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Fatal Riot at Nuevo León Penitentiary Exposes Major Deficiencies in Mexico’s Prison System

by Carlos Navarro
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The fatal riot at the Topo Chico penitentiary on Feb. 11 was the first major crisis for Nuevo León Gov. Jaime Rodríguez Calderón, also known as El Bronco, who was elected as an independent candidate in June 2015 (SourceMex, June 24, 2015) and who took office in October of that year. The riot—reportedly a battle for control of the prison between two factions of the criminal organization the Zetas—left 49 casualties. Prison sources said most of the victims were stabbed to death with homemade weapons or beaten to death with sticks.

By all accounts, Rodríguez Calderón did not handle the situation well, taking too long to react to the emergency and then placing the blame on missteps that occurred during the administration of his predecessor, former Gov. Rodrigo Medina. Some analysts suggested that El Bronco’s zeal to demonstrate his independence led him to hold the federal government, led by the Partido Revolucionario Institucional (PRI), at arm’s length.

“The governor took a long time to talk to the media, and when he finally did, he provided imprecise information,” columnist Max Cortázar wrote in the daily newspaper Excélsior. “He attempted to distance himself from the situation that occurred at Topo Chico, saying that he could fix the problems that he inherited from the previous administration in three months.”

“Jaime Rodríguez has to learn his lesson,” Sen. Armando Ríos Piter, of the center-left Partido de la Revolución Democrática (PRD), said in a guest column in the daily newspaper Excélsior. “The electoral process, which a candidate uses to show his toughness, is a different situation than the process of governing, which requires coordination with other levels of government in order to guarantee safety, welfare, and respect for all its citizens.”

“El Bronco made a mistake,” Ríos Piter said. “With his intention to display a ‘new style’ of governing, he decided not to renew the collaboration agreement with federal authorities to watch over the penitentiaries in the state.”

Criminal organizations in control

It took several days for law-enforcement authorities to retake control of the Topo Chico prison after the riot. State and federal officials said officers had “put an end to the self-government imposed by criminal leaders in collusion with some prison authorities.” As a result of an investigation, state officials charged prison director Gregoria Salazar, prison guard José Reyes Hernández, and deputy superintendent Jesús Fernando Domínguez with homicide and abuse of authority, and have placed them in preventive custody, said Nuevo León state prosecutor Roberto Flores.

During the inspection of the Topo Chico site, authorities discovered "luxury cells" containing mini-bars, aquariums and saunas. “All of this had been occurring under the nose of prison authorities and the administrative units that had oversight over the jail,” Cortázar wrote in Excélsior. “These
privileges are not ending because of an administrative decision in favor of restoring the law, but because of the events that occurred at the prison.”

Rodríguez Calderón was well aware of the problems at Topo Chico before he took office. The governor received a report from a group of specialists and business owners that indicated that authorities had lost control over this facility and two other penitentiaries. The report also highlighted deficiencies in infrastructure, surveillance, and security systems, and noted the dangers of placing high-risk criminals among the general population. The document also identified illegal commercial activities, including the sale of food and beverages, in all three facilities.

A separate report from Juan Méndez, the UN Special Rapporteur on Torture, said there was evidence of human rights violations at Topo Chico and indications that some inmates received special privileges.

Everything pointed to the Zetas, who had full say on the operations at Topo Chico. The weekly news magazine Proceso highlighted one particular incident that attracted international headlines. “On Dec. 31, 2011, the Zetas launched an operation to extricate Gabriela Muñiz Támez from the facility, and they killed her and hung her body on a bridge overlooking a major venue in Monterrey,” Proceso wrote. “They did so because she was the girlfriend of a leader of the rival Gulf cartel. The image of a naked woman hanging over a bridge made an impression around the world.”

Despite the criticisms against Rodríguez Calderón, however, some observers noted that the actual problem lies with the federal government, which has lost control over an extremely corrupt prison system where inmates dictate policies with the complicity of corrupt officials.

“The massacre at Topo Chico in the early morning of Feb. 11 is evidence of the manner in which criminal organizations and their institutional accomplices have gained strength,” columnist Ivonne Melgar wrote in Excélsior.

One of the more bizarre cases occurred at the Durango state prison in Gómez Palacio in 2010, where prisoners housed at the facility were allowed to leave the premises so they could carry out a murder at a party in nearby Torreón with weapons borrowed from prison guards (SourceMex, July 28, 2010).

A more recent example of the shortcomings of the prison system is the ease by which drug trafficker Joaquín "El Chapo" Guzmán Loera escaped from El Altiplano federal prison in July 2015 with extensive assistance from prison officials (SourceMex, July 15, 2015). Authorities have since recaptured El Chapo (SourceMex, Jan. 20, 2016).

Melgar pointed to a series of reports from the human rights commission (Comisión Nacional de los Derechos Humanos, CNDH) documenting problems at various prison facilities around the country.

“The reports suggest that the Topo Chico incident is not isolated—and that this situation is prevalent in half of the prisons in the country—in Sinaloa, Puebla, Quintana Roo, Tamaulipas, Chihuahua, Veracruz, and other places,” Melgar added.

“The Topo Chico penitentiary operates in a manner similar to other prisons controlled by organized crime in the region, including the facility in Altamira [Tamaulipas], where 80% of the extortion calls in the northeast originate,” Proceso wrote.

