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Mexico: The Militarization Trap

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Mexico has historically been a producer of marijuana and heroin destined for U.S. markets. The first drug networks were family-based groups that smuggled drugs and other contraband across the U.S. border. The landscape changed drastically in the mid-1980s, when a major U.S. interdiction effort shut down Florida as an entry point for Colombian cocaine. Colombian traffickers turned to Mexico, with its porous 2,000-mile border with the United States, and began working with their Mexican counterparts to supply U.S. demand. Enriched and emboldened by the lucrative cocaine trade, the Mexican cartels grew in sophistication and power to corrupt. They escalated their violence, leaving a trail of intimidation, terror, and bloodshed.

Mexico's growing importance in the drug trade triggered a number of U.S policies toward Mexico intended to invigorate that country's ability to disrupt and to dismantle drug-trafficking organizations. Although these policies have not had a discernible impact on the amount of drugs entering the United States via Mexico, they have become obstacles to consolidating democracy, protecting human rights, and establishing civilian oversight of the military in Mexico. The United States supported the creation of elite and "corruption-free" antidrug units in Mexico's security forces, but so far the track record of these units suggests that they cannot be completely inoculated against corruption. Their creation has diverted effort and attention from more comprehensive reform.

With U.S. encouragement, Mexico has given military personnel an increasing role in the federal police forces and prosecutors' offices. When this trend began, U.S. and Mexican authorities claimed it was a temporary solution to the problems of police and prosecutorial corruption and ineptitude. More than a decade later, however, today the military is entrenched in this role and shows no signs of withdrawing. The armed forces have themselves taken on growing and more public drug control responsibilities. U.S. military assistance has helped make this possible by providing the Mexican

Mexico	
Population	100,500,000
GDP	U.S.$617.8 billion
GDP per capita	U.S.$6,214
Share of Income	
• Poorest 10 percent of population	1.0%
• Richest 10 percent of population	43.1%
• Ratio of income of richest 10% to poorest 10%	45.0 times
Percentage living in poverty (<$2/day)	24.3%
Percentage living in extreme poverty (<$1/day)	8.0%
Public perception of corruption among public officials and politicians (0=more, 10=less)	3.6

Sources: UNDP, *Human Development Report 2004*; World Bank, *Inequality in Latin America: Breaking with History?*; Transparency International, *Corruption Perceptions Index 2003*.

Notes: Population and GDP data from 2001; share of income data 2000; poverty data 1990–2001.

military with training and equipment. As a result, the Mexican military has gained political influence and has seen its autonomy reinforced, thus altering its traditional subordination to civilian control.

Mexican police and soldiers have committed grave human rights violations during drug control efforts, and few are ever prosecuted for these crimes. In some cases, abusive soldiers or police have been the beneficiaries of U.S. training or other assistance. In other cases, the U.S. government has turned a blind eye toward human rights violations in the interest of obtaining drug-related information.

More than any other country studied in this volume, Mexico has a unique relationship with the United States that has complicated both nations' responses to the drastic escalation of drug trafficking and drug-related violence and corruption in Mexico. Their intertwined histories, societies, and economies have made the U.S. counterdrug relationship with Mexico complex and fraught with tension.

U.S. and Mexican leaders often declare that they have no bilateral relationship more important than that with each other. Yet U.S.-Mexican relations have been marked by distrust and occasional conflict since 1846,

when the United States declared war on Mexico and the countries fought bitterly for two years. When the war ended, half of Mexico's territory had been lost to—or, in the Mexican view, stolen by—the United States. Since then, Mexico has been extremely sensitive to issues of sovereignty and any perception that the United States might be meddling in its affairs. The Mexican military saw the United States as its natural enemy, and Mexico's defense was oriented northward to protect the nation from any future U.S. invasion. The drug war opened the door for the Pentagon to engage with this untrusting neighbor. "It is a miracle this relationship exists, given Mexican nationalism," according to one U.S. official.[1]

Promoting free trade has long been the number-one U.S. policy priority regarding Mexico. Although Mexico in the 1980s and 1990s was marked by widespread electoral fraud and official corruption, the main thrust of U.S. policy was to secure the economic reforms necessary for the signing of the North American Free Trade Agreement (NAFTA). Currently, thanks to NAFTA, Mexico is the second-largest U.S. trading partner, to the tune of about U.S.$260 billion every year. Every day, more than 250,000 vehicles cross into the United States from Mexico.[2] U.S. trade policy with Mexico has torn down barriers to the free flow of goods. Yet at the same time, U.S. counterdrug policy seeks to stop the flow of a particular type of goods—illicit drugs—for which there is heavy U.S. demand. The United States is simultaneously and paradoxically trying to create what has been called "a borderless economy and a barricaded border."[3]

The relationship between these interdependent neighbors reached some of its all-time lows as a result of anger and frustration over the drug issue. Twice, in 1969 and 1985, the U.S. government essentially shut down the U.S.-Mexico border in counterdrug-related actions. Mexico refused to receive U.S. drug control assistance for several years during the 1990s, and even after aid began flowing again, Mexico unceremoniously returned seventy-two U.S.-donated helicopters. At about that time, the U.S. Congress came close to decertifying Mexico as a drug ally, a move that would have cut off economic assistance to, and triggered trade sanctions against, an important trading partner.

Since President Vicente Fox took office in December 2000, however, previous friction over the drug-trafficking issue has largely evaporated from U.S.-Mexican relations. Efforts during the Fox administration's first three years led to the arrest of 22,000 people on drug crimes, including dozens of kingpins, among them some of the most wanted and feared.[4] Tijuana cartel leader Benjamín Arellano Félix was arrested in March 2002 by Mexican special forces soldiers in what was described by the U.S. State Department as "the most significant arrest ever of a wanted drug trafficker in Mexico." Special army units netted top figures from all the other major cartels as well, including the Gulf cartel's Osiel Cárdenas, captured after a

wild shootout in the streets of Matamoros. These aggressive Mexican efforts have pleased the United States enormously, leading drug czar John Walters to exclaim that "Mexico is going farther [in antidrug efforts] than any other nation, including the United States."[5] At first glance, U.S. and Mexican drug control policies finally appear to be paying off.

Yet even the State Department admits that

> in spite of these successes, Mexico remains the major transit country for cocaine entering the United States. Approximately 65 percent of cocaine reaching the United States passes through Mexico and waters off the Pacific and Gulf coasts. ... Additionally, Mexican traffickers figure prominently in the distribution of drugs, particularly cocaine, heroin, methamphetamine, and marijuana in U.S. markets.[6]

In short, the arrests of key traffickers have failed to make a significant dent in the flow of illicit drugs over the U.S.-Mexico border.

• Human Rights and the Security Forces in Mexico

Unlike most of Latin America's other main drug-producing or trafficking nations, Mexico is neither at war nor in serious social turmoil; nor is it emerging from a period in which the military played a predominant role. Even so, the military is involved in counterinsurgency efforts, primarily in the southern states of Chiapas and Guerrero, to combat guerrilla groups that surfaced in the 1990s. The Mexican military has remained largely under civilian control and has had relatively little involvement in politics and public affairs, though there are fears that this may be eroding, partly as a result of increased military participation in drug control.

At the same time, Mexico's unique political system has long fostered serious human rights abuses by both the military and the police. In the wake of the Mexican Revolution of 1910–1920, Mexico remained a formal democracy and elections were held, but the party that was eventually called the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) kept control of the government for seventy years. One-party rule severely crippled Mexico's civilian institutions, breeding a culture of authoritarianism and impunity. Power was concentrated in the executive branch, with the president exercising near-total control over every aspect of government. The legislature and judiciary existed to affirm and uphold the president's actions and thus did not develop into full-fledged, independent actors capable of checking the executive's excessive power.

When the PRI could not maintain its grip on political power through the cooptation of political opponents or tight control of the media, it resorted to electoral manipulation, outright fraud, and violent repression. From the late 1960s to early 1980s, the Mexican military, police, and intelligence services conducted counterinsurgency campaigns against dissidents and

left-wing guerrillas that resulted in torture, forced disappearances, and several massacres.[7] The U.S. government ignored these "dirty war" tactics, as well as electoral fraud that kept the PRI in power, satisfied that the PRI guaranteed stability in an important Latin American ally—and next-door neighbor—during the Cold War.

In particular, the United States tended to ignore corrupt and abusive practices on the part of the Mexican intelligence services because they were anticommunist allies.[8] The Federal Security Directorate (Dirección Federal de Seguridad, DFS), one of the lead agencies in Mexico's campaign against political dissidents and guerrillas, was deeply involved in organized crime and drug trafficking, even issuing police badges to drug traffickers and other criminals so they could carry out their activities without fear of arrest. Top DFS officials were themselves crime bosses. DFS director Miguel Nazar Haro, implicated in a number of forced disappearances, was indicted by the Federal Bureau of Investigation (FBI) in 1982 for orchestrating a theft ring that moved cars out of the United States into Mexico. The FBI was told not to pursue the indictment against him because he was a valuable intelligence asset.[9]

In this context, the Mexican justice system evolved not to establish the rule of law but to preserve the power of the powerful—from local political bosses all the way to the president. Police and intelligence agents spied on, harassed, and intimidated political opponents; in return for their services, they were allowed to engage in lucrative criminal activities without fear of punishment. Police were essentially the private security forces of the elite and had little reason to develop the technical skills needed to conduct professional investigations based on solid evidence. When called on to solve crimes, they often resorted to threats or torture to obtain confessions from suspects or convenient scapegoats. Police relied on *madrinas*—thugs hired as police backup or to serve as freelance policemen themselves. Impunity for these acts led to an "array of abuses that have become an institutionalized part of Mexican society..., especially in Mexico's efforts to curb narcotics trafficking."[10]

