, allegedly by a rival organization.⁴⁰⁹ Andrés Martínez had been an experienced prison administrator, having held positions in the OADPRS, serving as undersecretary of Intelligence and Criminal Policy in the state SSP of Zacatecas, and for six months as director of the penitentiary of Santa Martha Acatitla.⁴¹⁰ By 2011, Andrés Martínez had also authored three books, one on organized crime and two on prison administration.⁴¹¹ However, he left the Santa Martha Acatitla prison with a controversial reputation. The Under-Secretary of the Penitentiary System in the Federal District fired him after an investigation into extortion phone calls being made by inmates under his watch.

On February 18 and 19, 2012 the CERESO of Apodaca registered three distinct but related events: the apparent suicide of an inmate in a prison cell; the escape of 37 Zeta inmates; and a brawl that left 43 inmates dead, allegedly members of the Gulf Cartel.⁴¹² After these events, Governor Rodrigo Medina removed SSP General Jaime Castañeda Bravo from office. Andrés Martínez and several guards were charged and held in pre-trial detention. The preliminary investigations (*averiguación previa* 27/2012) indicated that the Zetas made monthly payments (between MXN 6 and 30 thousand) to the officials, for allowing them to control of the prison. In his witness statement, Andrés Martínez denied links to organized crime groups, though

he confessed that he knew some guards did “collaborate” with them.⁴¹³ According to a series of *amparo* proceedings, irregularities characterized the legal proceedings against the prison officials, and there was indication of coercion (and possible torture) by investigative authorities in obtaining some witness statements.⁴¹⁴ Eventually, Prison Director Andrés Martínez, Prison Commander J. Marcos Ibarra Jiménez, and the guards Jesús Hernández Garay, Claudio Sánchez López, and Abel Erasmo Esparza Gómez were convicted of aiding the prison escape and sentenced to 4 years, 11 months and 9 days in prison.⁴¹⁵ By 2017 they had served the sentence and been released.⁴¹⁶ According to a witness statement of the deputy director of the prison, the Zetas had controlled Apodaca since at least October 2011.⁴¹⁷ In December 2011, almost 60% of the inmates (or 1,636 of the 2,735 inmates) were being held in relation to federal crimes.⁴¹⁸

Both prisoners and prison workers face pervasive danger within the prison system. Particularly in the prisons analyzed for this study, guards were consistently outnumbered and had limited resources. They were tasked with controlling a prison population increasingly composed of federal jurisdiction detainees, many of whom were part of sophisticated organizations with presence both inside and outside the prison, and which had significant enforcement capabilities. Not only did guards face abuse of their labor rights and dangerous conditions, but they had little opportunity to report grievances and issue complaints. Without excusing their responsibility, the precariousness of their positions only reinforced the prison system’s structural problems.⁴¹⁹ Individual criminal responsibility resulting from all of these violent incidents, furthermore, was limited to low-level officials working directly within the prisons.⁴²⁰ Even if they were responsible for the prisons when violent incidents occurred, more senior officials appointed many of them to oversee facilities, knowing of inadequate staff and resources, and knowing in many cases that the facilities were already under criminal control. Yet, state governments have shown little or no regard for their duty of care toward prison employees. With such policies, state governments reinforce a culture of prison-worker disposability and fail to address the underlying causes of the prison crisis.

4.

SUPPLY-SIDE CORRUPTION: STATE PRISONS WITHIN WIDER CRIMINAL NETWORKS

In a recent study, the Grotius Centre for International Legal Studies of Universiteit Leiden (CDIHLU) determined that six armed criminal groups operating in Mexico between 2006 and 2017 had high levels of organizational capacity during certain periods of the Drug War. The groups include: the Juárez Cartel, from 2008 to 2011; the Sinaloa Cartel, from 2008 to 2017; and the Zetas, from 2010 to 2017.⁴²¹ This section will begin to analyze the use of prisons within these wider criminal groups' networks and operations.

In January 2017, *InsightCrime* published a policy report on the presence and control of prisons by gangs and organized crime groups in Latin America. The report proposed a typology of organizations operating from within prisons: the inside prison gang, the inside/outside prison gang, the insurgent prison gang, and the drug trafficking prison gang.⁴²² The inside prison gang controls functions under the "logic of the prison," and controls the criminal economies within the prison (including contraband and extortion). The inside/outside prison gang exploits the prison system's vulnerabilities and operates both inside and outside the prison. The insurgent prison gang functions through ideology and discipline. And the drug trafficking prison gang uses its "capital, connections and muscle to dominate the prison economy," and can even have control over outside drug trafficking activities.⁴²³

This typology is useful in analyzing the groups operating in Mexico's state prisons in the Northeast between 2008 and 2012. As will be seen in this section, Los Aztecas began as a prison gang but later transformed into an organized crime group. La Línea, the Juárez Cartel, the Sinaloa Cartel, the Zetas, the Gulf Cartel are all considered organized crime groups with significant influence both inside and outside the prisons. A variety of actors participate in the control and manipulation of the prisons for private benefit. These include not only the prison officials and non-state armed groups, but also public and private security forces, and private contractors. This points to the existence of macro-criminal networks, meaning complex and overlapping networks in which it is difficult to differentiate between state and non-state actors.⁴²⁴

4.1 Prisons as centers of operations

Organized crime groups have exploited structural problems in Mexican prisons, including overcrowding, self-government, understaffing, underfunding, chronic corruption, poor working conditions, and inhumane conditions.⁴²⁵ For instance, the conditions identified by the CNDH in the Reynosa state prison in 2009 reflect the overall state of prisons in Tamaulipas at the time. According to Recommendation No. 69/2009, the prison had significant problems, including overpopulation, a high inmate-to-guard ratio, and a complete absence of protocols and communications equipment. Following the massacre in the prison, the Coordinator of Security and Custody in the CEDES stated that the guards did not have access to anti-riot equipment, including helmets, bulletproof vests, shields, chemical agents, batons, or radios.⁴²⁶ Between 2010 and 2016, state prisons in Mexico had an average inmate-to-guard ratio of 8.6.⁴²⁷ These conditions, along with chronic corruption, allowed organized crime groups to obtain control over the prison.⁴²⁸

According to *Documenta*, these structural issues have contributed to the *de facto* privatization of prisons, in which governance is shared with criminal organizations, and the extent of their power and control depends on their economic capacity and capacity for violence.⁴²⁹ In other words, the inmates take up duties that the government no longer exercises, including maintaining order, providing security, and distributing food and other basic necessities.⁴³⁰ With an influx of inmates with greater skills and power, prison officials not only began receiving pressure from the inside but also from the outside, through members with the ability to enforce threats against them and their families.⁴³¹ Although the federal government's 2014-2018 National Public Security Program prioritized breaking the link between inmates and criminal organizations inside and outside of prisons, powerful groups in prisons continued to control access (of contraband goods, firearms, and people) and the distribution of resources (space and food).⁴³² By April 2017, advisors to the Mexican Congress estimated that close to 65% of the country's correctional facilities were controlled by organized crime.⁴³³

Governance and arrangements inside prisons are dynamic, and they shift in response to internal and external changes. Violent incidents inside prisons, therefore, can be understood as a tool or consequence of struggles for power. For instance, transfers and new incarcerations could modify the equilibrium between internal and external elements. According to some news reports, the February 2018 escape and riot in Apodaca occurred after the prison director leaked plans for a supposed transfer of maximum security inmates to the CEFERESO in Jalisco.⁴³⁴ A further example concerns the November 2015 transfer of Juan Pedro Saldívar (“El Z-27”) from the Matamoros prison in Tamaulipas to the Topo Chico prison in Nuevo León. Saldívar challenged prison boss Jorge Iván Hernández Cantú (“El Credo”), who was also linked to the Zetas.⁴³⁵ In February 2016, a struggle between them left 49 inmates dead and another 12 gravely injured.⁴³⁶ In 2017 in Topo Chico, the transfer of 38 high-risk inmates —including the alleged prison boss Julio César Pardo Leyva to a prison in Veracruz— contributed to a prison riot that left several inmates injured and caused significant damage to the building.⁴³⁷

4.1 Prisons as centers of operations

The most paradigmatic—and most studied⁴³⁸—case of organized crime control in prisons is that of the CERESO of Piedras Negras, Coahuila between 2009 and 2012. The Piedras Negras case offers a point of comparison for state prisons in Durango, Chihuahua, Tamaulipas and Nuevo León. In Coahuila, the Piedras Negras prison was important for the Zetas' consolidation of control over the northern part of the state, and over the drug-trafficking route that traversed the border city.⁴³⁹ Ultimately, the prison served as a “criminal enclave” for the Zetas, where the group members established a mechanical workshop to alter vehicles for the transport of drugs and a workshop to fabricate army uniforms. It served as a place to hold the organization's kidnapping victims. It served as a center for torturing their *levantados* or enemies and disposing of their bodies. It provided a warehouse and a local market for drugs and extortion. It was a recruitment center and a refuge for cartel members when they were being chased by authorities or their enemies. Essentially, it amounted to a “state-subsidized death camp.”⁴⁴⁰ The Piedras Negras case offers insight into the position of the “prison boss,” responsible for maintaining control inside the prison, and control over communication with the outside. In Piedras Negras, the prison boss was identified as Ramón Burciaga Magallanes, “El Maga,” a former police officer accused of kidnapping. He was arrested in December 2009 and governed the prison until approximately January 2012, with the support of 92 collaborators.⁴⁴¹

This section relies primarily on information obtained from judicial files (such as *amparo* proceedings) and public versions of preliminary investigations (*averiguaciones previas*) into violent incidents that occurred in several prisons in the Northeast. These include the CERESO of Gómez Palacio in Durango, the municipal CERESO of Juárez in Chihuahua, the CERESO of Apodaca in Nuevo León, and the CEDES in Matamoros, Nuevo Laredo, and Reynosa. It is important to note that authorities denied access to most preliminary investigations into incidents in Tamaulipas, except for the investigation into the 2008 massacre in Reynosa.

4.1.1 Territorial control

Between 2008 and 2012, the security strategy employed by the Calderón administration contributed to inter-cartel wars, as organized crime groups fragmented and reconfigured. By 2012, the Zetas and the Sinaloa cartels were the two major winners operating in the Northeast and Gulf regions of Mexico. The Zetas had consolidated their control in the states of Coahuila, Nuevo León, Tamaulipas, and Veracruz, after splintering from the Gulf Cartel in 2010. The Sinaloa Cartel, after a fierce battle against the Juárez Cartel, operated out of Sonora, Sinaloa, Chihuahua and Durango. This distribution of territory coincides with the criminal groups that were named in either the judicial files or in media reports related to violent incidents in prisons.

Cartels use different means—such as (the threat of) violence and the establishment of extra-legal structures—to exert control over a given territory, and influence the social, political, and economic order and activities within that territory. Much of Mexico's violence over the last decade derives from efforts to exert territorial and social control, through control of the *plaza*, trafficking routes, or critical infrastructure. Violence is often used to consolidate or disrupt this control and maximize the extraction of rents within a given territory. Violence in prisons served a similar purpose.

MAP 1. | AREAS OF CARTEL INFLUENCE, 2012

Source: Stratfor, 2012

A prison gang's level of control can range from a cell, to a prison wing, to the entire prison. For instance, in the Reynosa state prison back in 2008, different factions of "La Troca," a prison gang with unclear ties to the CDG or the Zetas, appear to have controlled different sections of the prison. By 2010, in Tamaulipas, however, state prison authorities would allegedly place entire prisons under the control of one criminal group, which ultimately had control over life and death in the prison. Official accounts in all states analyzed increasingly referred to the control of the entire prison by a single organized crime group.

The main difference between prison gangs and the control of organized crime groups is their ability to exert pressure from both inside and outside of the prison. Prison gangs can rise mainly through physical or economic power, but also through access to an organized counterpart that is able to employ (the threat of) violence both inside and outside of prisons. Inside the prisons, groups would often have access to firearms. The "La Línea" boss in Juárez, for instance, declared in 2011 that they would regularly smuggle firearms into the prison in order to maintain control.⁴⁴² More importantly, prisons gangs and organized crime groups would have means to enforce their threats outside of the prison. During the period 2008-12, there were frequent attacks against prison officials. Three months after the Nuevo Laredo

escape, an inmate murdered the new director of the CEDES, Rebeca Nicasio Vázquez.⁴⁴³ In 2010, the Zetas allegedly killed Amado González Escalante, the Tamaulipas state director of CEDES, supposedly in retaliation for breaking an agreement to segregate inmates by gang affiliation.⁴⁴⁴ In November 2017, an armed group killed Apolonio Villarreal Sosa, known as “Polo Villarreal,” outside his home after working in the CEDES of Reynosa for 14 years.⁴⁴⁵

Gang fighting in the Juárez municipality prison was also linked to several attacks against prison officials between 2009 and 2010.⁴⁴⁶ As an example, Lucio Cuevas Sánchez was appointed director of the municipal prison after the former prison director, Gerardo Ortiz Arellano, and his son were murdered in November 2010 in the city of Chihuahua.⁴⁴⁷ A group’s control in a prison also depended on its enforcement capacity through economic means. Several of the incidents analyzed pointed to systems of extensive prison corruption, in the form of regular payments to guards⁴⁴⁸ and prison gangs. Such payments likely came from bribes or extortion fees collected from other inmates, or from the proceeds of criminal markets inside the prison. For instance, in 2008 in Reynosa, the prison gang referred to as “La Troca,” which controlled the sale of drugs in the prison, charged inmates fees in exchange for privileges.⁴⁴⁹ In September 2009, the Mexican Army confiscated MXN 73.3 million (in USD and MXN cash) in a safe house located in the neighborhood of Cumbres Santa Clara in Monterrey, Nuevo León, where they identified accounting books and envelopes filled with cash, allegedly destined for top-officials in the municipal, state and federal police forces, in addition to the “Topo,” Monterrey and Apodaca prisons.⁴⁵⁰

As a center of operations, prisons often served as safe houses for group members. This was the case for the Sinaloa cartel in the CERESO of Gómez Palacio, and of the Zetas in the CERESOS of Piedras Negras and Apodaca. The Piedras Negras, Apodaca, and Gómez Palacio prisons were also used as bases to kill rivals, both inside and outside the prison. The Piedras Negras prison in Coahuila was dubbed a *de facto* “extermination camp” under the control of the Zetas. According to the witness statement of a recaptured inmate from Apodaca in March 2018, inmates would occasionally leave the prison to kill rivals.⁴⁵¹ Inmates of the Gómez Palacio prison in Durango who were affiliated with the Sinaloa Cartel would leave the prison at night and use the guards’ vehicles and weapons to kill rivals at night.

