MILITARIZED TRANSFORMATION

Human Rights and Democratic Controls in a Context of Increasing Militarization in Mexico

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WOLA

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Preface, key findings, and recommendations

Preface

Mexico's federal government is increasingly militarizing civilian tasks within and outside the realm of public security. Previous presidents presented militarization as a temporary measure that would allow time to strengthen civilian institutions—though in practice, military deployment became the permanent model, largely at the expense of prioritizing other security and justice strategies and institutions. The current government, however, promotes a broad militarization of civilian tasks in the long term, including through the militarization of the National Guard.

The power and roles of the armed forces are growing without effective civilian controls over their actions. While the levels of serious human rights violations attributed to the military have fallen following the end of former president Felipe Calderón's term, such violations continue to occur.

More broadly, Mexico continues to experience historic levels of violence, and the vast majority of crimes go unpunished. Without minimizing positive reforms and steps forward, access to justice remains a fundamental challenge. In this context, it is crucial to improve criminal investigations and strengthen the capacities and accountability of the country's police institutions.

The military's growing list of civilian tasks is a trend that will not be easily reversed, but demilitarizing public security and consolidating civilian institutions is the necessary route to strengthen the rule of law. In the meantime, the government must install effective civilian controls over the armed forces.

As a contribution to the analysis of these issues, this report seeks to update and group together various indicators regarding the justice system and respect for fundamental rights by the security forces, with a focus on the armed forces and the National Guard, as well as the differentiated impacts and situations faced by women. In addition to official data published by the government, as well as data obtained directly by WOLA through public information requests, we draw extensively on various analyses of official data published in recent years by Mexican counterparts.

Key findings

- Data provided to WOLA show significant discrepancies between the number of military detentions reported directly by the armed forces (Ministry of Defense and Ministry of the Navy) and the number of military detentions reported by the Ministry of Security and Citizen Protection (*Secretaría de Seguridad y Protección Ciudadana*, SSPC) in the National Detention Registry (*Registro Nacional de Detenciones*, RND). The RND was created in 2019 to systematize information on detentions as quickly as possible and to prevent human rights violations against detainees.
  - In response to our information requests, **the Ministry of the Navy (*Secretaría de Marina*, Semar) stated that it did not have information regarding its participation in the RND, while the Ministry of Defense (*Secretaría de la Defensa Nacional*, Sedena) reported that it does not register its detentions in the RND.** This is despite the fact that the armed forces are legally required to register their detentions by the National Law on the Registry of Detentions, as confirmed by Mexico's Supreme Court (*Suprema Corte*

de Justicia de la Nación, SCJN) in January 2023. This is also an obligation assigned to them by a Presidential Agreement published in May 2020.

- ○ Sedena reported a total of 7,370 arrests *in flagrante delicto* in 2022, and Semar reported a total of 1,996. However, the SSPC, which operates the National Detention Registry, informed us that military personnel (Sedena and Semar combined) made only 2,066 arrests in 2022.
- ○ From February 1 to May 22, 2023, Sedena reported arresting 2,993 people. Based on the RND, the SSPC informed us that military personnel made only 427 arrests in the same period.
- ○ If the foregoing discrepancies are not due to limitations in access to or transmission of the information contained in the RND—a factor we cannot rule out—then they suggest that the majority of military detentions are either not recorded in the RND, or are recorded in a way that does not show that they were carried out by military personnel.

- In the case of the National Guard (*Guardia Nacional*), the SSPC informed us that the National Guard made 6,040 arrests in 2022 according to the RND. However, in its 2022 annual report, the National Guard mentions only 3,007 detained people delivered to the custody of other authorities. When asked by WOLA, the National Guard provided information on 1,037 arrests in 2022.

- According to data provided by the National Prosecutor's Office (*Fiscalía General de la República, FGR*), federal investigations opened in 2022 include:
    - ○ 17 torture investigations in which one or more members of Sedena are under investigation, nine in the case of Semar and 22 for the National Guard.
    - ○ 11 investigations for cruel, inhuman, or degrading treatment or punishment in which one or more members of Sedena are under investigation, five for Semar and 42 for the National Guard.
    - ○ At least 18 investigations for enforced disappearance in which one or more members of Sedena are under investigation, seven for Semar and three for the National Guard.

- **As reported in other investigations, Sedena's and Semar's responses to WOLA indicate that they do not produce the public reports on the use of force established in Article 35 of the National Law on the Use of Force.** That law, published in 2019, regulates the use of force by public security institutions, as well as by the armed forces when acting in policing tasks. The reports established in the law are an important source of information on the use of lethal force, among other data.

- Despite a reduction in the number and lethality of military-civilian confrontations, official data published by various sources show that **federal security forces' lethality index still exceeds expected levels,** which indicates a potentially excessive use of lethal force. In particular, data from Sedena (2022) and the National Guard (2021) indicate that at least three civilians are killed for every civilian wounded, whereas the expected outcome would be an equal or greater number of civilians wounded than killed. According to data provided to WOLA, Semar recorded a lethality index of 1.3 for 2022.

- Cases of arbitrary executions by federal security forces during the current administration show **the persistence of certain practices that obstruct access to truth and justice.** These include: alteration of crime scenes to present a false version of the facts; federal forces' offering financial compensation to the families of victims in exchange for their not seeking criminal punishment of the perpetrators; intimidation of family members; and parallel criminal investigations in civilian and military jurisdiction.

Recommendations

Civilian controls over the armed forces:

- Ensure that Sedena and Semar register the arrests they make in the National Detention Registry (RND), in compliance with the corresponding National Law.
- Ensure that Sedena and Semar comply with all legal obligations applicable to any other security force regarding safeguards against serious human rights violations. This includes transparency on the use of force as required by the National Law on the Use of Force.
- Create the Independent Observatory on the use of force by the National Guard ordered by the Inter-American Court of Human Rights.
- Modify the Code of Military Justice to clarify that the investigation of serious human rights violations committed by members of the armed forces, such as cases of arbitrary deprivation of life, corresponds solely to the civilian authorities.
- Ensure that the armed forces' and the National Guard's semi-annual and annual reports include all information required by the Constitution and applicable secondary laws.

Security, justice, and human rights in general:

- Strengthen the capacities, accountability, and practices of local and state police institutions. This should include the creation and/or strengthening of internal and external controls.
- Strengthen the capacities, accountability, and investigative practices of prosecutors' offices, including the effective implementation of criminal prosecution plans that prioritize criminal phenomena that drive violence.
- Prioritize attention, prevention, investigation, and punishment of violence against women, several forms of which currently show increases.
- Advance in the full implementation of the General Laws against disappearance and torture.

Priority actions to move toward a fully civilian security model as soon as possible:

- Advance in, and monitor the evolution of, state-level programs to improve the work of state and municipal police forces. These should be analyzed using indicators of the conditions and concrete results of the institutions.
- Demilitarize the National Guard, guaranteeing that it is genuinely under the control of the civilian authority and ensuring that its training, composition, and practices are those of a civilian police force. A necessary, although insufficient, step to achieve this is full compliance with the April 2023 Supreme Court decision that struck down the transfer of control of the National Guard to Sedena.

The international community cooperating with Mexico in these areas should reinforce its support for objectives such as those outlined above (not intended as an exhaustive list), in order to support the demilitarization of public security and the consolidation of civilian institutions capable of responding to violence and crime in Mexico. In addition, **the United States in particular should**:

- Prioritize domestic and foreign policy advances in the areas that would have the greatest positive impact on the security situation in Mexico, namely: leaving behind the so-called "war on drugs" model; significantly reducing the widespread availability of firearms in the United States that are

trafficked to Mexico; and ending measures that seek to externalize border control into Mexico, which place migrants at risk.

- Ensure that its collaboration, assistance, and communication with Mexican government agencies do not reinforce the prolongation of military participation in civilian tasks in Mexico.
- Ensure that U.S. cooperation continues and deepens its focus on strengthening the rule of law through civilian institutions. In terms of police forces in particular, professionalization and accountability remain key areas for support, including creating and/or strengthening internal and external control mechanisms.
- In light of public debate and some legislative proposals in the United States in recent months that seek to authorize military action against criminal groups in Mexico, it is imperative that the United States avoid any such actions. Proposals to address an overdose crisis in the United States with military action, or in general through the use of force and the reinforcement of the war on drugs, are counterproductive and would endanger the rights of the population.

Introduction

In recent decades, successive federal governments in Mexico have deployed the armed forces—that is, members of the Ministry of Defense (*Secretaría de la Defensa Nacional*, Sedena) and Ministry of the Navy (*Secretaría de Marina*, Semar)—to perform internal policing tasks, in particular in response to organized crime. Today, the prominence of the armed forces in domestic tasks has expanded both within and beyond the realm of public security.

Throughout recent Mexican administrations, a range of non-governmental organizations, academic programs, researchers, and journalists in Mexico have carried out detailed investigations of the impacts of militarization. Likewise, members of civil society have represented victims of human rights violations committed in the context of militarization, and they continue documenting and litigating such cases today. WOLA has closely monitored the effects of militarization of policing tasks in Mexico for decades, in particular during the governments of presidents [Ernesto Zedillo, Vicente Fox](#), [Felipe Calderón](#), [Enrique Peña Nieto](#), and [Andrés Manuel López Obrador](#). Other international organizations and researchers have also analyzed the evolution of militarization in Mexico.

The evidence available today confirms that indefinite military deployment, as a central pillar of the strategy against violence and criminality, is neither appropriate nor sufficient to consolidate security and the rule of law. Even in its own terms, there was no reason to think that militarization would be capable of achieving such results, especially over the medium and long terms. This is because violence and crime are enabled not only by the types of weapons and violent tactics used by various criminal organizations, but also by impunity (resulting in large part from the lack of satisfactory results in criminal investigations); the relationships between criminal actors and authorities of different levels; and the plethora of forms that violence and criminality take beyond the well-known example of armed attacks by criminal groups.

Municipal and state-level police are tasked with responding to the daily security situation in their respective towns and states, and investigations into the majority of crimes committed in Mexico fall under the purview of the state-level public prosecutors' offices. There is thus a clear need to consolidate trustworthy, capable civilian security and justice institutions at these levels. While the period of military deployment has witnessed important reforms in the criminal justice system—among them, the notable transition to an [adversarial system](#) that is today in force throughout the country—the focus on militarization has also reduced the priority placed on improving the performance of state and municipal civilian institutions.

The increase in militarization that began under the Felipe Calderón administration also generated a dramatic increase in [human rights violations](#), such as illegal detention, torture, arbitrary execution, and enforced disappearance, without appropriate accountability for the majority of these crimes. Serious human rights violations reached truly extreme levels during Calderón's term in office; today, the absolute numbers of such violations have dropped. Nonetheless, various patterns of behavior by the armed forces make clear that the underlying problems documented in previous years have not been resolved and that existing institutional mechanisms are insufficient to prevent human rights violations from reoccurring at a larger scale.

More broadly, the armed forces are currently operating without effective civilian controls. Various examples cited in this report demonstrate that the armed forces resist complying with legal obligations and are not fully transparent about their activities. In light of the heightened risk of human rights violations entailed by the military's participation in policing tasks, it is essential that Mexico's government install and strengthen civilian controls over the actions of the armed forces for the duration of military deployment.

Today, militarization is a priority in the federal government's agenda, expressed in both political and budgetary terms. This agenda includes deepening the military identity of the National Guard (the security force that has replaced Mexico's civilian federal police). Far from showing any sign of progress toward the necessary demilitarization of police work, this process lays the groundwork for the permanent deployment of military forces in policing tasks.

President López Obrador has also expanded the roles of the armed forces beyond the security sphere, using them to implement various of his administration's flagship projects. This has meant granting ever more powers to the military in areas other than national defense, a trend that will be difficult to reverse in the short term. In this context, we observe with concern that power and resources are being concentrated in institutions known for their lack of transparency, without strong external controls, in tasks that have traditionally fostered corrupt practices.

Lastly, as military roles expand, the president has also taken actions aimed at weakening and/or discrediting the work of certain civilian institutions that serve as checks and balances on the executive branch. In the sphere of criminal justice and human rights in particular, the president and members of his cabinet have sought to transmit to the public the message that the judicial branch is the institutional actor responsible for impunity in the country. In reality, the overwhelming majority of crimes are never brought before a judge. It goes without saying that a governmental discourse that attacks due process and projects a distorted assessment of the justice system does not contribute to improving the quality of criminal investigations or the administration of justice.

In light of all of the foregoing, it is more essential than ever that Mexico's government overcome false dichotomies—for example, that militarization without adequate controls is the only alternative for addressing violence, or that the way to reduce impunity is to violate due process—and employ an evidence-based approach to design policies that will yield the best results for security, the rule of law, and democracy over the short, medium, and long terms. In this process, Mexico's civil society has long played an essential role, providing analysis and driving policy proposals. In the near future in Mexico, regardless of which candidates and political parties are elected in 2024, it will be crucial for incoming governments' assessments, proposals, and strategies in these areas to draw on available empirical evidence.

As a contribution to the ongoing analysis and discussion of these topics, we have drafted the present report to update and group together various indicators regarding the justice system and respect for fundamental rights by Mexico's security forces, with a focus on the armed forces and the National Guard. In particular, we present data on the differential impacts and situations faced by women. In addition to official data published by the government, as well as data obtained directly by WOLA through public

information requests, we draw extensively on various analyses of official data published in recent years by Mexican counterparts.

Current context in Mexico

Background: militarization of policing tasks, 2006-2018

When he took office in December 2006, Felipe Calderón declared a war against crime without "ceasefire or mercy." Although military participation in policing and anti-drug tasks in Mexico was not new, the Calderón presidency ushered in the military's current, central role in the anti-crime strategy. Starting that year, the government deployed a series of militarized security operations, leading to thousands of armed clashes between military personnel and civilians and tens of thousands of military detentions. In parallel, authorities implemented a strategy of pursuing crime kingpins with an eye to decapitating organized criminal groups. The U.S. government supported these strategies through the initial phase of the Merida Initiative.

Calderón also oversaw reforms to police institutions, asserting that his long-term goal was for civilian authorities to take over public security tasks. Nonetheless, those reforms did not translate into the changes needed to guarantee police effectiveness and accountability. In the end, militarization continued throughout the Calderón administration. President Enrique Peña Nieto would repeat, with some variations, the same cycle during his administration (2012-2018): having announced the establishment of a new federal force, the Gendarmerie, he ended up maintaining military deployment.

Militarization during the López Obrador administration

Prior to becoming president, López Obrador stated in 2012 that his public security plan would entail removing the military from the streets and leaving a professionalized federal police force in charge. In 2016, he severely criticized the war-on-crime security model, declaring that coercive and militarized measures "don't solve anything." He reiterated in his successful 2018 campaign that he would redesign the country's anti-violence strategy.

As president, López Obrador has implemented social programs aimed at addressing various root causes of insecurity. When presenting the actions carried out under the National Public Security Strategy in April 2023, the López Obrador administration asserted:

> [D]uring these four years, we have strengthened institutional infrastructure so as to provide options for work, study, social protection, and territorial development, to enable people to join the process of rebuilding peace and preventing the crime and structural violence that impacted the country during the neoliberal period.

Likewise, the government highlights inter-institutional coordination as a central element of its security strategy, such as through the state and regional coordination working groups that bring together security and justice institutions from the three levels of government.

Nevertheless, López Obrador has deepened the militarized security model in unprecedented ways. In prior administrations, the armed forces had unsuccessfully sought a regulatory framework to provide the legal underpinnings for their deployment in policing tasks. These efforts culminated in the publication in December 2017 of an Internal Security Law that was invalidated in its entirety in 2018 by Mexico's Supreme Court (*Suprema Corte de Justicia de la Nación,* SCJN) for seeking to "normalize the use of the armed forces in matters of public security, which runs contrary to the constitutional and conventional order." By contrast, López Obrador successfully promoted a March 2019 constitutional reform whose Transitory Article Five established the presidential power to use the armed forces in policing tasks through 2024.

The summary of this process offered by the Minister of Defense, General Luis Cresencio Sandoval, illustrates how the armed forces' proposals found support in the current federal administration:

> [Prior administrations] did not provide us with what Generals Galván and Cienfuegos always requested.
>
> It happened easily with this administration, because the president understood perfectly our need to ensure we were not at risk, and obviously to have the legal power to act.
>
> Furthermore, we achieved this with a very simple thing, not a law but rather a transitory article that gives us legal support. With one, two, or three lines, which is the length of that transitory article, we achieved what we hadn't been able to for so many years.
>
> [...]
>
> In this case, it was important that we provided the president with objective information on the actions of the armed forces, enabling him to understand better who we are and our institutional loyalty; in this manner, in less than two months he established that we are a fundamental pillar of his government and of the Mexican State...

In 2020, López Obrador published a Presidential Agreement that formally ordered the participation of the armed forces in public security tasks. Despite legal challenges by various actors, as of this writing, the SCJN has confirmed the president's authority to publish the Agreement, citing Transitory Article Five of the 2019 constitutional reform. In 2022, the power of the president to deploy the armed forces in police duties was extended until 2028 through another constitutional reform.

Furthermore, the March 2019 constitutional reform and subsequent approval of the National Guard Law two months later created the National Guard as a new federal security force to replace the now-defunct Federal Police. Although Article 21 of the Constitution stipulates that the National Guard is "a civilian police institution" within the Ministry of Security and Citizen Protection (*Secretaría de Seguridad y Protección Ciudadana,* SSPC), in practice it is a force whose training, command structure, territorial deployment in barracks, and institutional identity are fundamentally military in nature. Official documents published in the media reveal that Sedena assumed operational coordination of the National Guard in October 2020.

To formalize and deepen the National Guard's identity as an armed force, in September 2022 Congress approved López Obrador's proposal to reform the National Guard Law to grant operational and administrative control of the National Guard to Sedena. We note that this reform was one of the changes foreseen by Sedena in a broader blueprint for the institution's internal restructuring, which became public in 2021.

In April 2023, the SCJN invalidated the National Guard Law reform for contradicting the Constitution, which establishes the National Guard as a civilian force. However, the SCJN gave the administration until January 2024 to comply with its ruling. Even if the government does comply by 2024, presumably the National Guard will continue to operate under Sedena's *de facto* coordination.

According to an analysis of the National Guard based on official data, published by the Citizen Security Program of the Mexico City campus of the Ibero-American University (*Programa de Seguridad Ciudadana*, PSC), by early 2023, out of an operational force of 128,233 individuals, an estimated 14% were from the former Federal Police, compared with 38% from Sedena and Semar, in addition to 48% who were military police. "In short, 86% of the National Guard is of military origin[.]" The PSC added:

> Military culture and training in the National Guard also extend to its leadership: the entire Guard leadership is of military origin and the training of sergeants in the Guard to date has been limited to army veterans.

For its part, in its 2022 Annual Report, the National Guard reported a deployment of 106,155 people "from 471 Ministry of Defense and National Guard facilities, 253 of which are new barracks that have been built in the present administration." The National Guard describes its activities in the field in the following terms:

> The National Guard's deployment enables it to operate with a strategy of social proximity in the country's communities under the National Model for Police and Civic Justice, which aims to prevent crimes and strengthen criminal investigations, decrease crime rates, and increase the trust of the citizenry.

However, as the PSC analysis points out:

> While the National Guard carries out "social proximity actions"... this should not be confused with a police proximity model; the Guard is a force deployed from military bases with a high degree of rotation of leadership and personnel in the various regions, such that it does not comply with the most basic standards of such a model.

Currently, deployment of military and militarized forces remains at historic levels. The First Biannual Report of the Armed Forces in Public Security Tasks, presented by the armed forces and the SSPC in May 2023, reports a deployment of 79,399 "military troops distributed throughout the country in public security duties," 59,217 of whom belong to the army and 20,182 to the navy. Taking into account the deployment of federal forces in other tasks as well, according to the federal government's monthly security report covering May 30-June 12, 2023, deployment totaled 109,281 National Guard troops and 145,995 members of the armed forces: a combined total of 255,276.

The current government's strategy of territorial deployment departs from some aspects of prior strategies. In particular, in contrast to the warlike model that characterized the Calderón administration, López Obrador has emphasized that his strategy is not based primarily on armed confrontation, and that his instructions are to avoid serious human rights violations, such as extrajudicial executions. In comparison with the Calderón administration, the number and lethality of clashes between military troops and civilians have indeed decreased. Even so (as shall be seen below), during the first four years of the current six-year presidential term, federal forces' lethality rates have been several times higher than the expected level.

Militarization of police duties also occurs through the designation of military leadership in state- and local-level public security institutions, a pattern documented since before the current administration. López Obrador has publicly recommended to governors that they consult with Sedena and Semar prior to designating the heads of state public security institutions, "to ensure that the people appointed are honest, trustworthy, honest, I repeat, incorruptible." According to the 2022 National State Public Security Census, in 2021, 13.4% of the heads of state public security institutions had come from Sedena and 10.1% from Semar. That is, approximately one-quarter of such officials had come from the armed forces.

