



AP PHOTO

# ***Abused and Afraid in Ciudad Juarez***

## ***An Analysis of Human Rights Violations by the Military in Mexico***

*By Maureen Meyer, with contributions from Stephanie Brewer and Carlos Cepeda<sup>i</sup>*

### **Introduction**

There are many victims of the drug-related violence that has ravaged parts of Mexico in recent years; the tens of thousands killed by traffickers or by security forces, including many innocent civilians, most of whose deaths will never be investigated; the mothers and fathers who have lost their children to the drug trade; orphans stigmatized by their communities because the violent death of a parent is presumed to mean that he or she was a criminal; cities that have seen residents flee out of fear and businesses shut down due to a lack of clients or extortion; the list goes on.

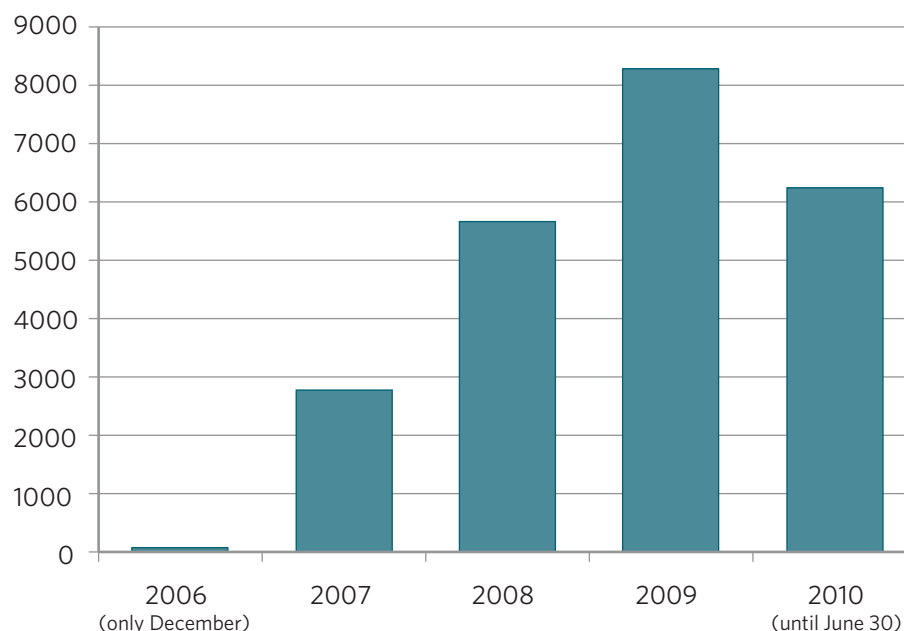
This report aims to give voice to some of the victims of the war against organized crime in Mexico: in particular, individuals who have been abused by the very security forces who are supposed to protect them. It does not seek to minimize the countless atrocities committed by drug

trafficking organizations and other criminal groups in Mexico, which have been widely reported in the press. Rather, the report focuses on human rights violations — including forced disappearances, torture and arbitrary detentions — that have been committed by the Mexican government's security forces, mainly the Mexican military, in the context of the counter-drug efforts in the country. The failure to hold soldiers responsible for the violations they commit leads to more abuses, weakens citizen trust, and undermines the population's willingness to collaborate in the struggle against any type of crime.

Because of the high levels of violence and human rights abuses in Ciudad Juarez, the report places a particular emphasis on the situation in this city. The cases highlighted throughout the report have been documented by local human rights organizations in Ciudad Juarez and Chihuahua

<sup>i</sup> Maureen Meyer is the Associate for Mexico and Central America at the Washington Office on Latin America (WOLA). Stephanie Brewer is the Coordinator of the International Area and Carlos Cepeda is a former member of the International Area at the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh).

## VIOLENT DEATHS IN MEXICO DURING THE CALDERÓN GOVERNMENT



City who have courageously sought to shed light on the abuses occurring as a result of the security operations in the state. The report first reviews the drug-related violence and the policies adopted by the Mexican government, with support from the United States government, to address the security crisis in Mexico. It then focuses on the human rights violations committed by Mexico's security forces in the context of the government's counter-drug efforts.

### ***The wave of violence in Mexico<sup>ii</sup>***

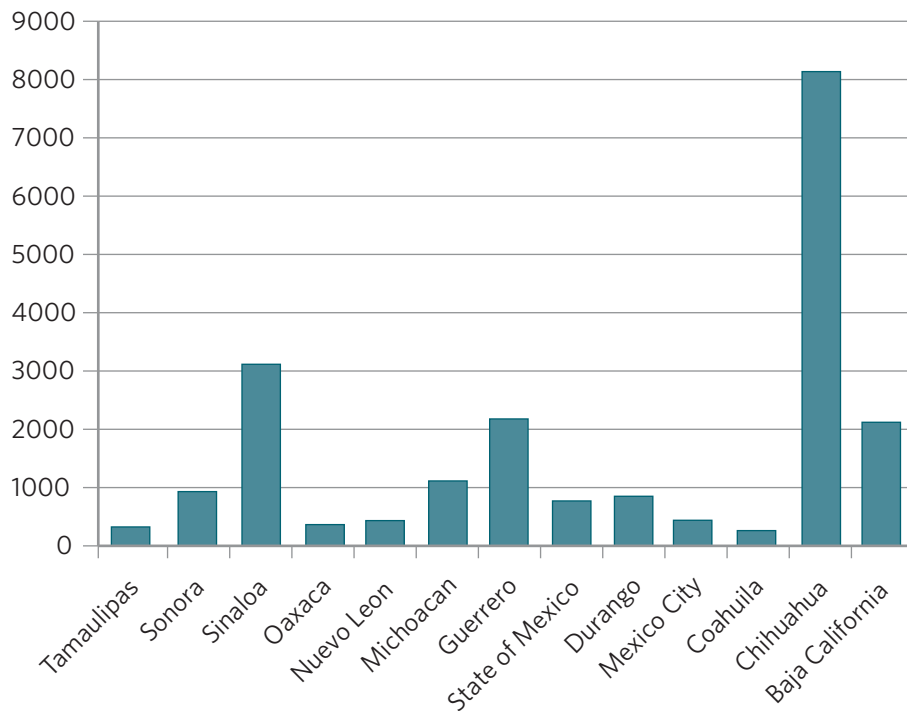
In 2005 — the year considered to mark the beginning of this current wave of violence — sources report fewer than 1,800 drug-related killings.<sup>i</sup> These numbers have dramatically increased since Mexican President Felipe Calderon assumed office in December 2006. As of June 2010, roughly 23,000 people had been killed in drug-related violence since the beginning of the

