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Mexico's Military in the War on Drugs

By Jorge Luis Sierra Guzmán

On a quiet spring night in Puebla, Mexico, a city characterized by the tranquil, religious nature of its residents, Mexican special forces soldiers discreetly surrounded the home of Benjamín Arellano Félix. At the time, Arellano Félix was the head of the Tijuana cartel, once considered the most powerful and dangerous drug-trafficking organization in the world. The soldiers rapidly entered Arellano Félix's home, surprising him and his family as they were preparing for bed, and arrested the cartel boss without firing a single shot.

His brother, Ramón Arellano Félix, one of the FBI's ten most wanted criminals, had been shot to death a few days earlier in Culiacán. For the Mexican government, the back-to-back events had mortally wounded the Arellano Félix cartel.

Yet the Tijuana cartel, as it is also known, remains alive and is undergoing a process of reorganization. After Arellano Félix's arrest, Mexican attorney general Rafael Macedo de la Concha warned that new leaders would emerge to replace those who had been killed or arrested.[1] Such is the paradox of an increasingly punitive and militarized drug policy coexisting with the enormous capacity of regeneration of drug-trafficking organizations. Major blows against drug-trafficking cartels have not translated into a significant reduction in the quantities of cocaine, marijuana, and heroin that enter the United States, and the drug-trafficking industry remains virtually intact. Nevertheless, Washington has proclaimed Mexico to be an example for the world in the war on drugs.

The United States has played a key role in the creation and maintenance of the militarization of Mexico's counternarcotics efforts. With U.S. funds, weapons, training and advisors, the Mexican armed forces have taken over the most important areas in the federal justice system under the pretext of the war on drugs. During his first two years in office, President Vicente Fox dramatically increased the role of the military in counternarcotics activities, most notably through the use of special forces battalions and military intelligence in pursuing and arresting drug traffickers.

Militarization of the drug war has not had a discernible impact on the amount of drugs entering the United States, but it has become an obstacle to Mexico's democratic transition and respect for human rights. Adequate and effective mechanisms for the supervision, control and accountability of the military do not exist. Human rights violations committed during counternarcotics operations go unpunished by the closed and secretive military justice system.

The military's role increases

While the Mexican military has more than sixty years' experience participating in one way or another in the war on drugs, an accelerated and massive militarization of anti-narcotics

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MEXICO

MARCO UGARTE

Members of the Mexican Army and the Attorney General's Office preparing to destroy seized drugs in Mazatlán, Sinaloa state, May 2002.

operations has taken place since 1988. This trend continued during Fox's first two years in office, both by expanding the military's official role in counternarcotics efforts as well as increasing the penetration by members of the military into civilian law enforcement and intelligence agencies that participate in the war on drugs.

The Mexican army has been involved in manual eradication of illicit drug crops since the 1940s. The army claims that anywhere from 20,000 to 30,000 troops are involved in eradication activities on any given day. Since the early 1990s, the armed forces have increased their interdiction efforts by setting up checkpoints along roads, seizing maritime vessels suspected of carrying drugs, patrolling beaches and other areas where drugs are transported, and increasing surveillance and intelligence.

The Mexican military's involvement in the drug war began in earnest during the administration of President Ernesto Zedillo (1994-2000), when fighting drug-trafficking was not only considered a fundamental task of the federal government, but also a national security issue. The Defense Ministry issued the Azteca Directive, which established the military's permanent campaign against drug-trafficking with programs to eradicate drug crops, confiscate illegal drugs, and combat organized crime.[2] The Defense Ministry also initiated the General Plan to Combat Drug Trafficking.[3]

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Under Fox, however, the army has become directly involved in efforts to dismantle drug-trafficking organizations by tracking cartel bosses and staging commando operations to detain them. According to Fox's second state of the union address, "beginning in March 2002, special forces battalions were mobilized to support the territorial commands to carry out high-impact and result-oriented operations in areas of critical and decisive importance, which allowed for control of drug-trafficking and a more efficient fight against organized criminals."[4] The Second and Seventh sections of the Defense Ministry – the sections responsible for military intelligence and military operations, respectively – took over responsibility for investigating the cartels' leadership structures and apprehending kingpins. Special forces battalions, recipients of U.S. military training, carried out these operations. In Fox's second year, the army reorganized fifty-six air-mobile groups within the special forces (*Grupo Aeromóvil de Fuerzas Especiales*, or GAFEs), integrating three brigades and nine special forces battalions.

The most spectacular example of the military's direct involvement in counternarcotics law enforcement operations was the arrest of Tijuana cartel leader Benjamín Arellano Félix on March 9, 2002. U.S. officials applauded the news, and on March 11, State Department spokesman Richard Boucher said that "The arrest of Benjamin Arellano Félix is the most significant arrest ever of a wanted drug-trafficker in Mexico."

Arellano Félix was not the only drug-trafficker arrested by special army units during the Fox administration. Military investigations and operations throughout the country led to the arrests of major figures from several trafficking organizations. In mid-2001, a

military operation resulted in the arrest of Alcides Ramón Magaña, known as "El Metro," responsible for the Juárez cartel's operations in the Yucatán peninsula. In March 2001, military units dealt a blow against the Arellano Félix organization's presumed drug-trafficking operations in Mexico City. Soldiers arrested Manuel Herrera Barraza, "El Tarzán," another mid-level leader of the Arellano Félix cartel, in March 2002. In April 2001, the army carried out a series of arrests in Tamaulipas state, netting Gilberto García Mena, "El June," one of the second-tier commanders of the Gulf cartel, as well as three military officers collaborating with him. The Gulf cartel was hit again a few days after Arellano Félix's March 2002 arrest, when a combined police-military unit arrested Adán Medrano Rodríguez, "El Licenciado," one of the cartel's top lieutenants.[5] Most recently, army special forces units arrested the Gulf cartel's top boss, Osiel Cárdenas, after a wild shootout in the streets of Matamoros, Tamaulipas.

JOSÉ LUIS MAGAÑA

Soldiers march in a parade in Mexico City to commemorate Mexico's independence from Spain, September 2001.

The military has even been called in to investigate and arrest police agents of the office of the Special Prosecutor for Drug Crimes (*Fiscalía Especial para Atención a Delitos contra la Salud*, FEADS), part of the Attorney General's Office (*Procuraduría General de la República*, PGR) who were suspected of collaborating with drug-traffickers. On January 10, 2003, the army stormed the FEADS Tijuana office, detaining six agents and one administrative staffmember who were subsequently charged with extorting drug-traffickers. The following week, the army closed down FEADS offices across the country in order to investigate whether additional agents were also involved in drug corruption.