López Obrador's government has assigned a growing list of other civilian tasks to the armed forces through a series of administrative and legislative measures. These tasks include the construction of megaprojects and/or the administration of businesses in charge of such projects; notable examples include the Mayan Train, the Interoceanic Corridor, and various airports, with plans for a military airline in the near future. The armed forces also control ports and customs. The foregoing is in addition to the continuation and expansion of other duties assigned to the armed forces in prior administrations, notably migration enforcement tasks.

The armed forces' participation in the above-mentioned activities, together with their expanded role in public security, significantly increases the budget controlled by the military.

In short, not only do Sedena and Semar currently perform policing tasks, but López Obrador has also turned to these institutions to implement key aspects of his policy agenda generally. By empowering the armed forces politically and economically, the government has created institutional incentives for them to continue playing the roles they have assumed.

Espionage and attempts to discredit the work of human rights defenders who document military abuses

The federal government has recognized some concrete cases of excessive use of force by the armed forces during the current administration, indicating that it will not tolerate or cover up human rights violations. Nonetheless, the president also seeks to discredit the information and work of human rights defenders and organizations that document military abuses and/or criticize the militarization of civilian tasks.

López Obrador tends to [claim](#) categorically that under his government, "there have been no massacres, no one is tortured, the State does not violate human rights." In October 2022, the Inter-American Commission on Human Rights (IACHR) held a [public hearing](#) on the militarization of security in Mexico. In response to data presented by the civil society organizations in the hearing, the government told them, without basis in reality, that under prior administrations, "you kept silent, like accomplices" in the face of the militarization, and that under the López Obrador administration, "human rights are not violated and no military force commits barbaric acts like torture, massacres, or executions." The government, in the president's name, [told](#) the participating organizations to "stop lying."

In April 2023, it was [revealed](#) that during the second half of 2022, Pegasus malware had once again been used to hack into the phones of members of Center Prodh (a human rights organization that had been targeted by this type of [espionage](#) during the Peña Nieto administration). The new examples of spying on Center Prodh are the latest in a [series](#) of [cases](#) of human rights defenders and journalists who have been spied on using Pegasus during the current government, where a common feature shared by the victims is that they investigate, document, or publish information on human rights violations committed by members of the armed forces. Spying cases reported in recent months [include](#) even the use of Pegasus to infect the phone of the current administration's undersecretary for human rights, Alejandro Encinas.

Official documents and other available data indicate that [Sedena](#) is the [only](#) agency that currently operates Pegasus in Mexico. According to an [investigation](#) by *The New York Times,* military documents that reference the espionage against one human rights defender identify the victim's work as an activity meant to "discredit the armed forces."

Despite the evidence of military spying, López Obrador has denied that the armed forces spy on activists, [declaring](#) simply, "the Ministry of Defense and the Ministry of the Navy, as well as the government of the Republic, respect human rights and do not conduct espionage." With regard to the use of Pegasus against the human rights undersecretary, López Obrador [stated](#), "there is no need to place any importance on it," denying once again any spying by the military. Recalling that the criminal [investigations](#) open in the National Prosecutor's Office (*Fiscalía General de la República*, FGR) have not been effective in resolving the espionage cases, we can conclude that the State has not taken sufficient measures to end this practice.

Attacks on democratic controls: the case of the judicial branch

The empowerment of the armed forces contrasts with actions taken by the current government aimed at [reducing](#) the autonomy and power of various civilian institutions, in particular those that serve as checks on the federal executive branch. Within the realm of criminal justice and human rights, we highlight with particular concern the current administration's continuous [attacks](#) on the judicial branch.

The [president](#) and other officials have [reacted](#) to adverse judicial rulings by [exhibiting](#), [blaming](#), and [announcing](#) [criminal](#) complaints against judges. Beyond concrete cases, the federal government has attacked the judicial branch as a whole for freeing detained people, seeking to [communicate](#) to the

population that judicial authorities are the ones responsible for impunity in the country, even though the data show this to be a distorted assessment.

We recall that judicial authorities have the legal duty to release people who have been arbitrarily detained or against whom there is insufficient evidence to open a judicial proceeding. Only in this way can there be a counterweight to public prosecutors' offices and security institutions—including the armed forces—to seek to ensure that crimes are duly investigated and those responsible correctly identified through cases built on evidence. In a country with endemic failures in criminal investigations and a long history of falsification of the circumstances of arrests (linked to practices of torture and the fabrication of false accusations), strengthening this counterweight remains a crucial task.

Despite the foregoing, López Obrador has publicly posited a false dilemma between due process and "justice": for example, in August 2022, he equated due process guarantees with legal "technicalities" and objected to such guarantees being invoked "as a pretext to free people left and right." He added:

> What, shouldn't a judge, regardless of what is strictly legal, seek to impart justice? Or is it just that the document is wrong, the investigation was not well put together, and the arrest was not at 10:00 a.m., but at 11:00 a.m., and with that I have an excuse to release someone?

As we set out below, impunity in Mexico mainly occurs before cases are ever brought before a judge, and the actions of the judicial branch are a far cry from releasing detainees "left and right." Even so, the president constantly blames judges for impunity, as well as maintaining that practically the entire judicial branch is corrupt. Without a doubt, identifying, preventing, and sanctioning corrupt practices in the judicial branch are valid and necessary lines of action to strengthen the rule of law, as are identifying and combating acts of corruption in other security and justice institutions. However, we note that López Obrador's discourse stigmatizing and questioning the judicial branch worsens precisely in reaction to judicial rulings adverse to his agenda, such as the SCJN's invalidation of the transfer of control of the National Guard to Sedena.

While developing this report, we monitored the president's morning press conferences from April through June 2023, finding dozens of attacks against judicial authorities just in that time period; the quotes that appear below provide a few illustrative examples. This environment prompts concerns as to the impact of the government's discourse on the freedom that judicial authorities feel to apply the law without fear of reprisals, as well as on the population's own recognition of the importance of an independent judicial branch as a fundamental element of a democracy.

Examples of President López Obrador's Remarks on Judicial Authorities during Morning Press Conferences, April–June 2023

- "It's a fact, it can be proven that the judicial branch, virtually in its entirety, top to bottom, is rotten, that it only serves the powerful and criminals, that it doesn't serve justice to benefit the people; consequently, it has to be renewed." May 17, 2023
- "I maintain that the judicial branch is rotten, it's gone down the drain. Likely there are exceptions, and they are honorable exceptions, but that's what they are, exceptions, not the general rule...
  [...]
  [A] rapist or a drug trafficker is let out, and people say: 'The government.' No, no, it's a judge from the judicial branch. And now that the president of the judicial branch, the president of the Supreme Court, the first thing she declared was: 'Judges are autonomous,' she empowered them with that argument." May 25, 2023
- "Unfortunately, many judges, not all of them, but indeed a considerable majority, as well as magistrates and justices, don't act with integrity and honesty." June 20, 2023
- "And in addition, I consider it an invasion, interference with the legislative branch, [the Supreme Court] thinks it's going to correct the legislative branch, acting as the supreme conservative branch, no? In defense of the conservative minority." June 22, 2023
- "[T]hey're like a supreme conservative branch now, representing Mexico's mafia of power, they have nothing to do with the people, they don't defend the people, they don't give justice to the people, they're here to defend the oligarchy." June 29, 2023

Security and justice in Mexico: some general indicators

Organized criminal groups are one of the most well-known and significant sources of violence in Mexico (and have been a principal factor cited to justify the deployment of the armed forces in policing tasks). Organized crime uses violence as a tool to exercise control over territories, markets, and/or illegal and legal activities, as well as to directly generate earnings. Thus, in addition to being responsible for a significant percentage of the homicides recorded nationally, criminal groups of various sizes engage in extortion, kidnapping (including a lucrative migrant-kidnapping industry), human trafficking, and other crimes against the population.

A decade and a half after the intensification of the militarized war against drugs and the so-called "kingpin strategy" of seeking to decapitate criminal organizations, today criminal groups have fragmented and have diversified their activities, phenomena associated with higher rates of violence at the local level. As several analyses have pointed out, the operational power of organized crime is due in part to relations of impunity, tolerance, or collusion with authorities at various levels.

At the same time, organized crime is far from the only face of violence in Mexico. Violence and criminality include a broad range of acts, from common robberies to gender-based violence committed in various spheres. Impunity reigns for the majority of crimes.

As such, significantly improving access to security and justice requires transforming factors that go from a lack of institutional capacity, to the low rate of case resolution through criminal investigations, to corruption. This requires the consolidation of effective institutions, not only at the federal level, but at the state and local levels.

In light of the foregoing, analyzing the impacts of militarization requires evaluating not only the actions of military personnel, but also how militarization has influenced the State's investment of political and economic resources in military institutions, as compared with the priority placed on other strategies and institutions.

Below, we present some very general indicators on violence, criminal investigations, and impunity in Mexico, to keep in mind as context for the present analysis.

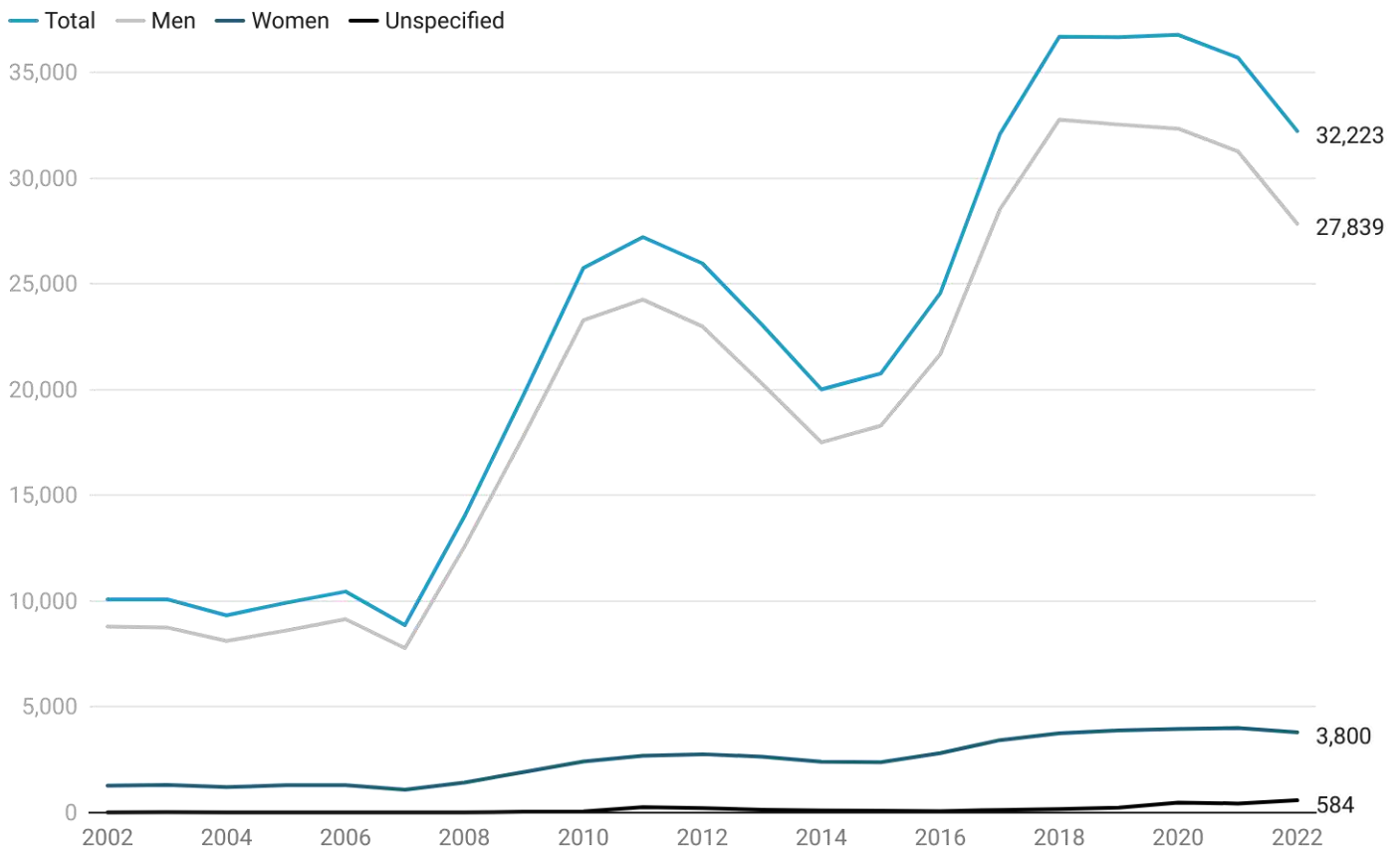## Evolution of some forms of violence in recent years

Mexico continues to experience historic levels of violence. According to official statistics, some forms of violence appear to be stabilizing or decreasing; even so, they remain at unprecedented levels. At the same time, several forms of violence against women show increases.

HOMICIDE

Throughout the last three administrations—that is, during the period of increased military deployment that began under Calderón's government—homicides have more than tripled, according to statistics from the National Institute of Statistics and Geography (*Instituto Nacional de Estadística y Geografía,* INEGI). Currently, these statistics show a downward trend in the overall number of homicides recorded each year.

However, while homicides of men have decreased since the total recorded in 2019, annual homicides of women (a universe that includes both femicides and other homicides of women) have increased almost continuously, surpassing 3,000 in 2017 and 4,000 in 2021.

Deaths by Homicide of Men and Women, 2002-2022, According to INEGI Data*

— Total — Men — Women — Unspecified

Total 2022: 32,223
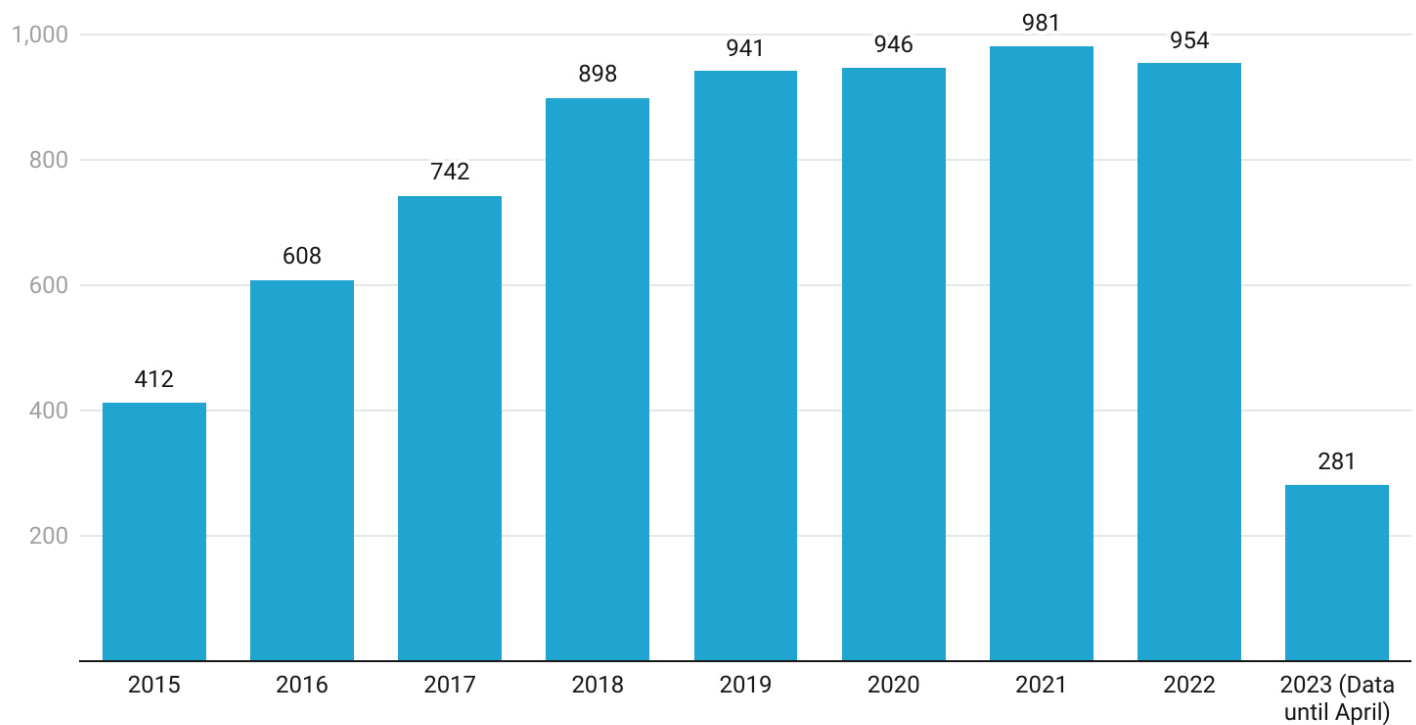Men 2022: 27,839
Women 2022: 3,800
Unspecified 2022: 584

*"Preliminary figures (January to December 2022), with a cutoff date of July 17, 2023, due to the fact that the recorded death statistics are still being generated."

Source: INEGI • Created with Datawrapper

FEMICIDE

The statistics of female homicides include femicides—that is, murders of women for gender-based reasons. According to data from the Executive Secretariat of the National Public Security System (*Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública*, SESNSP) current through April 2023, annual femicide case levels have fluctuated between approximately 900 to 1,000 during the last five years. The number of femicides recorded depends on how the authorities classify each death being investigated; as such, other femicides may exist but be classified in the statistics as female homicides.

Presumed Femicides, 2015-April 2023, According to SESNSP Data

Year	Value
2015	412
2016	608
2017	742
2018	898
2019	941
2020	946
2021	981
2022	954
2023 (Data until April)	281

Source: SESNSP • Created with Datawrapper

DISAPPEARANCES
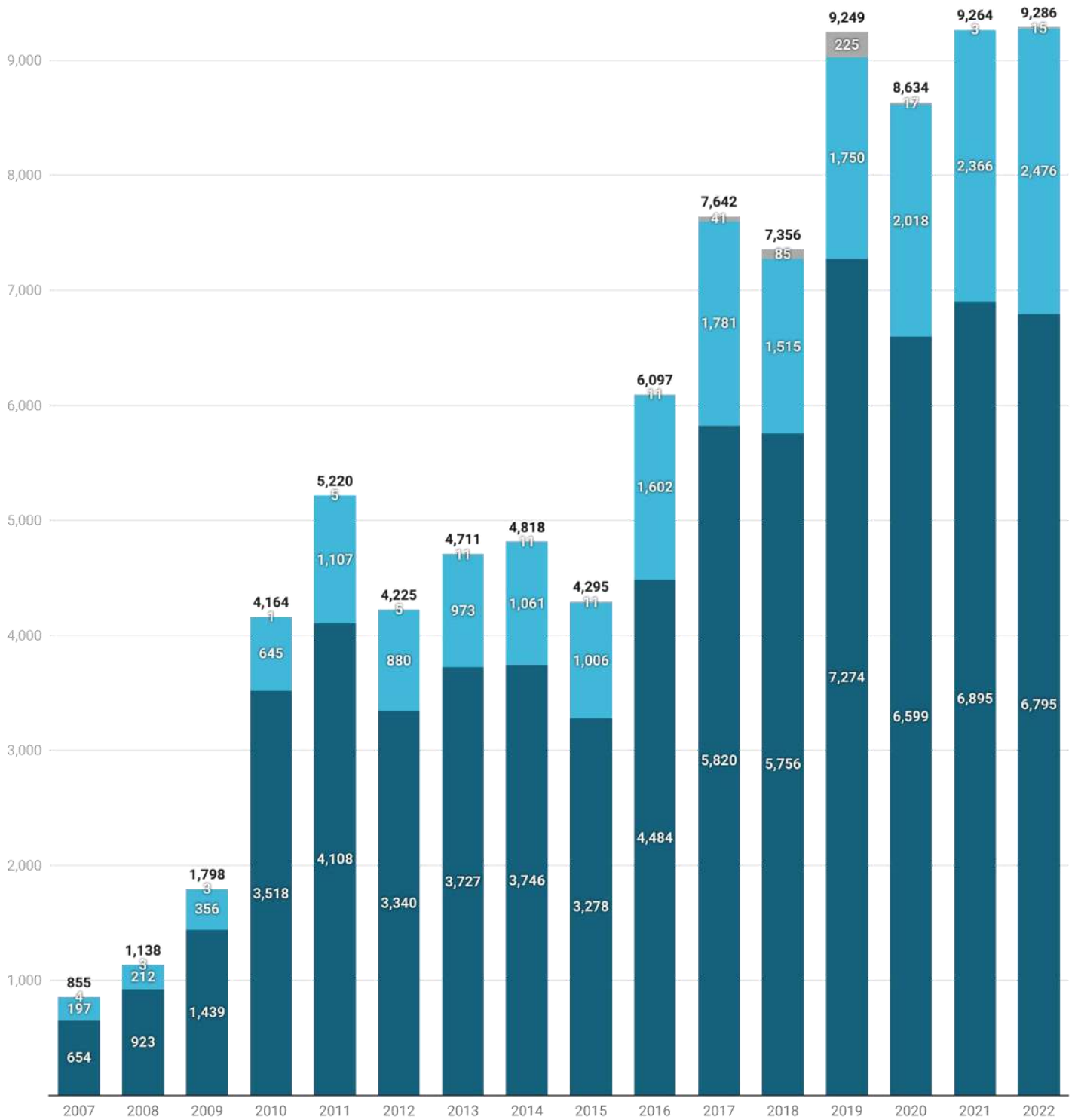
According to the National Registry of Disappeared and Missing Persons (*Registro Nacional de Personas Desaparecidas y No Localizadas*, RNPDNO), consulted in July 2023, there are approximately 111,000 disappeared and missing people in Mexico. Approximately one-quarter of them are women. However, girls and adolescent women constitute the majority of victims under the age of 18.