Police often resort to human rights violations in their attempts to investigate crimes. The most common is arbitrary arrest. Authorities generally claim to have arrested suspects in flagrante delicto (in the act of a crime). In Mexico, the legal definition of what is in flagrante is so broad that it may apply up to three days after the commission of a crime, as long as a witness identifies the suspect. With such broad sway, it is easy for police and soldiers to detain people without a warrant, and judges rarely question their accounts. Many of the complaints made about arbitrary detention are for drug-related offenses.[11]

Torture continues to be widespread, although its use has declined in recent years. The UN Committee Against Torture issued a report on Mexico

in 2003 concluding that torture is not the result of "exceptional situations or occasional excesses by police agents" but is "habitual and is used systematically as a resource in criminal investigations." Methods include beatings, electric shocks, simulated executions, suffocation with plastic bags, and deprivation of food and water. Torture is used to obtain information or confessions.[12]

The Mexican Military

Mexico is the Latin American country with the longest record of military subordination to civilian rule—a situation that can be characterized as "civilian, but not necessarily democratic, control" of the Mexican armed forces.[13] At the same time, the Mexican military is considered one of the most closed and secretive in Latin America. In exchange for the Mexican military staying out of politics, PRI granted the military almost complete internal autonomy and placed it beyond public scrutiny or even legislative oversight. Mexico's Congress exerts little real control over military budgets. The military is responsible for making its own decisions about its size and about weapons and equipment purchases, budgets, and contracts. Circumventing civilian oversight, the defense minister comes from within the military.[14] Prior to the Fox administration, defense ministers did not appear at congressional oversight hearings. According to Luis Astorga, an expert on drug trafficking, "There are no counterweights to the military. All the decisions—the who, when, where, and why—shouldn't be left in their hands. They leave a lot in the shadows."[15]

Military courts have broad jurisdiction to handle offenses against military discipline as well as any crimes committed by military personnel on duty, even when those crimes are committed against civilians. These courts are not transparent or accountable to civilian authorities. Military justice officials are legally prohibited from making documents from judicial proceedings public.[16] As a result, the military justice system has often been used as a protective shield for soldiers implicated in human rights violations or as a weapon against military personnel who advocate for change within the institution.

Although the military has remained subordinate to civilian control, it has been brought into civilian spheres and roles as a result of presidential orders. At various times, Mexican presidents have called on military personnel to serve in top police and prosecutorial posts, especially those responsible for combating drugs, with the hope that the famed discipline of the army would act as an antidote to corruption. The military accepted out of loyalty to a system that granted it complete internal autonomy and with an eye to securing a role for itself in the post–Cold War security environment. In 1995, Mexico's military was officially given a role in public security decisionmaking and policymaking as a member of the National Public Security Council. The Mexican Congress did not contest the implications of this decision—only a small minority expressed concerns about its possible dangers—and it was upheld in March 1996, when the Mexican Supreme Court determined that the armed forces may intervene in public security matters as long as civilian authorities request it.

Compared to the police, the military has a generally positive public image. In one poll carried out by a Mexican newspaper, 53 percent of respondents said they had confidence in the Mexican army compared to only 32 percent for the police.[17] Much of the public's respect for the military comes from its robust disaster-response mission. Whenever a hurricane strikes or a volcano erupts or a river floods, it is the military that can be counted on to deliver supplies and shepherd people to safety.

The military also has a reputation for being more disciplined and less corrupt than the police—a perception that may derive from the fact that the military has been so shielded from public scrutiny. After all, military corruption scandals are legion: soldiers protecting a drug flight gunned down federal police in Veracruz in 1991; a general offered an official U.S.$1 million a month to go easy on the Tijuana cartel; and General Jesús Gutiérrez Rebollo, once considered by U.S. officials to be a man of "absolute integrity" as Mexico's drug czar scored major victories against one cartel as a favor to its rivals.[18] Lack of oversight and accountability has permitted and possibly even fostered corruption, and the extent to which it has pervaded the institution is probably underestimated as a result.

The Mexican Justice System

Understanding why Mexico's human rights problems persist requires an examination of the criminal justice system, which does not adequately safeguard against abuse; on the contrary, it often provides incentives for illegal arrest and torture. Nor does it hold human rights violators accountable.

In Mexico's criminal justice system, trials consist of a series of hearings where evidence is presented in written form, confessions are the "queen of evidence" (and often the only evidence), and the accused are not guaranteed access to legal counsel. Prosecutors exercise a monopoly over the criminal process, and judges do not play an active role. In fact, judges are often absent from the proceedings, taking the prosecution's case at face value and issuing guilty verdicts in 90 percent of cases. The judicial branch's lack of independence leaves judges "vulnerable to pressure from the executive branch, including prosecutors, to convict based on tainted confessions" or to allow the wealthy and well-connected to evade justice.[19] (In early 2004, Fox proposed justice reforms aimed at correcting some of these faults; at the time this chapter was written it seemed unlikely that Mexico's Congress would pass the proposal.)

In a similar fashion, the criminal justice system has overlooked and

even encouraged abuses by the Mexican military as the military's public security and law enforcement role has grown. The military is technically prohibited from arresting or investigating criminal suspects, but the fact that civilian prosecutors and judges accept "evidence" gathered by soldiers during illegal detention and torture, turning a blind eye to clear signs of human rights violations and improper procedure, creates incentives for the military to do police work.

When soldiers are accused of human rights violations against civilians, impunity is the general outcome. During the administration of Ernesto Zedillo (1994–2000), military attorney general Rafael Macedo de la Concha (now serving as Fox's attorney general) received numerous credible reports of torture and other human rights violations committed by members of the military, several documented by the government's own National Human Rights Commission (Comisión Nacional de los Derechos Humanos, or CNDH). There is no evidence that the allegations were seriously investigated or prosecuted. The UN special rapporteur on torture noted, "Military personnel appear to be immune from civilian justice and generally protected by military justice."[20]

Although the PRI's "perfect dictatorship" ended with the election of opposition presidential candidate Vicente Fox in July 2000, the process of democratic reform has proceeded in fits and starts. The weaknesses and flaws of Mexico's institutions, particularly the criminal justice system, are proving difficult to overcome, and so the police and military continue to commit human rights violations with little fear of punishment. No efforts to make the military more transparent or accountable are in view, particularly because Fox feels indebted to the military for accepting the PRI's defeat and thereby giving stability to the political transition after the 2000 elections. According to Raúl Benítez, an expert on the Mexican military, "This attitude of subordination and loyalty ... gives the armed forces great benefits, [particularly] the power to 'influence the possibility that they will not be affected as institutions' in the event of national security or defense policy reform."[21]

• U.S.-Mexican Drug Control Policy

Mexico has historically been a producer of marijuana and opium. Cultivation of both crops occurs in the Sierra Madre Mountains of northwestern states such as Sinaloa and Chihuahua, as well as in Guerrero to the south (see Figure 8.1), all of which have substantial populations living in rural poverty. The Mexican army has spent more than a half-century in its permanent eradication campaign, trekking through remote mountain fields to hack down illicit crops.

Equally historic are the trafficking networks established to smuggle drugs and other contraband from Mexico into the United States. These networks experienced a dramatic growth in power and sophistication in the mid-1980s, when Colombian traffickers, stymied by U.S. interdiction efforts in Florida and the Caribbean, sought Mexican services to traffic cocaine across the U.S.-Mexico border. Cocaine rapidly transformed the drug landscape in Mexico. The old marijuana smugglers became part of a complex, hemisphere-wide network of drug traffickers.

Figure 8.1 Mexican Opium Cultivation Areas, 1999

Source: Drug Enforcement Administration, *The Mexican Heroin Trade*, DEA-20014, April 2000.

As drug-trafficking activity increased in Mexico, traffickers resorted to previously unknown levels of bribery and violence. In November 1984, former defense minister Juan Arévalo Gardoqui was implicated in the Buffalo Ranch—an enormous marijuana plantation of twelve square kilometers employing 12,000 people—owned by major kingpin Rafael Caro Quintero. In February 1985, Enrique "Kiki" Camarena Salazar, an agent of the U.S. Drug Enforcement Administration (DEA) who was investigating police ties to the Buffalo Ranch, was kidnapped, tortured, and murdered. Two days after Camarena's disappearance, Caro Quintero fled the city of Guadalajara in a private airplane after a brief, and presumably staged, exchange of gunfire with police.[22]

Camarena's murder brought tensions between the two countries to a

head. Collusion between drug traffickers and the Mexican police was already well known to the United States, but this was the first time that Mexican corruption had led to the death of a U.S. agent. U.S. drug control officials acted swiftly and forcefully to identify those responsible. As they did so, they became aware that Mexican drug traffickers were being given cover by a vast network reaching the highest levels of government. Mexico and the United States plunged headfirst into a crisis of confidence.

Beginning in 1986, the United States reacted with an antidrug strategy that would have a deep and long-term impact in Mexico. This strategy consisted of three overall policies. First, in a search for trustworthy police partners, the United States supported efforts to purge, disband, and restructure corrupt police forces; helped create vetted units within these forces; and provided training, equipment, and infrastructure support to federal police agencies. Second, U.S. officials sought a larger counterdrug role for the Mexican military. Finally, Congress imposed the requirement that drug production or transit nations, including Mexico, be certified annually as cooperating with U.S. drug control efforts (described in Appendix 1). These policies taken together reinforced the military approach, provided incentives for abusive practices, and caused serious tension and conflict between the U.S. and Mexican governments.

Building Trustworthy Police Partners

> *There is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship.*
>
> —DEA administrator Thomas Constantine, 1997[23]

When DEA chief Thomas Constantine uttered those damning words at a 1997 congressional hearing on Mexico, more than ten years had passed since the Camarena murder. In that time, U.S. drug control agencies had undertaken a range of efforts, all unsuccessful, to create trustworthy police counterparts. In Mexico, the DEA can collect intelligence about the drug trade, but it is not empowered to arrest traffickers or to seize shipments. For that it must depend on the Mexican police.

