

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

19 September 2011

### MEX103805.E

Mexico: The use of government databases by third parties to locate persons; privacy issues; security of information about witnesses in the witness protection program (2008-September 2011)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### Protection of Personal Information

Personal information in Mexico is protected under Article 16 of the Mexican Constitution, which states that [translation]

[e]veryone is entitled to protection of his or her personal information, to access, rectify and delete same, and to express opposition, as provided by law, which shall establish exceptions to the principles governing treatment of data, for reasons of national security, public order, public health and safety, or to protect the rights of others. (Mexico 1917)

However, a researcher at the Mexico City-based Centre for Research and Economic Studies (Centro de Investigación y Docencia Económicas, CIDE) says that "there is complete mistrust toward everything the government decides, promises and especially when it asks for personal information. And it is completely justified" (qtd. in *LA Times* 12 May 2010). Similarly, the Mexico City-based newspaper *El Universal* cites specialists from the National Institute for the Study of Criminal Sciences (Instituto Nacional de Ciencias Penales) and the Metropolitan Autonomous University (Universidad Autónoma Metropolitana) as saying that [translation] "databases maintained by the government are not 100 percent trustworthy due to the lack of control, making them vulnerable to theft and information leaks" (19 Apr. 2010).

The Federal Electoral Institute (Instituto Federal Electoral, IFE) states on its website that the Federal Registry of Voters (Padrón Electoral) contains the names and addresses of Mexican citizens 18 years and over, including those who have a Voter's Registration Card (Credencial para Votar) (Mexico n.d.a). The Voter's Registration Card, which is the [translation] "most accepted identification instrument" (ibid. n.d.b), bears, on the front side, the photograph of the person and indicates, among other things, the person's name, address, age, gender, elector code (Clave del elector), geographic electoral identification, Population Register Identification Number (Clave Única de Registro de Población, CURP), issue date, expiry and signature (ibid. n.d.c, 6). Information appearing on the back of the Voter's Registration Card includes the fingerprint of the index finger and a bi-dimensional bar code (ibid., 9).

According to a May 2010 press release issued by the IFE, the Federal Registry of Voters [translation] "has been for 20 years the most complete, important and reliable database that exists in Mexico" (Mexico 13 May 2010). The IFE indicates that over the past 20 years, the Federal Registry of Voters has been compromised only three times by [translation] "someone [who] has tried to 'sell' the database" (ibid.). The IFE contends that its security measures are [translation] "rigorous" and that Mexican citizens "can rest assured that, within the legal conditions in which IFE works, their personal information is permanently guarded and its confidentiality maintained" (ibid.).

However, *El Universal* reports that the Federal Registry of Voters was for sale in Mexico City's Tepito flea market in 2010 (*El Universal* 13 May 2010; see also *LA Times* 12 May 2010). The news article describes how, for US\$12,000, a buyer could obtain the above-mentioned registry as well as [translation] "the registry of all vehicles and drivers' licences, among other 'products'" (*El Universal* 13 May 2010). Another article by *El Universal* notes that the information for sale included all of Mexico's public Telmex payphone numbers; data from the police, including photographs of police officers, their badge numbers and places of work; the registry of all [translation] "Federal

Service vehicles"; and information on freight carriers, including [translation] "make, model, licence plate numbers and type of freight being transported, from electrical appliances and groceries, to explosive material and the routes" (ibid. 19 Apr. 2010). The article reports that this information has been obtained by organized crime bands as well as by police officers who use it for work since [translation] "their stations do not have such data available" to them (ibid.). Corroboration of the use by police of stolen database information could not be found by the Research Directorate within the time constraints of this Response.

In a 22 April 2010 news article, *El Universal* indicates that another governmental database, the National Investigation and Security Centre (Centro de Investigación y Seguridad Nacional, CISEN) database, had been available for illegal sale for one year. The CISEN is the intelligence agency of the Mexican government (Mexico 14 Feb. 2011).

*El Universal* also cites a professor at the Autonomous Institute of Technology of Mexico (Instituto Tecnológico Autónomo de México, ITAM) as saying that criminal organizations [translation] "have the possibility not only of knowing the personal information of private citizens, but also of intercepting private communications the same way a state intelligence agency can" (*El Universal* 22 Apr. 2010).

Federal District newspaper *La Jornada* reports that, according to ministerial documents accessed by the newspaper, CISEN [translation] "mistrust[s] its own personnel due to the possibility that they leak classified information to members of organized crime" (23 Aug. 2010). The documents reportedly show that people working for CISEN gave information to unknown individuals in restaurants and public places, prompting the implementation of counter-intelligence activities to track their own employees (23 Aug. 2010). Information that corroborates the allegations made by *La Jornada* could not be found by the Research Directorate within the time constraints of this Response.

Media sources report that the Ministry of Interior (Secretaría de Gobernación) is implementing a new identification system, the Citizen Identification Card (Cédula de Identidad Ciudadana, CEDI) (*El Informador* 21 Jan. 2011; *El Universal* 12 Jan. 2011; NOTIMEX 12 Jan. 2011). According to *El Universal*, the CEDI [translation] "eliminates the need for citizens to provide identity documents to government and private organizations, thus decreasing the risk of information leaks or identity theft" (*El Universal* 12 Jan. 2011). *El Universal* indicates that the new CEDI will contain biometric information such as the [translation] "fingerprints, photograph and iris of each person" (12 Jan. 2011). The new identification card is to start being issued on 24 January 2011 to minors in six states (NOTIMEX 12 Jan. 2011; *El Informador* 21 Jan. 2011). Issuance of the card for adults is on hold because a series of [translation] "institutional, technical and financing conditions" still need to be met (ibid.).