More than 85% of the cases included in the RNPDNO occurred after 2007, with increases throughout the last three administrations. Almost 40% of all cases recorded have occurred since 2019. (As the RNPDNO itself indicates, it was also during this period that the government consolidated the current methodology for recording disappearances.)

Disappearances of women have continued to rise in recent years, surpassing 2,000 annually since 2020.

Disappeared and Missing People 2007-2022, According to RNPDNO, Consulted in July 2023

■ Men   ■ Women   ■ Unspecified

Year	Men	Women	Unspecified	Total
2007	654	197	4	855
2008	923	212	3	1,138
2009	1,439	356	3	1,798
2010	3,518	645	1	4,164
2011	4,108	1,107	5	5,220
2012	3,340	880	5	4,225
2013	3,727	973	11	4,711
2014	3,746	1,061	11	4,818
2015	3,278	1,006	11	4,295
2016	4,484	1,602	11	6,097
2017	5,820	1,781	41	7,642
2018	5,756	1,515	85	7,356
2019	7,274	1,750	225	9,249
2020	6,599	2,018	17	8,634
2021	6,895	2,366	3	9,264
2022	6,795	2,476	15	9,286

Source: RNPDNO · Created with Datawrapper

We note with concern that reports of several other types of violence against women are also rising. According to SESNSP [data](#), reports of rape—a crime that disproportionately affects women—have been increasing in recent years, reaching 23,099 in 2022 (recalling that it is an [under-reported](#) crime). Also concerning are the levels of domestic violence [reported](#) by the SESNSP, which show uninterrupted growth in recent years, reaching a total of 270,544 in 2022. In this context, providing security and justice requires preventing, addressing, and investigating diverse types of violent crime, including those that affect women on a daily basis.

General state of access to justice

A principal factor behind crime in Mexico is impunity. That has been the case throughout successive Mexican administrations, highlighting the need to redouble efforts to significantly improve criminal investigations.

CRIMINAL COMPLAINTS AND RESULTS REPORTED BY THE POPULATION

The 2022 National Survey of Victimization and Perceptions of Public Security (*Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública*, [ENVIPE](#)), covering 2021, found that only 10.1% of crimes committed against the population were reported to authorities. Reasons for not reporting included a belief that it would be a waste of time and distrust in the authorities. Prosecutors' offices opened investigations into 67.3% of the crimes reported in 2021. In 50.8% of those investigations, the survey respondents indicated that "nothing" happened with the investigation, while 26.6% were reported as being "in progress."

According to the data reported to INEGI, the cases "resulting in the recovery of assets, the presentation of an accused person before a judge, pardon, or reparations represent 1.1% of all crimes." That is, the population reports a level of impunity of approximately 99%.

Criminal Complaints and Results of Investigations, According to ENVIPE 2022
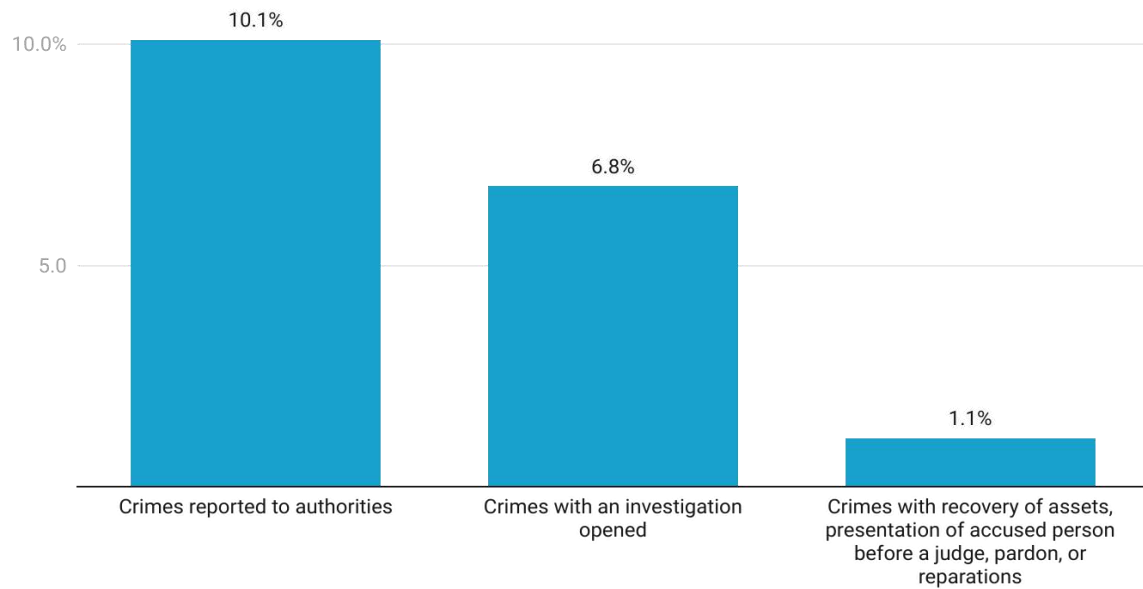
Source: ENVIPE 2022 · Created with Datawrapper

The percentage of cases that resulted in one of the measures of justice monitored by INEGI has remained relatively stable in recent years, according to successive editions of the ENVIPE, with a slight negative tendency in 2020 and 2021.

Percentage of Crimes Committed Against the Population Resulting in the Recovery of Assets, Presentation of Accused Person Before a Judge, Pardon, or Reparations According to ENVIPE
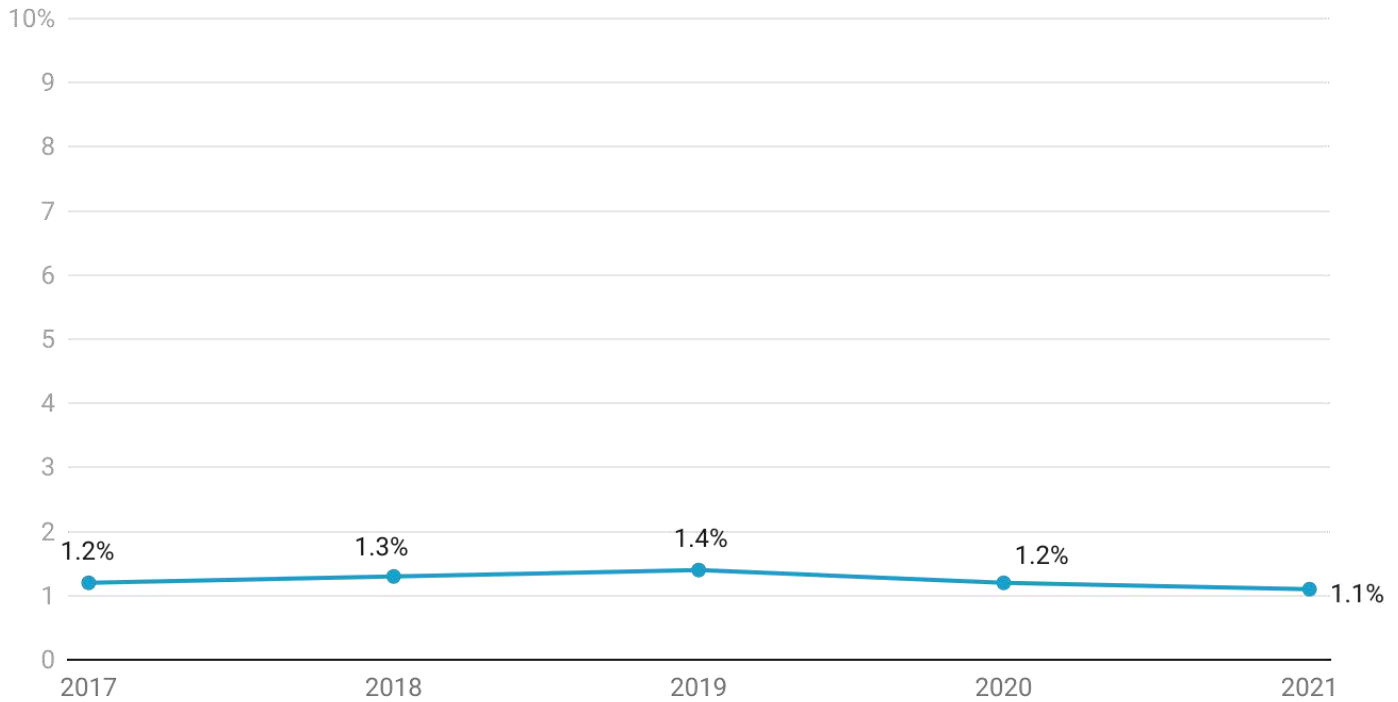
MAPPING IMPUNITY IN THE JUSTICE SYSTEM

In addition to investigations opened in response to criminal complaints by the public, prosecutors' offices also open investigations on their own when they become aware of the possible commission of crimes. Taking into account both types of investigations, according to the 2022 Federal and State Investigation and Prosecution Census, 2,059,798 investigations were opened in Mexico in 2021, of which 1,982,161 (96.2%) were opened by state-level prosecutors' offices and 77,637 (3.8%) by the FGR.

For the same year (2021), the 2022 National Census of the Administration of State Justice reports 221,789 criminal cases opened in the state-level judicial system, while the 2022 National Census of the Administration of Federal Justice reports 16,625 federal criminal cases opened.

Investigations Opened by Prosecutors and Criminal Proceedings Brought Before Judicial Authorities in 2021, According to INEGI Data

■ State ■ Federal

Investigations opened by prosecutors:
- 2,059,798
  - 77,637 (Federal)
  - 1,982,161 (State)

Proceedings brought before judicial authorities:
- 238,414
  - 16,625 (Federal)
  - 221,789 (State)
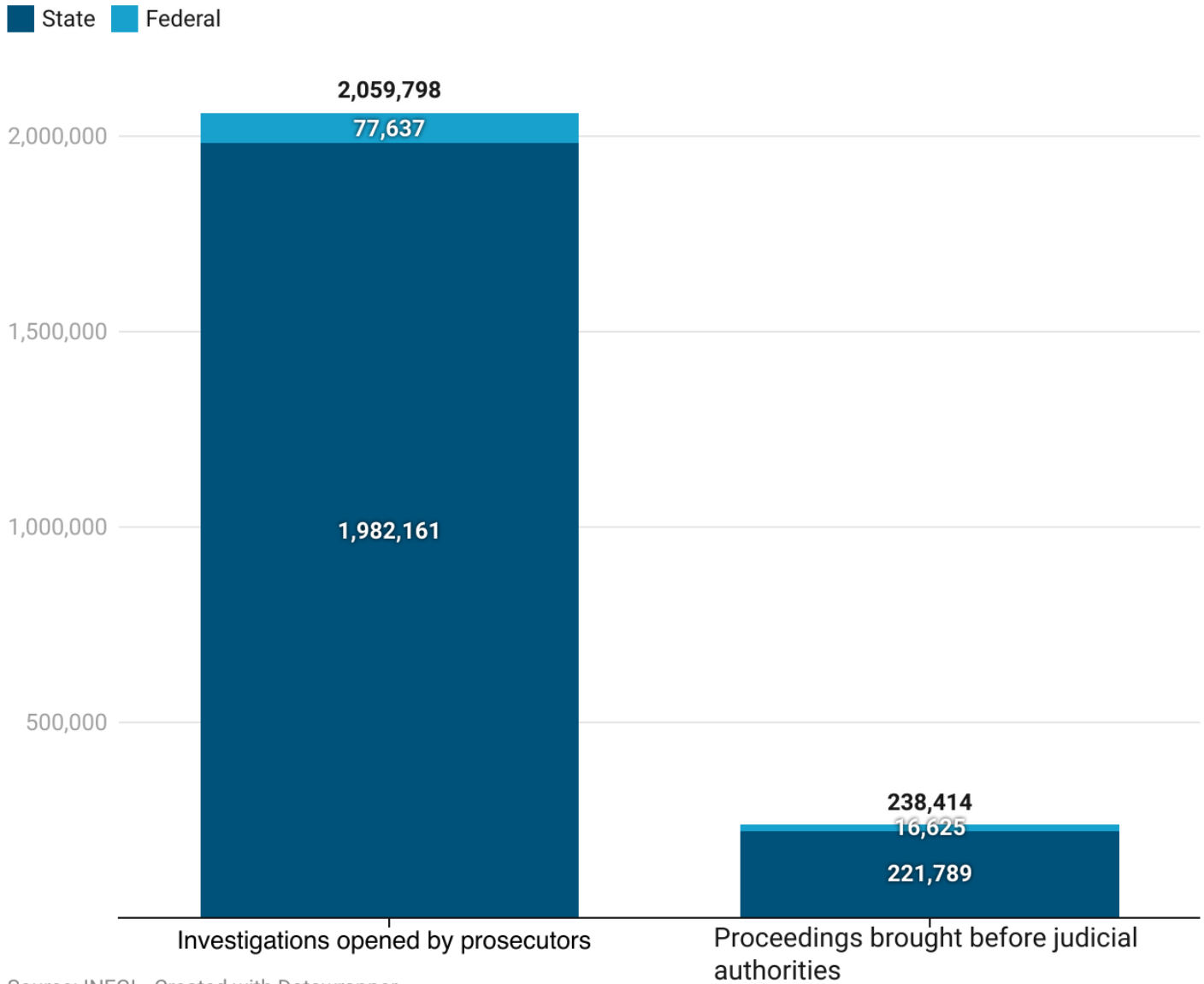
As can be seen by comparing the number of investigations with the number of criminal cases opened in the judicial system, prosecutors' offices do not present charges before judicial authorities in the majority of their cases. Certainly, the goal of the criminal justice system is not that all cases must be solved through litigation in courts. However, the limited number of cases brought before judges is not primarily due to the use of alternative reparations mechanisms by prosecutors, but rather to the fact that most investigations simply remain pending or are closed without being brought to court.
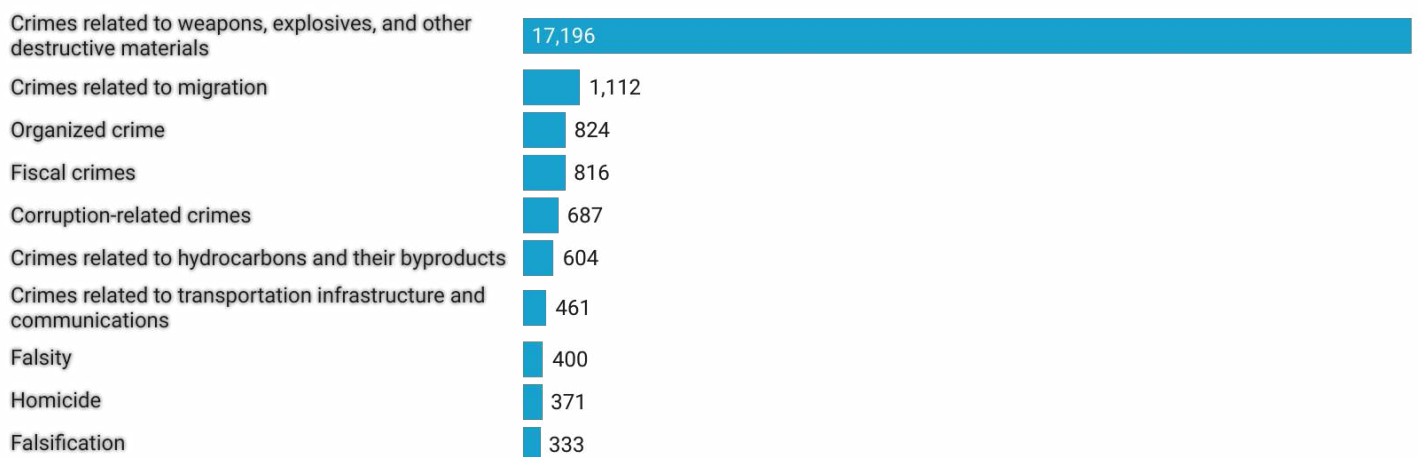
With regard to the types of cases brought to court, one of the challenges observed over many years in Mexico's criminal justice system has been authorities' dependence on arrests allegedly carried out *in flagrante delicto* as a way to bring people before judicial authorities. Logically, it is easier to prosecute a

crime witnessed in real time, with the suspect already in custody, than to solve a crime in which, for instance, the identity of the perpetrator is unknown. Even so, there is a clear need to improve prosecutors' offices' capabilities and practices in order to achieve results in investigations opened without suspects in custody. In the area of organized crime in particular, as we have noted in other reports, key steps in this direction for the FGR would include the implementation of an institutional design and criminal prosecution plan aimed at significantly improving the investigation of criminal networks and phenomena.

Data provided by prosecutors' offices to the organization *México Evalúa* for its annual report *Hallazgos* (Findings) confirm that investigations derived from arrests *in flagrante delicto*, although a minority of overall investigations, "are the investigations with the greatest probability of being brought before the judicial authority for resolution, while the investigations initiated without a detainee tend to remain pending in the prosecutor's offices." In terms of how people were brought before judicial authorities in the adversarial justice system in 2021, while important differences exist between states, according to *México Evalúa*, "45.7% of the cases—four out of 10—are initiated through an arrest *in flagrante*." At the federal level in 2021, according to the same analysis, in 75.5% of cases, the path by which people were brought before judges was through an arrest *in flagrante delicto*.

Also salient at the federal level is the central place occupied by the prosecution of firearms offenses (such as carrying or possessing weapons), which are frequently cited in detentions *in flagrante delicto* carried out by security forces, including the armed forces and the National Guard. According to the 2023 National Census of the Administration of Federal Justice, the main crimes recorded in the federal criminal cases opened in the judicial system in 2022, as reported to INEGI, were as follows:

Principal Crimes Recorded in Criminal Proceedings Opened in the Judicial System in 2022, According to the 2023 National Census of the Administration of Federal Justice

Crime	Count
Crimes related to weapons, explosives, and other destructive materials	17,196
Crimes related to migration	1,112
Organized crime	824
Fiscal crimes	816
Corruption-related crimes	687
Crimes related to hydrocarbons and their byproducts	604
Crimes related to transportation infrastructure and communications	461
Falsity	400
Homicide	371
Falsification	333

Source: 2023 National Census of the Administration of Federal Justice • Created with Datawrapper

It should be noted that the overwhelming majority of arrests carried out alleging *in flagrante delicto* are declared legal by the judicial authorities who review the detention. *México Evalúa* indicates that at the federal level in 2021 in the adversarial system, 90.1% of detentions *in flagrante delicto* or urgent cases were declared legal. In state-level jurisdiction, 84.8% were declared legal.

In terms of the outcomes of criminal cases in general, even though various types of reparations and settlements exist in the adversarial system, guilty verdicts are a principal outcome, particularly at the federal level. According to the 2023 National Census of the Administration of Federal Justice, of the federal "criminal cases concluded by the pre-trial or control judge [*juez de control*] in the adversarial system in 2022, 68.7% ended with guilty verdicts in summary proceedings [*procedimiento abreviado*]." That is, the defendants accepted having committed the crime and renounced their right to a trial in exchange for a reduced sentence.

According to the same official census, of the 7,038 people sentenced in total at the federal level in 2022, 94.3% received guilty verdicts and 5.7% were acquitted.