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The Fox administration has continued to strengthen military security structures created during the previous administration, at both the policy and operational levels. Army, Navy and Air Force officials have been encouraged to participate in inter-institutional coordination efforts to set federal public security policies, similar to the experience of the interagency working groups in the United States. The coordination groups currently functioning include those dealing with public security and risks to national sovereignty and democratic stability, strategic installations, prevention and control of arms, munitions and explosives, sector coordination, and uniform drug control statistics.

The armed forces also participate actively in inter-institutional coordinating groups at the state level.[6] In some states, such as Oaxaca and Guerrero, these groups have focused their efforts on designing counterinsurgency strategies to contain armed guerrilla movements, such as the Popular Revolutionary Army (*Ejército Popular Revolucionario*, EPR). The policies of these coordinating groups have led to accusations of forced disappearances, torture, illegal detentions and extrajudicial executions in Guerrero and Oaxaca after the emergence of the EPR in June 1996. In other states like Sinaloa and Chihuahua, where drug cultivation and trafficking are prevalent, human rights groups denounced that police and military "disappeared" more than a hundred people between January 1997 and March 1998 within the context of the war on drugs.[7]

MARCO UGARTE

Members of the Mexican Army and the Attorney General's Office preparing to destroy seized drugs in Mazatlán, Sinaloa state, May 2002.

An example of operational coordination among institutions are the "mixed operational bases" (*bases de operaciones mixtas*, BOMs), composed of state and federal police, law enforcement and judicial personnel, and members of the Mexican army. During Fox's second year in office, sixty-three BOMs were reactivated across the country.[8] The army has even become involved in training the country's police forces, especially at the municipal level. In 2002, army officers trained over four-thousand municipal, state, and federal police officers.[9]

Changing uniforms

The Mexican military expanded its role in counternarcotics efforts not only by taking on new functions and missions, but by inserting itself into civilian law enforcement, public security, and intelligence institutions, particularly the PGR and the Federal Preventive Police (*Policía Federal Preventiva*, PFP).

Military officers have been appointed to federal and state public security and law enforcement institutions, generally in response to corruption scandals within the police or prosecutors' offices.

At several times throughout the Salinas and Zedillo administrations, military officers have been appointed to federal and state public security and law enforcement institutions, generally in response to corruption scandals within the police or prosecutors' offices. From its inception in 1996, the Drug Control Planning Center (*Centro de Planeación de Control de Drogas*, CENDRO) – the drug intelligence arm of the Attorney General's Office – has been headed by military officers, generally from military intelligence.

When President Zedillo created the PFP in 1999, about half of the original agents were on loan from the military police. Using the military was supposed to be a temporary solution, according to government officials, until enough new civilian agents were selected and trained. Under Fox, however, the number of soldiers within the PFP has actually increased. Between September 2001 and June 2002, the PFP witnessed a twenty-five percent increase in its ranks thanks to the addition of 1,700 newly hired agents and the incorporation of 826 new recruits for the Federal Support Forces (*Fuerzas Federales de Apoyo*, FFA) which are composed entirely of military police and members of the navy. Whole army units were transferred to the FFA to make a current total of eight, including the Third Military Police Brigade and the Tenth Military Police Battalion, and 1,600 members of several navy battalions were also added to the PFP.[10] Top positions in the PFP are also held by military officers: The FFA is led by a general, and the PFP as a whole is led by a retired brigadier general.

The expansion of the military's presence in the federal justice administration apparatus was reinforced with Fox's appointment of Gen. Rafael Macedo de la Concha as attorney general, marking the first time a military officer was chosen to direct the PGR. He brought a number of military officers with him into the PGR who were given top positions in counternarcotics and intelligence divisions. Brig. Gen. Demetrio Gaytan Ochoa was named anti-drug operations coordinator, responsible for detecting and destroying marijuana and poppy plants. Gaytan was later replaced by Div. Gen. José

Rubén Rivas Peña, whose previous record included counterinsurgency campaigns in Chiapas and training at the U.S. Army's School of the Americas. Gen. Carlos Fernando Luque Luna, former director of military intelligence, was named CENDRO director, and a number of deputy directors within CENDRO are also from the military. In addition, Div. Gen. Alfonso Mancera Segura was named director of the PGR's training institute.

The newspaper *Reforma* reported that as of November 2002 there were at least 227 military officers in the PGR, and 20 of them headed up important bureaus overseeing intelligence, eradication, interdiction, and seized assets. In all, 107 members of the military were assigned to the FEADS, 42 to the federal police, 8 to the CENDRO, and 70 others to a range of other divisions and units.[11]

Problems within Mexico's police forces

The Mexican and U.S. governments increasingly rely on the Mexican military to fight drugs because the police are notoriously corrupt and ineffective. Under previous administrations, drug-related corruption affected even the most senior anti-drug prosecutors and police agents in the Attorney General's Office (PGR). President Fox has attempted to clean up the PGR, and the United States has been closely involved in the process. In October 2001 the Fox government dissolved the corrupt Federal Judicial Police – the Attorney General's police force – and replaced it with a new Federal Investigations Agency (AFI). The AFI's creation obeyed an idea in recent Mexican administrations to attempt to copy the U.S. anti-drug apparatus. The U.S. helped the process along by establishing criteria for hiring new personnel and directly participating in the selection of the AFI's anti-narcotics agents.[1]

While the idea was to eradicate corruption, torture and other human rights violations from the federal police, the AFI incorporated 3,500 agents from the disbanded Federal Judicial Police and agents from other PGR offices. By incorporating the same personnel into the new structure, there is a risk that the old practices of abuse, corruption and impunity will be replicated. There have been alarming allegations of torture and corruption with the new AFI.

Only six months after its creation, in March 2002, the AFI was hit by a scandal involving the torture and death of Guillermo Vélez Mendoza, supposedly arrested on charges of belonging to a kidnapping gang, at the hands of AFI agents. Vélez died sometime between March 29-30. His relatives and human rights activists say there was sufficient evidence to believe that Vélez died after being tortured.[2] The National Human Rights Commission (CNDH) demanded that the PGR investigate the agents involved in his torture and death, but the authorities said he had died of natural causes.[3] Hugo Armando Muro Arellano, former director of support services in AFI's Special Operations Bureau and allegedly the man responsible for Vélez's death, escaped after he was released on bail. Another four federal agents remain free. At the end of 2002, the case remained covered by the mantle of impunity.