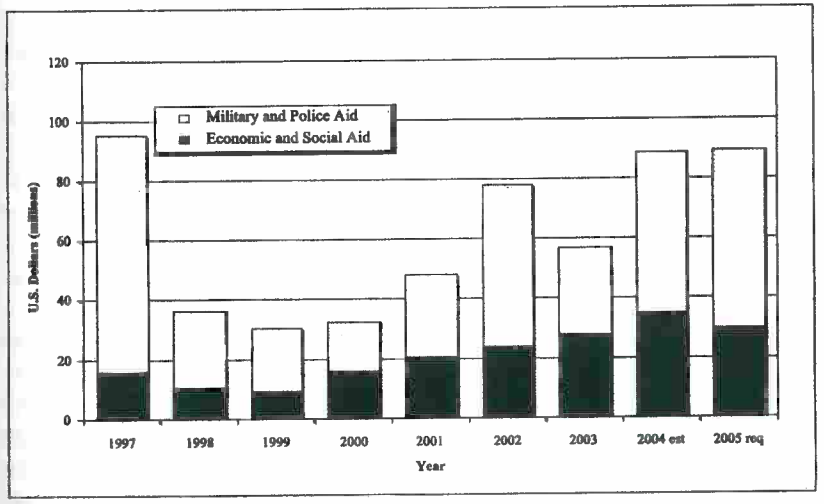
Among the various police forces in Mexico, only the federal police can intervene directly in drug control efforts because drug trafficking is codified as a federal crime.[24] The Federal Preventive Police (Policía Federal Preventiva, PFP) is responsible for public order and security; it exists, in essence, to prevent crimes from occurring. Operating under the Public Security Ministry, the PFP is allowed to detain suspects caught in the act of a crime. They also gather intelligence on a range of federal crimes but do not investigate or serve arrest warrants. After a drug crime is committed, responsibility to investigate and arrest suspects pursuant to a judicially

issued warrant falls to the Federal Investigations Agency (Agencia Federal de Investigaciones, AFI), formerly known as the Federal Judicial Police (Policía Judicial Federal).[25] The AFI works for the attorney general's office (Procuraduría General de la República, PGR), akin to the FBI working under the U.S. Justice Department.

The PGR is technically Mexico's lead drug control agency, with responsibilities for eradicating illicit crops, interdicting drug shipments, and investigating and prosecuting drug offenders. The PGR has a helicopter fleet for aerial eradication, but it carries out only about 25 percent of all eradication efforts, with the military performing the remaining 75 percent on the ground. The PGR, in coordination with the military, also establishes checkpoints, maritime patrols, and aerial surveillance to detect and to interdict drug trafficking.

Though in recent years the Mexican military has received the bulk of U.S. counterdrug aid, the United States also supports a variety of counterdrug programs for the Mexican attorney general's office (Figure 8.2 shows overall U.S. aid to Mexico). Since the mid-1980s, the focus of this assistance has largely been to build up the PGR's helicopter fleet for aerial crop eradication and interdiction efforts, to train thousands of police and prosecutors, to enhance the PGR's intelligence capabilities, and to improve

Figure 8.2 U.S. Aid to Mexico, 1997–2005



Source: Data from the U.S. State Department, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report*, various years. Please see WOLA website, www.wola.org, for full listing.

money-laundering controls and investigations; and to provide equipment, computers, and infrastructure. U.S. law enforcement agents are working ever more closely with the Mexican police to share information, conduct investigations, and prepare prosecutions for drug cases. (The U.S. government also provides some training and assistance to the Federal Preventive Police.)

In response to the crisis of confidence, at first the U.S. government seemed satisfied that a wholesale purge of corrupt police forces would make important inroads in the fight against corruption. After the Camarena murder in 1985, intense U.S. pressure forced Attorney General Sergio García Ramírez to dismiss numerous DFS agents for their links to drug trafficking and later to disband the DFS entirely. Several years later, under President Carlos Salinas de Gortari (1988–1994), there was an attempt to purge and restructure the attorney general's office because of rampant corruption and human rights abuse, especially in the counterdrug brigade of the Federal Judicial Police. The purge was precipitated by the murder of human rights attorney Norma Corona by brigade agents in cahoots with drug traffickers. Every successive president has purged and restructured the PGR on at least one occasion. President Zedillo implemented several such rounds, including the dismissal of nearly 1,000 federal police and prosecutors in 1996, though few were actually prosecuted for corruption, and several hundred were later reinstated by the courts.

As corruption continued unabated, the United States encouraged the Mexican government to create special counterdrug units within the PGR. In 1988 President Salinas formed the Center for Drug Control Planning (Cendro), the PGR's drug intelligence analysis center, and in 1992 he created the National Institute to Combat Drugs (Instituto Nacional para el Combate a las Drogas, or INCD), roughly styled after the DEA.[26] The INCD was disbanded in the wake of allegations that its director, General Jesús Gutiérrez Rebollo, was on the payroll of the Juárez cartel. It was replaced by a new agency, the Special Prosecutor for Crimes Against Health (Fiscalía Especial para Atención a Delitos Contra la Salud, FEADS). The FEADS employed scores of former INCD agents after subjecting them to a vetting process in which the DEA and FBI played a central role.[27] U.S. funds also provided technical support for the new agency. But in its turn, the FEADS was disbanded in 2003 after agents were discovered to be extorting drug traffickers.

As corruption continued to frustrate U.S. efforts to cooperate with Mexican law enforcement agencies, the DEA sought to identify and train counterparts within the Mexican attorney general's office and Federal Judicial Police to work in Sensitive Investigative Units (SIUs).[28] The SIU program's purpose is to create, train, and support a team of trustworthy investigators who are subjected to a "rigorous selection and vetting process" consisting of U.S.-administered criminal background checks, urine testing, and polygraph tests.[29] U.S. agents can share sensitive information only with these "supervetted" counterparts.

U.S. officials had high hopes for the SIU program, believing that it would lead to "a new era of successful investigations between the U.S. and Mexican Governments."[30] Yet not long after the SIU program began, U.S. officials discovered "significant drug-related corruption" among SIU agents that caused "great concern about the long-term prospects for success."

Five years later, however, U.S. law enforcement agents characterized the SIU program as a success. According to the DEA, it "has proven to be an extremely effective approach in conducting high-level international narcotics investigations" by allowing DEA agents to "work hand-in-hand with trustworthy foreign law enforcement officials."[31] But there are few concrete examples of SIU successes; most arrests of major drug traffickers have been carried out by the military.

Under President Fox, U.S. training and support for the Mexican police continues, and has actually increased, as the Mexican government has become more receptive to receiving new kinds of assistance from the United States. The DEA and FBI have seized on training as a way to build important relationships with their counterparts. During 2002, more than 6,200 Mexican law enforcement personnel attended more than 120 U.S.-sponsored training courses.[32]

Although the DEA is the lead U.S. drug control agency in Mexico, in 1994, the FBI was authorized to work on international drug investigations, known as Resolution Six investigations. Mexico is the FBI's largest of three Resolution Six programs, with nine agents assigned to drug investigations in 2003, and training is a large part of the program. From February to May 2003 alone, the FBI's Resolution Six agents trained slightly fewer than 800 Mexican police. An average of 1,000 law enforcement officials every year are now trained by the FBI in interview and interrogation techniques, crime scene investigations and evidence recovery, crisis management, ethics and anticorruption, media relations, police street survival, and tactical operations.[33]

The Fox administration disbanded the Federal Judicial Police force and replaced it with the Federal Investigations Agency, styled, at least in name, after the FBI. The AFI was intended to be a more professional and effective investigative police force with clear personnel procedures and command structures, internal controls, and compartmentalized intelligence and operational arms in order to curb corruption.[34] Like its predecessor, the AFI falls under the attorney general's office, the PGR, and is responsible for investigating all federal crimes, including drug trafficking. The United States has supported the PGR's housecleaning efforts, which resulted in the firing or suspension of about 2,600 federal agents; the U.S. government has also

provided assistance for the development of PGR's internal affairs division.[35] Fox also shut down the FEADS drug control agency after its corruption scandal. And in 2003 the attorney general's office was itself restructured once more, combining responsibility for all organized crime investigations under a single department.

The United States is for the first time actively involved in institutional development of the PGR and AFI rather than just emphasizing eradication, seizures, and arrests or building special units. One U.S. official remarked that even though drug seizures and arrests have decreased since Fox took office, "We're less concerned by that than [we would have been] ten years ago because the clear lion's share of Mexico's efforts is on developing institutions and investigations. ... We can't accomplish [our] goals without becoming institution builders."[36]

According to a State Department official responsible for counterdrug programs in Mexico, institutional reforms of the AFI and PGR under Fox have been deep-rooted and fundamental. U.S. officials believe these efforts stand a chance of breaking the cycle of corruption that has plagued all previous attempts to create trustworthy police partners.

But it is not clear that the Fox administration is attacking the structural problems that lead to corruption or even prosecuting corrupt cops for their crimes. Despite repeated requests, the PGR could not provide the authors with information on the number of federal police and prosecutors charged with drug crimes. As of September 2003, only nine PGR officials had been charged out of the more than 1,000 PGR personnel sanctioned in some way (suspension, fine, dismissal, etc.) for violating laws governing the responsibilities of public servants.[37] Many agents from the disbanded Federal Judicial Police were incorporated into the AFI, both to make up for the shortage of trained police when the agency was formed, and because the courts ruled there were insufficient grounds to dismiss them for corruption.