However, media sources also report that the President of the Public Function Commission of the Chamber of Deputies (Comisión de la Función Pública de la Cámara de Diputados) considers the CEDI for minors a [translation] "violation of [their] human rights" and is concerned that the Ministry of Interior does not guarantee to keep Mexican citizens' personal information safe (NOTIMEX 13 Jan. 2011; *El Universal* 13 Jan. 2011).

## Protection of Witness Information

The Office of the Attorney General of the Republic (Procuraduría General de la República, PGR) is in charge of providing protection to persons who are part of the witness protection program (Mexico 9 Aug. 2010a). The Federal Law Against Organized Crime (*Ley Federal contra la Delincuencia Organizada*) stipulates the creation of a witness collaboration program (Programa de Testigos Colaboradores); however, details about the program are not [translation] "available to the public," especially information regarding protection measures, admission criteria, and rights and obligations for those accepted (Mexico Jan. 2010, 8).

The PGR website states that the identity of the witness who provides information on organized crime is kept confidential [translation] "only during the phase of initial investigation; once the procedural stage begins, the identity is no longer confidential" (Mexico 9 Aug. 2010b). The PGR also indicates that actual protection to witnesses takes place [translation] "during the preliminary investigation of the criminal procedure and the time required is at the discretion of the ministry's authority" (Mexico 9 Aug. 2010a).

According to *El Universal*, the PGR undertook in August 2008 "Operation Clean-Up" (Operación Limpieza) with the aim of identifying corrupt officials who were working for criminal organizations by providing information related to investigations against organized crime (*El Universal* 27 Oct. 2008). *El Universal* reports that, as a result of the operation, the PGR discovered that organized crime groups had infiltrated the PGR's Office of the Deputy Attorney General for Special Investigations into Organized Crime (Subprocuraduría de Investigación Especializada en Delincuencia Organizada, SIEDO), the Office of the International Police (Interpol) in Mexico, and the Embassy of the United States (US) in Mexico (ibid.). Among the information that was compromised were the [translation] "names of military personnel, anti-mafia prosecutors and [Drug Enforcement Agency] DEA agents in Mexico" (ibid.). Media sources report that the operation led to the detention of agents (AP 26 Feb. 2009) from SIEDO, Interpol, the Federal Preventive Police (Policía Federal Preventiva, PFP) and the Federal Investigations Agency (Agencia Federal de Investigaciones, AFI) (Antena 3 19 Nov. 2008). According to the Deputy Attorney for Special Investigations into Organized Crime, 500 employees from SIEDO have been fired as a consequence of the [translation] "purge" (*El Universal* 13 Mar. 2011).

However, in a July 2011 telephone interview with the Research Directorate, a professor from the Political Science Department at the Middle Tennessee State University noted that the witness relocation program in Mexico "has holes in it due to the level of corruption," which makes it difficult to ensure the safety of a witness (Professor 6 July 2011). He said that two witnesses were killed after information had been leaked (*ibid.*). Sources also noted that the efficacy of the witness protection program was questioned after the assassination in 2009 of two witnesses who were in the program (*LA Times* 3 Dec. 2009; *La Jornada* 7 Dec. 2009). The British Broadcasting Corporation (BBC) indicated in a 2009 article that, according to a report by a Mexican magistrate, [translation] "the majority of protected witnesses who have cooperated with the judicial system in Mexico have been assassinated" (BBC 16 Dec. 2009). The magistrate is quoted as saying that the witness protection program does not provide [translation] "sufficient protection" to witnesses and is "uncertain," since it does not have clear procedures for protecting them (*ibid.*). *La Jornada* reported in 2009 that [translation] "in 12 years, six protected witnesses have died, five of them executed" (*La Jornada* 7 Dec. 2009). According to media sources, the PGR announced in 2009 that the program would be revised (AFP 2 Dec. 2009; BBC 16 Dec. 2009). Corroborating information regarding the numbers of assassinated witnesses in relation to those who have received protection could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Media sources report that the US Marshals Service is training SIEDO personnel to improve the witness protection program (NOTIMEX 20 Aug. 2011; *El Universal* 20 Aug. 2011). Sixty SIEDO agents were trained through the Protective Services Operations (Operaciones de Servicios de Protección) course between 25 July and 19 August 2011 (*ibid.*; NOTIMEX 20 Aug. 2011). The Deputy Director of the US Marshals Service says that [translation] "[t]he job of collaborating witnesses is essential and dangerous at the same time; the techniques learned will allow [Mexican authorities] to keep them safe from most of the risks and threats inherent to this work" (qtd. in *El Universal* 20 Aug. 2011).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Oral sources:** Attempts to contact representatives from the following organizations were unsuccessful: Facultad Latinoamericana de Ciencias Sociales; Instituto Ciudadano de Estudios sobre la Inseguridad; Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México; Instituto Federal de Acceso a la Información y Protección de Datos; Instituto Nacional de Ciencias Penales; Instituto para la Seguridad y la Democracia; Departamento Académico de Derecho, Instituto Tecnológico Autónomo de México; Infomex Gobierno Federal; Mexico's Secretaría de Gobernación.

**Internet sites, including:** Amnesty International; Embassy of the United States in Mexico City; European Country of Origin Information; Factiva; Freedom House; Mexico - Cámara de Diputados, Centro de Investigación y Seguridad Nacional; Segundamano.com.mx.

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