In June 2002, Roberto Carlos Mendoza Espinoza, a 23-year-old arrested for allegedly selling marijuana, died in an AFI holding cell in the city of Monterrey, shot in the chest.[4] The agents guarding Mendoza, Alejandro Israel Huerta Rivera and César Alberto Pérez Meléndez, were released, and the PGR reported that the alleged murderer, Juan Coronado Zúñiga, had escaped.[5] Coronado was a former member of the army's special forces and support staff for AFI agents. Nothing has come of Mendoza's death, but the incident did show that the AFI works with "para-police officers" who are hired to do the dirty work of federal agents.[6]

Despite evidence of abuses in the new forces, Fox highlights the AFI and the Drug Control Planning Center (CENDRO) as the key elements of the government's restructuring of Mexico's justice administration.

1 Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report* (INCSR) 2001, March 2002. Available on: http://www.state.gov/g/inl/rls/nrcrpt/2001/rpt/8478.htm. Access: 2002-10-10.
2 Weekly Analysis Bulletin of the Miguel Agustín Pro Juárez Human Rights Center, #23, 8 April 2002.
3 National Human Rights Commission, Recommendation 12/02. Available on: http://www.cndh.org.mx/Principal/document/recomen/2002/fr_rec02.htm. Access: 2002-12-12.
4 David Casas, "Asesinan a presunto narco en destacamento de la PGR," *El Universal*, 18 June 2002.
5 Rodrigo Ramírez, "Exoneran a federales de homicidio," *El Norte*, 10 July 2002. Available on: http://www.elnorte.com/parseo/busquedas.asp?tex=Roberto%20Carlos%20Mendoza%20Espinosa&pagetoprint=../monterrey/articulo/226259/default.htm. Access: 2002-11-05.
6 Mario Alberto Alvarez, "Mantiene la PGR a 'madrinas'," *El Norte*, 29 June 2002. Available on: http://www.elnorte.com/parseo/busquedas.asp?tex=Roberto%20Carlos%20Mendoza%20Espinosa&pagetoprint=../monterrey/articulo/223602/default.htm. Access: 2002-11-05.

Corruption: the military is not immune

The Mexican government has been handing over more responsibility for fighting drugs to the military because it is perceived as less corrupt, and less susceptible to corruption, than the police. But there is no evidence to suggest that this is so – the military's lack of transparency and accountability may actually foster corruption and make it harder to combat.

The military's lack of transparency and accountability may actually foster corruption and make it harder to combat.

Corruption is probably the most serious risk to the armed forces as a result of its participation in the war on drugs. The participation of top brass, officers, and soldiers in the anti-drug fight has allowed drug-trafficking to penetrate deep into the military structure. This can be seen in the arrest of army generals who were in charge of a large number of soldiers and intelligence, resources, logistics and training operations. Between 1995 and 2000, nearly 150 officers were tried for crimes linked to drug-trafficking.[12]

During the past five years, the military justice system has sentenced two division generals for crimes related to drug-trafficking: Gen. Jesús Gutiérrez Rebollo, the former director of the National Institute to Combat Drugs and former head of the Fifth Military Region, where he controlled at least 25,000 soldiers; and Gen. Francisco Quirós Hermosillo, former head of the military police and ex-director of military transportation, was sentenced to sixteen years. His involvement in drug-trafficking was particularly serious given that he was responsible for carrying out logistical operations in forty-one military zones in the country, as well as the actions directed against drug-trafficking, insurgency and organized crime.

From 1997 to 2001, six other lower-ranking generals were accused of links to drug-trafficking.[13] On November 2, 2002, Arturo Acosta Chaparro, one of the military leaders who had been in charge of wiping out guerrilla groups in the 1960s and 1970s, was sentenced to fifteen years in prison for alleged ties to Amado Carrillo, head of the Juárez cartel until 1997.

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One of the most relevant cases during the Fox administration took place in October 2002, when more than six-hundred members of the army's 65th Infantry Battalion, headquartered in Guamúchil, Sinaloa, were held incommunicado and investigated for ties to drug-trafficking and protecting poppy and marijuana crops. The battalion was dismantled. The Defense Ministry reported that three officers and forty-five soldiers were detained and handed over to the military justice system. On November 8, 2002, a court martial ordered the formal arraignment of eleven former members of the battalion. All of the accused were low-ranking officers, including a lieutenant, two junior-grade lieutenants, a sergeant, two corporals and two conscripts. The military's secretive handling of the affair was accompanied by allegations of human rights abuses against the soldiers under investigation. The Sinaloa Human Rights Commission reported that military authorities "refused to supply information on the case, which strengthened the accusations of the family members that the rights of the soldiers had been seriously violated."[14] The National Human Rights Commission investigated allegations of torture but concluded that none had occurred.

Another recent case is the April 2001 arrest and court martial of three military officers – Brig. Gen. Ricardo Martínez Perea, Capt. Pedro Maya Díaz and Lt. Javier Quevedo Guerrero – who were protecting Gilberto García Mena, "El June," a member of the Gulf cartel. Martínez Perea was the first general arrested for drug-trafficking under President Vicente Fox's watch.[15]

Additional allegations of corruption have resulted from the military's stepped-up presence along the U.S.-Mexico border. There were an estimated twelve incursions by Mexican soldiers into Arizona in 2001, and authorities believe in some instances soldiers may have been involved in running drugs. According to U.S. Border Patrol officials in Arizona, some Mexican soldiers who are often seen hanging around the border and even crossing into U.S. territory are involved in reconnaissance and protection operations for drug traffickers, and sometimes introduce drugs into the United States. These officials say federal authorities in Washington have attempted to play down these incursions, ordering the release of Mexican soldiers and their immediate repatriation.[16]

JOSÉ LUIS MAGAÑA

Fox President Vicente Fox rides horseback at his ranch in Guanajuato state a few weeks before winning Mexico's historic 2000 elections.

The cartels survive

The blows to drug-trafficking inflicted by the Fox administration are, undoubtedly, important, but have not significantly impacted the illegal drug-trafficking industry. Drug-trafficking organizations have an extraordinary ability to restructure their chains of command; they are also skillful in buying protection from police and military authorities as well as wiping out public authorities who refuse to acquiesce to their power.