At the state level, according to the 2022 National Census of the Administration of State Justice:

> In 2021, state courts reported 82,724 people prosecuted and/or charged in the adversarial system or the Comprehensive Criminal Justice System for Adolescents for whom control judges ruled on whether to bind them over for trial [*vincular a proceso*]. Of that total, 88.3% were bound over for trial, while 11.7% were not.
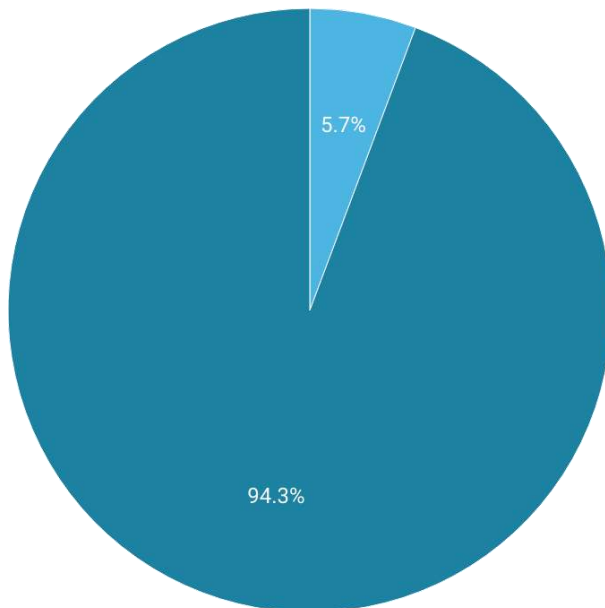>
> [...]
>
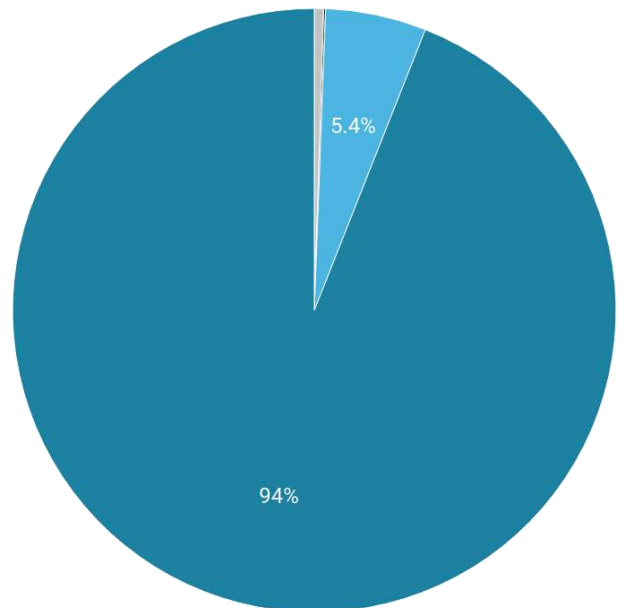> Nationally in 2021, state judicial authorities sentenced 35,051 people... [...]
>
> With regard to the type of verdict, of the total, 94.0% were guilty verdicts, 5.4% were acquittals, 0.5% were mixed, and in 0.1% the information does not specify the verdict.

People Sentenced in Federal and State Criminal Cases, According to INEGI Data

Federal Jurisdiction 2022   State Jurisdiction 2021

Source: 2023 National Census on the Administration of Federal Justice, 2022 National Census on the Administration of State Justice • Created with Datawrapper

Acquittals or releases by the courts should not simply be equated with impunity, given that these are the desired results when the accused person is innocent. In fact, in light of the well-known practice of [framing of innocent people](#) in Mexico's criminal justice system, the high rates of guilty verdicts recall the need to prevent false convictions, including in summary proceedings.

Militarization and human rights

The past decade and a half has provided ample evidence of the negative impacts of militarization on human rights. Our analysis of human rights protection cannot be divorced from the broader issues of security and the rule of law, given that, if authorities violate the law and people's fundamental rights, this generates additional forms of violence. The violation of human rights also means that authorities' method of operating is to hide and falsify information regarding their activities (for example, the circumstances surrounding detentions and criminal investigations), a dynamic that, for obvious reasons, prevents the creation of trustworthy institutions. Beyond these issues, serious human rights violations devastate the lives of victims, their families, and their communities.

In the following sections, we present data focused on the rights not to be arbitrarily detained, tortured, or arbitrarily deprived of life. Where possible, we present information broken down between men and women, in order to highlight some of the differential impacts of human rights violations on women.

Other investigations published by Mexican organizations in recent years analyze some of the impacts of militarization on women. To respond to the militarized model, a group of organizations in Mexico have also founded the Feminist Anti-Militarism Network. The Network declared when introducing itself publicly in 2022:

> We in the Feminist Anti-Militarism Network advocate for the creation of new and different solutions. We wish to build a concept of security based on community and not on fear. We have seen enough to know that a lack of transparency only leads to arbitrariness and injustice. We demand that the armed forces be subjected to democratic controls, beginning with transparency and accountability. We call for a plan for their gradual withdrawal by 2024, as the government committed to when it approved the National Guard. We demand justice, truth, reparations, and guarantees of non-repetition for the victims of this failed strategy.

Over the past year, feminist messages against militarization have been present in various protests in Mexico with the slogan "The military pact is also patriarchal." That phrase was emblazoned on a gigantic banner that was draped over the Mexico City monument known as the *Estela de Luz* by the family search collective *Hasta Encontrarte*. The collective, comprised of relatives of the disappeared and based in the state of Guanajuato, was protesting the militarized model and the transfer of control of the National Guard to Sedena.

Detentions and reporting of detentions by federal forces

The first hours following a detention are one of the periods of greatest risk for human rights violations. Mexico has a well-known history of illegal and arbitrary detentions, many of which have led to other rights violations, such as torture and enforced disappearance.

In 2019, Mexico created the National Detention Registry (*Registro Nacional de Detenciones*, RND) to collect information on detentions immediately and provide public access to such information to relatives and other interested parties. The RND aims to be a tool to help protect detainees against human rights violations.

As we will see below, during our investigation for the present report, Sedena informed us that it does not register its detentions in the RND, while Semar reported that it does not have information about its participation in the RND. In this context, it is essential that the armed forces recognize and comply with their obligation to duly register the detentions they carry out.

DETENTIONS: GENERAL CONTEXT

The overwhelming majority of criminal and administrative detentions in Mexico are carried out by municipal and state police. At the federal level, according to the 2022 National Census of Federal Public Security:

> In 2021, the National Guard delivered 7,017 detained people into the custody of other authorities... Of detainees delivered into the custody of other authorities, 6,027 were presented before prosecutors and 990 before a civic judge.

Additionally, the armed forces carry out thousands of detentions annually. As we will see below, data provided to WOLA by Sedena indicate that the army arrested 7,370 people in 2022, while Semar reported 1,996 arrests.

Before analyzing detentions in the criminal justice system, we note that migratory detentions also constitute a significant percentage of detentions in Mexico, with record numbers of migrants detained in recent years. In 2021, the Ministry of the Interior (*Secretaría de Gobernación*, Segob) reported 309,692 "individuals in an irregular migration status," followed by 444,439 in 2022. This statistic refers to people regarding whom the National Migration Institute (*Instituto Nacional de Migración*, INM) initiated administrative proceedings "for not demonstrating their legal migration status", and it tends to be cited as the total number of migrant detentions each year.

The armed forces and the National Guard play a leading role in migratory detentions. As part of the "Northern and Southern Border Migration and Development Plan," Sedena reports that it provides "peripheral security to National Migration Institute personnel during their humanitarian rescue activities"—a term authorities use to refer to detentions—"with 569,151 humanitarian migrant rescues between September 1, 2021 and July 31, 2022 (479,238 on the southern border and 89,913 on the northern border)." That is, Sedena reported more than half a million "humanitarian rescues" in less than a year. This figure is considerably higher than the total number of "individuals in an irregular migration status" reported by the civilian authority: Segob reports 343,653 people in irregular status during the same time period.

For its part, in its 2022 Annual Report, the National Guard reports having rescued "177,166 migrants (31,644 on the northern border, 115,652 on the southern border, and 29,870 within the country)."

Regarding detentions in the criminal justice system, INEGI's 2021 National Survey of People Deprived of Liberty (*Encuesta Nacional de Población Privada de la Libertad*, ENPOL) provides information on the circumstances of arrest of the people imprisoned in federal and state penitentiaries. To administer the survey, INEGI visited 203 prisons in Mexico's 32 states between June and July 2021. At that time, 39.5% of survey respondents had been detained within the four years prior to the survey. Of all respondents, 50.7% stated that they had been detained by state-level authorities, 25.1% by municipal authorities, 13.8% by federal authorities, and 4% in joint operations between multiple security forces.

Twenty-three percent of those surveyed reported having been detained on the street without either an arrest warrant or having been caught *in flagrante delicto*, while 19.8% reported having been detained in a building without either a warrant or having been caught *in flagrante delicto*, totaling 42.8% who reported arrests outside of the circumstances permitted by the Constitution.

Moreover, 64.5% of those surveyed in the 2021 ENPOL reported having been victims of violence in the context of their detention, with physical violence reported by 48.6% of respondents.

As will be seen in the section below on torture, the experiences of people imprisoned in 2021 (who were detained in different years) show heightened levels of violence, including sexual violence, in arrests carried out by the armed forces. The answers to the ENPOL also point to other types of irregularities. Based on its analysis of the 2021 ENPOL data, the organization *Intersecta* notes:

> Of these 24.9% [of people detained by the armed forces] who reported having been detained in a scenario such as a military checkpoint, four out of 10 had some sort of object, such as weapons or illegal drugs, planted on them. It is worth noting that more than 40% of those arrested by the armed forces were detained for illegally carrying weapons, while almost 25% were detained for illegal drug possession or commerce.

In recent years, the information published by the armed forces themselves has at times revealed apparent problems in the legality of their detentions. For example, in July 2022, Sedena issued a press release on a "historic fentanyl seizure," reporting that, after finding a property that soldiers suspected of being a drug storage site, "10 individuals who were in the vicinity of said place were detained prior to entering the building due to their suspicious attitude and in light of a possible crime *in flagrante delicto*."

As specified by the SCJN, a "suspicious attitude" does not constitute legal grounds for detaining a person. Nor does the Sedena press release describe any criminal conduct by the arrested people. Sedena does, however, cite the detention to explain how its personnel were able to observe "that inside the building there were various plastic packages, for which reason… [army personnel] requested a technical investigation order from the National Prosecutor's Office."

In the case of Semar, during the daily presidential press conference of February 7, 2023, the Minister of the Navy, Admiral Rafael Ojeda Durán, criticized judges and prosecutors for releasing people detained by naval personnel. He stated:

> The problem with arrests carried out by naval personnel, what we have detected, is that there is considerable ignorance of maritime law on the part of judges and prosecutors who review detentions that occur at sea or in ports, who wish to apply the norms applicable to detentions carried out on national territory.

While it is unclear which legal norms in particular are being referenced by Admiral Ojeda, it is nonetheless concerning that his message could be understood to mean that, if judicial authorities invalidate a navy detention, they are making a mistake; in reality, the release of the detained person would be the correct result if the detention does not comply with the legal requirements applicable to all criminal arrests.

REPORTING OF DETENTIONS

As we have noted, it is essential that all of Mexico's security forces register their arrests in the National Detention Registry (RND) as a tool against human rights violations.

For the present analysis, we requested official data on arrests made by the armed forces and the National Guard. The responses we received show significant discrepancies between the number of arrests reported to us directly by the federal security forces and the number reported by the SSPC based on the RND. When answering our requests for information, Semar told us it does not have information on its participation in the RND. For its part, Sedena informed us that it does not register its detentions in the RND—even though the armed forces are legally required to register their detentions in the RND by the National Law on the Registry of Detentions, as has been indicated by the SCJN.

In response to questions from WOLA regarding criminal arrests, Sedena stated that its personnel only carry out detentions in cases of *in flagrante delicto*, delivering detainees into the custody of prosecutors' offices. Sedena provided the following numbers of people arrested by its personnel from 2020-2022 (information request 330026423000574):

People Detained by Sedena 2020-2022, According to Data Provided to WOLA

■ Men ■ Women
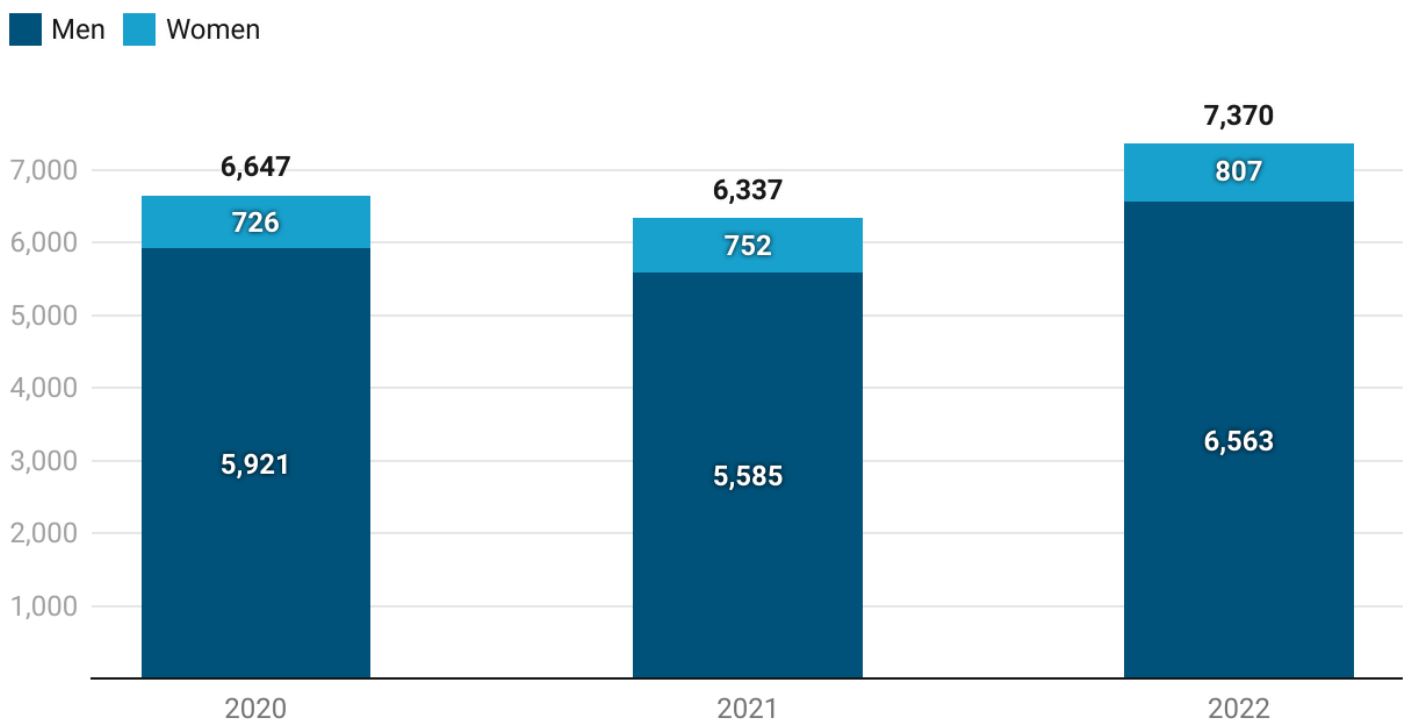
Source: Sedena • Created with Datawrapper

Sedena indicated that the numbers provided could vary, as they were in the process of being validated. Upon comparing the data provided to WOLA with Sedena's responses to similar information requests by

another organization (*México Evalúa*), we found variations that, in percentage terms, are greater for detained women than for detained men.

According to data provided by Sedena to *México Evalúa* in 2022 for the organization's annual report *Hallazgos*, in 2021 Sedena detained (and presented before prosecutors' offices) 5,598 men and 821 women. If we compare the 2021 data from Sedena's respective answers, while the reported number of detained men varies by only 13 people (which would make the total 0.2% more than the total reported to WOLA), in the case of women the variation was 69 people (9.2% more than the total reported to WOLA).

WOLA's information request was filed almost one year after *México Evalúa's*; as such, the answers cited above show a reduction in the totals reported by Sedena between May 2022 and March 2023. Indeed, in a later response to *México Evalúa* in March 2023, Sedena reduced the totals reported for 2021. Whatever the explanation for this reduction, it is unclear why the relative size of the adjustment would vary between men and women. In the same subsequent response to *México Evalúa*, Sedena reported a total of 6,616 men and 843 women presented before prosecutors' offices in 2022. Compared with the 2022 figures reported by Sedena to WOLA that same month, this represents a difference of 53 men (0.8%) and 36 women (4.5%); that is, we once again see a greater percentage variation in the statistics for women than for men.

For its part, in response to WOLA's questions, Semar stated that it was providing us with statistics of detentions it had carried out from 2020-2022 *in flagrante delicto* "acting in the capacity of a Coast Guard, in collaboration and support of public security authorities," in which the detained people were delivered into the custody of the National Prosecutor's Office (information request 330026623000333). While we requested the data disaggregated by sex, Semar instead broke it down by nationality, distinguishing between Mexicans and foreigners. Due to an anomaly in the data on foreigners, it was not possible for us to arrive at an exact total of foreigners for all of the years; therefore, we present below the data for detained Mexicans. Likewise, the annual total provided by Semar for 2021 does not match the total number of detainees counted in the document; as such, the total we present here for 2021 corresponds to the total we calculated by adding the individual numbers provided.

Mexican Citizens Detained by Semar 2020-2022, According to Data Provided to WOLA
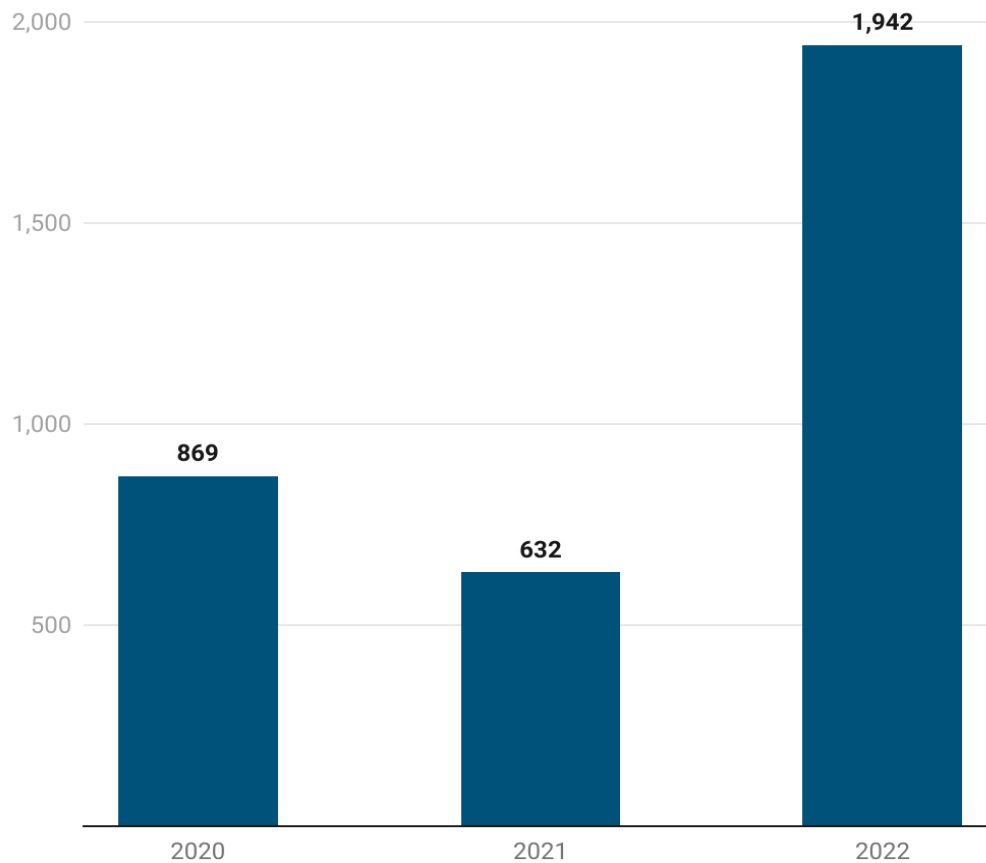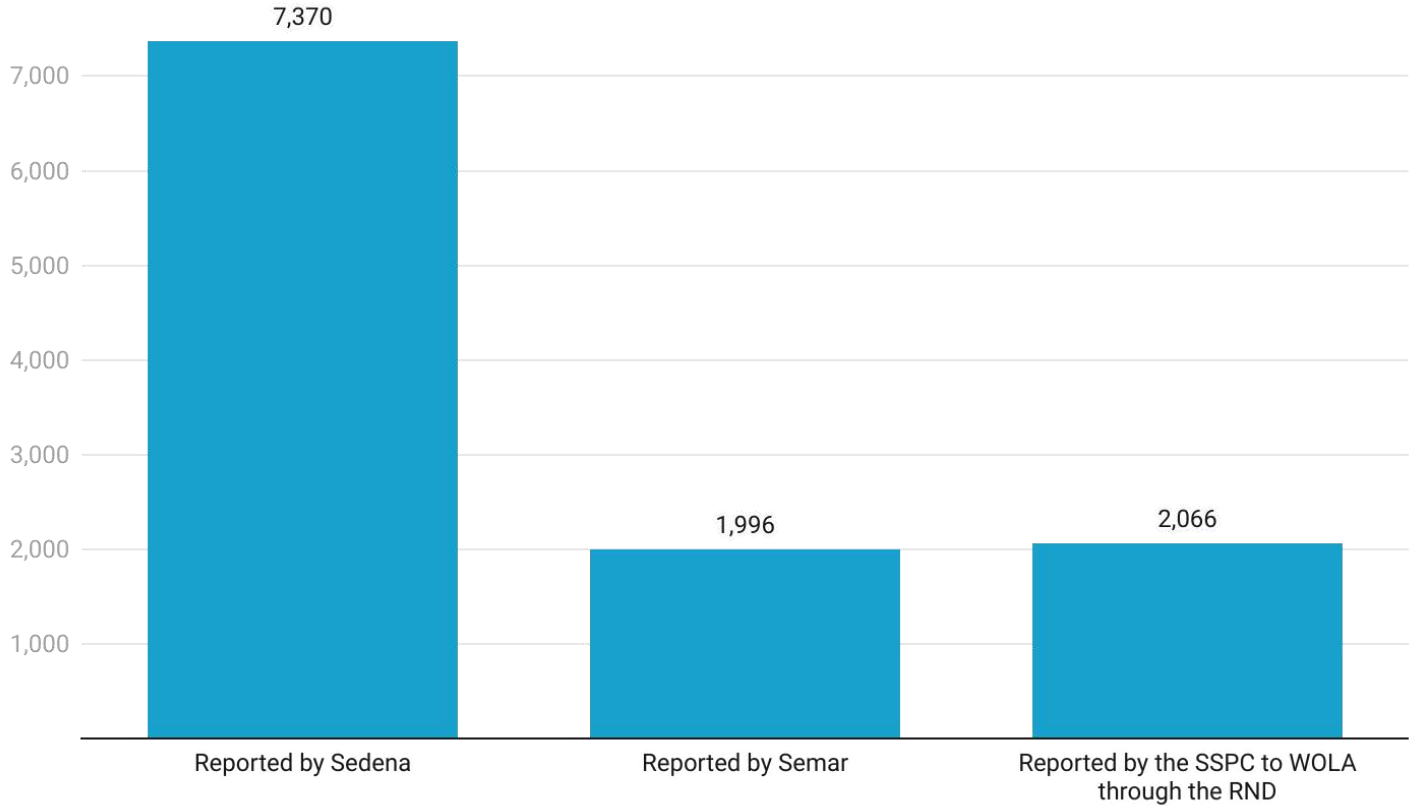

Source: Semar • Created with Datawrapper

We note that the number of Semar arrests, as reported to WOLA, is considerably greater than the totals that appear publicly in the statistical annex of the federal government's annual report in the section on actions carried out to combat drug trafficking.