In some cases, corrupt cops are detained but later freed for lack of evidence. For example, in April 2002 federal police detained forty-two law enforcement officials from Baja California, including Tijuana's police chief and a top prosecutor, under suspicion of links to the Arellano Félix cartel. The arrests received considerable national and international press coverage and favorable commentary by U.S. officials. However, almost all of those arrested were released within a few days, and only ten ended up facing charges.[38]

Militarization of Counterdrug Efforts

> *Now the military is making arrests and carrying out investigations. Drug suspects are being arrested and interrogated by the military before they're handed over to civilian authorities. Establishing these precedents risks the democracy that we're building.*
>
> —Sigrid Arzt, expert on drug control policy, Mexico City, 2002[39]

In 1986, President Ronald Reagan elevated drug trafficking to the status of national security threat and ordered the Defense Department to take on a larger role in counterdrug efforts. Mexico soon followed his lead. In 1987, President Miguel de la Madrid (1982–1988) declared drug trafficking a national security issue, which opened the door for the militarization of drug control efforts. While the army had been involved in manual crop eradication involving some 20,000–30,000 troops a day since the 1940s, casting drug trafficking in national security terms led to the expansion of the military's counterdrug mission to embrace law enforcement and intelligence tasks as well.[40]

The militarization of counterdrug efforts involves two separate but interrelated phenomena: the expansion of the antidrug role of the military as an institution into domestic law enforcement responsibilities; and the appointment of military personnel (whether active duty, on leave, or retired) to posts inside civilian law enforcement institutions such as the police and attorney general's office.

The United States was an eager participant in the militarization of Mexico's counterdrug policy, prompting and supporting it every step of the way. U.S. officials encouraged Mexico to use the military to fight drugs for two basic reasons. First, the military was seen as the only institution with the manpower, resources, and equipment to counter the threat of well-armed and wealthy traffickers. Second, by 1986 Mexican law enforcement agencies had been thoroughly discredited by their links to drug traffickers, and the U.S. government saw the military as a less corrupt counterpart.

During de la Madrid's administration, the U.S. Central Intelligence Agency (CIA) helped the Mexican military form an elite team of about fifty soldiers intended to strike more effectively against drug traffickers. Mexican law enforcement officials were not told of the plan, effectively undercutting any possible civilian oversight. The elite team botched their first three operations—in one, they raided a residential neighborhood to apprehend a marijuana trafficker but ended up killing four people—so the program was shut down.[41]

Salinas was the first Mexican president to directly include the armed forces in counterdrug decisionmaking bodies. The INCD had an executive coordinating group that included representation from the defense and the navy ministries, as well as various civilian ministries. Salinas also created military rapid deployment units to combat drug trafficking and to neutralize the outbreaks of armed insurgency in the southern part of the country.

In the mid-1990s, the CIA again began providing training, equipment, and operational support to an elite team of Mexican soldiers, forming a special intelligence unit called the Center for Antinarcotics Investigations. This unit is responsible for developing the intelligence that is used to identify top drug traffickers and for designing strategies for dismantling drug cartels.

The military's role intensifies under Zedillo. In 1995, during the first year of the Zedillo administration, militarization of counterdrug efforts intensified. Zedillo placed the armed forces on the front lines of the drug war. His administration developed the Chihuahua Pilot Project, which replaced 120 Federal Judicial Police assigned to the Chihuahua offices of the attorney general's office with members of the army on loan from the defense ministry. The pilot project was soon extended to all the PGR's regional offices in areas with high levels of drug-trafficking activity. The Federal Judicial Police was soon filled with troops and high-ranking military officials, and military personnel were placed in charge of the Cendro, the PGR's intelligence center. Zedillo also created the National Public Security Council and, for the first time ever, gave the defense and naval ministries a role in decisionmaking and policymaking on domestic public security issues, including but not limited to drug control efforts.

The Chihuahua Pilot Project began to show signs of failure almost immediately. Within a few months, a number of members of the regional PGR office in Chihuahua, all of them military personnel on leave, were accused of having links to the Juárez cartel.[42] Despite this, the replacement of police by military personnel on leave was soon extended throughout the country. Division general Jesús Gutiérrez Rebollo was named director of the PGR's National Institute to Combat Drugs, roughly equivalent to the DEA. During the first three years of Zedillo's government, military personnel entered the ranks of the majority of the federal, state and municipal police forces in thirty out of Mexico's thirty-two states (including the Federal District).[43] The military began participating in public security councils replicated at the state levels as well and provided training to police forces throughout the country.[44] The line between police and military was effectively erased when Zedillo created the Federal Preventive Police in 1999, incorporating about half of its original agents from the military police.

To keep pace with these changes, the Ministry of Defense issued the Azteca Directive and the General Plan to Combat Drug Trafficking, establishing the military's permanent campaign against drug trafficking with programs to eradicate drug crops, confiscate illegal drugs, and combat organized crime. The Ministry of Defense reorganized its territorial structure in order to better respond to drug-trafficking threats. The military also provided support to civilian law enforcement officials in counterdrug and other crime control efforts through its participation in "mixed operations forces" *(bases de operaciones mixtas)* throughout the country. These forces paired soldiers with state and federal police and prosecutors, providing military backup to civilian law enforcement personnel in operations to combat crime.

At the same time Zedillo was giving the military responsibilities in drug control policymaking and law enforcement, the U.S. government began a concerted effort to train and equip the Mexican military for counterdrug tasks. In October 1995, Defense Secretary William Perry visited Mexico to seek closer ties with that country's military in the first-ever visit of a U.S. defense secretary to Mexico. Perry was reportedly alarmed by the lack of military-to-military relations and used counterdrug cooperation to reach his goal of improving relations. As a result of his visit, Mexico agreed to accept U.S. counterdrug assistance (from 1993 to 1995, Mexico funded its antidrug efforts on its own, refusing U.S. aid). Mexico and the United States also agreed to establish a bilateral working group for military issues that would include counterdrug cooperation.[45]

Perry's visit cemented the common counterdrug mission, and training became the heart of bilateral military relations. In 1996 the Pentagon devised a program to form, train, and equip Air-Mobile Special Forces Groups (Grupos Aeromóviles de Fuerzas Especiales, GAFEs). These special Mexican army units were to serve as "combat-ready shock troops to attack drug cartels."[46] The U.S. government trained thousands of Mexican soldiers at U.S. military academies in courses such as helicopter assault tactics, explosives, rural and urban warfare, drug interdiction, and operational intelligence gathering and planning. After the GAFE training program officially ended in late 1998, the U.S. government began training Mexican counterdrug amphibious units within the army (Grupos Anfíbios de Fuerzas Especiales, GANFEs), as well as the Mexican marines and navy. These programs are funded primarily through the Pentagon's budget and therefore subject to little U.S. civilian oversight.[47]

To equip the new counterdrug army units, the U.S. government sold and donated equipment to the Mexican military, including a gift of seventy-three UH-1H helicopters and components. The U.S. General Accounting Office criticized the Pentagon for some of these transactions, finding that "the effectiveness and usefulness of some equipment provided or sold to Mexico is limited."[48] The problems were evident in 1999 when the Mexican military returned all of the donated helicopters except for one that had crashed. The Mexican military was frustrated by the Vietnam-era equipment, which could not fly high enough to be effective at locating some illicit crops, as well as by a lack of spare parts to keep the helicopters in the air. (The U.S. military countered that the helicopters were being overused.) Mexico also bristled at U.S.-imposed restrictions limiting the helicopters' use to counterdrug efforts.[49]

Meanwhile, U.S.-trained and equipped GAFEs were deployed throughout Mexico to investigate and apprehend drug traffickers, particularly in Jalisco State and along the U.S.-Mexico border. The government increas-

ingly relied on GAFEs in the wake of police corruption scandals in 1997 and 1998. The State Department's top drug control official, discussing the widespread corruption in the Mexican attorney general's office, stated that, "In the shorter-term, the Government of Mexico will use small, elite law enforcement and military counterdrug units ... to attack key trafficking organizations and to handle sensitive information or investigations."[50]

The U.S. military took advantage of the counterdrug mission to promote closer relations with the Mexican military. Training became a way to engage with the institution itself and with thousands of Mexican military personnel. According to the White House's Office of National Drug Control Policy (ONDCP), one of the successes of U.S.-Mexican counterdrug efforts was that the two countries went from a "virtually nonexistent" military-to-military relationship to the formation of a bilateral military working group.[51]

However, one expert on the Mexican armed forces notes that U.S. training has not necessarily made the Mexican military less distrustful of the U.S. military. He argues that the biggest impact of U.S. training has been its influence on the design of military education programs in Mexico.[52] Despite its historic distrust of the U.S. military, the Mexican military embraced these training opportunities out of admiration for U.S. military education and profound dissatisfaction with its own system.

Between 1981 and 1995, Mexico sent a total of 1,488 personnel to U.S. military academies.[53] In 1997 and again in 1998, more than 1,000 GAFEs were trained in the United States—surpassing in two years the number of soldiers who had been trained in the previous fifteen.[54] For two consecutive years, the School of the Americas trained more soldiers from Mexico than from anywhere else in the hemisphere: 305 in 1997 and 219 in 1998. During that period, hundreds of Mexican troops were trained at the Inter-American Air Force Academy (141 in 1996, 260 in 1997, and 336 in 1998). When the GAFE training program ended in FY1998, absolute training numbers dropped—ranging from a low of 564 in 2000 to 857 in 2001.

The training was funded by a variety of U.S. budgets, both through the traditional security assistance programs paid for by the State Department and through the Pentagon's authority to use its own budget to train and equip foreign militaries for counterdrug purposes. Mexico became the top Latin American recipient of International Military Education and Training (IMET) assistance for four consecutive years (FY1996–FY1999) and continues to figure among the top three. IMET is administered by the State Department.

In fact, training funded through the Defense Department outpaced that funded by the State Department. Mexico was the top recipient of assistance (for training and equipment) through the Pentagon's counterdrug account in 1997 and 1998 and was the number-two recipient of Pentagon counterdrug funding in the following three years.