Permission to leave the prison

According to the 2016 ENPOL survey, 42.4% of inmates surveyed had paid bribes to change their cell, and 37.3% had paid to access the visitor’s patio.⁴⁵² This widespread ability to bribe guards in order to roam freely within the prison grounds, or even leave the prison for a determined period of time, strongly suggests the complicity of higher prison officials. Judicial files and media reports provide numerous indications of this phenomenon within certain prisons in the North and Gulf regions between 2008 and 2012.

- **CERESO of Piedras Negras, Coahuila:** According to witness evidence obtained by the *Fiscalía General del Estado de Coahuila*, Ramón Burciaga Magallanes, “El Maga,” the prison boss, was free to come and go from the prison.⁴⁵³

- **CERESO of Apodaca, Nuevo León:** According to an investigation published by *El Universal* in February 2012, the Zetas controlled the prison, and its members were able to enter and leave the facility on several occasions.⁴⁵⁴ The same report states that members even entered the prison seeking refuge when the authorities or other crime groups were searching for them. An inmate’s testimony following the 2012 massacre also stated that inmates were allowed to leave the prison “on occasion.”⁴⁵⁵ Witness statements from several prison officials confirmed this. They said the inmates would sometimes hide in car trunks to leave the prison on the weekends, and other people would “fill in” for them during roll-call.⁴⁵⁶

- **CERESO of Gómez Palacio, Durango:** In July 2010, inmates supposedly confined in the CERESO of Gómez Palacio were among those carrying out attacks against bars over the course of three days. According to state investigations, inmates had access to the guards’ weapons and vehicles, and had the director’s authorization to come and go from the prison.⁴⁵⁷

Control over the prison reinforced territorial control and *vice versa*. This raises the question of the extent to which organized crime “negotiated” prison control with authorities, or even used it as a bargaining chip for other means. In a show of strength, in November 2019, the local crime group Los Mexicles ordered a series of attacks throughout Ciudad Juárez after the National Guard carried out a security operation in the state prison.⁴⁵⁸

The imprisonment of kingpins in Mexico did not disrupt their influence on the activities of the cartels outside of the prisons. For example, Osiel Cárdenas Guillén, founder and leader of the Gulf Cartel, notoriously continued to operate from within the CERESO of Matamoros.⁴⁵⁹

The fight over Juárez

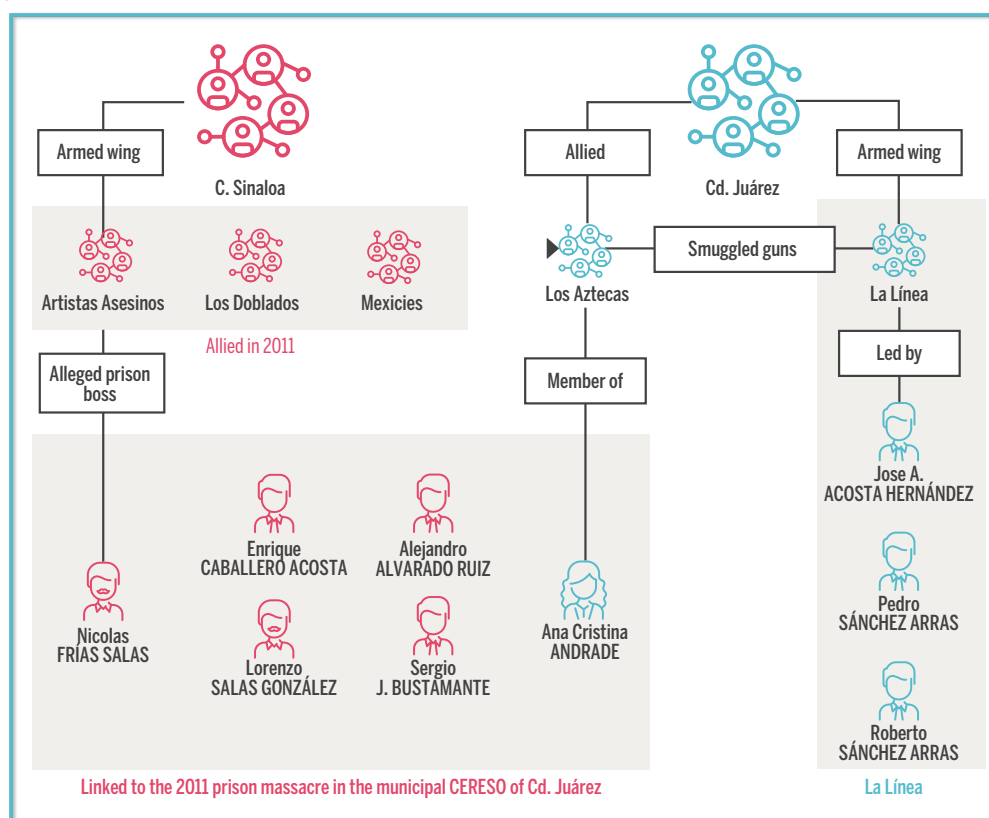
Between approximately 2005 and 2006, the Sinaloa Cartel, the Juárez Cartel and the Beltrán Leyva Organization (BLO) were all part of “La Federacion de Carteles” (“The Cartels Federation”), an alliance meant to counter the Arellano Félix Cartel based in Tijuana, Baja California.⁴⁶⁰ The alliance broke apart between the Sinaloa and the Juárez cartels in 2007, and between the Sinaloa Cartel and the BLO in early 2008. In 2010, the Sinaloa Cartel was considered by U.S. intelligence authorities to have won the turf war in Juárez.⁴⁶¹

Since the early 2000s, the Sinaloa Cartel began to expand into Chihuahua, a stronghold of the Juárez Cartel. In Ciudad Juárez, the dispute between the Sinaloa and Juárez cartels fueled a surge in violence in the city that extended to the city’s prisons. By 2008, the Sinaloa

and Juárez cartels battled for control of several prisons, including the Sinaloa state prisons of Mazatlán, Culiacán, and Aguaruto, and the Chihuahua state prisons of Juárez and Chihuahua.

In the fight for control of Ciudad Juárez, “Los Aztecas” (or “Barrio Azteca”) and “La Línea” were allies to the Juárez Cartel,⁴⁶² and “Los Mexicles” and “Los Artistas Asesinos” were allies to the Sinaloa Cartel. The judicial file from the 2011 massacre in the municipal prison of Juárez also references “Los Doblados,” a smaller group also allegedly tied to the Sinaloa Cartel. “Los Aztecas,” or “Barrio Azteca,” originated in Texas prisons, and in the early 2000’s began controlling many of Chihuahua’s prisons.⁴⁶³ From controlling prisons, the gang grew to control much of the drug trafficking in Ciudad Juárez.

CHART 4. | ALLIANCES IN JUAREZ PRISONS IN 2011



Source; Empower, LLC.

In 2011, there were two prisons in Juárez: the municipal prison controlled and managed by the municipal government, and a CERESO inaugurated in 2005, controlled and managed by the state government. The state CERESO was transferred to the federal government and turned into a CEFERESO, and in late 2011 the municipal prison was transferred to the state government and became a CERESO. Both prisons were spaces of dispute among gangs and organized crime groups operating in Juárez. Between 2005 and 2007, two prison brawls had left eight inmates dead and close to 100 injured.⁴⁶⁴ By 2008, the municipal prison of Ciudad Juárez was one of the

most violent prisons in Latin America, where the inmates controlled and governed. According to former state prison Director Eduardo Guerrero Durán, the inmates also used the prison to process drugs for sale inside and outside the prison.⁴⁶⁵

According to *InsightCrime*, Los Aztecas used the municipal CERESO of Ciudad Juárez as “an important operational center” for weapons and drugs smuggling.⁴⁶⁶ In August 2007, the PGR initiated an investigation against prison director Fernando Romero Magaña, who was allegedly on the Los Aztecas’ payroll.⁴⁶⁷ In March 2009, a brawl in the state prison between Los Aztecas on one side, and Los Mexicles and Artistas Asesinos on the other, left 21 inmates dead and several more injured.⁴⁶⁸ In June 2010, another brawl between gangs in the state prison left three dead and four injured.⁴⁶⁹

Between March 2010 and mid-2011, events inside and outside of the prison may have weakened Los Aztecas’ control over the prison. In March 2010, U.S. authorities linked members of Los Aztecas to the killing of U.S. Consulate worker Lesley Enriquez in Ciudad Juárez.⁴⁷⁰ Responding in March 2011, U.S. federal prosecutors in Texas indicted 35 members of Los Aztecas on charges of extortion, murder, drug trafficking, and money laundering.⁴⁷¹ One month prior to the massacre in July, local news outlets reported that the state government, together with federal authorities, had transferred 554 dangerous inmates from prisons in Chihuahua, including 278 from the municipal prison in Ciudad Juárez, to other correctional facilities across the country.⁴⁷²

By July 2011, privileges granted by prison officials appeared to have allowed the Artistas Asesinos (AA) and the Mexicles to take control of the Ciudad Juárez municipal prison. The night before the massacre, a group of inmates threw a party with prison guards’ acquiescence and the alleged authorization of the prison director. Investigators later suspected that the party was used to smuggle the firearms into the prison that were later used to massacre members of Los Aztecas and La Línea. A few days later, the Fiscalía General del Estado announced that the group participating in the massacre had tried to escape, and that the Federal Police had found close to 60 inmates in a tunnel leading from the prison.⁴⁷³ *El Norte* further reported in October 2011 that prison authorities had found an “arsenal” of firearms belonging to the Artistas Asesinos (AA) and the Mexicles, including an AK-47 rifle and two 9mm submachine guns.⁴⁷⁴

Finally, in August 2011, authorities arrested José Antonio Acosta Hernández (“El Diego”), the leader of La Línea, in Chihuahua. According his statement, published by media outlets, state and municipal police had supported La Línea in order to eliminate Juárez Cartel rivals. El Diego further stated that municipal prison guards helped him to smuggle firearms into the prison every 15 days so that he could maintain control.⁴⁷⁵

Prisons as bastions in the war between the Gulf and Zetas cartels

Former members of a special forces unit of the Mexican Army called Airborne Special Forces (*Grupo Aeromóvil de Fuerzas Especiales* - GAFE) founded the Zetas cartel in the late 1990s as an armed wing of the Gulf Cartel (CDG).⁴⁷⁶ The tensions between the two factions

Prisons as bastions in the war between the Gulf and Zetas cartels

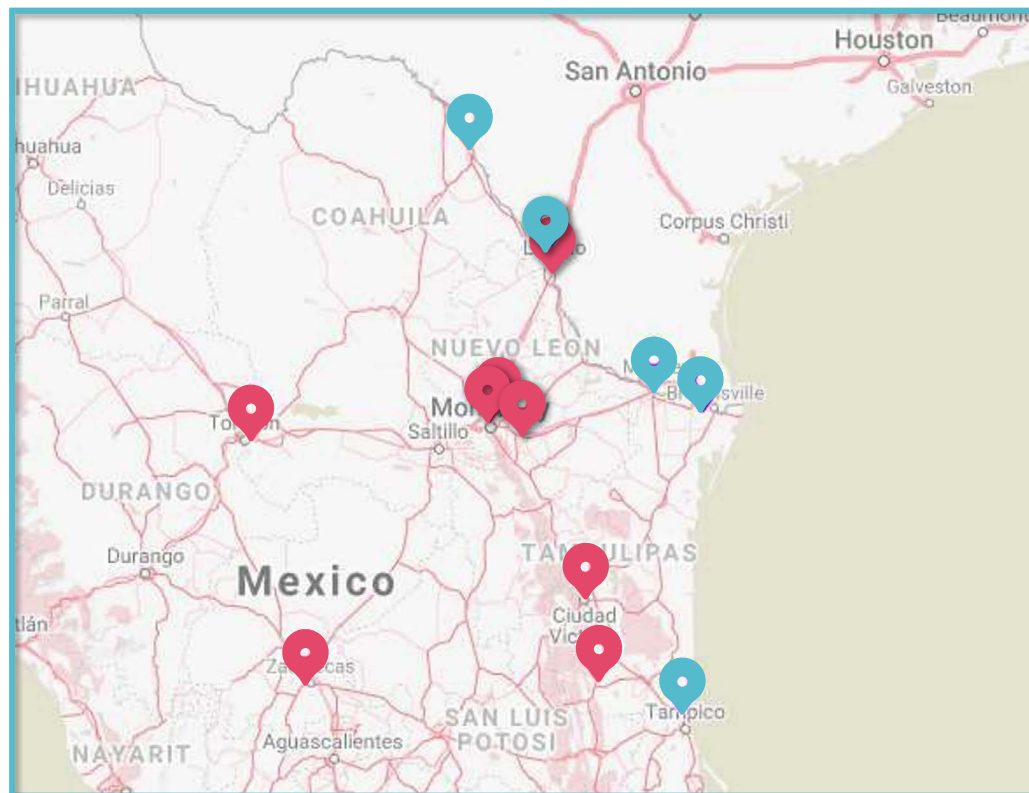
rose after Mexico's extradition of the leader and founder of the CDG, Osiel Cárdenas Guillén, to the U.S. in January 2007.⁴⁷⁷ The Mexican Army and Air Force had arrested Cárdenas Guillén in 2003, but he continued to run the criminal organization from his prison cell in the CERESO of Matamoros.⁴⁷⁸ The war between the CDG and the Zetas broke out in January 2010 after the killing of Víctor Peña Mendoza ("Concord 2"), the Zetas plaza boss in Reynosa, by Eduardo Costilla Sánchez ("el Coss") and Samuel Flores Borrego ("Metro 3") of the CDG.⁴⁷⁹ In February 2010, the Zetas sieged municipalities in the region known as the Small Border (*Frontera Chica*), including Ciudad Mier, Miguel Alemán and Camargo, and launched an attack against the CDG.⁴⁸⁰ This region is particularly strategic for drug and human trafficking due to the number of border crossings along the highway that links Nuevo Laredo and Reynosa. Tamaulipas' main border cities are the "closest points of entry for traffickers who operate in the ports of Quintana Roo, Yucatán, and the Gulf of Mexico, as well as the most important ports in the Pacific between Puerto Madero and San Blas."⁴⁸¹

