

8-10-2011

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Recommended Citation

Navarro, Carlos. "Attorney General Marisela Morales Asks for Resignation of 21 Prosecutors." (2011).
<https://digitalrepository.unm.edu/sourcemex/5815>

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Attorney General Marisela Morales Asks for Resignation of 21 Prosecutors

by Carlos Navarro

Category/Department: Drug Trafficking and

Published: Wednesday, August 10, 2011

Just four months into her tenure as Mexico's chief prosecutor, Attorney General Marisela Morales Ibáñez has begun to shake things up at the Procuraduría General de la República (PGR) and in the process has ruffled some feathers and added fuel to criticisms that President Felipe Calderón is conducting a witch-hunt against political rivals. In a dramatic move in early August, the directors of the PGR offices in 21 states, facing the choice of leaving their post or being fired, submitted their resignations en masse.

Morales, who came to the PGR with a strong reputation as a tough prosecutor ([SourceMex, April 6, 2011](#)) and ([April 13, 2011](#)), has made it clear since taking office that rooting out corruption is chief among her tasks. "The purge is fundamental within the [attorney general's office] to give citizens the results they legitimately demand," Morales said in a statement following the dismissals of the PGR representatives. "The Mexico of today requires that those of us in public office act with total dedication and responsibility to service."

The attorney general later said that she would not allow government officials, especially those with sensitive posts, to "betray the country, the people, and the institutions."

In an interview with the Mexico City daily newspaper, Morales suggested that the employees who resigned had violated the law, which prevented them from meeting the obligations of their office. "We need personnel who meet all the prerequisites established by law, and especially employees who have a strong commitment, a sense of responsibility, and a vocation to serve the public," said the attorney general.

Morales said 10 of the 21 officials who resigned face further investigations. "We want to regain the confidence of the citizens," she said

Following the announcement that 21 PGR representatives resigned, Morales announced that 23 officials would be replaced. It is not clear whether the two others resigned subsequently or were fired. The changes will occur in several important states where the drug cartels have been especially active, including Sinaloa, Tamaulipas, Michoacán, Baja California, and Jalisco. The Federal District (Mexico City) was also included in the changes.

Critics accuse Calderón government of playing politics

The PGR's actions brought plenty of criticism from Congress, including from some members of President Felipe Calderón's Partido Acción Nacional (PAN). Legislators from the major parties made it known that they did not believe that the purge would solve anything. And the delegation from the opposition Partido Revolucionario Institucional (PRI) in the Chamber of Deputies said it would push for the relevant committee to issue a formal summons to Morales to testify at a special hearing to determine why the changes were necessary.

The decision also came under fire in the media. "The manner in which the 21 PGR delegates were thrown to the curb by the Procuraduría General de la República was not the desired course of action but also sullies the reputation of Attorney General Marisela Morales Ibáñez," Raúl Monge wrote in a piece published by the news wire Agencia de Noticias Proceso (apro).

Monge suggested that the officials who were forced to resign were simply scapegoats and that Morales actually had no hard proof that they were involved in any illegal activities. "According to several officials who were sacrificed, rather than promoting a new way of doing things and reform the PGR, the attorney general simply opted to make heads roll," said the apro writer.

Other observers suggested that finding scapegoats to promote its anti-drug campaign was a common method employed by the Calderón administration. They cited, for example, the administration's inability to make conspiracy charges stick against nearly a dozen mayors and several other officials in Michoacán ([SourceMex, May 27, 2009](#)), who were arrested in 2009. The campaign, known as the Michoacanazo, attempted to link the officials with La Familia cartel. But a federal judge ruled in September 2010 that the government lacked sufficient evidence to hold most of the officials arrested ([SourceMex, Sept. 29, 2010](#)).