Fox follows Zedillo's lead. The Fox administration has continued the two interrelated policies of directly enlisting the armed forces in drug control efforts and filling civilian justice institutions with military personnel. Before Fox took office, his justice advisers were proposing a "strategy of gradually demilitarizing the police forces."[55] In response, the U.S. drug czar "warned Fox not to move too quickly in eliminating the role of the Mexican military in the drug war," saying, "until you have other institutions and ways of going about it, be careful of what you do."[56] Fox heeded the U.S. drug czar's advice, increasing the military's presence in federal police agencies. Many analysts believe Fox acquiesced in order to get the historically prickly drug control issue off the bilateral agenda so the two countries could concentrate on trade and migration. To overwhelming U.S. approval, Fox named a top military official, a brigadier general and former military prosecutor, Rafael Macedo de la Concha, as his attorney general. Experts have noted that, technically, the attorney general is subordinate to the defense minister, because although he is temporarily on leave he is still a member of the military and, as such, subject to the defense minister's authority.[57]

Once General Macedo became the nation's attorney general, he gave a number of military officers important strategic, intelligence, and operational positions in the attorney general's office, the PGR. The newspaper *Reforma* reported that as of November 2002 there were at least 227 military officers in the PGR, with twenty of them heading up important bureaus overseeing intelligence, eradication, interdiction, and seized assets. In all, 107 members of the military were assigned to the FEADS drug control agency (since dissolved), forty-two to the federal police, eight to the drug intelligence center Cendro, and seventy others to a range of other divisions and units.[58] U.S. officials regard the inclusion of military personnel in the PGR as positive, believing that military structure and discipline would be a good influence on reform efforts.

Although the presence of military personnel in the Federal Preventive Police was supposed to be temporary, lasting only until enough new civilian agents could be selected and trained, the number of soldiers within the PFP has actually increased during the Fox administration. Between September 2001 and June 2002, an additional 826 military personnel were brought into the Federal Support Forces (Fuerzas Federales de Apoyo, FFA), the PFP's operational arm, which is composed entirely of military police and members of the navy. Eight entire army units have been transferred to the PFP, as well as 1,600 members of several navy battalions.[59] Top positions in the PFP are also held by military officers: the FFA is led by a general, and the PFP as a whole is led by a retired brigadier general.

The Fox administration has also given the army a direct role in efforts to dismantle drug-trafficking organizations by having it track cartel bosses

and stage commando operations to detain them. Special forces battalions and the second and seventh sections of the defense ministry—the sections responsible for military intelligence and military operations, respectively—are investigating the cartels' leadership structures and apprehending kingpins, tasks formerly carried out by the federal police.

Under General Macedo, much greater coordination exists between the PGR and military structures. Army special forces provide backup to the PGR or even carry out major arrests themselves. One high-ranking antidrug official attributed the Fox administration's successful captures of drug kingpins to the PGR's close coordination with the army. "We've been working with them for five years, getting closer each year. It's been like an engagement, and I think we're married now. This year is the honeymoon of our marriage."[60] According to that official, a special antidrug military intelligence unit works hand-in-glove with the PGR to investigate and arrest drug traffickers. The unit is unwilling to have its role known publicly.

According to the State Department, during the Fox administration the Mexican military has "aggressively sought out training and assistance to improve its counterdrug capabilities. ... The Mexican military services have requested additional types of training and have shown greater interest in use of U.S. Mobile Training Teams [MTTs] to provide training for large groups at lower costs."[61] Training was expected to top 1,000 troops in 2003, and most of the training continues to be paid for by the Pentagon.[62] Because of Mexico's historic concerns about sovereignty and its ingrained distrust of the U.S. military, Mexican military personnel are almost entirely trained in the United States (as opposed to troops from other Latin American countries, who receive substantial U.S. training at home). The Mexican government had shied away from allowing MTTs to train troops on Mexican soil until the late 1990s.

The consequences of militarization. Now, says drug control expert Sigrid Arzt, the military is "entrenched, and new venues of modernization and professionalization were opened up to them as a result of their involvement" in drug control, and "it opened up doors for them—training, resources, increased budgets every year."[63] Mexican officials no longer discuss militarization as a temporary, short-term measure. According to President Fox, the military

> will continue in this task as long as [the drug trade] represents a threat to national security, to the health of young people, and to the tranquility of families. They will do it as long as it is necessary to destroy the criminal networks that attack the health of our young people, [and] they will do it in harmony and coordination with all the institutions responsible for combating [drug trafficking].[64]

Meanwhile, the military's participation in drug control efforts has exposed the institution to the corrupting forces of drug trafficking. Since 1997, three generals have been convicted of drug trafficking—former drug czar Gutiérrez Rebollo, as well as Francisco Quirós Hermosillo and Arturo Acosta Chaparro, architects of the military's dirty war on leftist insurgents in the 1970s. Between 1995 and 2000, more than 150 soldiers and officers were tried for drug-related crimes.[65] During the Fox administration, between thirteen and twenty-six members of the army and air force have been tried and sentenced for drug trafficking (the information provided by the Ministry of Defense varies).[66]

The U.S. government's efforts to establish trusted military counterdrug units have also been frustrated by corruption. GAFE soldiers assigned to counterdrug duties at the Mexico City airport in 1997 were caught accepting bribes from drug traffickers and migrant smugglers.[67] Deserters from GAFE units deployed to Mexico's northern border are currently using their high-tech skills to aid the Gulf cartel.[68]

DEA deputy administrator Donnie Marshall told Congress in 1998 that "in order to overcome the problem of widespread corruption in law enforcement, the Mexican Government replaced civilian authorities with military officers. Recent experience has shown that military officers, once exposed to the extraordinary opportunities for corruption, are equally susceptible as civilians."[69] Nevertheless, U.S. policy continues to promote an active counterdrug role for the military.

The Mexican military does not provide a specific accounting of the money it spends on counterdrug efforts.[70] The United States has not established oversight mechanisms for its training programs with the Mexican military. To secure Mexican participation in the special forces training program, U.S. officials agreed that they would not monitor the performance of recipient groups. As a result, "there [was] little oversight of how the training and intelligence is used in Mexico by a military with a long history of corruption, much of it drug-related, and human rights abuses."[71]

Through training, the United States encouraged a policing role for the Mexican military. Courses were provided to Mexican officers in "how to use their weapons in support of police, as opposed to using them in standard military ways."[72] The purpose of the training, according to the Pentagon official in charge of counterdrug operations at the time, was to teach Mexican soldiers "how to search vehicles, boats, and buildings. They will learn not only how to conduct a proper search, but also how to protect a crime scene.... We hope they will emerge from this with enhanced skill so they can help the police enforce the law in Mexico."[73]

U.S. officials downplay the armed forces' involvement, and some deny that they are playing such a large law enforcement role.[74] However, one

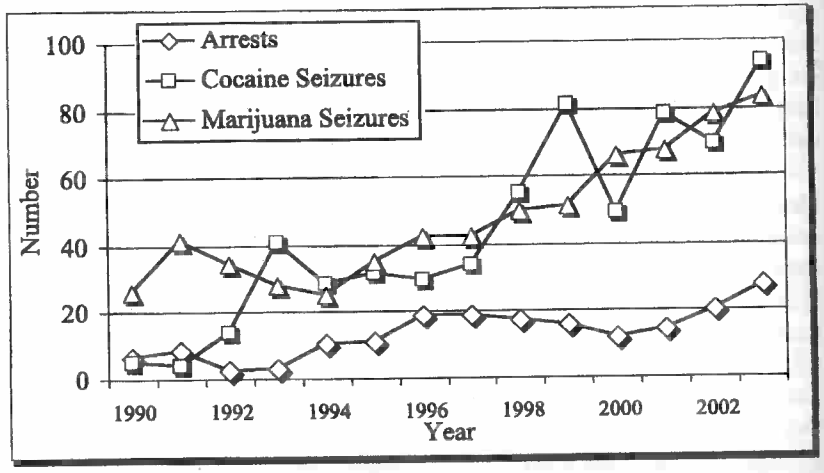
DEA intelligence report cites the Mexican military as one of the DEA's law enforcement counterparts, explaining: "The Mexican military ... plays a major role in Mexico's counterdrug efforts. In recent years, the military has been tasked with ... investigating and arresting drug traffickers."[75]

The military has historically been responsible for about three-fourths of eradication. Since Fox took office, however, the military has also become responsible for a large majority of drug seizures and a growing percentage of drug arrests. This trend is clearly reflected in the statistics shown in Figure 8.3. In 1993, the army carried out 3 percent of drug-related arrests in Mexico. Ten years later, the army's share of arrests rose to 28 percent. Likewise, whereas the military was responsible for only a small percentage of cocaine seizures in the early 1990s, the military made 94 percent of cocaine seizures in 2003.[76] These dramatic increases demonstrate that the Mexican armed forces, more than just supporting the PGR in counterdrug efforts, have taken over investigations and intelligence gathering of trafficking networks, as well as the operations to disrupt them.

Certification

> I keep a look at the scoreboard. As high as 50 to 70 percent of all narcotics comes through and from Mexico.... I liken certifying Mexico as a cooperative partner in our war against drugs to giving a special tax exemption to Al Capone during Prohibition to sell booze. Nothing personal against Mexico. It is not working. American cities are busting at the seams with narcotics. Mr. Speaker, if we are going to have a war on drugs, we cannot do it with the Peace Corps. It is time to start fighting.
>
> —U.S. Representative James Traficant (D-Ohio), 1997[77]

Figure 8.3 Participation of the Mexican Armed Forces in Drug Control Efforts, 1990–2003



Source: Office of the President of Mexico, *Tercer Informe de Gobierno del C. Presidente Vicente Fox Quesada* (Mexico City: September 2003), Statistical Annex, p. 469.

Enacted by Congress in 1986, the certification law required the president to certify by March 1 of every year that major drug-producing and trafficking nations (the "majors") were cooperating fully with U.S. counterdrug measures; Congress had thirty days to overturn any decision with which it did not agree. Countries that were decertified faced a range of punishments: a cutoff of all economic assistance (with the exception of counterdrug and humanitarian aid), automatic denial of loans from multilateral banks, and discretionary trade sanctions, such as the removal of trade preferences and the suspension of import quotas. These punishments could be waived in the interests of U.S. national security, but that did not remove the sting of humiliation for having received a failing grade from Washington.