The control of prisons in the region by one cartel or another in Tamaulipas reflected that group's regional presence. Since 2008, the CDG controlled prisons in Tamaulipas with support of their then allies, the Zetas.⁴⁸² The incidents of October 2008 in the CEDES of Reynosa—involving a prison escape, a riot and the massacre of at least 21 inmates by one prison gang faction—were an early sign of infighting between the CDG and the Zetas.⁴⁸³ By December 2010, state prisons were distributed amongst the CDG and the Zetas. The Zetas controlled the Nuevo Laredo, Victoria and Mante prisons, and the CDG controlled the Reynosa, Matamoros, Miguel Alemán,⁴⁸⁴ and Altamira prisons.⁴⁸⁵ The presence of the Zetas extended throughout the Gulf and Central regions of Mexico. In 2008, for instance, inmates in the CERESO of Cieneguillas rioted against the Zetas' control of the state prison.⁴⁸⁶ The following year, the prison registered one of the largest prison escapes in Mexican history, in which an armed group entered the prison with prison officials' support and freed 53 alleged members of the Zetas.⁴⁸⁷

By 2010, the Zetas and the CDG were fighting fiercely for control of the Northeast and Gulf regions of Mexico. Between 2008 and 2010, their battles fueled state prison violence across the region and, according to numerous public official accounts at the time, both cartels used prison escapes to recruit new members to their ranks.

Violent incidents in Tamaulipas' prisons become less frequent after 2012. This was not likely due to an improvement in prison management, given the ongoing degree of self-governance, as registered by the CNDH in 2013 (ranking 4.54 out of 10).⁴⁸⁸ More likely, violence dropped as the Zetas consolidated their control over the state. At the height of their power in 2012, the Zeta cartel practically controlled the states of Tamaulipas, Nuevo León, Coahuila, San Luis Potosí, Zacatecas, Veracruz, and Tabasco. In Nuevo León, the Zetas maintained influence in the CERESOs of Apodaca and Cadereyta, and the CEPRERESO of Topo Chico. Between 18 and 19 February 2012, there were three successive incidents in the CERESO Apodaca: the apparent suicide of an inmate; the escape of 37 alleged Zetas who were maximum-security inmates; and a riot in one of the wings that left 43 alleged CDG inmates dead.⁴⁸⁹

Prisons as bastions in the war between the Gulf and Zetas cartels

MAP 2. | PRISONS CONTROLLED BY THE CDG AND ZETAS, 2010-2011

Source: Empower, LLC, based on several sources.

According to an OSJI interview in 2014, organized crime had the strongest control of Nuevo León prisons between 2009 and 2010.⁴⁹⁰ However, there are numerous indications that organized crime continued to have significant control over prison staff after 2010. In 2011, for instance, members of the Zetas in Topo Chico were able to remove a CDG-linked inmate, Gabriela Muñoz Tamez (“La Pelirroja”), from the prison, before hanging her from a pedestrian bridge over one of Monterrey’s main avenues.⁴⁹¹

Nuevo León government authorities were well aware that organized crime groups exerted control over state prisons. In a 2013 report, the Nuevo León state Human Rights Commission issued 64 precautionary measures in relation to persistent extortion, kidnapping, and torture inside the state prisons, perpetrated by inmates with the acquiescence of prison officials.⁴⁹² The massacre of 49 inmates in Topo Chico in 2016, however, brought to light the level of self-government that reigned, with the Zetas allegedly controlling the sale of drugs and the distribution of food, water, and even sleeping space.⁴⁹³

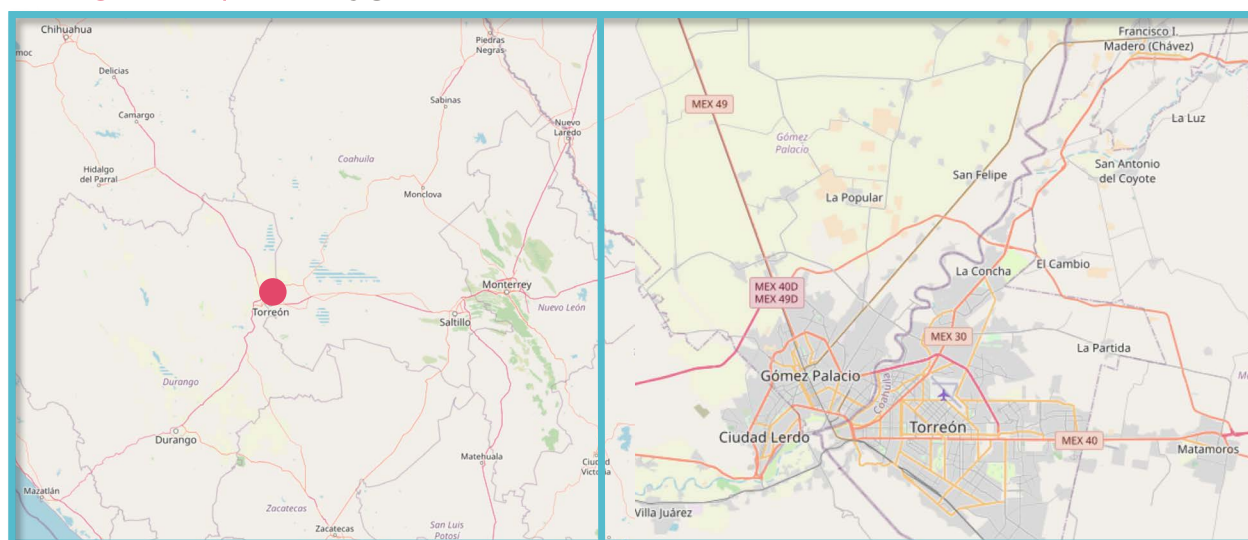
The use of prisons for the control of La Laguna

The La Laguna region’s geographic location gave it high strategic value for territorial control. It first became a battleground between the Juárez and Sinaloa cartels, and later

The use of prisons for the control of La Laguna

between the Sinaloa Cartel and the Zetas. The metropolitan area of La Laguna includes the municipalities of Lerdo, Gómez Palacio, Mapimi and Tlahualilo in Durango, and Torreón, Matamoros, Francisco I. Madero and San Pedro in Coahuila. The river Nazas divides the municipalities of Durango and Coahuila, though they all share infrastructure and transport networks. La Laguna is traversed by the main highways connecting Torreón with the cities of Saltillo and Monterrey (MEX 40D), Chihuahua (MEX 49D), and Durango (MEX 40D), which leads to the West Coast and Mazatlán, Sinaloa (see the maps below). Of the 36 clandestine graves registered by the *Fiscalía General de Justicia del Estado de Coahuila* in the state between 2006 and 2016, 19 of them were located in Torreón.⁴⁹⁴

MAP 3. | LA LAGUNA



Source: Open Street Map

Between 2003 and 2008, the Sinaloa, Juárez Cartel and the BLO cartels largely controlled La Laguna. Vicente Carrillo Fuentes (“El Viceroy”), brother of Juárez Cartel founder Amado Carrillo Fuentes (“Lord of the Skies”), was known to have several residences in the region.⁴⁹⁵ Arturo González Hernández (“El Chaky”) was a *sicario* for the Juárez Cartel—and also close to the Ismael Zambada García (“El Mayo”) of the Sinaloa Cartel—and allegedly controlled La Laguna. El Chaky was arrested in April 2003 by the Federal Investigations Agency (AFI) and the Army,⁴⁹⁶ and was replaced by Sergio Villarreal Barragán (“El Grande”) as the local boss. Villarreal was first associated with the BLO and the Juárez Cartel, and deemed to have even collaborated at some point with the Zetas and Gulf cartels.⁴⁹⁷ Media outlets have also linked El Grande with local political figures who allegedly provided him protection, including former assistant attorney general in La Laguna Hugo Armando Reséndiz Martínez, former Municipal President of Lerdo Rosario Castro Lozano,⁴⁹⁸ and former mayor and senator Guillermo Anaya Llamas.⁴⁹⁹ Barragán was even protected by Durango state PGE officers between 2003-7, as stated by a former PGR protected witness interviewed by *Proceso* in 2012.⁵⁰⁰ El Grande was eventually arrested by the Navy in Puebla in September 2010, placed in witness protection by the PGR, and extradited to the U.S. in May 2012.⁵⁰¹

The use of prisons for the control of La Laguna

The fight between the Sinaloa and the Juárez cartels between 2008 and 2010, and the expansion of the Zetas in Coahuila, diminished the Juárez Cartel's influence in the region. Starting in 2007, and particularly 2010 and 2011, the Zetas and allies of the Sinaloa Cartel turned La Laguna into their own battlefield. The Sinaloa allies—specifically Gente Nueva and Los Dannys—allegedly controlled Gómez Palacio and Lerdo, and the Zetas controlled Torreón.

The fight for the control of local criminal economies

The struggle over La Laguna between organized crime reconfigured regional social and economic networks, particularly after high-profile local businessmen started to become targets of extortion and kidnapping in early 2007. Many of these incidents were attributed to the Zetas.⁵⁰² In March, Francisco León García, known for his business interests in mining, was kidnapped by alleged Zeta members. Francisco León had just recently announced his intention to run for president of the Gómez Palacio municipal government with the PRD party, and allegedly maintained ties to Villarreal Barragán.⁵⁰³ In May 2007, the Zetas circulated a letter to local businessmen requiring their cooperation to seize local criminal markets. The letter was circulated through lawyer Alberto Romero who, according to *Proceso*, was part of a local money laundering network.⁵⁰⁴ This network involved prominent businessmen, including Carlos Herrera Araluce, owner of Chilchota Alimentos, who had survived an attack by armed men a few days before the letter was published.⁵⁰⁵

In the months following the letter, Alberto Romero was kidnapped by alleged Zetas, in addition to other individuals considered Herrera Araluce associates. Other Zetas cartel targets were government officials leading anti-kidnapping efforts in the region. Enrique Ruiz Arévalo, head of the Anti-kidnapping Unit of the state Attorney General's Office, was kidnapped and “disappeared” by alleged members of the Zetas in May 2007.⁵⁰⁶ Three months later, *Proceso* allegedly received a copy of a video in which cartel members are questioning Ruiz. In the video, Ruiz stated that all businessmen in La Laguna were linked to the *narco*.⁵⁰⁷

Between 2009 and 2012, the groups' fighting spilled into the prisons they controlled, respectively, on each side of the river: the CERESOs of Gómez Palacio and Torreón. During this period, approximately 70 people were murdered or committed suicide in the CERESO of Gómez Palacio.⁵⁰⁸ This included the death of 15 inmates and nine guards as a result of a “foiled escape” from the prison.⁵⁰⁹

One group allied with the Sinaloa Cartel and Gente Nueva was known as the “Dannys,” which according to local news outlets operated in Lerdo and Gómez Palacio, Durango beginning in 2007.⁵¹⁰ Although initially allied with the Sinaloa Cartel, the group later became known as

The use of prisons for the control of La Laguna

the “Cartel del Poniente” and broke away. According to Sonia Yadira de la Garza, the Durango state Prosecutor in January 2013, Los Dannys controlled the municipal police and the state prison.⁵¹¹ The Federal Police dismantled Los Dannys in July 2013 and arrested their leaders: Daniel García Ávila (“El Danny”) and Arturo Bardales Díaz (“El Alfa”).⁵¹²

In 2010, alleged members of the Zetas detained and interrogated a municipal police office from Lerdo Durango.⁵¹³ The interrogation was videotaped and leaked to local media outlets. According to the municipal police officer’s statements, Daniel Gabriel, “El Delta,” also known as Gabriel Zúñiga Ovalle,⁵¹⁴ an inmate of the CERESO of Gómez Palacio, had ordered attacks on Zeta-owned bars in Torreón.⁵¹⁵ Other prison inmates, whom prison authorities allowed to leave at night, conducted the attacks.⁵¹⁶ The video’s publication led to the investigation and arrest of the CERESO’s director, Margarita Rojas Rodríguez, and other guards.⁵¹⁷ According to Proceso, attacks on bars in Torreón killed 52 people and injured a further 119 between January 2009 and December 2010.⁵¹⁸ The PGR initiated an investigation and linked inmates from the CERESO to at least three of these attacks: the Ferrie bar in January 2010, which killed at least 10 people; the Juanas VIP bar in May 2010, which killed 8 and injured 19; and the Quinta Italia in July 2010, which killed 17.