According to the Mexican government, Benjamín Arellano Félix's capture was one of more than two-thousand arrests suffered by the Arellano Félix cartel since President Fox took office in December 2000.[17] Despite losing its top leaders and scores of mid- and lower-level members, the cartel has recovered and continues to transport cocaine and marijuana into the United States. This indicates that either the process of restructuring its leadership had already started before Benjamín and Ramon Arellano Félix were taken out of the picture, or the cartels are adept at recovering from these kinds of losses. Although the authorities were hopeful that the Tijuana cartel had been dealt a mortal blow, even Attorney General Macedo conceded the possibility that the cartel would be restructured, giving rise to new leaders.[18]

Data from Mexican authorities indicates that drug-trafficking has managed to stay ahead of the government, despite the blows received under the militarized counternarcotics policy. In his first two years in office, Fox took credit for the arrest of at least forty drug kingpins and 15,000 persons charged with drug crimes.[19] Yet the vacuum left by jailed cartel kingpins is being filled rapidly by other leaders, such as Ismael Zambada, the new leader of the Sinaloa cartel, Joaquín Guzmán Loera, "El Chapo," who escaped at the beginning of Fox's government, and the rest of the Arellano Félix family who are still free.[20] The achievements of the government pale in the face of the enormous regenerative power of drug-trafficking – the drug-trafficking industry remains virtually intact.

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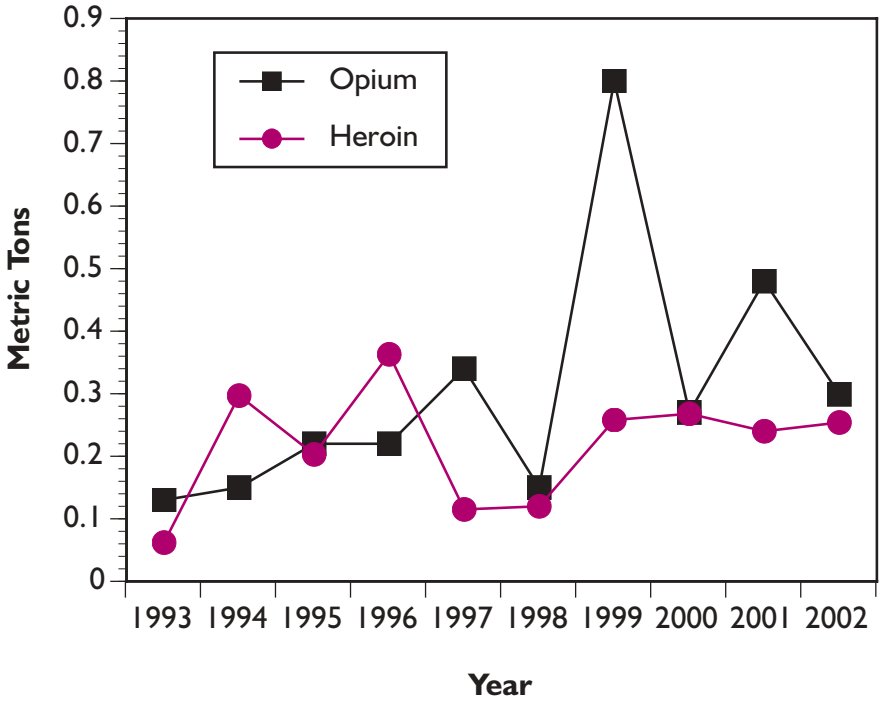
Little change in Mexican drug production and trafficking

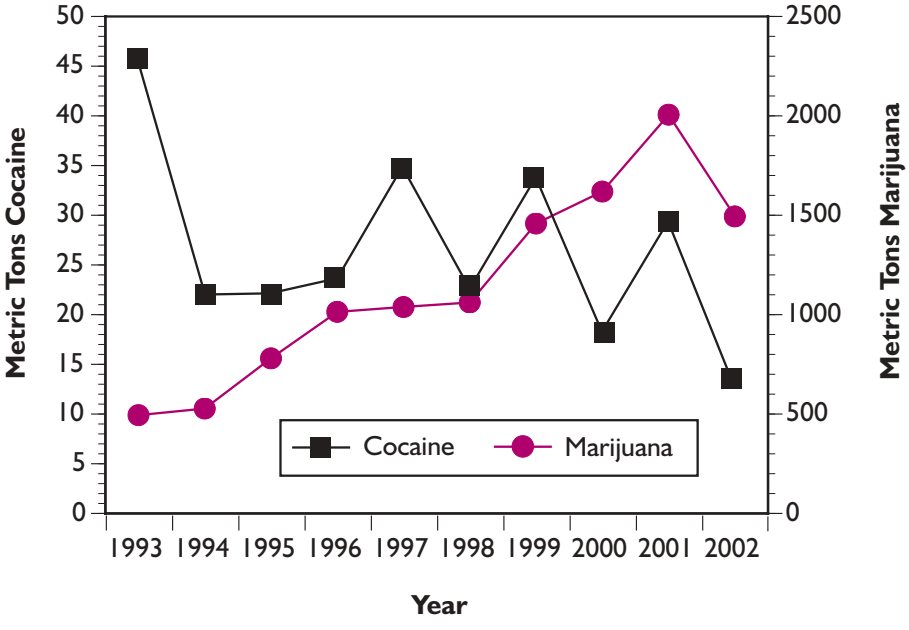
Militarization of the anti-drug effort has not had a significant impact on the flow of illicit drugs into the United States. U.S. government information continues to show that Mexico plays an extremely important role in the trafficking of illegal drugs to the United States. A steady stream of cocaine, marijuana and heroin continues to move north in every conceivable way, through maritime containers, shipping vessels, small

Seizures of illicit drugs have remained fairly constant or have decreased over the past few years. For example, Mexican authorities confiscated 35 tons of cocaine in 1997, but only 12.5 tons in 2002. These quantities are insignificant compared to the 300 tons of cocaine that enter the United States annually. Available data also indicate that Mexico's supply of marijuana and heroin to the United States has not changed substantially either.

Seizures of Opium and Heroin in Mexico



Seizures of Marijuana and Cocaine in Mexico



Source: Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report (INCSR) 2002*, March 2003.

planes landing on clandestine airstrips, human "mules," and "air bombardment" to speedboats. Available data indicate that Mexico's supply of marijuana and heroin to the United States has not changed substantially; transport of cocaine through Mexico to U.S. cities also appears to have remained relatively stable. Furthermore, Mexican cartels are responsible for a growing trade in methamphetamines.[21]

The drug-trafficking problem in Mexico described by the State Department contrasts with the image of a successful government hitting hard at drug cartels. U.S. reports indicate that about two-thirds of the 300 metric tons of cocaine reaching the United States enters the country through Mexico and waters off the Pacific and Gulf coasts, as does one-fourth of the heroin consumed annually in the United States. Mexico also continues to be the primary foreign supplier of marijuana. Trafficking routes have changed depending on where interdiction efforts are focused. After the September 11 attacks, the redistribution of U.S. security efforts favored drug-trafficking routes along Mexico's Pacific coast, as well as the use of speedboats from the Caribbean to the Yucatán peninsula. An estimated one-thousand planes, loaded primarily with marijuana, are capable of transporting drugs from Mexico's southern and central regions to the border with the United States.[22]

Drug-trafficking has taken root in rural areas where there are land conflicts... there is a growing tendency to incorporate rural communities in illicit crop production, making eradication actions difficult.