For 2022, Semar reported the detention *in flagrante delicto* of 54 foreigners (once again adding the individual numbers provided), yielding a total of 1,996 Semar detentions that year. Adding together the detentions reported by Sedena and Semar to WOLA for 2022 would thus yield a total of 9,366 (although we cannot rule out the existence of detentions in which both institutions participated, meaning that this total might not be exact).

In contrast to the data provided by the armed forces, the SSPC, which operates the RND, informed us that Sedena and Semar (which are combined in the RND under the category "military personnel") detained only 2,066 people in 2022 (information request 332069823001270). That is, according to the data provided to WOLA, the RND would appear to contain only a fraction of the arrests directly reported by the armed forces. This difference is even more striking given that Sedena and Semar provided us with data only on criminal arrests, while the RND also includes administrative detentions.

People Detained by Military Personnel in 2022

	Reported by Sedena	Reported by Semar	Reported by the SSPC to WOLA through the RND
Value	7,370	1,996	2,066

Source: Sedena, Semar, SSPC • Created with Datawrapper

In general, discrepancies in data provided by government institutions in response to information requests can have several possible explanations, from technical problems in the agencies' databases to omissions made when transmitting the requested data. Another issue that can influence access to government information is confidentiality. In the case of the RND, the corresponding National Law places limits on public access to certain information in cases of organized crime in the RND's public Consultation System (the online system that enables users to track the detentions of specific individuals). However, there is no apparent reason why this restriction in the Consultation System would impact access to the RND's anonymous statistical data, such as the total numbers of people detained by government institutions. In fact, the responses we received from the SSPC did not indicate that any part of the requested information was being withheld as confidential; rather, the responses were presented as complete answers to our questions.

If the discrepancies cited above are not due to limitations in access to or transmission of the information, then they appear to indicate significant underreporting of military detention data in the RND. In particular, the responses received suggest that the majority of military detentions are either not registered in the RND or are recorded in a manner that makes it impossible to know they were carried out by the military. To the degree the latter is the case, it would mean the RND lacks key data needed to fulfill its purpose, whereas if the former is the case, the detainees would not be registered at all, placing their rights at risk.

It is worth mentioning that the language of the National Law on the Registry of Detentions has been considered confusing with regard to the military's obligation to participate in the RND. However, the Presidential Agreement of May 11, 2020 that orders the armed forces to participate in policing tasks indicates that Sedena and Semar will perform such tasks in accordance with a series of sections of Article 9 of the National Guard Law, among them, Section XV: "Immediately register detentions in the terms set forth in the corresponding law." Thus, from that date, there has been a presidential order for the military to register detentions. The RND's Guidelines, approved by the National Public Security Council in December 2021 and published in the Official Gazette in April 2022, also explicitly stipulate that the armed forces are required to register their detentions.

Any confusion regarding the correct interpretation of the National Law on the Registry of Detentions was resolved in January 2023, when the SCJN specified in Unconstitutionality Action 63/2019 that the armed forces, when carrying out public security tasks, are required by the National Law to directly register their detentions in the RND. The SCJN indicated, among other things:

> [F]rom an analysis of the legislative process, it is apparent that the legislative branch always emphasized the need for the armed forces to be bound by the terms of the Registration Law, which not only sets out the principles governing the operation of the National Detention Registry, but also establishes the procedures that guarantee the control and monitoring of the manner in which detentions are carried out by authorities. An interpretation of the contested transitory article that sought to relieve the armed forces that carry out public security tasks of the duty to register detentions would ignore this obligation to obey the Registration Law and its procedures, and would frustrate said law's purpose.

Therefore, we asked Sedena and Semar in mid-May 2023 if they had all the conditions they needed to register their detentions in the RND, and as of when they had begun registering detentions.

Semar responded that it "does not have data or records of the requested information," adding that "this institution's files and databases contain no documentary evidence of the existence of the information you request" (information request 330026623001057).

For its part, Sedena responded to us as follows (information request 330026423001753):

> [T]his Ministry does not register the people detained by military personnel in the National Detention Registry, due to the fact that this type of information is only entered into this Ministry's anti-drug-trafficking operations system for statistical purposes.

In the same response, Sedena told us it had detained 2,993 people from February 1 to May 22, 2023. The SSPC reported, based on the RND, that during that same period only 427 people had been detained by military personnel (information request 332069823001270). Once again, the 427 arrests identified as military detentions by the SSPC include arrests made by both Sedena and Semar.

People Detained by Military Personnel from February to Mid-May 2023
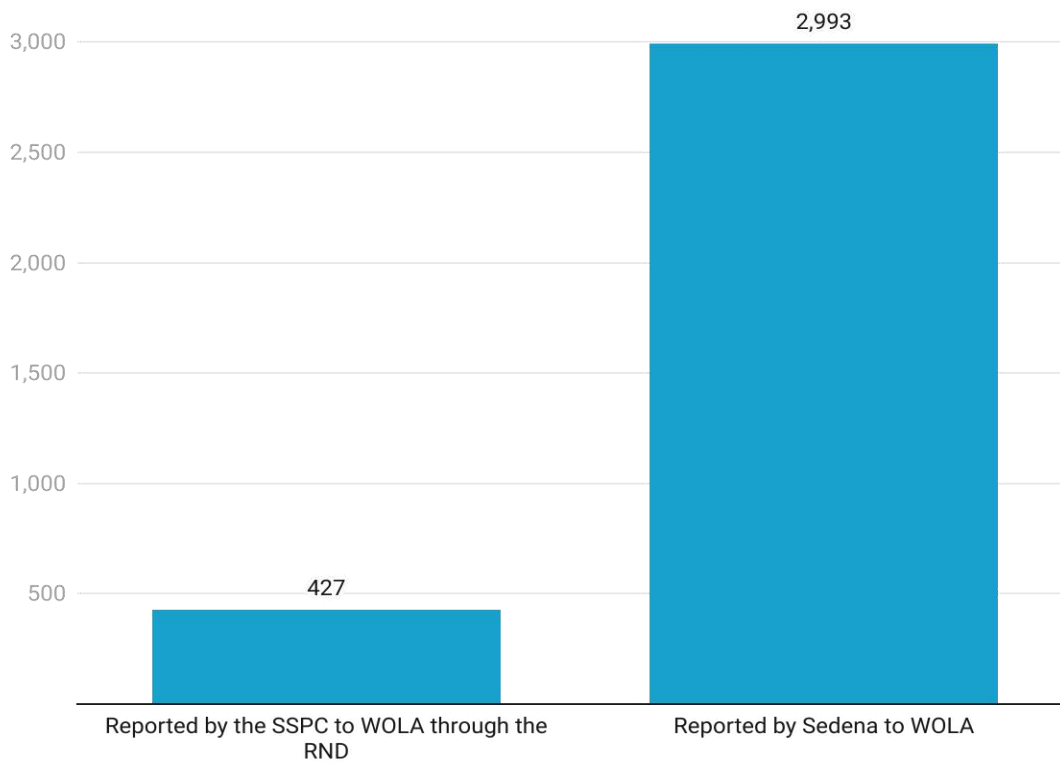
Source: SSPC, Sedena · Created with Datawrapper

Sedena's response, in which it reports that it does not register its detentions, seems to reflect a broader stance of the armed forces that seeks to assert that the military does not have the same obligations as other security forces, because its role in public security is one of assistance to civilian authorities. As another example, given the role of the RND in preventing torture and in the face of civil society demands to guarantee compliance with the RND, the federal government's Anti-Torture Strategy states that all federal forces will participate in the RND, yet limits this commitment by clarifying that this means "assisting, in the sphere of their respective functions, in the integration, implementation, and updating" of the RND.

Finally, in order to fulfill their obligation to register detentions, the armed forces need to have access to enter information into the RND. While neither Sedena nor Semar responded directly to our questions about said access, the SSPC reported in November 2022, in response to another person who requested information through the National Transparency Platform, that Semar had 365 data entry user profiles and two consultation user profiles in the RND, and that Sedena had 117 data entry user profiles, all of which were registered in Mexico City. To the extent that the armed forces need more user profiles in the RND to fulfill their obligations, that would require action by both the armed forces and the SSPC. Meanwhile, we note that the National Law on the Registry of Detentions is on the list of norms and topics on which military personnel receive training, according to the federal government in 2023.

In the case of the National Guard, our findings are the opposite of the pattern seen for the armed forces: according to the data provided to WOLA by the SSPC, the RND contains many more detentions attributed to the National Guard than those reported by the National Guard itself.

The SSPC informed us that the National Guard detained a total of 6,040 people in 2022 (information request 332069823001270).

In its most recent annual report, a document that is required by law to include the "number of people detained," the National Guard states that "[a]s a result of operational and crime-prevention actions, in 2022, the National Guard delivered 3,007 people into the custody of the competent authorities, due to the probable commission of a crime."

In contrast to both of these sources, when asked by WOLA about the number of arrests made in 2022, the National Guard provided information on 1,037 detained people (including both criminal and administrative detentions): 927 men, 105 women, and five people whose sex is unknown (information request 332259823000753).
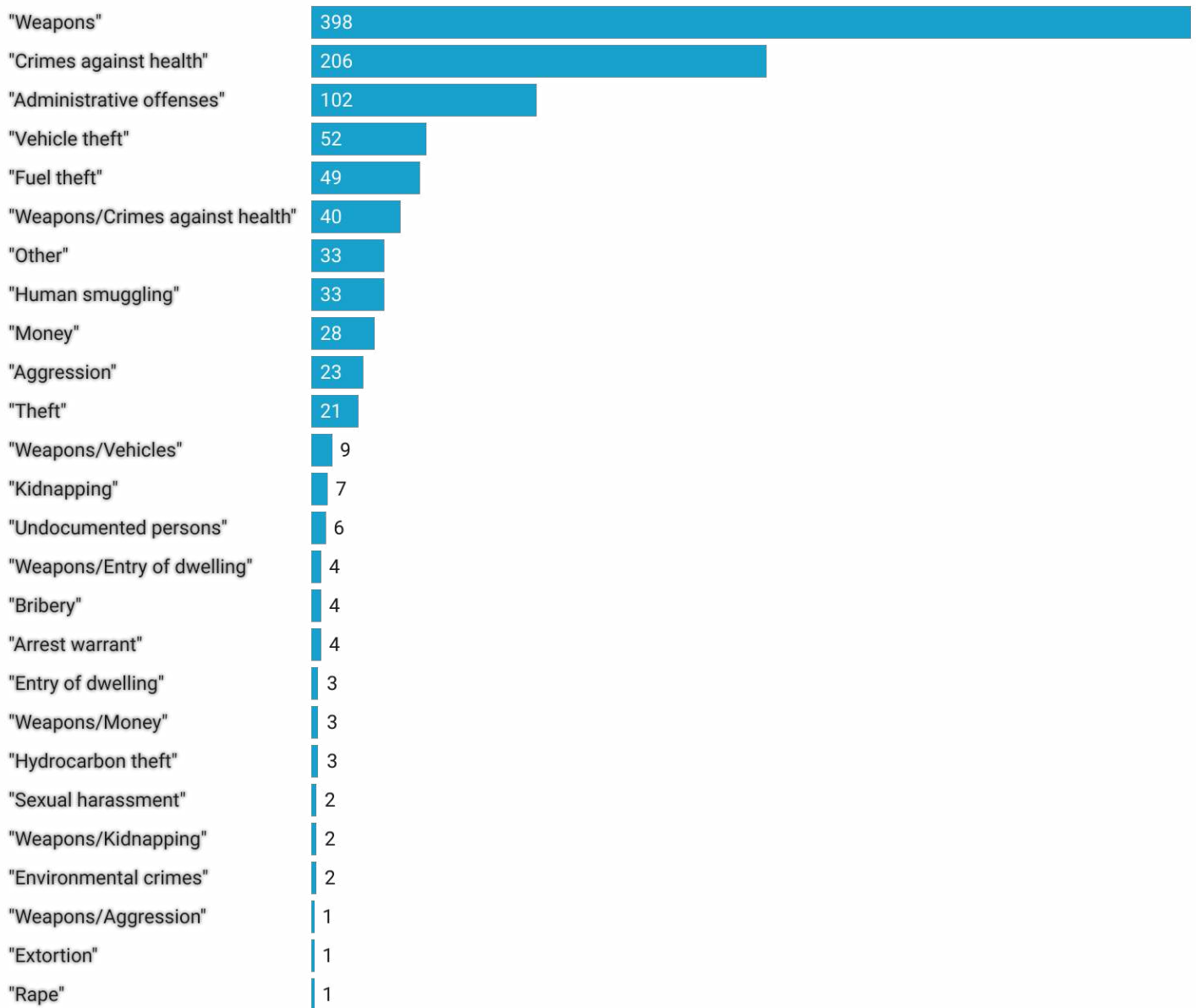
People Detained by the National Guard in 2022
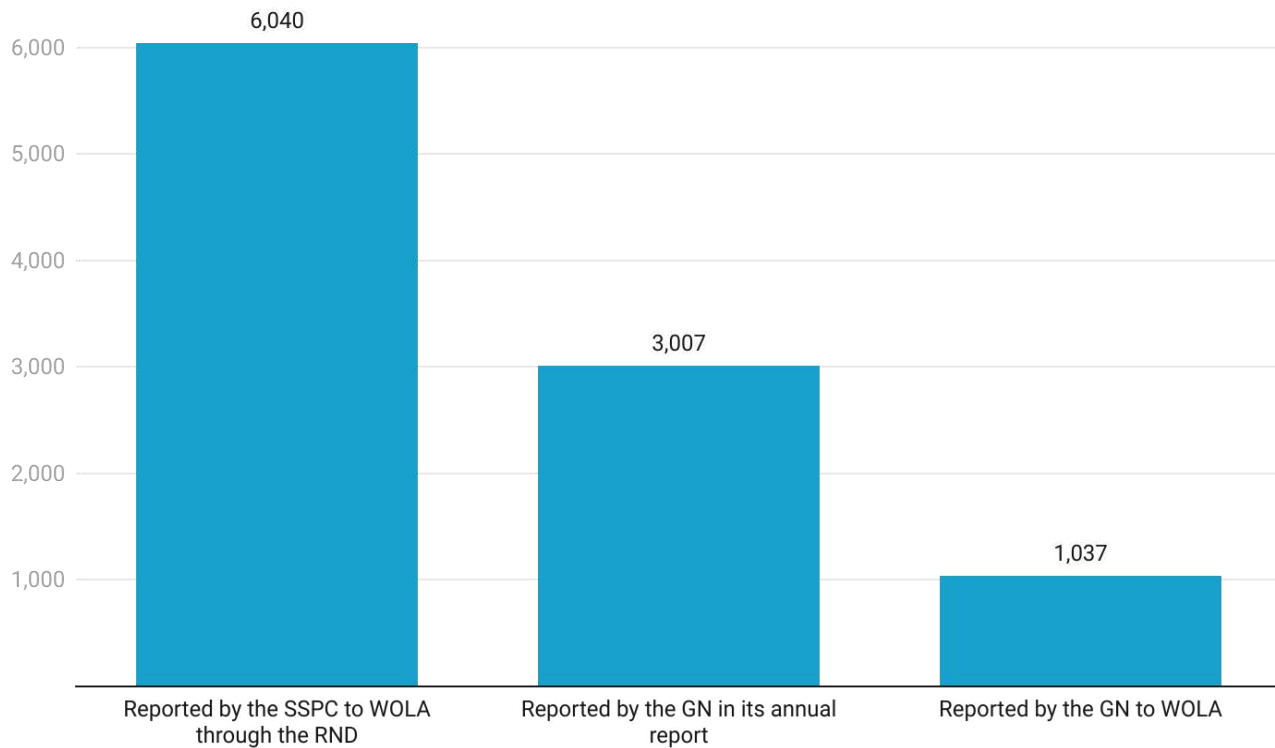
Source: SSPC, National Guard • Created with Datawrapper

In light of the foregoing, we conclude that the data provided to WOLA by the National Guard are incomplete. With this caveat, according to the information sent to WOLA, the National Guard's 2022 detentions are as follows:

Detentions in 2022 Reported by the National Guard to WOLA, by Motive*

Motive	Count
"Weapons"	398
"Crimes against health"	206
"Administrative offenses"	102
"Vehicle theft"	52
"Fuel theft"	49
"Weapons/Crimes against health"	40
"Other"	33
"Human smuggling"	33
"Money"	28
"Aggression"	23
"Theft"	21
"Weapons/Vehicles"	9
"Kidnapping"	7
"Undocumented persons"	6
"Weapons/Entry of dwelling"	4
"Bribery"	4
"Arrest warrant"	4
"Entry of dwelling"	3
"Weapons/Money"	3
"Hydrocarbon theft"	3
"Sexual harassment"	2
"Weapons/Kidnapping"	2
"Environmental crimes"	2
"Weapons/Aggression"	1
"Extortion"	1
"Rape"	1

*Terms employed by the National Guard

Source: National Guard • Created with Datawrapper

As can be seen, weapons-related arrests predominate. In all, of the 1,037 detentions reported to WOLA, 457 were for weapons or for weapons in combination with some other crime. The second principal category of detentions were crimes against health (drug crimes), while the third main category were administrative offenses.