The annual certification ritual gave members of Congress an easy way to look tough on drugs while casting blame for the nation's drug problems beyond U.S. borders. Yet the policy was not without harmful consequences. It instituted a scorecard approach to U.S. international drug control policy, rewarding countries for arrests and seizures without questioning the overall efficacy of those measures (i.e., if fewer drugs were entering the United States) or the context in which they were carried out. It drove military involvement in counterdrug efforts. And it provided a forum for insulting and alienating sovereign nations.

The approach also reinforced some abusive practices. For example, to demonstrate President Salinas's political will to fight drug trafficking, his administration drastically increased the number of arrests on drug crimes, filling Mexican prisons with small-time traffickers and those who had been subject to dubious arrests. U.S. officials praised this aggressive effort and years later—even after the Salinas administration had been disgraced as one of Mexico's most corrupt—held up these arrest statistics as an enviable achievement. Later, when total arrests dropped, the lower numbers were frequently cited in congressional debate in both the House and Senate as a criticism of Mexico and of President Bill Clinton's decision to certify Mexico in 1997 and 1998.[78]

Similarly, U.S. authorities used the certification process to push for legal reforms. At a March 1996 hearing, DEA administrator Thomas Constantine described Mexico as lacking the "sophisticated law enforcement structure necessary" to combat the drug cartels: "Just consider that, in Mexico, wiretaps are currently illegal, conspiracy laws do not exist, police cannot use confidential informants, there is no witness protection program,

and money laundering is not a criminal offense."[79] The Mexican Congress was not long in passing an organized crime bill granting federal police and prosecutors these investigative powers.

Yet basic, fundamental justice reforms—ensuring presumption of innocence, making procedures more transparent, guaranteeing access to counsel—were never a U.S. policy priority. Although there is nothing inherently wrong with giving police the power to wiretap, use informants, or conduct surveillance—in fact, these tools are necessary in order to conduct investigations into organized crime—these should exist only if adequate safeguards are in place to ensure they are not used unfairly. Because Mexico does not have an independent judiciary capable of withstanding political pressures, it cannot serve as an effective check on possible excesses by the police or prosecutors.

The certification debate also became the basis for pushing the Mexican military into a greater counterdrug role.[80] Even members of Congress who supported fully certifying Mexico used the process to encourage continued support for the Mexican military in the drug war. In 1998 Senator Strom Thurmond argued:

> If we decertify Mexico, the problem will not go away but will only be exacerbated. The progress that Mexico has made thus far, albeit modest, will come to a standstill. With the assistance of the Department of Defense (DOD), Mexico has countered extensive drug-related official corruption with unprecedented reform efforts.... It is of vital importance that the DOD continue to provide assistance to the Mexican military to combat drugs.[81]

Other members of Congress supported decertification with a national security waiver—they wanted to punish Mexico yet keep military aid flowing. Representative Benjamin Gilman argued in 1997 that if the United States chose to decertify Mexico, it should ensure that the president is able to "continue United States assistance to Mexico, particularly military assistance, which is likely our last best hope down there."[82]

Certification became an annual exercise in Mexico-bashing, as members of Congress roundly denounced Mexico's lack of progress in combating drugs and related corruption. The process consistently produced tensions and conflict between the United States and Mexico, eroding the sense of common purpose and partnership necessary for effective counterdrug cooperation and closing the political space for bilateral dialogue on important issues such as improving human rights.

Throughout Latin America, the certification process was seen as hypocritical bullying by Uncle Sam—how did the largest drug-consuming nation in the world dare judge everyone else on their drug control efforts? Mexico especially resented the policy as an affront to its sovereignty.

President Zedillo called the certification process an offense and suggested that the United States be subjected to the same review. Overturning the unilateral certification process was a priority for the Fox administration. During President Fox's official state visit to the United States in September 2001, he urged Congress to suspend the drug certification requirements as a gesture of faith in the new government, arguing that "trust requires that one partner not be judged unilaterally by the other." Because Fox's new government represented a break from the PRI's long record of corruption, Washington was willing to "avoid an early confrontation" with the new government and give it a chance to develop effective bilateral counterdrug programs.[83] President George W. Bush signaled his commitment "to replace the annual counternarcotics certification regime with new measures designed to enhance international cooperation in this area."[84]

The certification process was modified, although not completely repealed as Mexico had hoped. Under the original law, the president had to certify that each of the majors was fully cooperating with U.S. antidrug efforts, creating a situation where countries had to jump through hoops to earn a positive rating. The reform reversed that burden of proof, requiring the president to decertify only those countries that "failed demonstrably, during the previous 12 months, to make substantial efforts" to adhere to their international counterdrug obligations.[85] In other words, countries would be automatically certified unless their antidrug efforts were resoundingly poor. Reforming the process also removed the thirty-day window for Congress to overturn the president's decision, eliminating Congress's role in a procedure often used to bash Mexico for failing to live up to U.S. expectations. In addition, the process was changed so that an international (and not U.S.) standard was used to evaluate the efforts of drug-producing and trafficking nations.

• Impact on Human Rights

The links between U.S. counterdrug policy and Mexico's human rights problems and fragile democracy are difficult to disentangle. Mexico had a dismal human rights record long before U.S. drug control policy took hold, and Mexican presidents have frequently experimented with militarizing police and law enforcement institutions, often in response to their own citizens' clamor for a tough-on-crime approach. Yet by fueling the Mexican military's intrusion into police work, by supporting police units and forces that are not transparent or accountable, and by applying a scorecard approach to drug control, U.S. drug control policies have adversely affected Mexico's human rights situation.

The State Department itself has recognized that "the police and military were accused of committing serious human rights violations as they carried out the Government's efforts to combat drug cartels."[86] In the

1970s, as part of Operation Condor, the Mexican government sent 10,000 soldiers and police to a poverty-stricken region in northern Mexico plagued by drug production and leftist insurgency. Hundreds of peasants were arrested, tortured, and jailed, but not a single big drug trafficker was captured.[87] During the Salinas administration, a U.S.-supported counterdrug brigade within the judicial police was implicated in the worst reports of torture and killing, including the Norma Corona assassination. The elite brigade was composed of many police officers that had previously served in earlier repressive police units.[88] During Zedillo's term, antidrug police and soldiers were responsible for scores of forced disappearances in drug-trafficking centers such as Juárez and Culiacán. In some cases the police and soldiers had been hired by traffickers to eliminate enemies; in other cases they had arrested, interrogated, and presumably tortured the victims before they disappeared.[89] Abuses committed by soldiers and police during counterdrug operations continue under the Fox administration.

Alarming allegations of torture and corruption surfaced within the Federal Investigations Agency as well. Only six months after AFI's creation, detainee Guillermo Vélez Mendoza was killed while in the custody of AFI agents. After the National Human Rights Commission determined that Vélez died as a result of torture, the agent implicated in his death was arrested, but he escaped after being released on bail.[90] By the end of the year, no AFI agent was being held accountable for Vélez's death.[91] The practice of using *madrinas* has not disappeared with the AFI. In June 2002, a man arrested on drug charges was shot to death in an AFI holding cell. The alleged murderer was a former member of the army's special forces and worked as a *madrina* for AFI agents. Several months later, *madrinas* killed a woman when they accompanied AFI agents on an arrest in Sinaloa in January 2003. They had broken into the home of a suspected drug criminal in order to arrest him—without a warrant—and in the firefight that ensued his sister was killed and his mother injured. It has also been alleged that AFI agents in Nuevo Laredo were involved in a number of disappearances.

The context in which drug law enforcement occurs allows it to be used as a weapon by local political bosses against opponents. Human rights organizations have documented that the criminal justice system is "used as a means of political control by corrupt local officials in drug producing areas. Peasants who grow marijuana and other banned crops are at the mercy of officials who engage in selective enforcement of drug laws and raid and arrest anyone who engages in dissent."[92]

Although lower than in previous years, drug-related arrests in Mexico since 1995 have hovered at around 10,000 a year, and about 90 percent of

those accused of drug crimes are found guilty. Those imprisoned tend to come from the poorest sectors of society. In 2001, about three-fourths of the approximately 20,000 people convicted on federal charges (including more than 9,000 for drug crimes) had only an elementary or middle-school education, and more than half were farmers or day laborers.[93] According to the CNDH, nearly one-third of the indigenous prisoners in Mexico in 2001 were in prison for federal crimes, overwhelmingly drug related.[94] Mexico's indigenous population is the poorest, most marginalized, and most vulnerable to abuses by drug traffickers, the police and military, and the justice system. "The majority of these indigenous prisoners are used by organized crime to transport drugs," stated a CNDH official. "Faced with hunger, poor quality lands, without resources to cultivate, and left out of development efforts, indigenous people accept or are forced to transport drugs. They have to find some way to survive."[95]

Although the Fox administration has made an effort to target more high-level traffickers, the vast majority of people imprisoned on drug charges continue to be from the lowest rungs of the drug trade. Of the nearly 19,000 people arrested for drug crimes between December 2000 and April 2003, 98 percent were growers or low-level dealers.[96]

The Mexican military has committed a range of human rights violations in the context of antidrug efforts, as soldiers patrol mountain regions and border areas to eradicate and intercept illegal drugs. Human rights organizations have documented scores of cases in recent years, including illegal arrests, secret and prolonged detention, torture, rape, extrajudicial execution, and fabrication of evidence.[97] The military often attempts to refute these allegations through outright denials or false arrest and medical reports. In Fox's first six months in office, the CNDH received eighty complaints by civilians against military personnel, fifty-four of them related to antidrug operations, as well as twenty-six complaints by members of the military against their superiors.[98]

Only agents of the AFI are authorized to carry out arrest warrants for drug crimes, but soldiers can make arrests if they catch someone in the act.[99] In the first six months of 2003, the military arrested 914 alleged drug criminals, nearly one-third of all drug-related arrests during that period. This is a substantial share for an institution that is not legally empowered to conduct criminal investigations and that can carry out arrests only in what should be considered exceptional situations (i.e., without a warrant).[100]

Soldiers have taken advantage of the in flagrante provision to arrest people they consider suspicious but who have not been caught in the act of a crime. After being arrested, detainees have been held for a prolonged time in military custody while evidence is gathered, often through the use of

coercion or torture to elicit a confession. Once this evidence has been obtained, the military transfers the detainees to the custody of the civilian authorities.