The militarization of Mexico's anti-drug strategy has not made a significant dent in cocaine seizures. Despite a record take of 35 tons in 1997, the Mexican authorities managed to confiscate only 12.5 tons in 2002.[23] These quantities are insignificant compared to the 300 tons of cocaine that enter the United States annually.

The strategic superiority of drug-trafficking over government anti-drug efforts is equally evident in terms of the eradication of poppy crops. The Mexican government claims that nearly 20,000 hectares of poppy were eradicated in 2002, leaving about 2,700 hectares available for production of heroin (less than the previous year's 4,400 hectares, but up from the 1,900 hectares cultivated during Fox's first year in office). Despite eradicating nearly ninety percent of poppy crops, Mexico was able to produce 5.6 tons of heroin in 2002, enough to supply nearly half the U.S. heroin market, according to U.S. government estimates.[24]

According to the Mexican government, the eradication plans face serious obstacles because the crops are located in areas where there are agrarian conflicts. The *National Drug Control Plan 2001–2006* states that drug-trafficking has taken root in rural areas where there are land conflicts and that there is a growing tendency to incorporate rural communities in illicit crop production, making eradication actions difficult.[25]

Over the past six decades, the vitality and versatility of drug production have rendered eradication efforts in Mexico ineffective.

Mexico continues to be one of the world's largest marijuana producers. Mexican marijuana, according to the State Department, has grown more potent and resistant to herbicides. According to the State Department, marijuana production has remained stable since 1991, when 7,775 tons were grown. The most recent U.S. estimates indicate that Mexico was capable of producing 14,420 metric tons of marijuana in 2002 – more than double the 7,000 tons yielded in 2000.[26] By the Mexican government's own admission, even after an increase in eradication, from 23,928 hectares in 1998 to 31,046 hectares in 2000, 16,900 hectares were still in existence, enough to saturate the U.S. and Mexican markets.[27] In 2001, Fox's first year in office, eradication dropped to 28,699 hectares.

The shift away from eradication may well be sound policy. Over the past six decades, the vitality and versatility of drug production have rendered eradication efforts in Mexico null. In the Andean region, the policy of eradication has simply pushed the proliferation of illicit drug crops to new regions and engendered confrontations between security forces and poor peasants. The same could come about in Mexico.

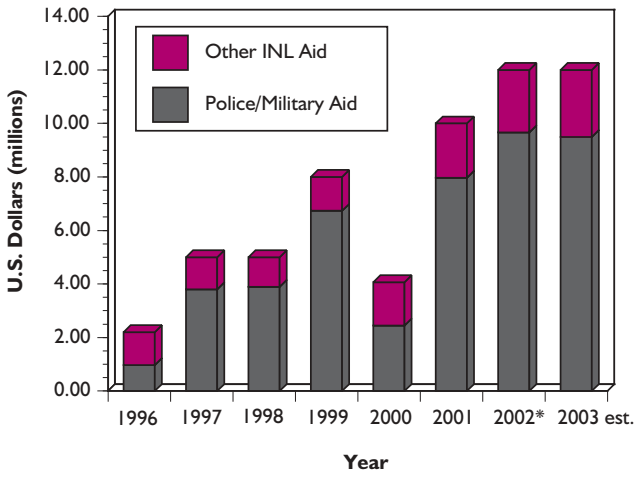
U.S. Counternarcotics Assistance to Mexico

Over the last decade, U.S. counternarcotics assistance for Mexico has been characterized by support for several major programs:[1]

- Since 1996, the State Department has increased funding for programs to vet, train, and equip special anti-drug units within the Mexican Attorney General's Office. The U.S. government has also provided considerable assistance to the Attorney General's intelligence division (CENDRO). One of the aims of these programs is to target drug cartel leadership.
- Beginning in 1996, the U.S. military began directing assistance to elite special forces units within the Mexican military (GAFEs). This assistance included the provision of seventy-three UH-1H helicopters to the Mexican military, and the training and equipping of hundreds of special forces soldiers, most at U.S. institutions. They were trained in helicopter flying and maintenance, light-infantry skills, and other technical skills. This accounts for the spike in assistance for 1997 (see chart below). Due to logistical problems, Mexico returned all of the helicopters to the United States in 1999.
- More recent U.S. assistance programs continue efforts to vet, train, and equip members of special anti-drug units within the Federal Investigative Agency (AFI) of the Attorney General's Office, the army (amphibious units), and the Mexican navy and marines.
- The CIA has also played an important role in providing assistance to the Mexican government for counternarcotics purposes. Little information is available about the nature or extent of the CIA's role. In the mid-1990s, the CIA provided training, equipment, and operational support to an elite team of Mexican soldiers belonging to an intelligence unit called the Center for Anti-Narcotics Investigations (CIAN).[2]

STATE DEPARTMENT COUNTERDRUG ASSISTANCE TO MEXICO

Bureau for International Narcotics and Law Enforcement Affairs (INL)



Source: Adam Isacson and Joy Olson, *Just the Facts 2001-2002,* Latin American Working Group and Center for International Policy.

* After 9/11, an additional $25,000,000 was appropriated for border control, mostly for customs and immigration.

The U.S. State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) designs and carries out U.S. international counternarcotics policy while coordinating all other U.S. agencies' overseas anti-drug activities. The INL bureau manages the International Narcotics Control (INC) program, which provides aid and training to the governments and security forces of countries in which drugs are produced or transported.

The INC program combines economic and security assistance, aiding civilian and military agencies with counternarcotics responsibilities. Types of aid include training, technical assistance, equipment and arms transfers, development assistance (particularly to encourage cultivation of legal crops), and aid to administration of justice and domestic drug demand-reduction programs.

In Mexico, the majority of INC aid goes to the Mexican police and military (with an exception in FY2002 when $25 million was provided for increased border security, mainly to Customs and the INS, after the attacks of 9/11). Chief recipients of INC aid are the special anti-drug and organized crime units of the Attorney General's Office, such as the FEADS, the air services division, CENDRO, and the AFI, among others.

INC is subject to the human rights restrictions found in the Leahy Law, which prohibits U.S. military assistance to foreign military units that violate human rights with impunity.

In addition to INC, there are a range of programs that provide counter-drug assistance to Mexico. Some, like INC, are funded by the State Department, while others come from the Pentagon's budget. The Mexican military has been the chief beneficiary of these programs in recent years (see facing page).