In conclusion, the data provided to WOLA by the SSPC point to significant underreporting of military detentions in the RND, while in the case of the National Guard, there are contradictions in the opposite direction, with more detentions reported by the SSPC than the National Guard. This suggests that the RND does not have complete, trustworthy information on federal forces' detentions, increasing the risk of irregularities or abuses in detentions and impeding analysis of security institutions' activities.
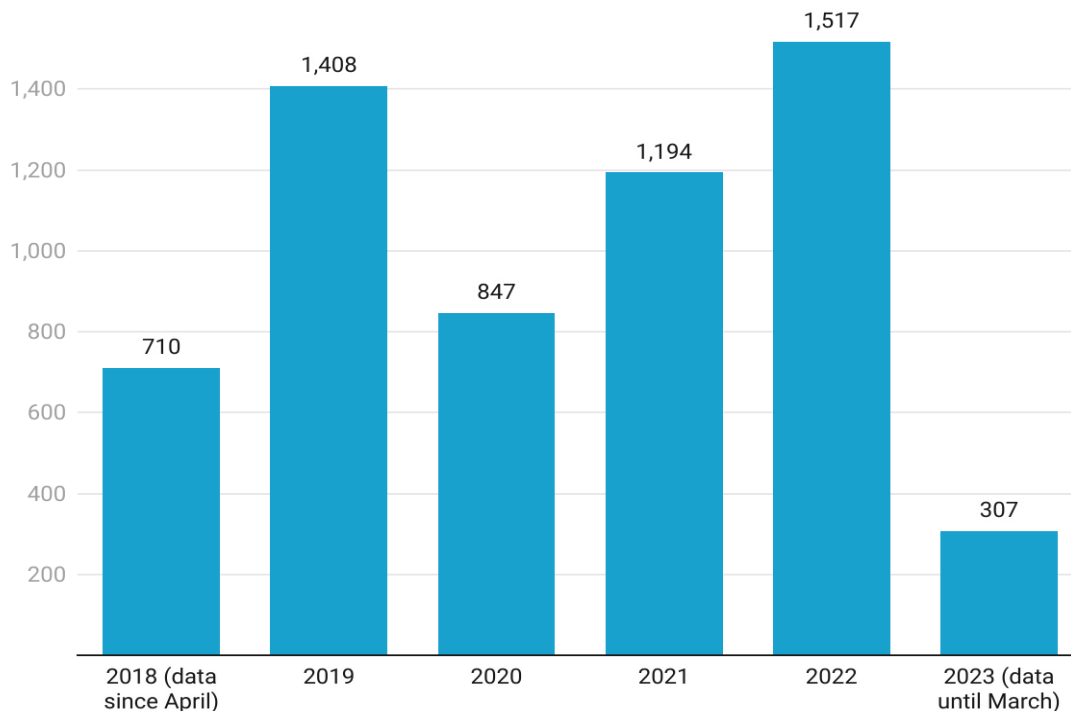
Torture

The National Torture Registry (*Registro Nacional del Delito de Tortura*, RENADET) is a database established in the General Law against torture and coordinated by the FGR, which currently contains preliminary data based on criminal investigations opened into torture and other cruel, inhuman, or degrading treatment or punishment (CIDTP). According to the RENADET's Operational Guidelines, "The information entered into the RENADET shall consist of data on torture and other cruel, inhuman, or degrading treatment or punishment committed starting January 1, 2018." As such, the RENADET serves as a tool to monitor patterns and trends in torture and CIDTP at the national level year by year.

At the time of the present investigation, the RENADET contained preliminary data from 9,921 investigations opened by state prosecutors between January 1, 2018 and March 31, 2023; complete state investigation data were still in the process of being entered into the RENADET.

In addition, the RENADET contained information on 5,983 federal investigations opened between April 1, 2018 and March 31, 2023, distributed in the following manner:

Federal Torture and CIDTP Investigations from April 1, 2018 to March 31, 2023, According to the RENADET

Source: RENADET • Created with Datawrapper

Of the 5,983 federal investigations, 3,256 (54.4%) are for torture and 2,727 (45.6%) for CIDTP.

TORTURE IN THE CONTEXT OF DETENTION

As noted earlier, 64.5% of people surveyed in the 2021 ENPOL indicated they had been victims of some form of violence in the context of their detention.

According to the organization *Intersecta,* based on its analysis of the 2021 ENPOL data (covering imprisoned individuals detained both during and prior to the current federal administration):

> [T]he armed forces engage in more violence during detentions than civilian authorities. The most common type of violence is psychological: 78.1% of those surveyed who were arrested by the armed forces were detained with psychological violence, which is 12.4 percentage points higher than with civilian authorities. The armed forces also engaged in physical violence in 66.4% of detentions, while civilian authorities did so in 49.8% of cases.

In terms of the evolution of such violence over time, based on the 2021 ENPOL data, researcher Samuel Storr of the PSC highlights a reduction in the percentage of people reporting physical violence in army arrests between 2012 and 2018, of which "the greatest reduction occurred during the first three years of the presidency of Peña Nieto," that is, after the end of Felipe Calderón's term. With regard to the first half of the current federal administration, he adds:

> Despite the reduction in the frequency and various types of violence employed, the army detains thousands of people every year, and 30% of them experience some sort of violence, such as blows (with hands, objects, or against the wall or floor), with 12% being subjected to asphyxia or injured with electric shocks, burns, knives, firearms, or harming of their genitals...

The same analysis reveals that all security forces engaged in high levels of physical violence against detainees between 2007 and 2020, although the majority—particularly the federal forces—show improvements in comparison to the Calderón administration, when levels of abuse were extreme. In this context, "the frequency of abuses in army detentions under the López Obrador administration is similar to the period from 2016-2018," a trend also seen with regard to Semar beginning in 2017. The reduction in physical violence at the federal level means that, in the first years of the current federal administration, military and police forces are interspersed in the levels of physical violence reported in their detentions. The PSC analysis provides the following percentages of detainees who reported one or more acts of physical violence upon being detained in 2020:

Percentage of Detainees Reporting Physical Violence in Their Detention in 2020, by Institution: Citizen Security Program Analysis Based on 2021 ENPOL

Institution	Percentage
Semar	52%
State Police	50%
Municipal Police	44%
National Guard	42%
Sedena	39%
Federal Police (2019)	32%

Source: 2021 ENPOL data analyzed by the Citizen Security Program of the Mexico City campus of the Ibero-American University • Created with Datawrapper

As Storr points out, the period in which reported military abuses declined also saw "a significant drop in the number of armed confrontations, detainees, and firearms seized" by the military. Therefore, "it is not clear to what extent the army has improved its human rights practices and to what extent the data instead represent changes in the types of activities it performs."

In sum, despite the decline in reported violence after the Calderón administration, data from prosecutors' offices and the ENPOL confirm that torture, including by federal forces, is an ongoing problem, not simply one from the past. As an additional reference, state and federal human rights commissions continue to receive torture complaints. Data provided by the Federal Public Defender's Office (*Instituto Federal de Defensoría Pública*, IFDP) to civil society organizations, including WOLA, show that the torture and CIDTP complaints filed by the office for crimes committed between December 2018 and May 2023 include complaints against municipal police, state police, prisons, the National Guard, Sedena, Semar, federal investigative police, INM, and other institutions.

In this context, women suffer differential patterns of torture as compared with men, including higher rates of sexual torture and violence and threats against their families. According to the National Diagnostic Study of Sexual Torture Committed against Imprisoned Women in Mexico, published by Segob in 2022:

> In response to the question, "Do you consider yourself to have been a victim of sexual torture during your detention and transfer to the prosecutor's office?", 25.62% responded that they did consider themselves to have been victims of sexual torture…

> […]

> From the analysis of the information provided by all the women interviewed, in addition to the 25.62% who considered themselves victims of sexual torture, 12.5% suffered sexual violence without having recognized it as sexual torture.

The reports of violence during arrests collected in the 2021 ENPOL illustrate several differences between men and women. First, female victims of violence experienced more violence focused on their families: 29.9% reported threats of harm to their families, as compared with 21.2% of male victims of violence, and 8.6% of female victims of violence reported that harm was in fact done to their families, as compared with 5.1% of men. Second, 15.5% of female victims of physical violence reported sexual violence, as compared with 3.2% of men. Likewise, 4.8% of female victims of physical violence reported rape, as opposed to 1.9% of men.

Intersecta adds that, according to the responses to the 2021 ENPOL:

> [The navy] is the institution with the highest rate of rape during arrest, for both men and women. Specifically, 19.4% of the imprisoned women surveyed who were arrested by the navy were raped in the process—one out of every five—as were 5.7% of the men.

FEDERAL INVESTIGATIONS OF TORTURE

The General Law against torture passed in 2017 covers the crimes of both torture and CIDTP. The investigation of torture and CIDTP generally falls within the purview of state-level prosecutors' offices, but in certain cases the FGR has jurisdiction to investigate, including when members of federal institutions are involved (such as the National Guard and armed forces, among others).

The FGR informed WOLA that the investigations it opened into torture in 2022 include at least 872 victims: 811 men and 61 women (information request 330024623000569, the final response to which was sent directly to WOLA). We note that other victims might also exist in these case files whose sex is not specified. In addition, 2022 federal investigations of CIDTP include at least 744 victims: 585 men and 159 women.

Of the 1,616 victims of torture or CIDTP reported to WOLA, the majority are classified as victims of torture. However, there is a difference between the situation of men and women: for male victims, the majority of investigations were opened for torture, while for female victims, the majority of cases were opened for CIDTP.

Male and Female Victims of Torture and CIDTP in Federal Investigations Opened in 2022, According to Data Provided to WOLA

Torture
CIDTP

585
Total:
1,396
811

Men

61
Total:
220
159

Women
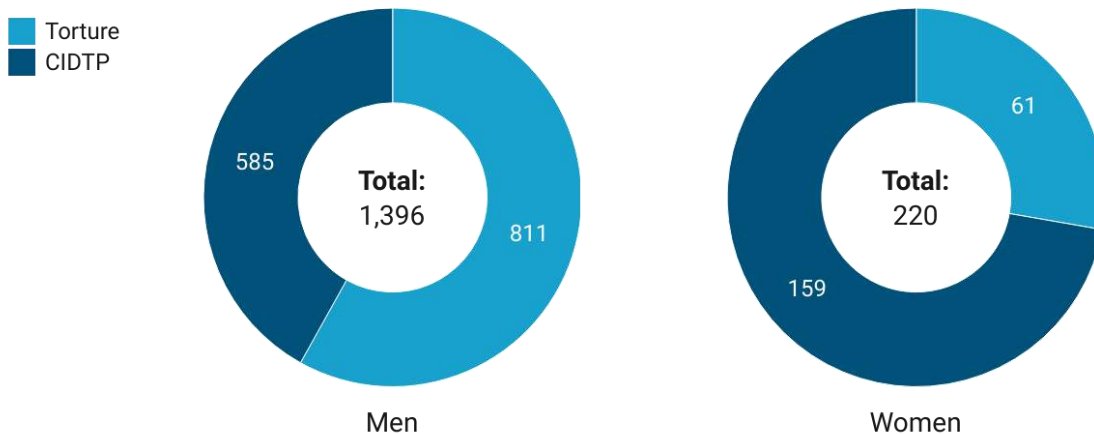
Source: FGR • Created with Datawrapper

In its 2022 torture investigations with one or more female victims, the FGR informed us that it is investigating five members of state-level police forces, three members of Sedena, three members of the National Guard, two members of Semar, one member of Federal Prison 16, one member of Federal Prison 7, and one member of the "Specialized Unit for Combatting Extortion and Kidnapping." That is, of the authorities under investigation that were reported to WOLA, half belong to the armed forces or the National Guard.

In cases of CIDTP with female victims, the authorities under investigation come from a variety of federal institutions, as well as state and municipal agencies. These institutions include state-level police forces (with 25 individuals under investigation), the Federal Police (23), and Federal Prison 16 (11). Also under investigation are members of Sedena (7), the Federal Psychosocial Rehabilitation Center (6), the National Guard (5), Semar (4), the Criminal Investigation Agency (4), and the SSPC (3), as well as several institutions whose mandates do not center on security and criminal justice.

The FGR informed WOLA that it presented charges in seven torture cases in the adversarial (new) criminal justice system and 20 torture cases in the old criminal justice system in 2022. (We note that in 2022, the FGR obtained a high number of arrest warrants in the Ayotzinapa case, some of them for torture.) According to the data provided to WOLA, the FGR also presented charges in two CIDTP cases and 11 cases of other crimes included in the Federal Law to Prevent and Punish Torture (*Ley Federal para Prevenir y Sancionar la Tortura*).

For its part, the Federal Judiciary Council (*Consejo de la Judicatura Federal,* CJF) informed WOLA that federal courts handed down three guilty verdicts for torture in 2022, one of which was also a guilty verdict for the crime of enforced disappearance (information request 330030423001421). Comparing this total to the number of torture investigations opened by the FGR and the levels of violence reported in federal detentions (as just one of the contexts in which torture can occur), it is clear that there is only a minimal probability that any given case of torture will result in a conviction.

Among 2022 torture investigations, the FGR reported 17 cases in which it is investigating one or more members of Sedena, nine in the case of Semar, and 22 in the case of the National Guard.

Federal Torture Investigations Opened in 2022 in Which Military Personnel Are Under Investigation, According to Data Provided to WOLA

Sedena	Semar	National Guard
17	9	22
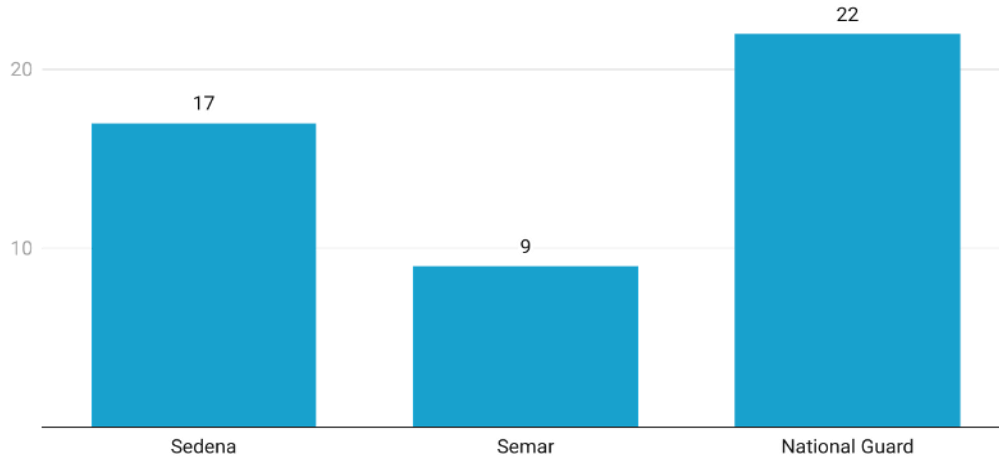
Source: FGR · Created with Datawrapper

For the crime of CIDTP, the FGR provided the following data:

Federal CIDTP Investigations Opened in 2022 in Which Military Personnel Are Under Investigation, According to Data Provided to WOLA

Sedena	Semar	National Guard
11	5	42
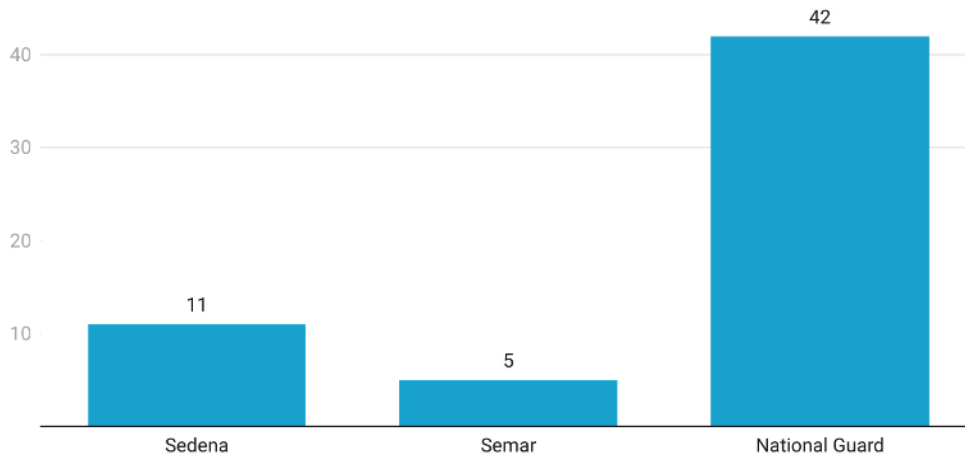
Source: FGR · Created with Datawrapper

Once again, recalling the levels of reported violence in federal detentions in recent years, the data provided by the FGR suggest that those acts of violence generally do not lead to investigations for torture or CIDTP. Even so, the FGR data are an indicator of the persistence of acts of torture during the current administration.

Use of force

The [National Law on the Use of Force](#) (*Ley Nacional sobre el Uso de la Fuerza*, LNUF), published in 2019, regulates the use of force by public security institutions, including the armed forces when they perform policing tasks. It establishes parameters for the use of force as well as transparency mechanisms for security forces' actions. Among other provisions, Article 35 of the LNUF stipulates that each public security institution must present an annual public report containing the following information:

> I. Detention data;
> II. The results of the physical review of the detainees;
> III. The number of people who die as a result of the use of force, disaggregated by sex; and
> IV. If applicable, recommendations issued by human rights commissions on these incidents and actions taken to follow up on them.

We asked Sedena, Semar, and the National Guard to indicate where their public reports on the use of force were available, or if they could directly provide us with the specified data.

Sedena responded that it did not have any document containing the requested data, leading us to conclude that Sedena has not produced the public report stipulated by the National Law (information request 330026423000576). In particular, Sedena specified that it does not have information or documents on the results of the physical review of detainees, nor the total number of people who have died from the use of force. Sedena added that it is unaware of any legal obligation to have this information.

Sedena does, however, record the number of people killed in events it refers to as "aggressions against military personnel." In that category, from January 1, 2022 to February 15, 2023, it reported 203 "dead attackers": 185 in 2022 and 18 through mid-February 2023.

Semar responded in similar terms, reporting that it did not have any document that contained the data stipulated in the National Law. Instead, Semar stated that it only has data on people killed, injured, and detained in "aggressions in confrontations committed against this institution," reporting 13 such attacks with a total of 27 people detained, four dead, and three injured in 2022 (information request 330026623000334).

The responses obtained in the present investigation [coincide](#) with similar answers received by other civil society organizations, in which the armed forces either did not provide the requested information or asserted that they were not obligated to comply with the cited provisions of the LNUF.

The National Guard's 2022 [annual report](#) indicates:

> [I]n 107 cases, National Guard personnel used force, employing firearms, in defense of life and the law.
>
> In the aforementioned events, one Commissioner, one Official, and seven officers belonging to the institution died. In addition, as a result of the use of firearms against National Guard personnel, 38 presumed assailants lost their lives.

The report does not specify the sex of the people who lost their lives (a requirement of Article 35.III of the LNUF).

In response to a prior information request by organization Center Prodh, the National Guard reported a total of 161 events involving the use of force—in all of which it used firearms—between its creation in mid-2019 and April 2021, of which it did not recognize any case of excessive use of force. Center Prodh notes in its report *Military Power* (*Poder Militar),* published in June 2021:

> [T]he fact that no cases of excessive use of force are reported, in a context in which it is the National Guard itself that performs the investigations, out of 161 reported cases of use of force, is not convincing. Especially when the National Guard itself reported that it has at least 33 criminal or other complaints against it regarding excessive use of force.

Similarly, in its 2022 annual report, the National Guard justifies its use of firearms in all 107 cases mentioned. At the same time, it acknowledges a recommendation issued by the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos,* CNDH) on excessive use of force in the killing of a student in Guanajuato in April 2022 (case summarized below).

EXCESSIVE USE OF LETHAL FORCE

Based on its monitoring of official use of force data, the PSC reports a decrease in the number of armed confrontations between federal forces and civilians now, as compared with prior federal administrations:

> When we compare the first three years of the López Obrador administration to prior administrations... the armed forces report fewer confrontations with civilians. During Felipe Calderón's tenure (2006-2012), the army, navy, and Federal Police reported an average of 46 confrontations per month; 35 were reported monthly during the administration of Peña Nieto (2012-2018), and during the first three years of López Obrador—adding in the National Guard—32 have been reported monthly.

Despite the reduction in the number of confrontations, the lethality index reported by federal forces during the current administration has still been abnormally high. Moreover, in various cases of extrajudicial or arbitrary executions committed by members of federal security forces in the current administration, we observe the repetition of practices documented in previous administrations that hinder access to truth and justice.

There are a series of high-profile examples of apparent arbitrary use of lethal force by the military and the National Guard in the present administration. From 2019 through mid-2021, Center Prodh mentions apparent extrajudicial or arbitrary killings in Tepochica, Guerrero (October 2019); Carbó, Sonora (January 2020); Nuevo Laredo, Tamaulipas (July 2020); La Boquilla, Chihuahua (September 2020); Nuevo Laredo, Tamaulipas (February 2021); Chiapas (March 2021); and Sonora (May 2021). In June 2021, Center Prodh drew attention to the fact that it was difficult to find statements or information published by the FGR and the CNDH regarding the actions taken in these cases. On the contrary:

> While, on one hand, there is partial progress in providing more information to society—given that some of these cases have been addressed in the daily presidential press conferences—in practically all of the cases it

In 2022 and the first half of 2023, high-profile cases reported in the media include:

- **April 2022**: The death of agronomy student Ángel Yael Ignacio Rangel, age 19, in Irapuato, Guanajuato, when a member of the National Guard shot at the vehicle in which he was traveling with two other people, one of whom was also injured. According to the National Guard's own version of events, the victims had not committed any crime or act that would justify the use of force.
- **August 2022**: The death of four-year-old Heidi Mariana Pérez in Nuevo Laredo, Tamaulipas, when she was struck in the head by a bullet while being driven to a medical clinic. Her seven-year-old brother was also injured. The Office of the United Nations High Commissioner for Human Rights strongly condemned this arbitrary deprivation of life, attributed to members of Sedena, stating:

  > This deplorable case confirms: a) the well-known risks of military participation in matters of citizen security; b) the importance of strengthening and implementing civilian controls over the armed forces; and c) that consolidating the participation of the armed forces in civilian functions that are inappropriate for them weakens democracy and is contrary to international human rights standards.