The PGR is also in danger of losing another high-profile case involving a public official. In late July, a federal judge ordered the release of former Cancún mayor Gregorio Sánchez Martínez, who had been in custody since June 2010 on charges of drug trafficking and money laundering. Authorities said Sánchez, commonly known by his nickname Greg, used his office to protect the interests of the Zetas and the Beltrán Leyva cartels, but a judge ruled that the PGR had not offered sufficient proof to make the charges stick. The arrest forced Sánchez to withdraw as the gubernatorial candidate for a center-left coalition led by the Partido de la Revolución Democrática (PRD) in Quintana Roo state ([SourceMex, June 2, 2010](#)).

Immediately after the judge issued the release order, authorities scrambled to file new charges against Sánchez Martínez, accusing him of conspiring to smuggle undocumented Cubans into Mexico through Quintana Roo. The decision to file the new charges came during a period when the relevant court was on summer recess, so the PGR pursued another strategy in the interim, ordering Sánchez to wear an electronic ankle bracelet so it could track his movements.

The PRD immediately denounced the PGR's maneuvers and announced that Sánchez Martínez planned to bring a complaint against the Calderón government with the Inter-American Commission on Human Rights (IACHR). "This is all a juridical hoax," PRD president Jesús Zambrano Grijalva told reporters.

The Calderón government also failed to develop a drug-related corruption case against another PRD politician, former federal Deputy Julio César Godoy Toscano. Godoy Toscano, the half brother of Michoacán Gov. Leonel Godoy Rangel, was about to take his seat in the Chamber of Deputies when federal charges were filed against him. At that time, he decided to go into hiding rather than answer charges of conspiring with La Familia leaders ([SourceMex, Aug. 19, 2009](#)).

The PGR's attempts to prosecute Godoy Toscano suffered several setbacks in the courts, which ruled that the government lacked sufficient evidence. This prompted the attorney general's office to formally drop the case in late July of this year. "There were judicial resolutions that could not be appealed," said Patricia Bugarín, who heads the PGR's organized-crime unit.

"[The judges] are the ones who make the decisions, which we are obligated to respect even though we do not agree with the rulings," Morales later told reporters in reference to the Sánchez Martínez and Godoy Toscano cases.

Critics have also accused the Calderón administration of political motivations in the arrest of former Tijuana mayor Jorge Hank Rhon on organized-crime and weapons-violations charges in June of this year. Hank Rhon, a member of one of the most powerful political families associated with the long-governing PRI, was detained a couple weeks before the gubernatorial election in México state in July of this year ([SourceMex, June 22, 2011](#)). But authorities were forced to release him after several days in custody because they were unable to make the charges stick.

"One can also allude to the failure of the PGR in the case involving Jorge Hank Rhon," columnist José Luis Reyna wrote in Milenio.com. "He had to be set free because there was no proof of any crime."

Reyna did not mince words when criticizing the PGR's performance under Calderón. "The national institution that is in charge of procuring justice and investigating and prosecuting federal crimes is in a state of deterioration," said the columnist. "The achievements of this institution in the last several years are less than satisfactory."

Supporters say changes overdue, although insufficient

Others came to the defense of the attorney general's office and Morales. Columnist Jorge Fernández Menéndez, said the PGR's problems could be linked to the lack of clear laws to implement the reforms to the judicial system that Congress approved three years ago ([SourceMex, March 12, 2008](#)).

While many of those reforms are intended for the courts, Fernández Menéndez, who writes for , said there are implications for the law-enforcement process. "The PGR is part of the dynamic," said the columnist. "Reforms were approved that lack laws and regulations that will allow them to function. The PGR...is caught between a model of prosecution that is appropriate for modern times and a traditional model that has failed to promote the judicial reforms."

Fernández Menéndez also said that Morales is the right person to head the PGR at this time. "The new prosecutor has ample experience in the matters that are most urgent for the PGR to become a true prosecutorial agency," he said. "She has a good relationship with the armed forces and the federal police and worked for years in the attorney general's anti-corruption unit [Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO]."

The Excelsior columnist said there was no doubt that the 21 PGR representatives who left did not resign on their own but were asked to leave. "This measure obviously is not sufficient. We require much more comprehensive reforms," said Fernández Menéndez. "But at least with these actions there is a clear intention by the attorney general's office to elevate its efficiency in some small way."

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