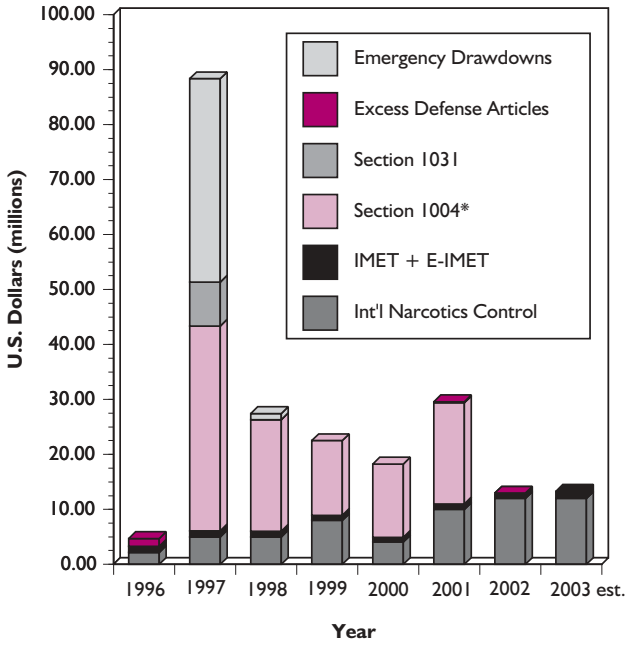
U.S. Counternarcotics Assistance to Mexico *(continued)*

International Military Education and Training (IMET)
IMET pays for the training or education of foreign military, and sometimes a limited number of civilian personnel, to approximately seventy U.S. military training institutions throughout the United States. It is paid for by the State Department but implemented by the military. Mexico was the number one recipient of IMET assistance from 1996-1999, and is expected to be the top recipient in 2003. Expanded IMET funds non-combat courses that are available to some foreign military personnel and civilians.

Section 1004
In 1991, the Pentagon was authorized to use its budget to provide counternarcotics assistance and training for foreign security forces, including foreign police forces. This program, known as "Section 1004" assistance, has paid for the training of "Air-Mobile Special Forces Groups," or GAFEs, elite military units whose mission included counternarcotics. The United States trained hundreds of GAFE personnel on U.S. soil, mainly at Fort Bragg, NC and Fort Benning, GA. After the training program ended in late 1998, the U.S. government began training and equipping Mexican counternarcotic amphibious units within the Army, as well as the Mexican Marines and Navy. Mexico was the top recipient of Section 1004 assistance in 1997 and 1998, and the number two recipient from 1999 to 2001.

The Leahy Law applies only to training, not equipment, provided by this account.

TOTAL U.S. COUNTERDRUG ASSISTANCE TO MEXICO



Source: Adam Isacson and Joy Olson, *Just the Facts 2001-2002,* Latin American Working Group and Center for International Policy.

* The Pentagon was not required to report Section 1004 assistance given in 2002 and requested for 2003; since these figures were not accessible to WOLA, they are not represented in the above chart.

Section 1031
Section 1031 authorized the Pentagon to provide a one-time assistance package of $8 million to Mexico. The funding was used to finance the purchase of helicopter parts and components. The program expired in 1998.

Excess Defense Articles (EDA)
EDA are surplus military equipment no longer needed by the U.S. armed forces. The Pentagon has the authority to transfer this equipment to foreign security forces. Through this program, the Pentagon gave the Mexican military twenty helicopters in 1996 and 1997.

Emergency Drawdowns
An emergency drawdown is a transfer of weapons, parts, equipment, services or training that are not considered "excess." Through this program, the Pentagon gave the Mexican military fifty-three helicopters in 1997.

1 Information about programs discussed in this section is taken from "Just the Facts: A civilian's guide to U.S. defense and security assistance to Latin America and the Caribbean," Latin America Working Group and the Center for International Policy. http://ciponline.org/facts/index.htm.
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U.S. support for Mexico's drug war

Since Fox took office in December 2000, friction over the drug-trafficking issue, which characterized U.S.-Mexico relations for the preceding two decades, appears to have evaporated. There are three basic areas that characterize this new era in U.S-Mexican relations. First, Washington temporarily suspended its evaluation of Mexico in the yearly counternarcotics certification process, and then altered the process so that Mexico would not come under fire every year as it had in the past. Second, Mexican soldiers continue to receive counternarcotics training in the United States. Third, there is a continual flow of military funding and equipment to Mexican police and military forces.

This apparent good neighbor policy in the war on drugs exists in spite of the diverse voices in the Congress and among Washington policymakers calling attention to recent examples of high-level corruption in Mexico's counternarcotics establishment, and the fact that the low level of trust that U.S. agencies have in the Mexican authorities has made them reluctant to share sensitive counternarcotics intelligence.

This apparent good neighbor policy in the war on drugs exists in spite of the diverse voices in the Congress and among Washington policymakers calling attention to recent examples of high-level corruption in Mexico's counternarcotics establishment, and the fact that the low level of trust that U.S. agencies have in the Mexican authorities has made them reluctant to share sensitive counternarcotics intelligence. The continually high level of drug-trafficking in Mexico has led to conflicts between the two countries in the recent past, but concerns expressed in Washington go unheeded.

The United States loses no opportunity to celebrate Mexico's cooperation in the war on drugs. Drug Czar John Walters said in June 2002 that the Mexican police and military had made great strides in the drug fight and explained that the Mexican government had detained more than a dozen drug kingpins. Walters highlighted the fact that the Arellano Félix cartel had been "drastically weakened," thanks to the arrest of its leader.[28]

Two months later, in August 2002, the arrest of several Colombians accused of being the link between Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, or FARC) guerrillas and the Tijuana cartel provoked another round of applause in Washington.[29] Walters said that the anti-narcotics efforts of the Mexican government had caused "a disruption never seen before" in cocaine trafficking in the hemisphere.