Allegations against Carlos Alberto Centeno Aranda

In 2010, the growing attacks against bars and restaurants suggested the continuing struggle between the Sinaloa Cartel and the Zetas over the control of regional criminal economies.

Some media outlets, including the blog of Isabel Arvide, a former consultant to the Coahuila government under Humberto Moreira, stated that Carlos Centeno was owner of the Ferrie bar in Torreón. According to Arvide, Centeno worked for the Zetas. The Commercial Registry shows that Centeno has corporate interests that include bars and restaurants; however, these restaurant companies were incorporated after the attacks.⁵¹⁹ It is important to note that corporate filings for companies incorporated prior to 2013 are not always available or complete on the SIGER 2.0 platform.⁵²⁰

Carlos Centeno was the PGR’s local delegate in La Laguna between 2007 and 2008.⁵²¹ In September 2008, WikiLeaks published a list indicating that Centeno acted as Director for the Investigation of Kidnapping and Organized Crime in the Coahuila state *Procuraduría*.⁵²² In February 2012, Isabel Arvide described Centeno as a local commander involved in criminal activities, who was close to then-Prosecutor General of Coahuila Jesús Torres Charles.⁵²³ According to Arvide, Centeno solved the Prosecutor’s “complex” kidnapping cases.⁵²⁴

In 2013, Centeno succeeded his father as Director of the Law School in the Autonomous University of Coahuila.⁵²⁵ In June 2017, Centeno ran and lost in the Torreón's local election on behalf of the Democratic Revolution Party (*Partido de la Revolución Democrática* – PRD).⁵²⁶ In June 2018, Centeno barely survived an attack against him by an armed group in a mall in Torreón.⁵²⁷

The detention of CERESO Director Margarita Rojas escalated the fight between the Sinaloa and Zetas cartels in La Laguna, and turned it into an international story. One day after Rojas's removal, inmates and family members protested inside and outside of the prison, demanding her reinstatement.⁵²⁸ That same day, suspected members of the Sinaloa cartel in Gómez Palacio kidnapped four journalists from media outlets Multimedios and Televisa, who were covering the Rojas story. In exchange for the journalists' release, the kidnappers demanded that national media outlets broadcast videos detailing alleged ties between the Zetas and the municipal authorities of Torreón, Gómez Palacio, and Lerdo.⁵²⁹ The kidnappers released two journalists, and the Federal Police "rescued" the others two days later, in an allegedly staged-for-television operation ordered by Genaro García Luna.⁵³⁰

At least since November 2010, the Durango Commission for Human Rights had studied the extent of self-governance in the state prisons, particularly in the CERESOS of Durango and Gómez Palacio. It issued recommendations targeting Durango SSP Director Jesús Antonio Rosso Holguín of the state SSP.⁵³¹ In response to another violent incident registered in December 2012, in which 15 inmates and nine guards were killed, the state government relocated all of the prisoners and closed the CERESO of Gómez Palacio.⁵³²

4.1.2 Social control: training and recruitment

Prison inmates' experiences varied considerably depending on their gang status, and that gang's relationship to the prison administration.⁵³³ Zeta affiliation in Topo Chico, for instance, afforded certain privileges, such as access to food and services, and the freedom to walk throughout a prison wing. Top prison bosses even had "luxury cells" inside the prison; in 2016, Topo Chico authorities even found an aquarium and sauna. According to a *Vice* news report in 2017, not only were inmates forced to pay *cuotas* to the Zeta prison bosses for protection and access to food in Topo Chico. Inmates were also forced to work for the Cartel: extorting other inmates, selling drugs, or fighting against rival groups inside the prison.⁵³⁴ Gang membership, therefore, meant survival.

Particularly in 2010, Nuevo León and Tamaulipas became the epicenter of the Zetas-CDG inter-cartel war, and the war between these criminal groups and federal security forces. Between January and October 2010, half of the confrontations between SEDENA and non-state armed groups (40 out of a total of 88) took place in these states.⁵³⁵ In Tamaulipas, the

4.1.2 Social control: training and recruitment

majority of confrontations took place in Reynosa, Tampico, Matamoros, Valle Hermoso, Río Bravo, Ciudad Mier, Nuevo Laredo, Miguel Alemán, Nueva Ciudad Guerrero, and Comales.⁵³⁶ Only a few days after CDG members escaped from the CEDES in Matamoros, armed groups and the Army clashed in Reynosa, leaving 15 dead while armed groups blocked streets in both Reynosa and Matamoros.⁵³⁷

Prisons' value as recruitment centers could potentially depend on a prison's capacity and population. For instance, in 2007 the state of Chihuahua had a prison population of 7,612, almost half of which (3,015) was confined in the municipal prison in Juárez.⁵³⁸ In comparison, the state CERESO in Juárez had a population of only 760. In Tamaulipas, the CEDES in Reynosa was the most populated, followed by that in Nuevo Laredo, Matamoros and Altamira (See Annex).

4.2 Links to wider criminal markets

Inside the prisons, organized crime controlled illicit markets. That meant control over the bribery system, including contraband (the sale of alcohol, drugs, medicine, and other restricted goods), payment for privileges, and the system of extorting inmates and visitors. The first fee charged is usually for protection upon entering the prison which, according to witnesses in Topo Chico, cost up to MXN 125,000 in 2011.⁵³⁹

According to media reports and prisoner surveys, inmates and their visitors are often extorted by other prison inmates or guards.⁵⁴⁰ Organized crime used these *cuotas*, in part, to pay off prison officials at all levels, from guards to prison directors. For years in Topo Chico, both prison gangs and guards extorted inmates and their family members, using violence or the threat of violence to enforce payment.⁵⁴¹ According to news reports, officers of the Seventh Army Zone warned Governor Rodrigo Medina de la Cruz that the Zetas received close to MXN 15 million every month from extortion fees, the sale of drugs, and other illicit businesses. Further, they warned that the Zetas used at least MXN 5 million of this to pay off guards, and possibly more senior SSP officials.⁵⁴² Prison officials tolerated the sale of drugs to help maintain control over the inmates.

The bribery system allowed certain groups to maintain privileges inside the prison. The judicial file on the Apodaca massacre indicates that inmates could buy numerous privileges, including access to all areas of the facility, prohibited objects, entry of women for "conjugal visits," equipment for parties in the auditorium, and even official authorization to leave the prison.⁵⁴³

As argued throughout this study, organized crime groups exploited prisons more for organizational than financial purposes. The overwhelmingly cash economy of prison corruption makes its ties to the formal economy difficult to trace. Extensive review of the Mexican Corporate Registry shows that neither low-level prison officials nor members of organized crime groups named in the judicial files reviews for this study had significant commercial interests. Nevertheless, this does not mean that prisons were not connected to other criminal markets.

4.2 Links to wider criminal markets

The failed “war on drugs” not only led to a surge of violence and human rights violations, but contributed to organized crime beyond drug trafficking. Groups expanded into new criminal markets, including high-impact crime (extortion and kidnapping), human smuggling, and the looting of natural resources.⁵⁴⁴ Prisons sometimes served these larger criminal markets, for example as centers for trafficking in drugs and humans. Criminal organizations often brought women, some underage, into prisons, from where they were forced into prostitution. There are indications that inmates in the Piedras Negras and the Apodaca prisons used the facilities to hold kidnapping victims. According to one guard’s witness statement, the Apodaca prison director had knowledge that the Zetas were using the prison for this purpose.⁵⁴⁵

CONCLUSIONS

The study of violent incidents—massacres, riots, and escapes—in Mexican state prisons sheds light on how these prisons were manipulated and exploited by both public and private actors between 2008 and 2012 to advance criminal objectives.

On one hand, public officials have manipulated the prison system for political and private gain. First, the opacity in the (public and private) security and defense sectors has historically enabled the diversion of public funds and corruption through state contracts and the (ab)use of corporate vehicles and the financial system. Second, federal policies and reforms implemented to manage the (un)governability of prisons at the state level were disingenuous and palliative at best, and in the long run tended to strengthen organized crime's hold over the prisons. Third, in all cases analyzed, criminal investigations were limited to prison guards and directors, and overlooked the responsibility of those higher up the chain of command or the responsibility of state and federal security forces. State authorities often appeased public outrage with the immediate imprisonment of prison officials through pre-trial detention, but cases often fell apart due to procedural issues, like indications of coercion when obtaining testimonial evidence.

On the other hand, prisons were central to organized crime's operations and were embedded within these groups' protection networks. They exploited state prisons' structural problems—overcrowding, deficient infrastructure, an overall lack of resources, under-staffing, and systemic corruption—to operate from within. This allowed them control over the criminal economies inside the prison, influence over its operations, and impunity for any wrongdoing. Particularly in Tamaulipas, between 2010 and 2012, state prisons were used as bastions and recruitment centers in the fight for territorial control, with the alleged complicity of top state officials.

Patterns and similarities between operations and abuses within state prisons throughout Northeast Mexico between 2008 and 2012 suggest the establishment of extralegal arrangements between highlevel public officials and organized crime. The State's imperative to sustain order within the prison, albeit depriving the system of resources, was confronted with the economic and physical enforcement capacity of organized crime both inside and outside the prison. The prisons became leverage in these arrangements. Within this wider power struggle, both prison workers and prisoners became disposable. State prisons in the Northeast became mediums used both by the State and by organized crime as tools for social control. Ultimately, the ungovernability of prisons provided a cover for other forms of state violence and impunity regarding prison violence, and created cultures of disposability. This diametrically opposed the purpose of prisons as places of social reintegration.

Finally, this study mapped the financial and commercial interests of key actors within the security and prison systems at the federal, state, and municipal levels. These overlapping networks often had a regional character and were linked to businesses and properties in the United States, particularly in the states of Texas and Florida. The study also provided evidence

of a revolving door between the public security entities and the (expanding) private security sectors, and provided examples of how the lack of oversight in private security benefited corruption and illicit activities. Several companies tied to public officials, furthermore, received state contracts from all levels of government. The lack of transparency in the sector, in addition to the fact that these interests continued while holding public office, are indications of corruption and potential conflicts of interest.

Recommendations

Violence and abuse in state prisons must be investigated and those responsible must be held to account. Accountability for human rights abuses, furthermore, must go hand in hand with accountability for corruption, especially at the top. In that sense, the Mexican State should investigate prisons and their wider connections to criminal networks. This is particularly urgent since the Mexican Drug War is ongoing, despite the current administration's efforts to reframe its militarization tactics, and levels of violence continue to rise.

Open source tools and methodologies for researching financial and commercial interests, furthermore, could empower victims and their families to pressure authorities into exploring new lines of investigations. New legal and advocacy strategies could consider the following points:

- Limited transparency in public security at all levels has hindered accountability and enabled corruption. The public security and defense sectors must be opened to greater oversight, including from civil society. Federal and state governments should guarantee competitive bidding in the security and defense sectors, improve regulation of the private security sector, and restrict the revolving door in the security sector to limit corruption and conflicts of interest.

- Strengthening national courts and investigative mechanisms is paramount. The Mexican Financial Intelligence Unit (FIU) under the current government administration has made progress against corruption and illicit financial flows, yet these rarely lead to criminal action.⁵⁴⁶ The political obstruction of investigations continues to be an issue, particularly when former top officials hold power and influence. To this day, criminal proceedings against former governors have largely been successful only outside of Mexican courts. For this reason, in 2018 civil society organizations and victims of atrocities pushed for an international mechanism against impunity in Mexico, a recommendation included in the “Corruption that Kills” report.⁵⁴⁷

- The international nature of illicit financial flows opens additional jurisdictions and liability frameworks for accountability. Criminal proceedings against top Mexican officials and organized crime members in U.S. federal courts are examples of this. Another is the €3.7 million fine of Heckler & Koch by German authorities for the company's illegal gun sales to Mexico between 2006 and 2009.⁵⁴⁸ New case law and rules regarding the corporate and commercial facilitation of international crimes could support novel cases that consider new modes of liability for actors who are, at first glance, distanced from the crimes.⁵⁴⁹

- Financial tools can provide a new avenue to pursue accountability for grave crimes.⁵⁵⁰ They can also help dismantle the financial networks and infrastructure being used to finance

criminal operations. This not only requires expert knowledge in asset seizure and recovery and financial forensic analysis, but also access to financial and banking information, often out of reach for civil society organizations. Further engagement with state prosecutors, investigative mechanisms, and other stakeholders—including banks and other private actors—would be beneficial to obtain greater insight into the commercial and financial activities of key individuals within these networks. Additional time and resources should also be committed to trace the interests and assets abroad, not only of these officials but also of their relatives and key business partners.

- Further efforts and resources are required to obtain evidence linking corruption to human rights abuses and crimes against humanity. The Sentry, for instance, has used sanctions regimes—such as Global Magnitsky sanctions in the U.S.—to bring accountability to perpetrators of atrocity crimes in South Sudan.⁵⁵¹ This could be complemented with field research and extensive interviews with key public officials and other actors.

