



## Mexico Judicial Reforms Go Easy on Corrupt Judges (/news-analysis/mexico-judicial-reforms-go-easy-on-corrupt-judges)

Written by Patrick Corcoran Thursday, 16 February 2012



A new report from Contralinea details the regularity with which judges and magistrates in Mexico (/news-analysis/mexico-organized-crime-news) are sanctioned for their misdeeds, pointing to the scores of bad apples in the judiciary.

As Contralinea reports (<http://contralinea.info/archivo-revista/index.php/2012/02/05/sancionados-mas-de-600-jueces-y-magistrados/>), Mexico's Federal Judicial Council has received more than 22,000 complaints against different judicial functionaries since 1995, with more than 1,000 of the cases resulting in sanctions against the offending official. In more than 600 of the cases resulting in a sanction, the target of the complaint were the judges and magistrates who issue rulings in criminal cases.

Many of the incidents were presumably more minor missteps, but included on the list were several cases involving some of the more notorious capos to be arrested in recent years. In 1997, for instance, one judge dismissed drug trafficking charges against former Sinaloa Cartel (/groups-mexico/sinaloa-cartel) boss Hector Palma Salazar without justification, sending him to prison instead for weapons possession, which carried with it a sentence of just six years.

Another judge twice dismissed charges of money laundering (<http://www.insightcrime.org/component/tags/tag/22-money-laundering>) against the founder of the Sinaloa-linked Colima Cartel, Adan Amezcua Contreras. The judge was suspended from his post for ten years as a result.

Overall, however, the majority of the sanctions were simple reprimands, issued either publicly or privately. Just 156 of the cases in which sanctions were handed out were deemed grave, and experts told Contralinea that Mexico (<http://www.insightcrime.org/mexico-organized-crime-news>) lacks mechanisms to more easily remove dishonest or incompetent judges from their posts.

These statistics and anecdotes are a reminder that, despite the judicial reforms passed in 2008, Mexico (<http://www.insightcrime.org/mexico-organized-crime-news>) still lacks a way to effectively deal with corrupt judges.

The 2008 reforms have emerged as a pillar of Calderon's response to Mexico's public security dilemma, and an answer to critics who say that the results of Calderon's crime policies have been purely negative. According to this argument, despite the short-term spike in violence -- some 17,000 killings last year were linked to organized crime, compared to roughly 2,700 in 2007 (<http://www.eluniversal.com.mx/primer/31573.html>) -- Calderon and his team have set the stage for a long-term improvement in security by modernizing the judicial system.

This is not an implausible claim, though it can't be validated until long after Calderon is out of office. But if the judicial reform was to result in speedier trials, the burden on the prison system could be significantly reduced. And if the system developed a greater capacity to process violent criminals with predictable regularity, Mexican criminals would face a powerful reason to adopt a lower profile and rely less on violence.

Nonetheless, fully implementing the reforms has faced obstacle after obstacle. One is a lack of money from the federal government; a 2010 article from the Mexico City daily El Universal (<http://www.eluniversal.com.mx/primer/35882.html>) said that budget cuts had "killed" the reform. Another more fundamental issue is the scale of the change and the timeline for implementation. Regardless of the money allocated and the effort dedicated to training Mexican judges and lawyers -- something that, as InSight Crime recently reported (/news-analysis/us-trains-mexico-officials-to-carry-out-oral-trials), American officials have been supporting through the Merida Initiative (/security-police/merida-initiative) -- Mexico's previous legal system has centuries of tradition and culture behind it. Remaking the judiciary, especially without a mass turnover of the officials responsible for corrupting the system, is a momentous undertaking in a mere eight years.

And, as the Contralinea piece suggests, at the time of the reforms' passage, little attention was given to the drivers of corruption in the judicial branch. The reforms were essentially a top-down modification that did little to alter the incentives of the men and women responsible for running the judicial system at the most basic level. The oral system is theoretically a more effective way to make trials more transparent, but it doesn't substantially alter the calculus of a judge faced with the choice of silver or lead. Unless those incentives are modified, it is hard to envision the 2008 reforms as the leading catalyst of a safer Mexico (<http://www.insightcrime.org/mexico-organized-crime-news>).

Interestingly, Calderon has emerged as one of the government's most vocal critics of judicial corruption. He has blamed the failed prosecutions following the mass arrest of dozens of Michoacan officials in 2009 on judges wrongly releasing them. Last summer, he provoked the ire of many (<http://www.proceso.com.mx/?p=275904>) in the judicial system when he said, "I've known, for example, of judges who have received money or who engage in dialogue with criminals, who free criminals..."

While Calderon's frustration may be understandable, this is in many ways an indictment of his own reform. The sweeping changes to the justice system could have also included greater provisions to crack down on corrupt judges, but the need was overlooked.