Walters reported on a change in the activities of Colombian drug traffickers and a major destabilization in the cocaine market as a result of Mexico's effectiveness in hitting at the cartels. Going even farther, Walters said that Mexico has won the spot as "anti-narcotics leader." He said: "I think Mexico is going farther than any other nation, including the United States."[30]

The DEA, whose relationship with Mexico has typically been one of distrust and frustration, has also applauded Mexico's anti-drug efforts. After the army busted several FEADS agents for drug corruption in Tijuana, DEA special agent Michael Vigil said, "We have really seen a lot of advances in terms of the Mexican counterdrug strategy under Vicente Fox. He has brought many entities into the fray in this campaign against drugs, including the Mexican army and other agencies that in the past did not really work in anti-drug efforts."[31]

Washington's level of support, however, does not appear to be based on the effectiveness of its neighbor's counternarcotics policies. In addition to public praise for the Mexican military, the U.S. government provides considerable assistance to both the military and, increasingly, police forces. The United States has played a key role in the creation and maintenance of the militarization of Mexico's anti-narcotics efforts. The military structure set up to combat drugs is based on U.S. military doctrines that promote the rapid mobilization of forces made up of special units trained to fight on

any terrain. The anti-narcotics training provided by the United States to the GAFEs and their maritime counterparts the GANFEs (Special Amphibian Forces) has influenced the army's modernization plans, including its weaponry and the decentralization of its logistics and operations systems.[32]

Mexico continues to receive important military support from the United States. While the overall amount is not as high as it was in 1997 – when the United States donated seventy-three used helicopters to the Mexican military for counterdrug use – U.S security assistance administered through the State Department has stabilized at about $11 million per year, with a slight increase in 2001 and 2002.[33] In 2002, the State Department further increased its support for the Defense Ministry through special training programs for anti-narcotics air interdiction operations.

The United States has been directly involved in the reform process within Mexico's federal police, which transformed the Federal Judicial Police into the Federal Investigations Agency (*Agencia Federal de Investigaciones*, AFI). U.S. funds allowed the AFI and the CENDRO to improve their computer networks in order to make interconnections among different units and strengthen analytical capacities. At the end of 2001, the United States and CENDRO completed a three-year program that established a radio network to link the Sensitive Investigation Units, whose personnel were directly picked and trained by U.S. agents.[34]

Originally the PGR's drug intelligence center, the CENDRO – which has been headed by military officials since 1996 – has expanded its mission beyond drug control to become an independent agency that gathers and analyzes intelligence on terrorism, arms trafficking, child trafficking, stolen vehicles, money laundering and kidnapping.[35] This means that the military is officially involved in intelligence gathering not only for drug-related crimes, but also for a range of other federal crimes.

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In 2001, thousands of Mexican police officers were trained in U.S. academies. The United States directly intervenes in the process of choosing members of the PGR's elite anti-narcotics unit as a way of avoiding corruption and helping them focus on arresting kingpins. Months after taking office, Fox offered the United States unprecedented access to carry out inspection of all police units.[36] The increase in U.S. trust in the elite units allowed for bilateral sting operations "Landslide" and "Marquis" to be undertaken in 2001.

Human rights situation affected by militarization

The military's involvement in the drug war has led to human rights and due process violations. Soldiers are trained to use overwhelming force against enemy combatants and therefore should not be called in to investigate, detain, and interrogate civilians. Human rights organizations have documented scores of cases of human rights abuse by the military in the context of the drug war. Impunity for these crimes is a serious problem because the perpetrators are almost always protected by the secretive military justice system.

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One of these incidents occurred in June 2002 on the U.S.-Mexico border near Mexicali, when an army patrol opened fire on a group of eighteen undocumented Central American migrants and five undocumented Mexicans whom they confused with drug traffickers. Eight people were wounded, three of them seriously. The Mexican authorities remained silent, but the FBI began an immediate investigation of the case.[37]

The Mexican military has committed a range of human rights violations in the context of anti-drug efforts, including illegal arrests, secret and prolonged detention, torture, extrajudicial execution, fabrication of evidence, and cover-up of abuses.

A June 2002 investigation by the Associated Press detailed Mexican military excesses during patrol operations on the U.S. border. According to the report, in April 2002 a Mexican soldier shot an eighteen-year-old Texan who was returning home in his car across the international bridge from Ciudad Reynosa. Human rights activists say the soldier opened fire because the car had failed to stop at a military checkpoint. The same article states that on May 17 of the same year, a group of Mexican soldiers in a Humvee crossed the Arizona border and shot at a U.S. Border Patrol agent. [38]

The Mexican military has committed a range of human rights violations in the context of anti-drug efforts, including illegal arrests, secret and prolonged detention, torture, extrajudicial execution, fabrication of evidence, and cover-up of abuses. Under the Fox administration, there have been numerous credible reports of rapes and killings committed by soldiers patrolling mountain regions and border areas to eradicate and intercept illegal drugs. CEFPRODHAC, a human rights organization based in Tamaulipas state, denounced several extrajudicial executions by soldiers, including the cases of Eduardo Gonzalez Gallegos, killed in November 2001, and Pedro Cuéllar Minor, killed in August 2002.[39] In neither case have the soldiers responsible for the executions been brought to justice. In Guerrero state, soldiers from the army's 41st infantry battalion have been accused of raping indigenous women Valentina Rosendo Cantú and Inés Fernández Ortega in February and March 2002, respectively. After reporting the crime to the authorities, Ms. Fernández and her family were harassed and threatened by soldiers who wanted them to withdraw the accusation.[40]

Human rights groups opposed General Macedo's nomination as Attorney General on the grounds that appointing a military general to that position violated the recommendations of international human rights experts. The UN Special Rapporteur

The dangers of militarizing counternarcotics efforts

U.S. anti-narcotics policy, particularly military aid, has strengthened the expansion of the armed forces into fields normally reserved for the police, creating the following situations:

- **A greater potential for human rights abuse.** The increase in direct contact between military personnel and the population opens the way for abuses to be committed. This is happening at a time when the general framework for legal and judicial protection of human rights continues to show serious deficiencies in combating impunity.
- **Growing autonomy for the armed forces without corresponding civilian controls over the military.** The quantity and nature of military prerogatives have increased, but civilian controls remain weak. This situation has proven to be harmful to the processes of democratic transition in Latin America.
- **Increased exposure to corruption within the armed forces.** The central role of the military in anti-narcotics efforts has exposed the institution to the corrupting forces of drug trafficking and poses one of the greatest risks faced by the military in its modern history. It is not a coincidence that the number of high-ranking officers arrested for links to drug trafficking, including division generals, has increased in recent years. Corruption in the armed forces could seriously undermine military discipline and the chain of command.
- **Lower troop morale.** Involving troops in a losing battle weakens their morale and negatively affects their professionalism.
- **Military intelligence against civilians.** When the military conducts domestic anti-drug surveillance and intelligence operations, it is placed in the position of having to spy on civilians and is forced to intervene in internal issues.
- **Diverts resources from much-needed police reform.** The military has received additional resources for anti-drug training, equipment and operations; such resources would be better spent on efforts to reform, train, and professionalize civilian police forces.

on Extrajudicial Executions, for example, called on the Mexican government to "achieve a demilitarization of society and avoid delegating to the armed forces the task of maintaining public order and fighting crime."[41]

Human rights groups were also concerned about General Macedo's commitment to ending impunity for human rights abuse. When General Macedo served as military attorney general from 1994 to 2000, the military justice system was severely criticized for maintaining a cloak of impunity over soldiers and officers who committed serious human rights violations. During his tenure in that post, his office received numerous credible denunciations of torture and other human rights violations committed by members of the military, many in the context of anti-narcotics efforts, yet there is no evidence that the allegations were seriously investigated or prosecuted. Instead, military authorities tended to deny that any abuse took place, they opened investigations without actually attempting to gather information from victims or witnesses, and they threatened victims into dropping charges. Requests for information about the progress of investigations and prosecutions were usually ignored or refused. The UN Special Rapporteur on Torture noted, "Military personnel appear to be immune from [sic] civilian justice and generally protected by military justice.[…] Neither the CNDH [National Human Rights Commission] nor the Military Prosecutor General informed the Special Rapporteur of any prosecution of named military personnel for torture."[42]

Military authorities tended to deny that any abuse took place, they opened investigations without actually attempting to gather information from victims or witnesses, and they threatened victims into dropping charges.