- **February 2023**: The death of five young people in Nuevo Laredo, Tamaulipas, when a group of soldiers opened fire on the vehicle in which the victims were traveling. The victims were not engaged in any act that would justify the use of force. Two survivors recounted how the soldiers shot at one of them while he was asking for an ambulance, while the other survivor said that soldiers forced him to record a false version of events under threat of death.
- **May 2023**: The death of five people who had already been apprehended and subdued by soldiers in Nuevo Laredo, Tamaulipas. As has occurred in other cases (such as the one in Nuevo Laredo in July 2020 mentioned above), this case became high-profile because a media outlet (in this case, *El País)* disclosed a video of the events. The video shows not only the apparent extrajudicial execution, but also how the soldiers altered the crime scene by planting weapons on the victims' bodies and removing handcuffs from one of the victims after he was already dead.

The series of apparent extrajudicial or arbitrary executions in Nuevo Laredo in recent years is particularly concerning. In light of the levels of military violence reported during this time period, the authorities in the military chain of command have the obligation to take action to end the known problem of excessive use of lethal force in Nuevo Laredo. However, the persistence of such cases suggests that the appropriate actions are not being taken or that military personnel are not duly complying with their superiors' orders.

Cases of arbitrary killings by members of federal security forces in the present administration have included, to a greater or lesser extent, different practices that hinder families' access to truth and justice. These include:

- **Altering the crime scene to present a false version of events**. This practice is not new: on repeated occasions in previous administrations, military personnel have altered crime scenes, such as by planting weapons on the victims, as occurred in the execution of two students from the

[Monterrey Institute of Technology](#) in 2010. Another example of crime scene alteration is the 2014 [Tlatlaya](#) case, in which soldiers were operating under an [order](#) to "kill criminals in the darkness of the night."

- **Approaching victims' families to offer financial compensation in exchange for not pressing for the investigation of the incidents.** In its 2021 report *[Military Power](#)*, Center Prodh highlighted the degree to which the National Guard, as well as Sedena, have sought to resolve cases of serious human rights violations by financially compensating those affected. In 2020, the National Guard adopted a [Directive](#) whose language "opens the door to making reparations contingent upon abandoning the search for justice." Moreover, "the army has resumed this practice in its current public security functions: officials without the appropriate training go directly to offer compensation to victims' relatives, even in execution cases." These [patterns](#) have been [documented](#) in a series of cases by Mexican media outlet *Animal Político*.

- **Intimidating victims' families.** The families of people killed by federal forces in recent years have reported acts of [intimidation](#), such as the [presence](#) of military personnel and vehicles just outside their homes.

- **Investigation of cases in military jurisdiction**. Even though civilian investigative authorities (the FGR) have jurisdiction over human rights violations committed by military personnel against [civilians](#), Article 37 of the [Code of Military Justice](#) (*Código de Justicia Militar*) additionally grants jurisdiction over these same cases to the military. Under this legal framework, cases are to be investigated in military jurisdiction for crimes against military discipline (for example, disobedience), independently of any civilian investigation by the FGR. In practice, this can mean that military authorities are the first to gather testimonies and evidence, as well as the first to detain and jail the suspects (in military prisons). An example of this dynamic is the May 2023 case mentioned above, in which *El País* published a video of the incident on [June 6](#) and [military authorities](#) formally opened an investigation on June 7, made arrests on June 8, and the suspects were bound over for trial on June 9 for crimes against military discipline. In cases like this, there is a risk that military authorities' actions will interfere with the progress of the civilian investigation, as well as a risk of obtaining judgments with contradictory conclusions about the facts of the case. Such cases also highlight the need for the FGR to investigate serious human rights violations immediately and diligently. In the cited case, on the contrary, publicly available data point to [flaws](#) and delays in the FGR's response.

All of the foregoing confirms the need for robust, independent controls over the use of force, especially lethal force, by federal security forces.

LETHALITY INDEX

One way to detect signs of the excessive use of lethal force is by monitoring the indicator known as the *lethality index*, which is the number of civilians killed for each civilian injured by a given security force in armed confrontations. In such incidents, it is normal for [more](#) people to be injured than killed. That is, a 'normal' lethality index would be 1 or less.

In Mexico, the armed forces' lethality index [surpasses](#) this threshold. Today, neither the total number of people killed by the military nor the military's lethality index reach the extreme levels seen in some years of the Calderón administration, and according to data from Sedena and Semar, there is currently a downward trend in the lethality of the armed forces. Notwithstanding, the armed forces and the National Guard have reported elevated levels of lethality during the current administration.

The [2022 Lethal Force Monitor](#), a multi-country investigation whose Mexico chapter was written by members of the Legal Studies Institute of the National Autonomous University of Mexico (*Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México*, UNAM) and the Center for Economic Research and Teaching (*Centro de Investigación y Docencia Económicas*, CIDE), reports that the lethality index of both Sedena and Semar in 2019 and 2020 varied between 4 and 5, according to official data. In comparison with 2018, this represented a decrease for Semar and an increase for Sedena.

According to the data provided to WOLA by Semar, cited above, in 2022 the navy registered a total of four civilians killed and three civilians wounded in confrontations, which would yield a lethality index of 1.3 for that year (information request 330026623000334).

For its part, the National Guard had a lethality index of 1.76 in 2020, according to the Lethal Force Monitor. However, in 2021, according to INEGI's [2022 National Census of Federal Public Security](#):

> In the confrontations reported by the National Guard, 20 armed civilians were injured, 65 died, and 57 were detained.

The data reported to INEGI for 2021 would yield a lethality index for the National Guard of 3.3.

In June 2023, the PSC published the interactive map "[Sedena's Confrontations](#)" (*Los enfrentamientos de la Sedena*), covering 2007-2022. According to the official data used to construct the map, Sedena's lethality index (against civilians whom Sedena classifies as aggressors) first increased, then decreased during the present administration. Even so, it is still three times the expected level.

Civilians Killed and Injured in Events Reported by Sedena as Confrontations, 2007-2022, According to Data Provided by Sedena to the Citizen Security Program, Visible on the Interactive Map "Sedena's Confrontations"

— Civilians killed   — Civilians injured
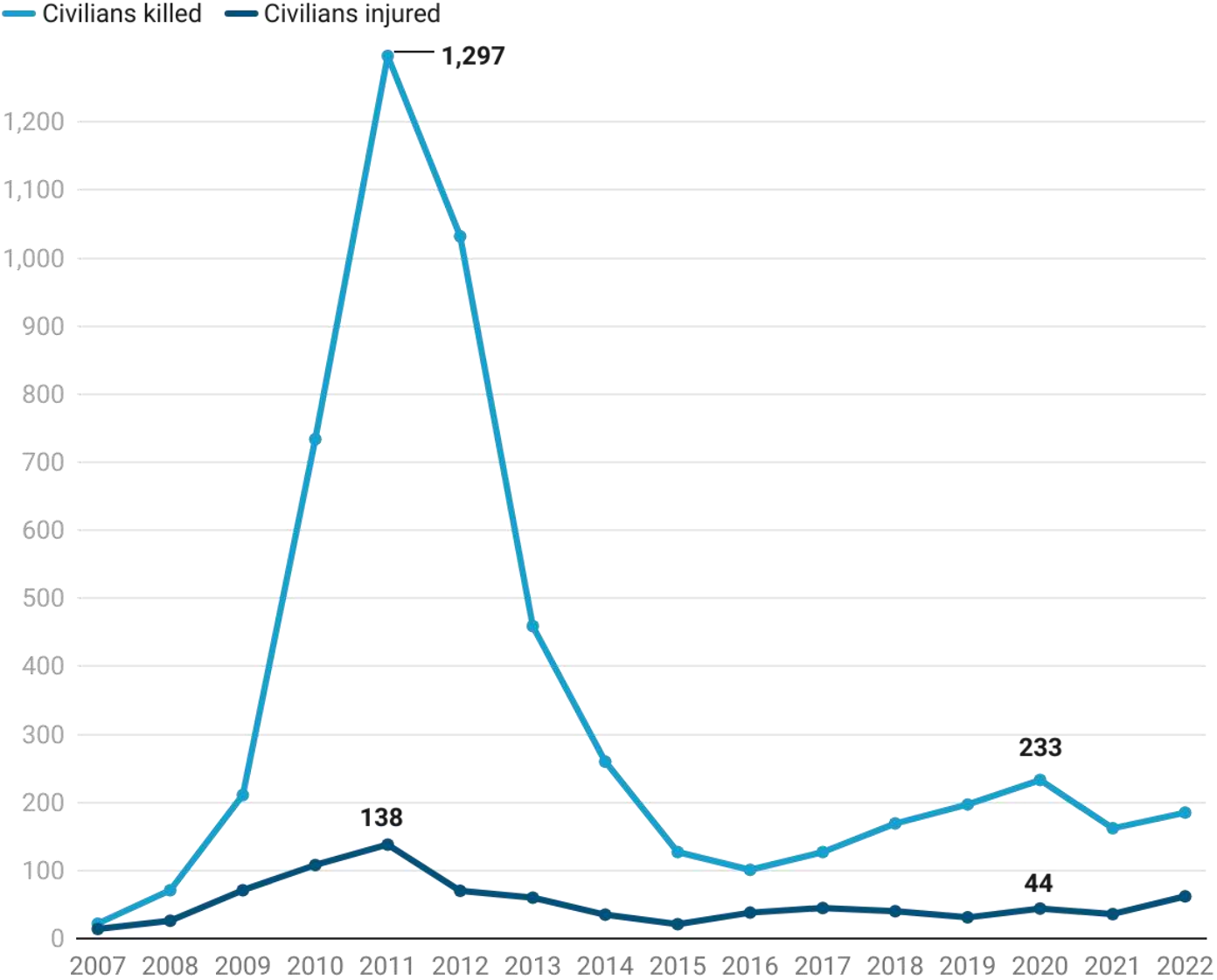
Source: Sedena data provided to the Citizen Security Program of the Mexico City campus of the Ibero-American University · Created with Datawrapper

Sedena's Lethality Index (Number of Civilians Killed for Each Civilian Injured) In Events Reported as Confrontations, 2007-2022, According to Data Provided by Sedena to the Citizen Security Program
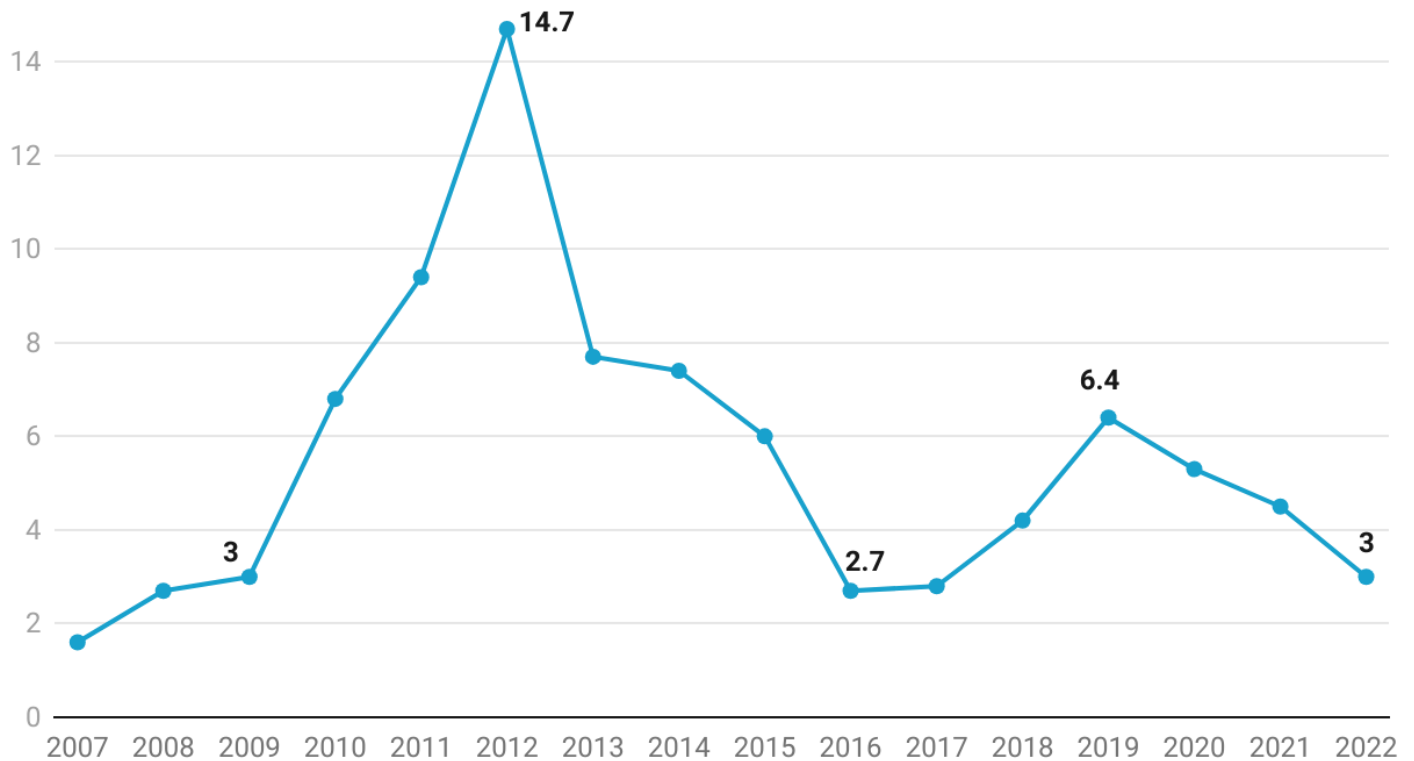
Source: WOLA calculations based on Sedena data provided to the Citizen Security Program of the Mexico City campus of the Ibero-American University • Created with Datawrapper

In all, of the 5,695 civilians and members of the military who lost their lives in events reported as confrontations by Sedena between 2007 and 2022, 94.6% (5,387) were civilians and 5.4% (308) were military personnel.

Enforced disappearance

As part of the present investigation, WOLA requested information from the FGR regarding federal investigations into enforced disappearance. The FGR informed us that it opened 138 investigations for enforced disappearance in 2022, with at least 247 victims: 222 men and 25 women (information request 330024623000570, the response to which was sent directly to WOLA). The FGR also reported that it presented charges in 2022 in four enforced disappearance cases in the adversarial (new) criminal justice system and one case in the old criminal justice system.

We asked for the number of cases opened in 2022 in which one or more members of Sedena, Semar, or the National Guard are under investigation. The FGR responded that it does not have the information

categorized in the way we requested it, but that it was able to locate some relevant data in an attempt to respond to our request, stating that "each unit works with different databases, so the information that was identified and compiled manually is not necessarily interconnected and does not come from all of the investigations" opened for enforced disappearance in 2022.
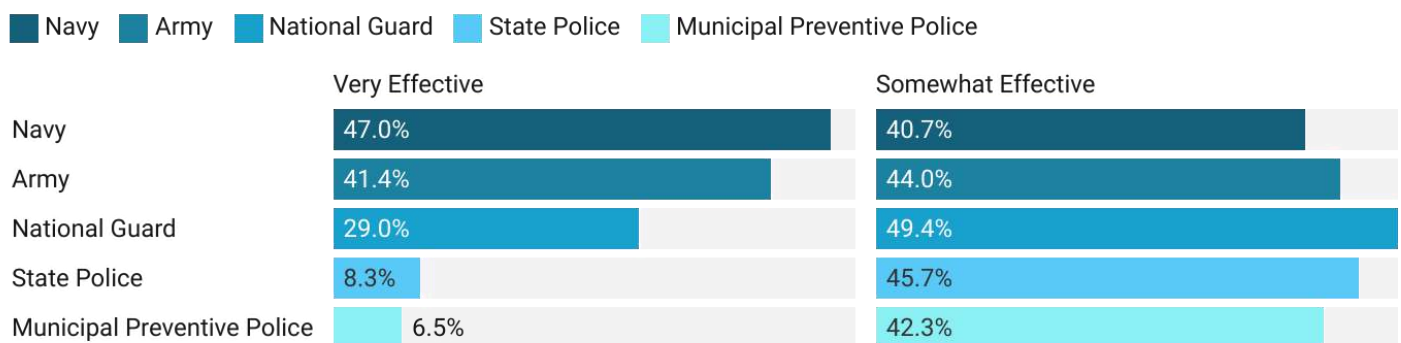
With those caveats, the FGR identified at least 18 cases in which it is investigating one or more members of Sedena, seven in the case of Semar, and three in the case of the National Guard. While incomplete, the data provided indicate that the FGR continues to receive complaints or information on disappearances in which there are indications of the participation of federal security forces. Mexico's government has an urgent duty to prevent and punish these serious human rights violations, especially in the context of an ongoing disappearance crisis that causes tens of thousands of families profound suffering.

The population's perceptions of militarization

One of the most frequently cited justifications for militarization is that the public has higher levels of trust in the armed forces than in other authorities.

The 2022 ENVIPE provides data on men's and women's perceptions of the armed forces. The overwhelming majority of those surveyed expressed at least "some" confidence in the effectiveness of Sedena, Semar, and, to a lesser extent, the National Guard. Compared with state and municipal police, it is notably more frequent that the armed forces are perceived as "very effective," a perception that occurs very infrequently for police. That said, the totality of security and justice institutions included in the ENVIPE experienced a statistically significant drop in the levels of trust expressed by the population between 2021 and 2022.

Percentage of the Population Ages 18 and Above That Views the Security Institutions' Performance as "Very" or "Somewhat Effective" in 2022, According to INEGI Data

■ Navy ■ Army ■ National Guard ■ State Police ■ Municipal Preventive Police

|	Very Effective	Somewhat Effective
Navy	47.0%	40.7%
Army	41.4%	44.0%
National Guard	29.0%	49.4%
State Police	8.3%	45.7%
Municipal Preventive Police	6.5%	42.3%

Source: ENVIPE 2022 • Created with Datawrapper

The June 2023 National Urban Public Security Survey (*Encuesta Nacional de Seguridad Pública Urbana*, ENSU) shows similar results, though with slightly lower levels of perceived effectiveness (when combining

the percentages of people who view these institutions as "very" or "somewhat" effective in preventing and combating crime).

The ENVIPE reveals differences between men's and women's perceptions of security forces. The greatest differences—of more than 10 percentage points—occur between the percentages of men and women who believe that Sedena and Semar are "very effective."