“The most dramatic and scandalous case occurred at Penitentiary 2 in Piedras Negras [Coahuila] between 2009 and 2011, where the Zetas murdered more than 150 men and women and incinerated
the bodies,” added Proceso. “In fact, [Zetas leader] Omar Treviño Morales, also known El Z42, hid in this prison to escape detection from the Mexican marines, who were seeking him.”


In another incident at a Nuevo León facility, prisoners at the Apodaca state prison near the community of San Nicolás de los Garza escaped by setting fire to several mattresses, which caused a short circuit in the prison’s electrical system. Investigators said the escaped prisoners, many of whom were members of the Zetas, might have received assistance from several guards and prison officials, including warden Gerónimo Miguel Andrés Martínez and security chief Óscar Deveze Laureano (SourceMex, Feb. 29, 2012).

“With the precedent that occurred at the Apodaca prison almost four years ago, leaving 44 dead, Nuevo León is now under the magnifying glass,” columnist Carlos Marín wrote in the daily newspaper Milenio.

While the Topo Chico and Apodaca prison riots were among the most lethal prison incidents in the country, Marín said other incidents have resulted in multiple fatalities, including 20 deaths at penitentiaries in Ciudad Juarez, 31 in Altamira, 22 in Gómez Palacio, and 13 in San Luis Potosí.

**Overcrowding common**

A common denominator in all these prison incidents is overcrowding. Ríos Piter, citing a study from the think tank México Evalúa, said Mexico’s prison system can accommodate slightly more than 195,000 inmates, but the number of people in prison stood at almost 242,800 as of January 2013. “This is a sign of overpopulation,” said the PRD senator. “The prison system is more than 24% above its capacity.”

In his report, UN rapporteur Méndez also described the overcrowding in Mexico’s prison system as “extreme.” A similar assessment came from ex-CNDH chairman Raúl Plascencia Villanueva, who highlighted the vulnerability of the penitentiaries in Nuevo León because of overpopulation, neglect, and the presence of highly dangerous criminals. “They are time bombs,” warned Plascencia Villanueva, who left office in 2014.

In a subsequent report, Plascencia Villanueva expanded on his criticism. “Authorities have not been able to construct a prison system whose mission is an efficient tool for social readaptation,” he said.

According to Ríos Piter, Mexico could address the overcrowding through the sentencing process, with the judicial system placing a higher priority on the most dangerous criminals rather than on people who have committed lesser crimes. “An important reason for the failure of the country’s prisons is the poor performance of a system of justice that tends to punish those who are poor more than those who are dangerous to society,” he said.

A 2011 documentary entitled Presunto Culpable (Presumed Guilty) exposed major flaws in Mexico’s judicial system, which easily placed a man in prison on incomplete and weak evidence (SourceMex, March 23, 2011).

“The violence does not occur only in state prisons, but is also projected from those locations to the outside. Half of the extortions in the country are begun with a phone call that that originated in a prison,” Ríos Piter said.
Ríos Piter noted that a plan to reform the prison system was put into effect in 2011, but he said it left many holes. “We still lack competent and independent lawyers and investigators to [perform in this system],” he said.

**Peña Nieto proposes prison reforms**

The Topo Chico incident also forced the government of President Enrique Peña Nieto to acknowledge the problems of deficient prison and judicial systems. During a visit to Nuevo León to commemorate the 103rd anniversary of Mexican Army Day (Día del Ejército Mexicano), the president spoke of the need for fundamental changes to the prison system based on agreements developed during a meeting of the national security council (Consejo Nacional de Seguridad Pública, CNSP) in August 2015. The council is composed of the president, the attorney general, the secretary of Defense, the Navy secretary, the governors of 31 states, and the mayor of Mexico City, among others. “What is important is to ensure that we make each of those agreements a reality,” Peña Nieto said.

The president enumerated several actions that the federal and state governments are taking to address the problem, including the creation of a special committee to evaluate the national prison system. Among other things, the committee would have ample powers to restructure current methods of mediation, follow-up and certification. “This committee is already in place and is holding periodic meetings,” Peña Nieto said.

Another decision made by the CNSP in August was to develop a national registry allowing penitentiaries to share information on models of social rehabilitation in state and federal penitentiaries, and to create a system of professional development for facilities around the country.

“We have to implement a thorough transformation,” Interior Secretary Miguel Ángel Osorio Chong told reporters in reference to the president’s pledge. “We need major investments.”

While Peña Nieto’s plan primarily involves input at the executive branch level, the legislative branch is also seeking input. Opposition leaders in the interior affairs committee (Comisión de Gobernación) in the lower house have requested a meeting with Osorio Chong to discuss the penitentiary system, along with other security issues like the Mando Único, which is a proposal to bring local police forces under a single command in each state. The plan has received mixed support around the country (SourceMex, Jan. 13, 2016).

Deputies Claudia Sánchez Juárez of the conservative Partido Acción Nacional (PAN) and Rafael Hernández Soriano of the center-left Partido de la Revolución Democrática (PRD) said Congress would like to know the Peña Nieto government’s exact plans on those two issues as well as other important matters, such as gender violence, before moving forward with its own initiatives.

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