ANNEX

Prison population 2007, 2012

STATE FACILITY	2007	2012
COAHUILA TOTAL	3,586	2,396
CERESO Torreón	1,041	597
CERESO Saltillo	740	764
CERESO Monclova	712	n/a
CERESO Piedras Negras	689	528
CERESO Sabinas	129	164
CERESO Ciudad Acuña	125	189
CERESO San Pedro	108	115
CERESO Femenil Saltillo	42	39
CHIHUAHUA TOTAL	7,612	6,538
CERESO Cd. Juárez (no. 3)	3,015 (municipality)	2,904 (state)
CERESO No. 1 and 2 (Aguiles Serdán and Chihuahua)	2,370	2,222
CERESO Cd. Juárez (state)	760	n/a
CERESO No. 7 Cuauhtémoc	264	275
CERESO No. 8 Guachochi	231	130
CERESO No. 4 Hidalgo del Parral	231	377
Cárcel municipal Delicias	155	217
CERESO Guadalupe y Calvo	134	76
CERESO No. 5 Nuevo Casas Grande	118	126
Cárcel municipal Camargo	92	39
CERESO Guerrero	90	73
Cárcel municipal Chínipas	72	30
Cárcel municipal Jiménez	33	25
Cárcel municipal Ojinaga	32	40
Cárcel municipal Ocampo	15	40
DURANGO TOTAL	3,694	2,182
CERESO No. 1 Durango	2,470	1,916
CERESO No. 2 Gómez Palacio	910	n/a
CDRS Santiago Papasquiaro	97	104
Cárcel municipal Nombre de Dios	59	19

CDRS El Salto Pueblo Nuevo	51	68
Cárcel municipal Guadalupe Victoria	25	16
Cárcel municipal Cuencamé	22	17
Cárcel municipal Canatlán	21	14
Cárcel municipal Santa María del Oro	19	n/a
Cárcel municipal Topia	8	6
Cárcel municipal San Juan del Río	7	13
Cárcel municipal Nazas	5	9
NUEVO LEÓN TOTAL	5,782	9,457
CERESO Monterrey (Topo Chico)	3,376	5,127
CERESO Apodaca	1,192	2,255
CERESO Cadereyta	1,052	1,854
Institución abierta	38	7
Cárcel municipal Guadalupe	24	46
Cárcel municipal Cadereyta Jiménez	24	58
Cárcel municipal Montemorelos	19	28
Cárcel municipal Villaldama	16	2
Cárcel municipal San Nicolás de los Garza	11	24
Cárcel municipal Linares	10	6
Cárcel municipal Doctor Arroyo	6	20
Cárcel municipal San Pedro Garza García	5	15
Cárcel municipal Galeana	4	4
Cárcel municipal Cerralvo	3	n/a
Cárcel municipal China	2	13
TAMAULIPAS TOTAL	7,211	6,483
CERESO Reynosa	2,000	1,403
CERESO Nuevo Laredo 2	1,425	1,327
CERESO Matamoros 2	1,328	1,176
CERESO Regional Altamira	1,234	1,155
CERESO Cd. Victoria	957	1,001
Reclusorio Preventivo Mante	150	184
Reclusorio Preventivo Miguel Alemán	70	169
Reclusorio Preventivo Tula	47	45
Granja Abierta de R.S.	-	23

Source: FOI numbers 0002200010708 and 0002200012313, both filed with the SSP.

Text notes

- ¹ The National Public Security System (SNSP) included Durango and Chihuahua as part of the Northeast Conference of the Penitentiary System, although they are both actually part of the North.
- ² Elena Azaola and Maissa Hubert, “¿Quién controla las prisiones mexicanas?,” in *Atlas de la Seguridad y la Defensa de México 2016*, ed. Raúl Benítez Manaut and Sergio Aguayo Quezada (Instituto Belisario Domínguez y Colectivo de Análisis de la Seguridad con Democracia A.C., 2016), 91–96.
- ³ The information consists of the payments made by the NL Treasury to contractors and suppliers of all state CERESOS during the period 2014-18, as detailed in the SIREGOB (*Sistema Integral de Recursos Electrónicos Gubernamentales*). *Información 2014-2018-folio 00159819_Nuevo León contratos*, FOI request number 00159819 filed with the Secretaría de Finanzas y Tesorería General del Estado of Nuevo León, October 2019.
- ⁴ *Ibid.*
- ⁵ The information consists of the payments made by the NL Treasury to contractors and suppliers of all state CERESOS during the period 2014-18, as detailed in the SIREGOB (*Sistema Integral de Recursos Electrónicos Gubernamentales*). *Información 2014-2018-folio 00159819_Nuevo León contratos*, FOI request number 00159819 filed with the Secretaría de Finanzas y Tesorería General del Estado of Nuevo León, October 2019.
- ⁶ “Sergio Aguayo and Jacobo Dayán, “El Yugo Zeta: Norte de Coahuila, 2010-2011” (Ciudad de México: El Colegio de México, noviembre 2017).
- ⁷ Open Society Justice Initiative, Open Society Foundations, and Open Society Institute, *Corruption That Kills: Why Mexico Needs an International Mechanism to Combat Impunity* (New York, NY: Open Society Justice Initiative, 2018).
- ⁸ Holly Dranginis in “Prosecute the Profiteers” examines how the International Criminal Court (ICC) case Prosecutor v. Bemba et al. “cleared a path for more successful cases against accomplices by creating new rules that could pertain to commercial facilitators,” even after a crime is committed. Holly Dranginis, “Prosecute the Profiteers: Following the Money to Support War Crimes Accountability” (Washington, DC: The Sentry, April 2019), cdn.thesentry.org/wp-content/uploads/2019/04/ProsecuteProfiteers_TheSentry_Abril2019.pdf.
- ⁹ Open Society Justice Initiative, *Undeniable Atrocities: Confronting Crimes against Humanity in Mexico*, 2016; OSJI, *Corruption That Kills: Why Mexico Needs an International Mechanism to Combat Impunity* (New York, NY: Open Society Justice Initiative and Open Society Foundations, 2018).
- ¹⁰ *Rapporteurship on the Rights of Persons Deprived of Liberty* ((Inter-American Commission on Human Rights and Organization of American States, 2013), www.oas.org/es/cidh/ppl/informes/pdfs/Informe-PP-2013-es.pdf ; Steven Dudley and James Bargent, “El Dilema de Las Prisiones En Latinoamérica,” *Insight Crime*, 20 January 2017, es.insightcrime.org/investigaciones/el-dilema-de-prisiones-en-latinoamerica/.
- ¹¹ Cristian Taboada, “The Prison Situation in the Americas: Challenges and Strategy,” scm.oas.org/pdfs/2015/CP35327E.ppt.
- ¹² In May 2017, it eventually presented a General Recommendation (30/2017) which asserted that in a vast number of prisons in Mexico, governance and control is shared with the inmates. Aguayo and Dayán, “El Yugo Zeta”.
- ¹³ “Recomendación General No. 30/2017 Sobre Condiciones de Autogobierno y/o Cogobierno En Los Centros Penitenciarios de La República Mexicana” (Comisión Nacional de Derechos Humanos, 8 May 2017), www.cndh.org.mx/sites/default/files/doc/Recomendaciones/Generales/RecGral_030.pdf; Aguayo and Dayán, “El Yugo Zeta”.
- ¹⁴ Mayela Sánchez, “‘It’s a Spending Spree:’ Corruption Reigns in Mexico’s Prisons,” *Global Press Journal*, 3 December 2017, sec. Mexico, globalpressjournal.com/americas/mexico/spending-spree-corruption-reigns-mexicos-prisons/; Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”; “Privatización del sistema penitenciario en México” (Documenta / Análisis y Acción para la Justicia Social A.C.; Fundación para el Debido Proceso; Instituto de Derechos Humanos Ignacio Ellacuría SJ; Instituto de Justicia Procesal Penal A.C.; Madres y hermanas de

la Plaza Pasteur; México Evalúa, 2016), documenta.org.mx/layout/publicaciones/informes-fortalecimiento-reforma-sistema-penitenciario/informe-privatizacion-del-sistema-penitenciario-en-mexico-agosto-2016.pdf.

¹⁵ In 2016, 35% of the prison population were between 18-29 years of age, and close to 70% had only completed their elementary studies. INEGI, “En números: Estadísticas sobre el sistema penitenciario estatal en México,” *En números, documentos de análisis y estadísticas* 1, no. 11 (October 2017).

¹⁶ “Diagnóstico Nacional de Supervisión Penitenciaria,” Comisión Nacional de los Derechos Humanos, accessed 4 May 2020, www.cndh.org.mx/web/diagnostico-nacional-de-supervision-penitenciaria; Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.

¹⁷ Dranginis, “Prosecute the Profiteers”.

¹⁸ Documenta, “INDHPOL (Por Databuesos),” Observatorio de Prisiones, accessed 11 March 2020, observatorio-de-prisiones.documenta.org.mx/archivos/3725.

¹⁹ José Tapia, “El Gasto En Seguridad: Observaciones de La ASF a La Gestión y Uso de Recursos” (Ciudad de México: México Evalúa, Centro de Análisis de Políticas Públicas, June 2011), www.mexicoevalua.org/mexicoevalua/wp-content/uploads/2016/05/MEX_EVA-INHOUS-GASTO_SEG-LOW.pdf.

²⁰ David Ramírez-de-Garay, “Tres Lecciones Sobre Transparencia y El Sistema Penitenciario,” México Evalúa, 22 November 2019, www.mexicoevalua.org/2019/11/22/tres-lecciones-transparencia-sistema-penitenciario/.

²¹ Instituto Nacional de Estadística y Geografía (INEGI), “Encuesta Nacional de Población Privada de La Libertad (ENPOL) 2016: Principales Resultados(Archive)” (WayBackMachine, July 2016), web.archive.org/web/20190501174255/www.beta.inegi.org.mx/contenidos/proyectos/encotras/enpol/2016/doc/2016_en_pol_presentacion_ejecutiva.pdf.

²² Amparo lawsuits are proceedings to protect constitutional rights and freedoms, in which a government authority is made responsible for violating rights guaranteed under the constitution. The Amparo Law limits the effect of the decision to the people who are seeking protection.

²³ The original article appeared in far-right Breitbart.com. Ildelfonso Ortiz, “Exclusiva: Asesino Del CDG Describe Guerras Sangrientas Dentro De Penales: Yo Mate 35,” Breitbart, el 30 November 2015, sec. Border / Cartel Chronicles, www.breitbart.com/border/2015/11/30/exclusiva-asesino-del-cdg-describe-guerras-sangrientas-dentro-de-penales-yo-mate-35/.

²⁴ *Ibid.*

²⁵ Despite a new federal law on witness protection in 2012 and the creation of a Center for Witness Protection, the witness protection function remained under PGR administration. OSF *Undeniable Atrocities*.

²⁶ Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.

²⁷ *Countra-forensia* is a term developed by Thomas Keenan and Allan Sekula to denote the inversion of the forensic gaze to turn “the state’s own means against the violence it commits.” Eyal Weizman further develops this notion and argues that “while police forensics is a disciplinary project that affirms the power of states, the direction of the forensic gaze could also be inverted, and used instead to detect and interrupt state violations.” Eyal Weizman, “Introduction: Forensis,” in *Forensis: The Architecture of Public Truth*, ed. Forensic Architecture, Centre for Research Architecture (London: Sternberg Press and Forensic Architecture, 2014).

²⁸ Weizman, “Introduction: Forensis”.

²⁹ Oriana Bernasconi, Elizabeth Lira, and Marcela Ruiz, “Political Technologies of Memory: Uses and Appropriations of Artefacts That Register and Denounce State Violence,” *International Journal of Transitional Justice* 13, no. 1 (March 2019): 7–29, doi.org/10.1093/ijtj/ijy033.

³⁰ Although numerous civil society actors in recent years have contributed to the development of an international protocol on open source investigations to improve its use for legal practice, there are still challenges to the admissibility of open source information in human rights legal cases. Since 2016, the International Criminal Court has increasingly considered open source information—including social media posts, videos—in its cases. See Sam Dubberley, Alexa Koenig, and Daragh Murray, eds., *Digital Witness: Using Open Source Information for*

Human Rights Investigation, Documentation, and Accountability, First edition (Oxford: Oxford University Press, 2020), opil.ouplaw.com/view/10.1093/law/9780198836063.001.0001/law-9780198836063.

³¹ Guillermo Trejo and Sandra Ley, "Federalism, Drugs, and Violence. Why Intergovernmental Partisan Conflict Stimulated Inter-Cartel Violence in Mexico," *Política y Gobierno* 23, no. 1 (June 2016): 11–56.

³² "La Cárcel En México: ¿Para Qué?" (México Evalúa, Centro de Análisis de Políticas Públicas, August 2013), www.mexicoevalua.org/mexicoevalua/wp-content/uploads/2016/05/MEX-EVA_INDX-CARCEL-MEXICO_10142013.pdf.

³³ In January 2007, the National Public Security Council (Consejo Nacional de Seguridad Pública – CNSP) –composed of the federal government and the 31 state governors– established Ten Strategic Points of the National Crusade Against Criminality (*10 Ejes Estratégicos de una Cruzada Nacional Contra la Delincuencia*), which outlined the security strategy of Calderón's administration. This strategy was later complemented with the Comprehensive Strategy for the Prevention and Fight against Crime (*Estrategia Integral para la Prevención del Delito y Combate a la Delincuencia*), announced by Calderón in March 2007, the 2007-2012 National Development Plan (Programa Nacional de Desarrollo), the 2007-2012 Public Security Sector Program (*Programa Sectorial de Seguridad Pública*), and the 2008-2012 National Security Program (*Programa Nacional de Seguridad Pública*). "Lanzan cruzada contra la delincuencia," *El Norte*, 22 January 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx; "Primer Informe de Labores" (Secretaría de Seguridad Pública, 2007), www.denuncia.gob.mx/portalWebApp/ShowBinary?nodeId=/BEA%20Repository/815914//archivo.

³⁴ *Re: United States v. Genaro García Luna*, 19-CR-576 (E.D.N.Y., December 10, 2019), www.documentcloud.org/documents/6572452-2019-12-10-Detention-Memo-FINAL.html.