Percentage of the Population Ages 18 and Above That Views the Security Institutions' Performance as "Very Effective" in 2022, According to INEGI Data

Navy Army National Guard State Police Municipal Preventive Police
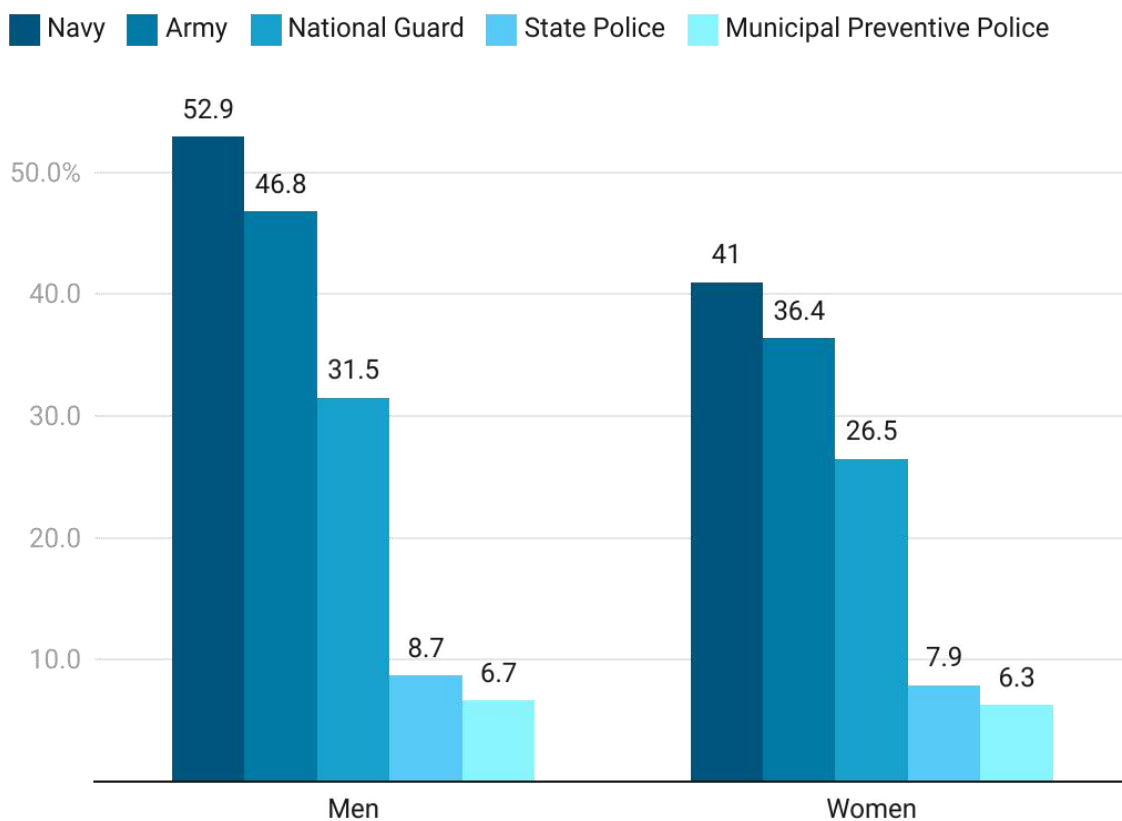
Source: ENVIPE 2022 • Created with Datawrapper

The 2021 Survey of the Quality of Democracy in Mexico (ENCADE), carried out by a group of universities, shows other important contrasts. When asked about their trust in the role the army plays in various areas, 67% of people surveyed expressed at least some confidence in the army's participation in fighting organized crime or drug trafficking groups, with even higher levels of trust in its participation in social programs. (In fact, according to another 2021 survey, even with increased military deployment in security tasks, the most frequent context of concrete interactions between the surveyed population and the armed forces was to receive some sort of assistance, with the most common categories being government paperwork, social programs, and support after natural disasters.)

Even as the majority of ENCADE respondents expressed confidence in the use of the army to combat organized crime, however, "52% considers that the Armed Forces have a pact with organized crime or drug trafficking groups"; "48% thinks that human rights violations committed by the Armed Forces are unlikely to be punished"; and only 38% of those surveyed believed the armed forces were held accountable to civilian authorities.

Evidently, at least among those surveyed, supporting militarization as an anti-crime strategy did not necessarily mean believing the armed forces were incorruptible.

Conclusions: the need for effective civilian controls over the armed forces

Following the end of Felipe Calderón's term, there has been a reduction in the number of serious human rights violations attributed to the armed forces. Nonetheless, this same period has not seen the consolidation of institutional mechanisms capable of preventing violations over the long term, and such violations continue to occur today. In parallel, military institutions continue to operate without due transparency.

Meanwhile, almost three presidential administrations after the deepening of militarization as the pillar of the security strategy, Mexico continues to experience high levels of violence, crime, and impunity.

The foregoing confirms the need to increase the capacity and accountability of institutions at all levels—especially beyond the federal sphere and with a focus on improving criminal investigations—within the framework of a transition to a civilian security model.

In the near term, it is essential that the government take steps to ensure that the armed forces have robust control mechanisms over their actions. This pending task, already necessary in the present, is also needed to help prevent the country from reverting back to higher levels of human rights violations in the future. President López Obrador points out that he has instructed the armed forces to avoid acts such as extrajudicial executions, and that current military deployment does not follow the same logic of frontal combat that characterized previous strategies. Nonetheless, if militarization continues without adequate controls, future presidents will inherit a country with an unprecedented military structure, including a militarized National Guard. If such a structure were to receive explicit or implicit orders to violate human rights (in the name of a frontal combat or 'iron fist' strategy, for example), there would be no mechanism preventing the country from once again experiencing extreme levels of serious human rights violations.

In light of the above, it is highly concerning that the armed forces currently operate without adequate civilian controls or accountability mechanisms. The data analyzed in this report provide several examples of the lack of such controls:

● **Failure to comply with legal obligations and presidential instructions**

  o The participation of the armed forces in the RND is a legal obligation imposed by the legislative branch (an interpretation of the law confirmed in January 2023 by the SCJN), as well as by the May 2020 Presidential Agreement that instructs the armed forces to carry out policing tasks. Nevertheless, Sedena informed us in mid-2023 that it does not register its detentions in the

RND. While full compliance with this obligation may require certain actions by the SSPC (to guarantee sufficient access to input information into the RND), Sedena's response to WOLA does not identify any technological obstacle to its participation in the RND, instead affirming that it does not participate in the RND because it only records its detentions in a Sedena database.

o The president has declared that his government does not spy on human rights defenders. However, the documented cases of the use of Pegasus spyware during the present administration indicate that the armed forces are indeed carrying out such espionage.

o In addition to these examples, the military has failed to turn over information under its control related to the Ayotzinapa case, despite presidential instructions issued at the start of the administration to share all such information. This refusal has reached the point of denying the existence of materials or even institutional structures within the armed forces, despite evidence that demonstrates their existence.

- Lack of robust civilian controls over the armed forces

o Obstacles and shortcomings persist in the effectiveness of the criminal justice system as an external control on the armed forces. On one hand, the FGR has opened investigations and presented charges against military personnel. To date, however, the probability that any given human rights violation will result in criminal punishment is low. The FGR has shown reticence to investigate the military chain of command and high-ranking officers. Further, on the serious issue of espionage against human rights defenders, the FGR has not been effective at bringing perpetrators to justice. The continuing application of military jurisdiction in serious human rights cases, under Article 37 of the Code of Military Justice, presents additional obstacles to effective and independent civilian investigations.

o The CNDH currently does not serve as a check on the expansion of militarization. In response to unconstitutional government actions, such as the attempt to formally transfer control of the National Guard to Sedena, the CNDH has taken extremely questionable positions in support of López Obrador's agenda. In February 2023, the CNDH publicly called on human rights organizations and the media not to disseminate "unofficial" information regarding the arbitrary killing of a group of young people by military personnel.

o When extending military deployment in policing tasks through 2028, Congress stipulated that the federal government had to provide reports once every six months with "quantifiable and verifiable" indicators to "corroborate respect for human rights and the rights of indigenous and Afro-Mexican peoples and communities." The section on human rights in the first such report presents information on human rights trainings, which does not corroborate respect for human rights in practice. It also contains a section entitled "Lethality Index," which presents a calculation different from the internationally recognized indicator known as the lethality index, making it difficult to understand the evolution of this indicator (based on their calculation, federal forces present the lethality index to Congress as "favorable"). With reference to the rights of different population groups, the report states that the armed forces "corroborate that their tasks are carried out in a manner that is respectful of human rights and indigenous and Afro-Mexican peoples and communities," without presenting data to demonstrate this.

o In the case of the National Guard, a militarized institution currently controlled by Sedena, Mexico's government has refused to comply with the binding order of the Inter-American Court of Human Rights to create an independent observatory on the National Guard's use of force. This refusal is presumably the result of resistance from the National Guard itself and/or from the military.

The need for control and transparency mechanisms is not limited to matters such as the use of force, detentions, and human rights. Other investigations have analyzed how the militarization of security in Mexico's states creates opportunities for corruption and enrichment by military authorities and actors close to them. The military's growing list of mandates, including a series of infrastructure projects, generates other opportunities for corruption, as would be the case for any institution charged with such tasks. In this case, ever more projects and authority are being entrusted precisely to institutions known for their lack of transparency, a combination that raises obvious concerns.

In terms of the growing budget controlled by the armed forces, in its 2022 report *The Business of Militarization* (*El negocio de la militarización*), the organization Mexico United against Crime (*México Unido Contra la Delincuencia*, MUCD) concludes:

> The armed forces have made a business out of militarization, which operates thanks to several factors. First, there is an increase in public resources in the hands of the armed forces with the consent of Congress, as laid out in *Chapter II: Budgetary Deformation caused by Militarization*, as well as through budgetary modifications or thanks to transfers of tasks. Second, there are ways to prevent transparency around how public resources are used; the means vary case by case but can include direct awarding of contracts, trust funds, or legal provisions regarding national security and access to information. Third, authorization exists to convert resources into institutional assets or, alternatively, benefits.

As MUCD states, it is difficult to separate economic power from political power: "the constant budgetary increases for the armed forces reflect an increase in the militaristic preferences of those with power and in the political power of the military."

As a last element in our analysis of militarization, we cannot overlook the impact of the federal government's public discourse, which transmits to society the message that all things military are honest and effective, while the civilian sphere is corrupt and practically beyond repair.

The president has repeatedly declared that the National Guard must officially become part of Sedena's structure, because if it remains in the SSPC, it will "go down the drain." He says, for example:

> [I] will leave, but I don't want the National Guard to remain in either the Ministry of Public Security or the Ministry of the Interior, as it was before. Imagine, three years on, six years on, it will go down the drain.

In response to the SCJN's ruling that the formal transfer of control over the National Guard to Sedena was unconstitutional, López Obrador stated:

> Eight Supreme Court justices, not the other three, acted without impartiality yesterday, deciding based not on law but on politics, defending the old practices of the authoritarian and corrupt regime characterized by injustice, collusion, and subordination of the authorities to organized and white-collar crime.

In essence, López Obrador maintains that if the National Guard belongs to a civilian institution, it will almost inevitably be corrupted. This is concerning, as the message sent to the population is that civilian institutions are inevitably corrupt, which reinforces the idea that it is not worth investing in them, and that the solution is instead to assign ever more tasks to the armed forces.

Bilateral security and justice cooperation between the United States and Mexico in the context of militarization

Any analysis of the role of the United States in Mexico's public security landscape must necessarily begin by underscoring the harmful impacts of various policies implemented and promoted by the United States in recent decades. These include:

- **The so-called "war on drugs**," a model that leads to the criminalization of the population and drives the illegal drug economy that enriches criminal groups, fomenting relationships of corruption between criminal actors and authorities.
- **Widespread availability of firearms in the United States**. Although the flow of firearms into Mexico is receiving greater attention in the bilateral relationship, it will be difficult to reduce it meaningfully without greater reforms in the United States to decrease the availability of high-powered weapons.
- **U.S. border externalization policies,** whose expansion in recent years has led to thousands of people being stranded in northern Mexico while they seek to request asylum in the United States, among other examples. Such policies increase the violence experienced by migrants and the profits of criminal groups who attack and extort them.

Thus, the most important actions the United States could take to improve security and weaken organized crime in Mexico would be advances in these three areas, which are the subject of other reports produced by WOLA, as well as investigations by other actors.

Below, we briefly summarize the evolution of bilateral security and justice cooperation during the current period of militarization in Mexico (from 2006 until the present). Initially, U.S. cooperation in this sphere included a significant component of support for the militarized model. Today, bilateral aid has moved toward a greater focus on civilian institutions. Notwithstanding, the U.S. government continues to collaborate and cooperate with Mexico's armed forces, including within the framework of current efforts to reduce the production and trafficking of fentanyl. The militarization of Mexico's borders also continues to be one of the clearest expressions of the externalization of border control that the United States has promoted for years.

The Merida Initiative, 2008-2021

The United States has been cooperating with Mexico for decades on security matters. From 2008 through 2021, the principal bilateral cooperation framework on security, rule of law, and drug control was the Merida Initiative. Although the Merida Initiative included technical assistance and support for civilian security and justice institutions, it initially embraced a war-on-crime approach, investing significant resources in equipping and supporting Mexico's federal security forces, including the military. From fiscal years (FY) 2008 to 2010, the U.S. Congress appropriated more than USD$420 million in Foreign Military Financing (FMF) under the Merida Initiative. Merida funding provided more than USD$590 million worth of aircraft to Mexico's federal security forces during these three years.

Starting in FY2011, the Merida Initiative evolved to focus on four priority "pillars" of action, namely:

1. *Combating transnational criminal organizations through intelligence sharing and law enforcement operations;*
2. *Institutionalizing the rule of law while protecting human rights through justice sector reform, forensic equipment and training, and police and corrections reform;*
3. *Creating a 21st-century U.S.-Mexican border while improving immigration enforcement in Mexico; and*
4. *Building strong and resilient communities by piloting approaches to address root causes of violence and reduce drug demand.*

Under the four pillars, Merida Initiative projects over the last decade have aimed to professionalize security and justice institutions, support Mexico's transition to an adversarial criminal justice system, combat corruption, and promote human rights, among other objectives. Such projects are managed by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and by the United States Agency for International Development (USAID). In total, the U.S. Congress appropriated more than USD$3 billion under the Merida Initiative.

FMF funding for Mexico fell drastically beginning in FY2011, and after that year, the FMF account was no longer considered part of the Merida Initiative. In FY2021, Congress appropriated USD$6 million in FMF for Mexico, and in more recent years, the Biden administration has not requested FMF funding for Mexico.

However, the U.S. Department of Defense provides assistance to Mexico outside the framework of the Merida Initiative. In FY2019, military cooperation with Mexico totaled some USD$55.3 million. In all, based on WOLA's monitoring of information from the Congressional Research Service (CRS), the Department of Defense provided more than USD$630 million in assistance to Mexico from FY2008-FY2018. The Department of Defense also implements activities funded by the International Military Education and Training account (IMET), which finances trainings for Mexico's armed forces through annual appropriations by Congress.

The Bicentennial Framework, 2021-present

On October 8, 2021, the U.S. and Mexican governments adopted the agreement that currently governs bilateral security and justice cooperation: the Bicentennial Framework for Security, Public Health, and Safe Communities. The Joint Statement announcing the Framework clearly sought to project a paradigm shift, proposing "a modern approach of public health and development." The two governments pledged to work together towards three main objectives:

1. **Protect our people** *by investing in public health as related to the impacts of drug use, supporting safe communities, and reducing homicides and high-impact crimes.*
2. **Prevent transborder crime** *by securing modes of travel and commerce, reducing arms trafficking, targeting illicit supply chains, and reducing human trafficking and smuggling.*
3. **Pursue criminal networks** *by disrupting illicit financiers and strengthening security and justice sectors.*

As for planned actions, the Joint Statement identified the following areas (our summary):

- Reduce "substance abuse disorder and associated harms."
- Address the transportation and regulation of precursor chemicals used to manufacture drugs such as fentanyl.
- Create a Network for Homicide Prevention to exchange best practices and work with communities and at-risk youth, with the possibility of multidisciplinary Homicide Task Forces to support investigation and prosecution of high-impact crimes.
- Combat arms trafficking from the United States to Mexico.
- Expand binational cooperation against human smuggling and trafficking.
- Address cybercrime and promote security in cyberspace.
- Strengthen forensic cooperation to help solve and punish the thousands of disappearance cases in Mexico.

While the Bicentennial Framework covers a range of actions, the last two years have made clear each government's central priorities. In the case of the United States, the priority issue is combatting the production and trafficking of fentanyl in the midst of an overdose crisis that has surpassed 100,000 victims annually. For Mexico, the priority has been to call for more actions by the United States to reduce the flow of weapons into Mexican territory. These two priorities, already evident, were named as core elements of "Phase II" of the Bicentennial Framework, announced in March 2023. Starting in April 2023, a trilateral committee, comprised of the governments of the United States, Mexico, and Canada, began to meet to deepen cooperation against fentanyl.

In this context, while U.S. cooperation has evolved away from a militarized focus over the last decade and a half—with a legislative directive in FY2023 instructing that funds appropriated for Mexico not be used to finance military participation in policing tasks—currently, Mexico's armed forces perform tasks that the United States considers key to its priorities. This is the case, for example, of the role played by Semar in Mexico's ports, where the United States seeks to block the entry of drugs and fentanyl precursors (for years, Semar's Special Forces have been known for their participation in bilateral actions against members of organized crime). Likewise, Sedena plays a central role in seizures and other actions against fentanyl in Mexico. According to CRS, bilateral cooperation in 2022 included "increased U.S. efforts to help Mexican military agencies create records of fentanyl and precursor seizures to submit to a central database."

Meanwhile, tens of thousands of National Guard and army troops in Mexico participate in the *de facto* externalization of the U.S. southern border. In August 2021, Mexico's Defense Minister declared that the military's main objective at Mexico's southern border was to "stop all migration." Currently, the U.S. government continues to ask Mexico to collaborate in various policies aimed at reducing border crossings, including measures that violate the right to seek asylum (this occurs even as, in parallel, the U.S. Department of State's Bureau of Population, Refugees, and Migration (PRM) provides assistance to support humanitarian aid and access to asylum for migrants in Mexico). In this context, the risk increases of the bilateral relationship reinforcing the participation of Mexico's armed forces in civilian duties.

Recommendations

Mexico's federal government is increasingly militarizing civilian tasks within and outside the realm of public security. Previous presidents presented militarization as a temporary measure that would allow time to strengthen civilian institutions—though in practice, military deployment became the permanent model, largely at the expense of prioritizing other security and justice strategies and institutions. The current government, however, promotes a broad militarization of civilian tasks in the long term, including through the militarization of the National Guard.

The military's growing list of civilian tasks is a trend that will not be easily reversed, but demilitarizing public security and consolidating civilian institutions is the necessary route to strengthen the rule of law. In the meantime, the government must install effective civilian controls over the armed forces.

In light of the issues analyzed in this report, we emphasize the need to:

- Ensure that Sedena and Semar register the arrests they make in the National Detention Registry (RND), in compliance with the corresponding National Law.
- Ensure that Sedena and Semar comply with all legal obligations applicable to any other security force regarding safeguards against serious human rights violations. This includes transparency on the use of force as required by the National Law on the Use of Force.
- Create the Independent Observatory on the use of force by the National Guard ordered by the Inter-American Court of Human Rights.
- Modify the Code of Military Justice to clarify that the investigation of serious human rights violations committed by members of the armed forces, such as cases of arbitrary deprivation of life, corresponds solely to the civilian authorities.
- Ensure that the armed forces' and the National Guard's semi-annual and annual reports include all information required by the Constitution and applicable secondary laws.

In parallel, it is essential that Mexico increase measures to strengthen the work of civilian security and justice institutions, drawing on international cooperation where relevant and focusing on areas such as the following:

- Strengthen the capacities, accountability, and practices of local and state police institutions. This should include the creation and/or strengthening of internal and external controls.
- Strengthen the capacities, accountability, and investigative practices of prosecutors' offices, including the effective implementation of criminal prosecution plans that prioritize criminal phenomena that drive violence.
- Prioritize attention, prevention, investigation, and punishment of violence against women, several forms of which currently show increases.
- Advance in the full implementation of the General Laws against disappearance and torture.

The necessary path to demilitarization of public security in Mexico does not have to start from zero. In fact, the same constitutional reform that authorizes military participation in policing tasks also mandates that state governments issue annual reports on the progress they have made in programs to strengthen "the institutional capacity of their respective state and municipal police forces." Nonetheless, the experience of recent decades and the trends seen under the current administration—in which the supposed date of withdrawal of the military from policing tasks has already been postponed until 2028—

show the need to closely monitor compliance with these provisions. In order to transition as soon as possible to a civilian security model, we emphasize the need to:

- Advance in, and monitor the evolution of, state-level programs to improve the work of state and municipal police forces. These should be analyzed using indicators of the conditions and concrete results of the institutions.
- Demilitarize the National Guard, guaranteeing that it is genuinely under the control of the civilian authority and ensuring that its training, composition, and practices are those of a civilian police force. A necessary, although insufficient, step to achieve this is full compliance with the April 2023 Supreme Court decision that struck down the transfer of control of the National Guard to Sedena.

The international community cooperating with Mexico in these areas should reinforce its support for objectives such as those outlined above (not intended as an exhaustive list), in order to support the demilitarization of public security and the consolidation of civilian institutions capable of responding to violence and crime in Mexico. In addition, the United States in particular should:

- Prioritize domestic and foreign policy advances in the areas that would have the greatest positive impact on the security situation in Mexico, namely: leaving behind the so-called "war on drugs" model; significantly reducing the widespread availability of firearms in the United States that are trafficked to Mexico; and ending measures that seek to externalize border control into Mexico, which place migrants at risk.
- Ensure that its collaboration, assistance, and communication with Mexican government agencies do not reinforce the prolongation of military participation in civilian tasks in Mexico.
- Ensure that U.S. cooperation continues and deepens its focus on strengthening the rule of law through civilian institutions. In terms of police forces in particular, professionalization and accountability remain key areas for support, including creating and/or strengthening internal and external control mechanisms.
- In light of public debate and some legislative proposals in the United States in recent months that seek to authorize military action against criminal groups in Mexico, it is imperative that the United States avoid any such actions. Proposals to address an overdose crisis in the United States with military action, or in general through the use of force and the reinforcement of the war on drugs, are counterproductive and would endanger the rights of the population.

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Acknowledgments

Advocacy for Human Rights in the Americas

WOLA is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.