In a study of twenty-seven cases of human rights abuse by soldiers in the context of the drug war, only one of the twenty-five cases that occurred during General Macedo's tenure resulted in sanctions against the perpetrators. Nevertheless, light prison sentences were given to only a few of the twenty-seven soldiers and two officers who participated in a kidnapping and torture spree that resulted in an execution.[43]

The military justice system assumes jurisdiction for cases where military personnel are blamed for abuses against civilians, even though this is expressly prohibited in Article 13 of the Mexican Constitution. Human rights organizations have demanded that these cases be handled in civilian courts because the military courts generally permit protection and impunity for the accused.[44] The military justice system keeps cases of human rights violations out of the public eye, thereby contributing to impunity. In addition, Mexico's justice system is still hesitant to define its legal standing on cases of abuses committed by military personnel who have been transferred to police units, although a civilian tribunal ruled that the military is responsible for prosecuting soldiers serving in the PFP.

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In the past, increasing coordination between the military and the police through the state-level inter-institutional coordination groups led to reports of forced disappearances, torture, illegal detentions and extrajudicial executions. The Miguel Agustín Pro Juárez Human Rights Center (PRODH) reported that between 1996 and 1998 there were at least fourteen short-term forced disappearances presumably carried out by members of the Mexican army during counterinsurgency operations in Chiapas, Guerrero and Oaxaca states. Human rights groups denounced the disappearances of more than a hundred people in Sinaloa and Chihuahua states between January 1997 and March 1998 within the context of the war on drugs.[45] In the majority of cases, the victims detained by police or military officers were kept in secret custody for several weeks. PRODH registered fifty-nine cases of forced disappearances from 1996 to 1998; of those, twelve people were never seen again and two were found dead.[46] According to PRODH, no government investigation concluded with the identification, detention or trial of those responsible.

Perspectives for the future

President Fox has increased the role of the military in the fight against drugs and relegated civilians to a lower level of participation. The expected tendency for the future is continued militarization, despite the risks of corruption and human rights violations.

While the Mexican military has more than sixty years of experience participating in the war on drugs, an accelerated and massive militarization of all the agencies involved in anti-narcotics operations has taken place over the past fourteen years. Through actions carried out during his first two years in office, President Fox, backed materially and politically by the Bush administration, has increased the role of the military in the fight against drugs and relegated civilians to a lower level of participation. The expected tendency for the future is continued militarization, despite the risks of corruption and human rights violations. The level of professionalism within the military's ranks can also be expected to decline – some analysts have stated that the use of the military in the drug war affects its professionalism because it disrupts the chain of command and institutional allegiance, lowers technical military specialization, and creates an unhealthy relationship with the general population.[47]

Military transformations started during the PRI governments and continued under Vicente Fox have coincided with the legislature's weakness in establishing controls, balances and supervision mechanisms of defense and military policies.[48] Fox's national drug control plan for 2000 to 2006 was not debated in Congress and was only made public after the second year of his administration.[49]

Far from being a short-term solution, militarization seems to have taken on a permanent character, surviving as a policy from one administration to the next and systematically transferring military units, weapons, and logistical resources to the police forces. The policy of replacing civilians with soldiers has gone to the extreme under the Fox government. The military intelligence and anti-narcotics sections of the Defense Ministry, as well as the GAFEs, have taken over the work of investigating and arresting drug traffickers, a task formerly carried out by the Federal Judicial Police. The civilian anti-narcotics agencies have started cleaning house, but the cases of torture and death of suspects in the hands of AFI agents indicates that corruption and abuses are far from being eradicated.

The revision of anti-narcotics policies that are based on the extensive and intensive use of the military, as well as the direct support and intervention of U.S. police and military agencies, is one of the most urgent tasks in the process of democratic transformation in Mexico.

Both Mexican and U.S. anti-drug policies have impeded the construction of adequate and efficient mechanisms for the supervision, control and accountability of security forces participating in the anti-narcotics efforts. As a result, U.S. anti-drug policy in Mexico is actually weakening the architecture of democratic institutions and placing obstacles in the path towards democratic consolidation.

As long as police and military recipients of U.S. counternarcotics assistance are not subject to adequate mechanisms of civilian control and legislative oversight, it will be difficult for democracy to extend throughout Mexico – precisely one of the most important tasks for the Fox administration after ending the PRI's more than seven decades of single-party rule.

To review and modify anti-narcotics policies, the Fox government needs to transfer its spirit for democratic change to the security institutions. Without this change, Mexico will continue to be vulnerable with regard to the same U.S. counternarcotics policies that have caused so many problems for the democratization process throughout Latin America. The

United States also has a role: it must abandon its policy of pressuring countries like Mexico to use military resources for police tasks without regard to the damage this causes to protection of human rights and the democratic operability of institutions.

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Notes

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WOLA's "Drugs, Democracy and Human Rights" project

WOLA's "Drugs, Democracy and Human Rights" project, which began in 2001, examines the impact of the drug trade and U.S. international counternarcotics policy on human rights and the consolidation of democracy throughout Latin America and the Caribbean. Looking at both producer and transit countries, researchers from Argentina, Bolivia, Colombia, Ecuador, Mexico, Peru, Puerto Rico and Central America will document and analyze a number of themes, including:

- whether security forces receiving U.S. funding and/or training for counternarcotics activities are committing human rights abuses, and if so, how the perpetrators are called to account;
- whether the judiciary is effectively pursuing such cases, or if they are handled by military courts;
- the definition of the military's mandate, the relationship between military and police forces, and whether antidrug funding is empowering the military to expand into activities normally reserved for the police;
- the functioning of civilian institutions, including mechanisms for oversight of counternarcotics activities through legislation and congressional committees.

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