³⁵ *Ibid.*

³⁶ Rubén Mosso and Jannet López Ponce, "Segob Desvió 2 Mil Mdp a Firma Ligada a Genaro García Luna," *Milenio*, 18 December 2019, www.milenio.com/policia/segob-desvio-2-mil-mdp-firma-ligada-genaro-garcia-luna.

³⁷ "Press Release: Former Mexican Federal Police Commander Arrested for Drug-Trafficking Conspiracy," U.S. Attorney's Office Eastern District of New York, January 24, 2020, www.justice.gov/usao-edny/pr/former-mexican-federal-police-commander-arrested-drug-trafficking-conspiracy; *Re: United States v. Iván Reyes Arzate*, 20-C0030, (E.D.N.Y., January 23, 2010), assets.documentcloud.org/documents/6670813/Ivan-Reyes-Arzate-Indictment.pdf.

³⁸ "Exime PGR a titular de AFI," *El Norte*, 12 September 2002, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.

³⁹ Óscar Balderas, "El año en que García Luna extorsionó a 'El Chapo'," *MVS Noticias*, 11 December 2019, mvsnoticias.com/podcasts/segunda-emision-con-luis-cardenas/el-ano-en-que-garcia-luna-extorsiono-a-el-chapo/.

⁴⁰ J. Jesús Esquivel, "'Conocíamos Las Andanzas de García Luna... Pero Debíamos Trabajar Con Él': Roberta Jacobson," *Proceso*, 2 May 2020, www.proceso.com.mx/628400/conocimos-las-andanzas-de-garcia-luna-pero-debiamos-trabajar-con-el-roberta-jacobson.

⁴¹ Los Cedros LLC, GL & Associates Consulting LLC, and Delta Integrator LLC. Peniley Ramírez, "Weinberg-García Luna: La conexión inmobiliaria," *Reporte Indigo*, accessed 7 May 2020, www.reporteindigo.com/reporte/weinberg-garcia-luna-la-conexion-inmobiliaria/.

⁴² This includes his wife Linda Cristina Pereyra, and his children Luna Sofía García Pereyra and Genaro Garcia Pereyra.

⁴³ Peniley Ramírez, "Los socios de Genaro," *Reporte Indigo*, 20 January 2014, www.reporteindigo.com/reporte/los-socios-de-genaro/; Peniley Ramírez, "El socio torturador de García Luna," *Reporte Indigo*, accessed 7 May 2020, www.reporteindigo.com/reporte/el-socio-torturador-de-garcia-luna/; Peniley Ramírez, "García Luna-Cañedo White: el vínculo Miami," *Reporte Indigo*, 20 May 2014, www.reporteindigo.com/reporte/garcia-luna-canedo-white-el-vinculo-miami/; Anabel Hernández, "Documentos Revelan Que García Luna y Su Esposa Compran, En 4 Meses, 6 Lujosas Propiedades En EU," *Aristegui Noticias*, 12 January 2020, aristeginoticias.com/1201/mexico/documentos-revelan-que-garcia-luna-y-su-esposa-compran-en-4-meses-6-lujosas-propiedades-en-eu/; Anabel Hernández, "Follow de Money, Así Cazarón La DEA, ICE y UIF a Genaro García Luna y Sus Más Allegados," *Aristegui Noticias*, 10 May 2020, aristeginoticias.com/1005/mexico/follow-de-money-asi-cazaron-la-dea-ice-y-uif-a-genaro-garcia-luna-y-sus-mas-allegados/.

⁴⁴ *Re: United States v. Genaro García Luna*, 19-CR-576, (E.D.N.Y., 30 March 2020), www.documentcloud.org/documents/6821296-Government-Opposition-to-Genaro-Garcia-Luna-bond.html.

⁴⁵ *Re: United States v. Genaro García Luna*, 19-CR-576, (E.D.N.Y., 30 March 2020), www.documentcloud.org/documents/6821296-Government-Opposition-to-Genaro-Garcia-Luna-bond.html.

⁴⁶ Throughout the Mexican war on drugs there have been significant efforts both from the states and from armed groups to control the narrative and the flow of information, evidenced by the high number of aggression and attacks against journalists and media outlets. In 2010, according to data from the non-profit Article 19, over 65% of incidents of aggression against journalists were perpetrated by public officials. See “Agresiones Contra La Libertad de Expresión En México” (Washington D.C.: ARTICLE 19 Oficina para México y Centroamérica and Centro Nacional de Comunicación Social, 10 March 2010), ifex.org/images/mexico/2010/03/25/informecidh.pdf.

⁴⁷ Open Society Foundations, *Undeniable Atrocities*.

⁴⁸ The SSP led the statebuilding dimensions of the Mexican Drug War and was tasked with creating credible police forces at the federal and state levels to transform the poor public perception of the Mexican police forces. The SSP had been created in November 2000 at the start of the Vicente Fox administration and operated until 2013, when it was transformed into the National Security Commission (*Comisión Nacional de Seguridad* – CNS) under the Enrique Peña Nieto administration. The SSP was responsible for Mexico’s federal police forces, including the National Preventive Police (*Policía Federal Preventiva* – PFP) and later the Federal Police (*Policía Federal* – PF), created in 2009.

⁴⁹ The 2008 reform was not completely implemented across states, which meant that pre-trial detention was still being used in some jurisdictions. Other aspects of the reform included the presumption of innocence, allowing for alternative dispute resolution and restorative justice mechanisms, and introducing the possibility to cross examine witnesses to limit the reliance of prosecutors on written briefings. The reforms further introduced an exclusionary rule that excluded “evidence obtained illegally, and confessions made outside the presence of one’s attorney.” Emelia Carroll et al., “Mexican Prison Reforms: Rights Guarantees or Parchment Guarantees?” Northwestern University Pritzker School of Law, n.d., 49.

⁵⁰ Kirk Semple, “More Violence. Fewer Prisoners. Inside Mexico’s Criminal Justice Reform,” *The New York Times*, 30 January 2020, sec. World, www.nytimes.com/2020/01/30/world/americas/mexico-violence-reform.html.

⁵¹ “Evaluación Número 1207: ‘Política Pública de Seguridad Pública,’” *Informe Del Resultado de La Fiscalización Superior de La Cuenta Pública 2013 (Auditoría Superior de la Federación, 2013)*, www.asf.gob.mx/Trans/Informes/IR2013i/Documentos/Auditorias/2013_1207_a.pdf.

⁵² This doctrine maintains that in the absence of war, the main threats to State stability come from transnational organized-crime, and internal phenomena such as poverty, migration, and populism. The “war against drugs” in Mexico was subtly expanded to include all those considered “enemies” to Mexico’s national security and “peace and order,” to the extent that the State used its surveillance capabilities to investigate the 2011 *Movimiento por la Paz con Justicia y Dignidad*, a human rights movement critical of the Calderón’s militarization, and the #YoSoy132 student movement in 2012. Centro de Estudios Legales y Sociales, “La guerra interna: Cómo la lucha contra las drogas está militarizando América Latina,” CELS, 2018, www.cels.org.ar/militarizacion/.

⁵³ *Ibid.*

⁵⁴ “Mérida Initiative: The United States Has Provided Counternarcotics and Anticrime Support but Needs Better Performance Measures” (United States Government Accountability Office, July 2010), www.gao.gov/new.items/d10837.pdf.

⁵⁵ *Ibid.*

⁵⁶ “Merida Initiative Fact Sheet Corrections Program” (U.S. Embassy Mexico, July 2014), photos.state.gov/libraries/mexico/310329/julio2014/Merida-Initiative-Corrections-Program-Julio-Eng.pdf.

⁵⁷ “Fact Sheet - Corrections Reform” (U.S. Embassy Mexico, August 2013), photos.state.gov/libraries/mexico/310329/agosto2013/factsheet-correctionsreform%20-%200813.pdf.

⁵⁸ In 2008 municipalities and states also signed the National Agreement on Security, Justice and Legality (*Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad*), which established a series of commitments to be implemented in regard to the procurement of justice, law enforcement and social reintegration.

⁵⁹ The SEGOB also oversaw the Center for Investigation and National Security (*Centro de Investigación y Seguridad Nacional* – CISEN).

⁶⁰ Other conferences included the National Conference on Procurement of Justice (*Conferencia Nacional de Procuración de Justicia*), the National Conference of Secretaries of Public Security (*Conferencia Nacional de Secretarios de Seguridad Pública*), and the National Conference on Municipal Public Security (*Conferencia Nacional de Seguridad Pública Municipal*).

⁶¹ The databases included in Plataforma México are: the Official Police Report, Automated Fingerprint Identification System, Register of Driving Licenses, National Register of Armament and Equipment, National Register of Prison Information, Automated Voice Identification System, National Register of Public Security Personnel, and the register of Stolen and Recovered Vehicles. Plataforma México was meant to replace the Communication, Command, Computing and Control Centers (C-4) and the IRIS network (*Interconexión de Redes Integrales de Seguridad Pública*) that connected the states and the federal government. See “Impulsan Procuradores interconexión,” *El Norte*, 11 February 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx; Otto René Cáceres Parra, “El sistema de información e inteligencia Plataforma México,” *URVIO, Revista Latinoamericana de Estudios de Seguridad*, no. 21 (October 2017): 175–90.

⁶² Otto René Cáceres Parra, “El sistema de información e inteligencia Plataforma México”.

⁶³ José Tapia, “El Gasto En Seguridad: Observaciones de La ASF a La Gestión y Uso de Recursos” (Ciudad de México: México Evalúa, Centro de Análisis de Políticas Públicas, June 2011), www.mexicoevalua.org/mexicoevalua/wp-content/uploads/2016/05/MEX_EVA-INHOUS-GASTO_SEG-LOW.pdf.

⁶⁴ Elizabeth Velasco C., “Plataforma México, inversión fallida y onerosa de la SSP contra el crimen,” *La Jornada*, 4 April 2010, www.jornada.com.mx/2010/04/04/politica/006n1pol.

⁶⁵ *Ibid.*

⁶⁶ “Van a SSP allegados de titular,” *El Norte*, 31 March 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.

⁶⁷ Julio Ramírez, “Plataforma México en OFF,” *Reporte Índigo*, 23 November 2015, www.reporteindigo.com/reporte/plataforma-mexico-en/.

⁶⁸ Tapia, “El Gasto En Seguridad: Observaciones de La ASF a La Gestión y Uso de Recursos”.

⁶⁹ Cáceres Parra, “El sistema de información e inteligencia Plataforma México”.

⁷⁰ “Fact Sheet - Corrections Reform” (U.S. Embassy Mexico, August 2013), photos.state.gov/libraries/mexico/310329/agosto2013/factsheet-correctionsreform%20-%200813.pdf.

⁷¹ Carlos Fazio, “Auge y caída de García Luna,” *La Jornada*, 30 December 2019, www.jornada.com.mx/2019/12/30/opinion/010a2pol.

⁷² The US government commissioned the building of a biometric system for Mexico’s National Migration Institute (INM) in 2017 as part of the Digitus Agreement, intended to support biometric collection of Central Americans being held at detention centers in Mexico, and was given a budget of approximately USD 75 million under the Mérida Initiative. The Digitus program is enabled by a series of bilateral agreements between DHS and the Mexican government. The first of these was an Interconnection Security Agreement (ISA) signed in April 2011 between Jose Francisco Blake Mora of the Secretariat of the Interior (SEGOB) and DHS Secretary Janet Napolitano, meant to “efficiently, securely, and uniformly facilitate and regulate the flow of information among relevant agencies, areas, and components.” Mijente and Empower, LLC, “Who’s Behind ICE? The Tech Companies Fueling Deportations” (Mijente, October 2018), mijente.net/wp-content/uploads/2018/10/WHO%E2%80%99S-BEHIND-ICE_-The-Tech-and-Data-Companies-Fueling-Deportations_v3-.pdf.

⁷³ OSJI, *Corruption That Kills*; Daniela Rea and Pablo Ferri, *La tropa* (Aguilar, 2019); Grotius Centre for International Legal Studies of Universiteit Leiden, *The Situation of Drug-Related Violence in Mexico from 2006 - 2017: A Non-International Armed Conflict?*, First edition (Guadalajara, México: ITESO and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, 2019), www.cmdpdh.org/publicaciones-pdf/cmdpdh-la-situacion-de-la-violencia-con-las-drogas-2006-a-2017.pdf.

⁷⁴ OSF, *Undeniable Atrocities*.

⁷⁵ Guillermo Trejo and Sandra Ley, “Federalism, Drugs, and Violence. Why Intergovernmental Partisan Conflict Stimulated Inter-Cartel Violence in Mexico,” *Política y Gobierno* 23, no. 1 (June 2016): 11–56.

⁷⁶ Political obstacles to criminal accountability in Mexico, and in the Ayotzinapa case in specific, are examined closely in chapters IV and V of OSF's "Undeniable Atrocities" report in 2016.

⁷⁷ The SESNSP was characterized by a lack of continuity. Between 2006 and 2013, the SESNSP had seven different directors: Miguel Ángel Yunes Linares, Roberto Campa Cifrián, Monte Alejandro Rubido García, Jorge E. Tello Peón, Juan Miguel Alcántara Soria, José Oscar Vega Marín, and again Monte Alejandro Rubido García. Carlos Barrachina Lisón, "Reforma Policial y Gasto Público En Entidades Federativas y Municipios Mexicanos (2008-2013)," *Revista Policía y Seguridad Pública* 6, no. 2 (2016): 31–79. See also "Evaluación Número 1207: 'Política Pública de Seguridad Pública'," *Informe Del Resultado de La Fiscalización Superior de La Cuenta Pública 2013* (Auditoría Superior de la Federación, 2013), www.asf.gob.mx/Trans/Informes/IR2013i/Documentos/Auditorias/2013_1207_a.pdf.