Soldiers have also committed extrajudicial executions. Between 1996 and 2000, soldiers taking part in antidrug operations were implicated in at least fourteen extrajudicial executions.[101] In some of the cases, the victims died as a result of torture. In others, they were shot by soldiers on drug patrol in rural communities and left to bleed to death. The military often denied its involvement or attempted to justify the executions by claiming that the victims were drug traffickers.[102]

Civilian authorities have reinforced, and even encouraged, the army's abusive actions by validating evidence gathered through torture and by ignoring clear signs of human rights violations and improper procedure. This has occurred even in cases where their own forensic doctors detected torture. The CNDH documented one such case from May 1996 in which a man was illegally detained by soldiers in Guadalajara, taken to a military base, interrogated about drug trafficking, and tortured until he lost consciousness. Four days after his arrest, soldiers took him to the police, claiming they had just arrested him in the act of a crime. Although a government physician certified evidence of torture, which should have invalidated the confession that was the basis of the charges against him, civilian authorities charged him with drug crimes. Eight similar cases from Guadalajara during the same period were documented by the CNDH, with civilian authorities charging suspected criminals on the basis of confessions extracted by soldiers through the use of torture.

The military often provides backup for civilian police, and sometimes police even ask soldiers to carry out tasks. In one case from February 2002, AFI agents asked the Mexican military to locate a particular criminal defense attorney who was implicated in a drug case and to bring him in for questioning. Military police organized an operation to detain him after he made a prison visit to one of his clients. As the target was driving away from the prison, a group of nonuniformed soldiers attempted to stop his vehicle. When he did not heed their orders they opened fire on the car, forcing it off the road and killing one of the passengers inside. The soldiers detained the lawyer (without a warrant) and brought him to the civilian authorities for questioning, leaving his companion to bleed to death.[103]

Sending the army into rural regions for counterdrug operations can also serve as cover for counterinsurgency efforts. Since the 1990s, the Mexican army has maintained a large presence in Guerrero, a region known for poverty, illicit crop cultivation, and opposition movements, both peaceful and armed. Civil society organizations active in regions affected by drug trafficking have long suspected that they were subjects of military surveillance. Organizations in Chihuahua had their suspicions confirmed by a Defense Ministry document outlining a plan for establishing antidrug working groups that

> will adopt the measures necessary to obtain information on the existence of armed groups, subversive activities, unjustifiable presence of foreigners, organizations, proselytizing by priests or leaders of religious sects, ecological groups, political propaganda, [and] the presence and activities of bands or gangs of criminals.[104]

Soldiers have conducted counterdrug sweeps that target local activists and intimidate communities where they suspect insurgent activities. According to Human Rights Watch,

> The counterinsurgency mindset appears to be reproduced in the army's approach to the drug war, as officers rely on ... their perceived political allies for information about who to target in their operations. In this way, ... *caciques*—or political bosses—are able to bring the firepower of the army to bear upon their political opponents by denouncing them as guerrillas or drug traffickers.[105]

Illustrative of this danger is the case of environmental activists Rodolfo Montiel and Teodoro Cabrera. Their campaign against logging angered local *caciques*, who then denounced them as drug traffickers to regional military commanders. The men were illegally arrested by soldiers who tortured them into confessing to trumped-up drug and gun charges. Both men were convicted; Amnesty International declared them prisoners of conscience. Despite that, their case is listed as one of the "important convictions"—along with that of Colima cartel kingpin Adán Amezcua Contreras—in a document highlighting the Zedillo administration's major antidrug accomplishments.[106]

Impunity for human rights violations committed by the military is a serious problem. Most cases are not investigated; those investigated are rarely prosecuted; and the few convictions for human rights abuse that have been reached came after years of national and international pressure. The military justice system has jurisdiction over cases in which military personnel are blamed for abuses against civilians. Military courts are not transparent or accountable to civilian authorities or victims, and military justice officials are legally prohibited from making documents from judicial proceedings public. Even soldiers seconded to police forces like the PFP remain under military jurisdiction if they commit human rights violations against civilians while on police duty.[107]

• The U.S. Government's Human Rights Obligations

Under a U.S. law known as the Leahy Amendment, no member or unit of a foreign security force that is credibly alleged to have committed a human

rights violation may receive U.S. training. Furthermore, no unit of a foreign security force can receive equipment or other assistance if any of its members is suspected of human rights abuse, unless the government is taking steps toward bringing that person to justice.

U.S. embassy officials in Mexico in charge of human rights and drug control programs state that they vet all proposed police and military trainees for alleged involvement in human rights violations.[108] However, human rights groups monitoring Leahy Amendment implementation in Mexico say it is not clear that the embassy is doing adequate human rights vetting of the police personnel and units that are receiving U.S. assistance. The embassy database that keeps track of human rights violations is seriously incomplete.[109] One human rights organization submitted information to the embassy on more than sixty well-documented cases of human rights abuse by the Mexican military, yet only a few had been registered in the database. Embassy officials reported that they had never asked the military for information about judicial actions against soldiers implicated in abuse. Given this lax oversight, and considering the thousands of soldiers and police that have been trained or have benefited from U.S. assistance, it is possible that some abusive agents received U.S. training or other assistance.

The United States has provided training to members of the Mexican military who have gone on to commit human rights violations. In December 1997, a group of heavily armed Mexican special forces soldiers kidnapped twenty young men in Ocotlán, Jalisco, brutally torturing them and killing one. Six of the implicated officers had received U.S. training as part of the GAFE training program.[110]

U.S. officials have also sought to use evidence that was obtained through torture. In one case reported by the *New York Times*, an agent from the Bureau of Alcohol, Tobacco, and Firearms (ATF) interrogated Alejandro Hodoyan Palacios, a Tijuana cartel enforcer suspected of murdering a Mexican antidrug prosecutor. Hodoyan had been arrested by the Mexican military and subjected to torture during his incommunicado detention; when the ATF agent met with Hodoyan, the latter was blindfolded and shackled to a bed in a military barracks. The DEA also had a chance to debrief the suspect and "eagerly accepted the offer as a rare chance to cooperate with the Mexican military and improve their relations" with drug czar Gutiérrez Rebollo.[111] The U.S. government indicted Hodoyan for drug crimes, even though the evidence against him had been "gathered with methods that would not be permitted under American law."[112] U.S. prosecutors found themselves in the position of defending the quality of Mexico's evidence.

The U.S. government has even hailed some abusive investigations as evidence of Mexico's commitment to the war on drugs. For example, in

October 2002, military authorities held hundreds of soldiers incommunicado to investigate reports that they were protecting drug traffickers. Military police and prosecutors, aided by army special forces groups, threatened, beat, and tortured soldiers in order to obtain information and confessions. The Mexican government's National Human Rights Commission documented that several soldiers bore physical evidence of torture such as bruised stomachs, backs, and testicles.[113] Thirteen soldiers were eventually charged with drug crimes, and the entire battalion was disbanded. The State Department pointed to the prosecutions as a success in the war on drugs, citing the effort as an example of how "Mexican leaders worked energetically to detect and punish corruption among law enforcement officials and military personnel."[114] But the use of torture raises questions about the validity of the charges.

U.S. agents have themselves been involved in extrajudicial action on Mexican territory. In 1990, the DEA organized a secret operation to apprehend a Mexican citizen allegedly involved in the Camarena murder. Using a tactic known as "irregular rendition," DEA agents, frustrated by corruption and the lack of cooperation from their Mexican counterparts, hired a man to kidnap Humberto Álvarez Machain and bring him to the United States for prosecution. This incident reinforced the impression that law enforcement agents may flout the law if their illegal actions ultimately result in the arrest and prosecution of suspected traffickers. It also aggravated tensions in the bilateral relationship, as Mexico had very real grievances about violations of its sovereignty.

In a more recent case, agents at the U.S. Bureau of Immigration and Customs Enforcement (ICE) kept a Juárez cartel hit man as a paid informant despite knowing of his participation in the murders of at least twelve suspected drug traffickers. This man's activities, and ICE's knowledge of them, came to light after he organized an assassination attempt against two DEA agents living in Juárez in January 2004. Perhaps to deflect attention from himself, the informant helped U.S. agents capture a prominent Juárez cartel member, which in turn led to the discovery of a clandestine graveyard in the backyard of a former Chihuahua state police officer's home where the bodies of the twelve suspected drug traffickers were buried.

According to U.S. and Mexican officials, one of the victims had been killed several months earlier by the informant, whose ICE handlers had been notified ahead of time and listened in on an open cellphone line as he tortured and murdered the man; the agency later altered an internal memorandum in an effort to cover up the informant's role in the killing.[115] By continuing its relationship with the informant despite knowledge of his responsibility for torture and murder, U.S. officials signaled that such illegal and unethical practices were an acceptable price to pay for information about drug trafficking.

• Conclusion

U.S. drug control policies in Mexico have not had a discernible impact on the amount of drugs entering the United States, yet they are hindering democratic reforms and respect for human rights. Adequate and effective mechanisms for the supervision, control, and accountability of the police and military do not exist. Human rights violations committed during drug control operations go unpunished. With U.S. encouragement and material assistance, Mexico has increased the role of its military in the fight against drugs and relegated civilians to a lower level of participation. Tactical successes against major kingpins will likely result in a continued role for the military in counterdrug policing.

The fact that Mexican police officials are corrupt and incapable of successfully confronting drug-related crime poses a dilemma. Although not consistent with democratic practice, temporarily employing the military to do police duty is an understandable choice in the absence of other immediate options. Yet in Mexico the military was given what has become a permanent and important role in counterdrug and public security operations and policymaking. A first, partial attempt at police reform did not even occur until the Federal Investigations Agency was created in 2001. U.S. officials acknowledge that Mexico is now investing more energy in the difficult process of institutional reform.