⁷⁸ In 2010, reforms were passed to create the "new police model" based on a single command structure. This complemented the creation of the Federal Police in 2009, which had centralized police efforts under the SSP. A "Mando Único" in state police structures with the support of the Federal police was backed by the the National Conference of Governors (CONAGO) and the SNSP. See "Acuerdo 03/XXVIII/10," SEGOB (2010) Marcos Pablo Moloeznik, "¿Qué es realmente el modelo de mando policial único?" *CIDE Derecho en Acción*, 11 January 2016, derechoenaccion.cide.edu/que-es-realmente-el-modelo-de-mando-policial-unico/.

⁷⁹ "Evaluación Número 1207: 'Política Pública de Seguridad Pública'".

⁸⁰ *Ibid.*

⁸¹ "Justifican en Juárez presencia militar," *El Norte*, 17 March 2009, tinyurl.com/tlxueqm.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ "Implementan operativo especial en Juárez," *El Norte*, 16 June 2009, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.

⁸⁵ "México: Asesinatos, Desapariciones y Torturas En Coahuila de Zaragoza Constituyen Crímenes de Lesa Humanidad: Comunicación a La Corte Penal Internacional" (Federación Internacional de Derechos Humanos, 2017), www.fidh.org/IMG/pdf/rapport-mexique-num-5-3.pdf.

⁸⁶ *Ibid.*

⁸⁷ The Sixth Army Zone is part of the XI Army Region, comprised of the states of Chihuahua and Coahuila, which was at the time commanded by General Mario Marco Antonio González Barreda (2008-12). In March 2012, the XI Army Region integrated ten municipalities in Durango to facilitate the coordination of operations in La Laguna.

⁸⁸ "México: Asesinatos, Desapariciones y Torturas En Coahuila de Zaragoza Constituyen Crímenes de Lesa Humanidad".

⁸⁹ "Dirige militar cárceles en Coahuila," *El Norte*, 24 February 2009, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.

⁹⁰ Ley de Ejecución de Sanciones Privativas y Restrictivas de la Libertad para el Estado de Coahuila, Article 2 (18 June 2009). See "México: Asesinatos, Desapariciones y Torturas En Coahuila de Zaragoza Constituyen Crímenes de Lesa Humanidad".

⁹¹ "Presentan en Nuevo León a la nueva policía Fuerza Civil contra la delincuencia organizada," *Excelsior*, 14 September 2011, www.excelsior.com.mx/2011/09/14/nacional/768377#imagen-2.

⁹² Ernesto García Guerrero has been delegate of the PGR in Sonora, Mexico City and Nuevo León, and in 2017 was appointed as delegate of the PGR in Veracruz. Arroyo, María A., "Un militar, a cargo de cárceles de NL," *La Jornada*, 6 December 2010, www.jornada.com.mx/2010/12/06/estados/041n5est; "Ernesto García Guerrero, nuevo delegado de la PGR en Veracruz," *Hora Cero*, 13 August 2017, horacero.mx/2017/08/13/ernesto-garcia-guerrero-nuevo-delegado-de-la-pgr-en-veracruz/; Jimenez, Raymundo, "PGR: Delegado bajo sospecha," *Al Calor Político*, 14 August 2017, www.alcalorpolitico.com/informacion/columnas.php?idcolumna=12970&c=2#.XhRemcYReNI.

⁹³ "Pasa Seguridad de General a General," *El Norte*, tinyurl.com/shbzszy7.

- ⁹⁴ “Dan formal prisión a directivos y custodios del penal de Apodaca,” *Proceso*, 16 March 2012, www.proceso.com.mx/301173/dan-formal-prision-a-directivos-y-custodios-del-penal-de-apodaca.
- ⁹⁵ *Solicitud de información 517419. Versión pública de expediente 107/2014. Tomo I*, (Consejo de la Judicatura Federal, 2019), p. 259.
- ⁹⁶ “Niega Ejército controlar accesos,” *El Norte*, 17 March 2012, tinyurl.com/r3bt3u7.
- ⁹⁷ “Quedan presos celadores por fuga,” *El Norte*, 26 November 2011, tinyurl.com/ubd89fo.
- ⁹⁸ Guadalupe Correa-Cabrera, “Violence on the ‘Forgotten’ Border: Mexico’s Drug War, the State, and the Paramilitarization of Organized Crime in Tamaulipas in a ‘New Democratic Era,’” *Journal of Borderlands Studies* 29, no. 4 (October 2, 2014): 419–33, <https://doi.org/10.1080/08865655.2014.982888>.
- ⁹⁹ Correa-Cabrera, “Violence on the ‘Forgotten’ Border”.
- ¹⁰⁰ Efraín Klérigan, “Inician vigilancia federal en penales de Tamaulipas,” *El Norte*, 13 April 2010, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹⁰¹ “Controla PF accesos a penal de Reynosa” *El Norte*, 11 September 2010, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹⁰² “Negocia Egidio transferir 2 penales,” *El Norte*, 31 January 2011, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹⁰³ *Ibid.*
- ¹⁰⁴ “Toman militares región Lagunera,” *El Norte*, June 14, 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹⁰⁵ “Instalan operativo federal y militar en límites entre Coahuila y Durango,” *Milenio*, January 26, 2011, vanguardia.com.mx/instalanoperativofederalymilitarenlimitesentrecoahuilaydurango-638918.html.
- ¹⁰⁶ “Le quitan los 10 municipios de La Laguna a la Décima Zona Militar,” *El Siglo de Durango*, March 9, 2012, www.elsiglodedurango.com.mx/noticia/359830.le-quitan-los-10-municipios-de-la-laguna-a-la-decima-zona-militar.html.
- ¹⁰⁷ “Unifican mando militar en Comarca Lagunera,” *El Universal*, February 8, 2013, archivo.eluniversal.com.mx/nacion/203869.html.
- ¹⁰⁸ “Toma protesta mando de Operación Laguna,” *El Norte*, May 1, 2014, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹⁰⁹ “Entran en funciones Fuerza Metropolitana de la Laguna,” *El Universal*, March 3, 2016, www.eluniversal.com.mx/articulo/estados/2016/03/31/entra-en-funciones-fuerza-metropolitana-de-la-laguna.
- ¹¹⁰ Ma. Elena Sánchez and Emmanuel Salazar, “Protestas policías de Gómez Palacio,” *El Norte*, October 31, 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹¹¹ García Luna became the head of the AFI in November 2001.
- ¹¹² “Lanza impicado reto ante informe del FBI,” *El Norte*, January 9, 2013, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹¹³ “Pesca red de narco a 40 funcionarios,” *El Norte*, October 31, 2004, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹¹⁴ Belén Zapata, “Durango apuesta por un mando único en la policía” *Expansión*, May 14, 2010, expansion.mx/nacional/2010/05/14/durango-apuesta-por-un-mando-unico-en-la-policia.
- ¹¹⁵ “Atacanal titular de SSP-Durango,” *El Norte*, June 5, 2010, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- ¹¹⁶ *Ley Orgánica de la Fiscalía General del Estado de Chihuahua*, Periódico Oficial del Estado (25 September 2010), www.congresochihuahua2.gob.mx/biblioteca/leyes/archivosLeyes/1261.pdf.

117 “El ex fiscal general de Coahuila, Jesús Torres Charles regresa al servicio público como Administrador Central de Investigación Aduanera del SAT,” *Vanguardia*, 20 February 2019, vanguardia.com.mx/articulo/el-ex-fiscal-general-de-coahuila-jesus-torres-charles-regresa-al-servicio-publico-como-administrador-central-de-investigacion-aduanera-del-sat.

118 This trend, in a way, mirrored the cartels' creation of “enforcer wings”, with professional and militarized training that led their war waging efforts and enforcement tactics. These included the Artistas Asesinos, Barrio Azteca, Gente Nueva, La Línea, MS-13, Los Negros, Los Pelones and Kaibiles. See Guadalupe Correa-Cabrera, “Violence on the ‘Forgotten’ Border.”

119 Special forces have existed in modern Mexico since the period of the “Dirty War,” under the *Dirección Federal de Seguridad* (DFS). The White Brigade (*Brigada Blanca*) operated under the control of Miguel Nazar Haro, former director of the DFS, and was used to identify, repress, capture, torture, and disappear dissidents and/or leftist militants. More recently, the *Grupo Aeromóvil de Fuerzas especiales* (GAFFE), an elite unit of the Mexican Army, was created in 1990 to carry out specialized and covert operation. Members were trained in counterinsurgency and survival tactics abroad. In 1997, close to 40 members of the GAFFE deserted to form the Zetas cartel. “La Brigada Blanca: El Pavoroso Instrumento de Tortura y Represión Del Gobierno Durante La Guerra Sucia,” *Infobae*, 11 June 2019, www.infobae.com/america/mexico/2019/06/11/la-brigada-blanca-el-pavoroso-instrumento-de-tortura-y-represion-del-gobierno-durante-la-guerra-sucia/.

120 In May 2009, the Police Commander Julián David Rivera Bretón and others of the SSPM were threatened through a narco-message, stating that members of the Grupo Táctico Preventivo DELTA were selling information to inmates in the municipal CERESO of Juárez, members of “Los Aztecas”. “Amenazan a mando y matan a 5 en Juárez,” *El Norte*, 10 May 2009, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.

121 Created in 2009 by Jesús Torres Charles. Between 2009 and 2012, there are numerous cases involving municipal and state police forces in the illegal detention of civilians, using official equipment and uniforms, to then hand them over to the Zetas. “México: Asesinatos, Desapariciones y Torturas En Coahuila de Zaragoza Constituyen Crímenes de Lesa Humanidad”; Redacción, “¿Qué son los GATES?,” *Estadomayor.mx* (blog), 20 August 2013, www.estadomayor.mx/31846.

122 Linked to the forced disappearance of eight individuals in the Municipality of Úrsula Galván, Veracruz in January 2013. “Recomendación No. 24VG/2019” (Mexico City, CNDH, October 2019), www.cndh.org.mx/sites/default/files/documentos/2019-10/RecVG_024.pdf; “Tiene Veracruz Unidad de Elite de Seguridad, Entrenada por la Armada,” *La Jornada*, 20 July 2011, www.jornada.com.mx/2012/07/21/politica/015n2pol.

123 OSJI, *Corruption That Kills*.

124 According to the CNDH General Recommendation No. 69/2009 regarding the killing of inmates in the state prison in Reynosa indicated that there had been an important delay in responding to the massacre on behalf of prison officials and security forces. Recomendación No. 69/2009 de la CNDH, p. 2.

125 In July 2011 a prison brawl between antagonistic groups in the Ciudad Juárez municipal prison was allegedly videotaped for hours before public officials intervened. “Deja 17 muertos tiroteo entre Los Aztecas y Los Mexicles en el penal de Ciudad Juárez,” *Crónica*, 27 July 2011, www.cronica.com.mx/notas/2011/594813.html.

126 Aguayo and Dayán, “El Yugo Zeta.”

127 Freedom of information request number 0002200003708 filed with the SSP.

128 “Recomendación General No. 18 Sobre la Situación de los Derechos Humanos de los Internos en los Centros Penitenciarios de la República Mexicana,” CNDH, 21 September 2010, www.cndh.org.mx/sites/default/files/doc/Recomendaciones/Generales/RecGral_018.pdf.

129 “Prevención y Readaptación Social. Sistema Nacional Penitenciario. Auditoría de Desempeño: 11-0-36E00-07-0021,” in *Informe del Resultado de la Fiscalización Superior de la Cuenta Pública 2011* (Auditoría Superior de la Federación, 2011), 24.

130 Tapia, “El Gasto En Seguridad: Observaciones de La ASF a La Gestión y Uso de Recursos”.

131 “Transparencia Focalizada: Cuaderno mensual de Información Estadística Penitenciaria”, SEGOB, October 2018, sitios.segob.gob.mx/es/Transparencia_Preencion_y_Readaptacion_Social/Transparencia_Focalizada.

- 132** INEGI, “En números: Estadísticas sobre el sistema penitenciario estatal en México,” in *Números, documentos de análisis y estadísticas* 1, no. 11 (October 2017); Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.
- 133** INEGI, “En números: Estadísticas sobre el sistema penitenciario estatal en México”.
- 134** Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.
- 135** INEGI, “En números: Estadísticas sobre el sistema penitenciario estatal en México”.
- 136** Emelia Carroll et al., “Mexican Prison Reforms: Rights Guarantees or Parchment Guarantees?,” Northwestern University Pritzker School of Law, n.d., 49.
- 137** INEGI, “En números: Estadísticas sobre el sistema penitenciario estatal en México”.
- 138** “Reglamento Interior de la Secretaría de Seguridad Pública” (Diario Oficial de la Federación, March 12, 2007).
- 139** “DECRETO por el que se expide la Ley General del Sistema Nacional de Seguridad Pública” (Diario Oficial de la Federación, January 2, 2009), www.diputados.gob.mx/LeyesBiblio/ref/lgsnsp/LGSNSP_orig_02ene09.pdf.
- 140** Articles 3, section XXIX, subsection c); Article 39, section III of the Internal Regulations of the Secretary of Public Security (Reglamento Interior de la Secretaría de Seguridad Pública); and Article 1 of the Internal Regulations of the OADPRS (Reglamento del Organismo Administrativo Desconcentrado Prevención y Readaptación Social). See “Convenio para el otorgamiento de un subsidio para el fortalecimiento del sistema penitenciario, que celebran la Secretaría de Seguridad Pública y el Gobierno del Distrito Federal,” *Gaceta Oficial del Distrito Federal*, 1 February 2011, cgsservicios.df.gob.mx/prontuario/vigente/r461901.htm.
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- 142** “Van a SSP allegados de titular,” *El Norte*, 31 March 2007, busquedas.gruporeforma.com/elnorte/BusquedasComs.aspx.
- 143** Brian Norris, *Prison Bureaucracies in the United States, Mexico, India, and Honduras* (Lexington Books, 2018).
- 144** *Ibid.*
- 145** Sergio Montaña and McBains Cooper México, “sistema Penitenciario Federal en México”.
- 146** “Acuerdo 09/2010 del Secretario de Seguridad Pública, por el que se delega la facultad de organizar la administración y operación de academias e institutos de formación penitenciaria” (Diario Oficial de la Federación, 3 November 2010), www.dof.gob.mx/nota_detalle.php?codigo=5166118&fecha=03/11/2010&print=true.
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- 163** *Ibid.*
- 164** *Ibid.*
- 165** *Ibid.*
- 166** *Amparo en revisión 283/2012*, (Tribunal Colegiado del Décimo Séptimo Circuito, November 29, 2012), obtained through *Solicitud de acceso a la información número 0320000061820*, filed with the Consejo de la Judicatura Federal.
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- 174** Like the National Conference for the Penitentiary System, the SNSP also oversaw the National Conference on Procurement of Justice (*Conferencia Nacional de Procuración de Justicia*) to coordinate efforts between investigative authorities at the federal and state levels.
- 175** In 2004, Financial Intelligence Unit (*Unidad de Inteligencia Financiera* – FIU) was created and structured under the Secretariat of Finance and Public Credit (*Secretaría de Hacienda y Crédito Público* – SHCP).
- 176** In November 2001, the Federal Investigations Agency (Agencia Federal de Investigación – AFI) was created under the control of the Attorney General’s Office (*Procuraduría General de la República* – PGR), and replaced the Federal Judicial Police (*Policía Judicial Federal* – PJF).
- 177** In 2003, the Assistant Attorney General for Special Investigations and Organized Crime (*Subprocuraduría de Investigación Especializada en Delincuencia Organizada* – SIEDO) was created as a department of the PGR.
- 178** For instance, one of the inmates linked to the massacre in the Juárez municipal prison in July 2011 was transferred to the CEFERESO 14 CPS in Durango in 2015, and was transferred back to the CERESO in Juárez in 2018 after winning the amparo 1827/2014, resolved by the Third District Judge in the State of México.
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- 205** *Ibid.*
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incomplete. In early 2013, the board of directors of the company was renewed, and the following individuals linked to Grupo Industrial Monclova, S.A. de C.V. "GIMSA" were removed: Gerardo Salvador Benavides Pape (director), Alejandro Víctor Soberón Espinosa (of GIMSA subsidiary Automotriz Monclova, S.A. de C.V.), Juan Antonio Segura Tamez (CFO of GIMSA), Manuel Ricardo Villar Roel, and Noé Cenicerros Jamín. Control of the company was transferred to Ernesto Francisco Valdés Cepeda, though no changes in ownership structure are disclosed. Furthermore, the changes in the board of directors were not filed with the Public Registry until 2016. In November 2017, Valdés Cepeda is replaced as manager of the company by Roberto Sandoval Castañeda. His son, Pablo Roberto Sandoval López registered the change with the Public Registry, providing the following address for himself: Blvd Harold R. Pape 803-B, Col. Guadalupe in Saltillo. The same street and number correspond to GIMSA's registered address but in Monclova, Coahuila (Blvd Harold R. Pape 803-B, Col. Guadalupe, Monclova, C.P. 25750). "M4 – Constitución de Sociedad – Mocabel," Registro Público de Comercio (Saltillo), 30 June 2008, www.documentcloud.org/documents/6840759-MOCABEL-28925.html; "Aviso de Privacidad," CEGIMSA, accessed July 7, 2020, www.cegimsa.com.mx/aviso-privacidad.php.

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242 Guadalupe Correa-Cabrera, "Violence on the 'Forgotten' Border: Mexico's Drug War, the State, and the Paramilitarization of Organized Crime in Tamaulipas in a 'New Democratic Era,'" *Journal of Borderlands Studies* 29, no. 4 (October 2, 2014): 419–33, <https://doi.org/10.1080/08865655.2014.982888>; Carlos Antonio Flores Pérez, *Historias de Polvo y Sangre: Génesis y Evolución Del Tráfico de Drogas En El Estado de Tamaulipas* (CIESAS, 2014), 271.

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- 272** La Redacción, “García Luna: se construirá un penal de ‘supermáxima seguridad,’” *Proceso*, 30 March 2009, sec. Nacional, www.proceso.com.mx/113958/garcia-luna-se-construira-un-penal-de-supermaxima-seguridad.
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- 274** FOIA number 0002200173809 filed with the SSP.
- 275** Contracts number OADPRS/S/083/2010, OADPRS/S/084/2010, OADPRS/S/085/2010 OADPRS/S/086/2010, OADPRS/S/087/2010, OADPRS/S/088/2010, OADPRS/S/089/2010, OADPRS/S/013/2011. See FOIA request number 0002200006812 filed with the SSP in 2012.
- 276** Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”; “Privatización del sistema penitenciario en México” (Documenta / Análisis y Acción para la Justicia Social A.C.; Fundación para el Debido *Proceso*; Instituto de Derechos Humanos Ignacio Ellacuría SJ; Instituto de Justicia Procesal Penal A.C.; Madres y hermanas de la Plaza Pasteur; México Evalúa, 2016), documenta.org.mx/layout/publicaciones/informes-fortalecimiento-reforma-sistema-penitenciario/informe-privatizacion-del-sistema-penitenciario-en-mexico-agosto-2016.pdf.
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- 279** Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.
- 280** Daniela Osorio and París Alejandro Salazar, “El Cefereso que pararon ‘Los Templarios,’” *La Silla Rota*, 22 January 2015, lasillarota.com/el-cefereso-que-pararon-los-templarios/70682.
- 281** Azaola and Hubert, “¿Quién controla las prisiones mexicanas?”.
- 282** *Ibid.*
- 283** In 2014, ICA had signed an agreement with CGL/Hunt to sell its stake in the CEFERESO. The purchase, however, was not approved by Mexican authorities. In 2015, ICA announced it was going through a financial crisis, and between 2017 and 2018 it initiated a process of insolvency in Mexico. It was one of the major contractors in the New Mexico City Airport. “Form 20-F Empresas ICA, S.A.B. de C.V.,” US Securities and Exchange Commission, 31 December 2015, www.sec.gov/Archives/edgar/data/885012/000119312516593342/d187983d20f.htm. See also Claudia Ocaranza, “ICA: la debacle anunciada y cómo el Nuevo Aeropuerto la salvó,” *RindeCuentas.org* (blog), accessed 5 June 2020, www.rindecuentas.org/reportajes/2018/04/18/ica-la-debacle-anunciada-y-como-el-nuevo-aeropuerto-la-salvo/.
- 284** PRODEMEX had already been hired by government entities for security infrastructure, including: Federal Police stations in Baja California and Chihuahua; works for the Penitentiary in Papatla, Veracruz; administrative offices for the CISEN and the Federal Police in Mexico City. Osorio and Salazar, “El Cefereso que pararon ‘Los Templarios’”.
- 285** ICA started preparing a bankruptcy protection filing in March 2016 in Mexico (concurso mercantil proceedings) and was declared bankrupt in March 2018.

- 286** Mathieu Tourliere, "Cárceles: El negocio del cautiverio," *Proceso*, 12 May 2019, www.proceso.com.mx/583496/carceles-el-negocio-del-cautiverio.
- 287** Christine Murray, "BlackRock-Owned Mexican Prison Opens in Coahuila," *Reuters*, 25 October 2018, www.reuters.com/article/us-mexico-blackrock-prison-idUSKCN1MZIK5.
- 288** Claudia Ocaranza, "BlackRock, el gigante desconocido," *Connectas*, accessed 5 June 2020, www.connectas.org/especiales/blackrock-gigante-desconocido/.
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- 290** www.proyectosmexico.gob.mx/proyecto_inversion/446-complejo-penitenciario-papantla/.
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- 292** In July 2018, Banorte, directed by Carlos Hank González (Jr.) merged with Grupo Financiero Interacciones, controlled by Carlos Hank Rhon.
- 293** "Con atraso de tres años penal femenil iniciará operaciones," *Plano Informativo*, September 26, 2015, planoinformativo.com/415665/con-atraso-de-tres-anos-penal-femenil-iniciara-operaciones-nacionales.
- 294** "Prodemex prepara el debut de una Fibra E para cárceles," *Expansión*, November 28, 2017, expansion.mx/empresas/2017/11/27/prodemex-prepara-el-debut-de-una-fibra-e-para-carceles.
- 295** "Cuesta seis veces más tener a reos en cárceles privadas," *24 Horas*, March 14, 2017; Proceso, "Disputan magnates jugoso negocio de cárceles privadas," *Diario.mx*, May 11, 2013, diario.mx/Nacional/2013-05-11_ea7912cb/disputan-magnates-jugoso-negocio-de-carceles-privadas/; "La prisión de Hank Rhon," *Zeta Tijuana*, May 19, 2013, www.zetatijuana.com/ZETA/sortilegios/la-prision-de-hank-rhon/.
- 296** Carlos Hank González married Maria Guadalupe Rhon Garcia, and had two sons: Carlos and Jorge Hank Rhon. See www.carloshankrhon.mx/dev/biografia.
- 297** Carlos in turn married Graciela González Moreno, daughter of Mexican baron Roberto González Barrera, and had three children: Carlos, Graciela and Alejandro. Carlos Hank González (Jr.) is currently Chairman of Grupo Financiero Banorte, S.A.B. de C.V. (Banorte) and Vice Chairman of food company GRUMA, S.A.B. de C.V. (GRUMA), two of Mexico's largest public conglomerates. Carlos Hank Rhon also has interests in construction and real estate through Grupo Hermes, which in turn owns the company La Peninsular, an important government contractor.
- 298** Anthony Depalma and Peter Truell, "PESO TRAIL -- A Special Report: A Mexican Mover and Shaker Got the Red Carpet at Citibank," *The New York Times*, June 5, 1996, www.nytimes.com/1996/06/05/world/peso-trail-special-report-mexican-mover-shaker-got-red-carpet-citibank.html.
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- 306** Abel Barajas, "Salpica a Tradeco Un Narco Hondureño," *Reforma*, 18 November 2019, www.reforma.com/salpica-a-tradeco-un-narco-hondureno/ar1816046; U.S. Attorney's Office Southern District of New York, "Former Honduran Congressman Tony Hernández Convicted In Manhattan Federal Court Of Conspiring To Import Cocaine Into The United States And Related Firearms And False-Statements Offenses," *United States Department of Justice*, 18 October 2019, www.justice.gov/usao-sdny/pr/former-honduran-congressman-tony-hernandez-convicted-manhattan-federal-court-conspiring.
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- 310** *Ibid.*
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- 317** "Establecimientos que cuentan con distintivo 'H' vigentes en el estado de Aguascalientes" (SECTUR, 2018) www.sectur.gob.mx/gobmx/wp-content/uploads/2018/01/EMPRESAS-DISTINTIVOS-VIGENTES-DICIEMBRE-H-VF.pdf; "Cuesta 177.5 mdp alimentar a reos," *El Diario de Chihuahua*, May 25, 2019, www.eldiariodechihuahua.mx/estado/cuesta-1775-mdp-alimentar-a-reos-20190525-1519675.
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352 Vasquez, Alberto, "Le aparece negro pasado a responsable del cierre del penal del Topo Chico," *El Horizonte*, October 2019, d.elhorizonte.mx/local/le-aparece-negro-pasado-a-responsable-del-cierre-del-penal-del-topo-chico/2655020.

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354 According to corporate filings, Luis Carlos Cordero Camarillo is also linked to the companies Blackhawk Gaming, S. de R.L. de C.V.; Securus Servicios y Soluciones, S.A. de C.V.; and Sociedad Crediticia Mutua, S.A.P.I de C.V.

355 PBS Security, LLC was linked to the address 109 N. Oregon STE 703 El Paso, TX 79901. Other entities that share the same address and were incorporated by the same agent in El Paso, Erin L. Martinez, are ADF - AUTOMATION, LLC, JAZ AUTO SALES, LLC, ENF, LLC, and

REBASAR ENTERPRISES, LLC –all incorporated between 2009 and 2010, and dissolved by 2017. See “PBS SECURITY, LLC,” OpenCorporates, OpenCorporates, opencorporates.com/companies/us_tx/0801190705.

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³⁵⁸ Orlando Maldonado, “Acusa PAN Falta de Información Sobre Gasto de Dron,” *Milenio*, 22 April 2019, www.milenio.com/politica/acusa-pan-falta-informacion-gasto-dron.

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³⁶¹ See both companies’ corporate filings: . Allegedly Moreira could have controlled these companies through the individuals José Cuitlahuac Díaz Ramírez and Lauro Javier Medina Betancourt, who were made shareholders of Construcciones Chavana in 2011. Díaz Ramírez and Medina Betancourt were also made shareholders of the company Altecumbustion, S.A. de C.V. in 2011. See also “Moreira habría desviado 50 mdp a empresa fantasma,” *La Silla Rota*, April 20, 2017, lasillarota.com/moreira-habria-desviado-50-mdp-a-empresa-fantasma/144606.

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³⁶⁶ Eduardo Mendieta, “San Pedro Enlista a Proveedores Investigados Por NL y Zacatecas,” *Milenio*, 30 June 2015, www.milenio.com/estados/san-pedro-enlista-proveedores-investigados-nl-zacatecas.

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