Giving the military responsibilities for civilian drug control, even if such measures are intended to be temporary, poses a threat to democratization. Mexico is undergoing a transition to democracy, but the rules for civil-military relations are not being rewritten. The Mexican military's increased antidrug responsibilities have given it greater autonomy precisely at a time when its role and powers should be curtailed and supervised, putting Mexico in the position of having a powerful, unchecked, and unaccountable military at the helm of major government initiatives. There is also the danger that the military will come to expect a permanent seat in civilian institutions and policymaking arenas. One Mexican expert argues,

> The more civilian leadership relies on the military to carry out politicized, internal police functions, the more the military itself expects to have a voice in political decision making, and equally important, the more society, including future civilian and military leaders, defines intervention as a legitimate military activity.[116]

Involving the Mexican military in counterdrug law enforcement has also created opportunities for some of its members to involve themselves in corruption and criminal activities, as mentioned earlier.

The United States should promote the establishment of clear legal divisions between military and police roles in Mexico modeled after Posse Comitatus, the U.S. law forbidding U.S. troops from making arrests or conducting searches or seizures within U.S. territory that would eliminate military participation in law enforcement. U.S. drug control programs that take advantage of the absence of such legislation in Mexico and encourage the involvement of the military in domestic law enforcement prevent this democratic principle from taking root. Efforts to remove the military from domestic police work would be consistent with recommendations by the UN special rapporteurs on torture, extrajudicial executions, and the independence of judges and lawyers, as well as the UN High Commissioner for Human Rights. All have called on Mexico to "achieve a demilitarization of society and avoid delegating to the armed forces the task of maintaining public order and fighting crime."[117] At the very least, civilian officials should regain and maintain control over the design and implementation of drug control policies.

Police reform and professionalization is a necessary precondition for more effective counterdrug operations. Since Fox took office, there appears to be a shift in U.S. training and institutional support for the federal police and attorney general's office that may represent an important break from efforts to create special "incorruptible" units. However, the emphasis continues to be largely on training police in ethics and investigative techniques. These are undeniably important values and skills, but their impact will not be felt unless the police and attorney general's office are more transparent and accountable. As one police expert noted:

> Training may be a good start, but it is nowhere near sufficient to create effective, democratic policing. If the institutions police enter upon leaving the police academy are corrupt, and the organizational dynamics of everyday police practice reinforce corruption and impunity, then a commitment to the rule of law will rest on shaky institutional ground. Real reform must change the structures of police accountability and enforce genuine oversight of policing by democratic institutions.[118]

In other words, all fundamental police reform hinges on transparency and accountability. Internal affairs divisions are not enough. Police forces must be made transparent and accountable to outside monitors. Corrupt and abusive cops must be brought to justice, not simply dismissed or fined.

Comprehensive police reform in Mexico is not something that U.S. policy can accomplish alone—domestic political will is key. But U.S. antidrug policy should send the message that it supports broad-based police and justice reforms in addition to efforts to impart specialized skills.

To complement police reform efforts, the U.S. government should support efforts to reform Mexico's justice system. A strong and effective justice system will not only discourage abuses by the military and the police but also ensure that those who are convicted of drug and other crimes are in fact guilty. The United Nations, the Organization of American States, and

Mexican and international human rights organizations have developed specific recommendations for improving the public defender system, strengthening the role of judges, removing structural incentives for torture and arbitrary arrest, and ensuring the presumption of innocence. Strong judicial and legislative institutions are the best ways to balance the power of the military, guarantee human rights and due process, and ultimately strengthen democracy.

Finally, U.S. drug control policy cannot continue to ignore the role poverty plays in drug cultivation. Viewed from certain angles, Mexico is an economic powerhouse: it is the world's ninth-largest economy and the second-largest U.S. trading partner. However, Mexico's impressive economic growth since the mid-1980s has not benefited the majority of Mexicans. More than half of Mexico's 100 million people are so poor they cannot meet their own basic needs. Twenty-four million Mexicans, most of them in rural areas, are considered "extremely poor"—so impoverished they are unable to adequately feed themselves. For the one-fourth of Mexico's population in such desperate conditions, harvesting marijuana and poppy crops is one of the only means of survival.

• Notes

1. *Wall Street Journal*, "Military Coup: Mexican Army Takes Greater Public Role as Democracy Grows. From Drug Lords to Lice, It Tackles the Problems Other Institutions Can't," 31 January 2000.

2. Rebecca Jannol, Deborah Meyers, and Maia Jachimowicz, "U.S.-Canada-Mexico Fact Sheet on Trade and Migration" (Migration Policy Institute, Washington, D.C., November 2003).

3. Peter Andreas, "U.S.-Mexico Drug Control in the Age of Free Trade," *Borderlines* 8, no. 4 (April 2000): 1–4. Available on Interhemispheric Resource Center website, www.americaspolicy.org/borderlines/PDFs/bl66.pdf.

4. Statistic cited by Deputy Attorney General José Luis Santiago Vasconcelos on the weekly radio program *Fox Contigo*, broadcast by Mexico's Office of the President, 11 October 2003, www.foxcontigo.presidencia.gob.mx/estenografica.php?H_C_Y=2003&H_C_M=10&H_C_D=11.

5. *St. Paul Pioneer Press*, "U.S. Drug Czar Lauds Mexico's Efforts," 14 August 2002, p. A7.

6. U.S. State Department, Bureau for International Narcotics and Law Enforcement Affairs (INL), *International Narcotics Control Strategy Report (INCSR) 2002*, "Canada, Mexico, and Central America" (Washington, D.C.: INL, March 2003).

7. Kate Doyle, "Human Rights and the Dirty War in Mexico," National Security Archive, 11 May 2003.

8. Sergio Aguayo Quezada, "Los Usos, Abusos, y Retos de la Seguridad Nacional Mexicana 1946–1990," in *En Busca de la Seguridad Perdida: Aproximaciones a la Seguridad Nacional Mexicana*, Sergio Aguayo Quezada and Bruce Michael Bagley, eds. (Mexico City: Siglo XXI Editores, 1990).

9. Information on the DFS from Jonathan Marshall, "CIA Assets and the Rise of the Guadalajara Connection," in *War on Drugs: Studies in the Failure of U.S. Narcotics Policy*, Alfred W. McCoy and Alan A. Block, eds. (Boulder: Westview, 1992), pp. 200–203. See also Tim Golden, "Mexico and Drugs: Was U.S. Napping?" *New York Times*, 11 July 1997.

10. Human Rights Watch, *Human Rights in Mexico: A Policy of Impunity* (New York: Human Rights Watch, 1 June 1990). See also Lawyers Committee for Human Rights and Miguel Agustín Pro Juárez Human Rights Center, *Legalized Injustice: Mexican Criminal Procedure and Human Rights* (New York: Lawyers Committee for Human Rights, 2001). Please note: as of February 2004 LCHR's name was changed to Human Rights First.

11. United Nations Working Group on Arbitrary Detention, *Civil and Political Rights, Including the Question of Torture and Detention: Report of the Working Group on Arbitrary Detention on its Visit to Mexico*, UN Doc. E/CN.4/2003/8/Add.3 (17 December 2002), executive summary and para. 42.

12. United Nations Committee Against Torture, *Report on Mexico Produced by the Committee Under Article 20 of the Convention, and Reply from the Government of Mexico*, UN Doc. CAT/C/75 (26 May 2003), paras. 143 and 218.

13. Martin Edwin Anderson, "Civil-Military Relations and Internal Security in Mexico: The Undone Reform," in *The Challenge of Institutional Reform in Mexico*, Riordan Roett, ed. (Boulder: Lynne Rienner Publishers, 1995).

14. In Mexico, the Defense Ministry (Secretaría de la Defensa Nacional) is responsible for the army (the air force is a part of the army), while the Naval Ministry (Secretaría de la Marina) is responsible for the navy and marines.

15. WOLA interview with Luis Astorga, Mexico City, 4 November 2002.

16. Courts-martial are open to the public, and they have been in certain prominent cases, but victims of human rights abuses perpetrated by the military continue to be denied the right to participate in judicial proceedings or even to have access to information about them. Human Rights Watch, *Military Injustice: Mexico's Failure to Punish Army Abuses* (New York: Human Rights Watch, December 2001), p. 21.

17. U.S. Information Agency, *Briefing Paper*, no. B-82-97 (Washington, D.C.: USIA, 20 October 1997).

18. *Los Angeles Times*, "General Gutierrez to Head Up Mexico's War Against Drugs," 6 December 1997.

19. LCHR and Pro, *Legalized Injustice*. For more information on the Mexican justice system, see United Nations Economic and Social Council, *Civil and Political Rights, Including the Questions of: Independence of the Judiciary, Administration of Justice, Impunity*, UN Doc. E/CN.4/2002/72/Add.1 (24 January 2002).

20. United Nations Economic and Social Council, *Question of the Human Rights of All Persons Subjected to any Form of Detention or Imprisonment, in Particular: Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment*, UN Doc. E/CN.4/1998/38/Add.2 (14 January 1998), para. 86.

21. Raúl Benítez Manaut, "México: Doctrina, Historia, y Relaciones Cívico-Militares a Inicios del Siglo XXI," in *Democracias Frágiles: Las Relaciones Civiles-Militares en el Mundo Iberoamericano* (Madrid: Instituto Universitario General Gutiérrez Mellado, 2004).

22. According to the DEA, one of the PJF's commanders spoke privately with the drug dealer and then let him get away. As an additional measure of protection, Caro Quintero carried an official DFS badge. U.S. Justice Department, Drug Enforcement Administration, *A Tradition of Excellence: The History of the DEA from 1973 to 1998*, "The Murder of DEA Special Agent Enrique Camarena" (Washington, D.C., April 1999).

23. Quoted in Carla Anne Robbins, "U.S. DEA Chief Blasts Mexicans on