Calderon Administration. In 2009, more than 8,200 drug-related killings were reported; by June 2010 over 6,200 people had been killed so far in the year.

Available data suggest that more than half of the drug-related killings have occurred in the states of Chihuahua, Sinaloa, Guerrero, and Baja California, but this drug violence has touched upon every Mexican state and the Federal District in the past three and a half years. Moreover, the drug trade has shown how easily violence can move from one place to the next given the shifting turf battles and alliances between drug trafficking organizations. Nuevo Laredo, in the state of Tamaulipas, where a peak in violence in 2005 prompted the first counter-drug operation during the Fox administration, had been relatively calm in the past few years, with 31 killings in the entire state in 2009. Yet as the result of new rivalries between drug trafficking organizations, Nuevo Laredo and other

ii Unless otherwise indicated, the statistics cited in this report for the number of drug-related killings under the Calderon Administration are from the records kept by the newspaper *Milenio* from December 1, 2006 to June 30, 2010. Roberto Lopez, Rafael Lopez, and Melissa del Pozo, all reporters at *Milenio* ([www.milenio.com](http://www.milenio.com)), monitored and categorized this data. While several news and other sources offer statistics of this type and there is no single uniform count, *Milenio* is nationally recognized as a reliable source of information regarding the violent deaths linked to the drug trade during the period 2006–2010; we also chose to use these numbers because they are more conservative than some of the other counts available. We thank *Milenio*, Roberto, Rafael, and Melissa for their collaboration in this aspect of the report.

### NUMBER OF DRUG-RELATED DEATHS IN SELECT MEXICAN STATES (DECEMBER 2006 – JUNE 2010)



Source: Roberto Lopez, Rafael Lopez and Melissa del Pozo; Milenio Newspaper



cities in the state are now again rife with violence; there were an estimated 260 drug-related deaths in Tamaulipas in the first half of 2010.<sup>2</sup>

While the Mexican government has detained or killed high-profile members of the drug-trafficking organizations and seized significant amounts of drugs and guns, the violence continues unabated, as does the flow of drugs to consumers in the United States. These criminal groups have also expanded their illicit activities in the country beyond drug trafficking to include money laundering, human trafficking, kidnapping, and extortion.

### ***Elements of the Mexican security policy***

When he assumed office in December 2006, Mexican president Felipe Calderon announced combating organized crime as a priority for his administration. The strategy that developed was based on the use of force — mainly through the deployment of the Mexican military — to disrupt drug trafficking organizations' activities, while also implementing institutional reforms, particularly to the police and the judicial systems.<sup>3</sup>

### **COUNTER-DRUG OPERATIONS**

Only a few days into his administration, Calderon launched in his home state, Michoacan, the first of several military-led counter-drug operations in Mexican states considered hot spots for organized crime.<sup>4</sup> According to the government, the presence of the military in the streets would reverse the trend of insecurity in Mexico and therefore the military was entrusted with tasks previously reserved for the police and other civil authorities. These counter-drug operations included establishing numerous military checkpoints to search for drugs and weapons; tasking the military with carrying out arrests and searches and dismantling drug distribution centers; and in certain states, the eradication of illicit plants. It is estimated that almost 50,000 military troops are deployed in various regions of the country in counter-drug operations in which soldiers carry out activities legally designated for the civilian police.<sup>5</sup>

### **JUDICIAL REFORMS**

The ability to investigate, prosecute and sanction effectively those who commit crimes is an essential element to ensuring the rule of law, yet it is estimated that fewer than 25 percent of crimes in Mexico

are reported and that only 2 percent of crimes result in a sentence. In recognition of the need to change Mexico's criminal justice system, a series of constitutional and legislative reforms were passed in 2008. A main element of these reforms is the transformation of Mexico's legal system to an adversarial judicial model with the prosecution and defense presenting competing evidence and arguments in open court. This is dramatically different from Mexico's traditional inquisitorial model where most of the evidenced is presented in written form to the judge and the proceedings take place largely outside of the public view. Other important elements of the reforms include the right to the presumption of innocence and opening up alternative means of conflict resolution in criminal procedures.

Given the extent of the reforms being undertaken, which should make the justice system more effective, efficient and transparent, the Mexican government established an eight-year transition period for the implementation of the adversarial, oral criminal justice system. However the implementation has been slow and the deadline may not be met. As of May 2010, only 13 of Mexico's 31 states (and the Federal District) had taken steps toward implementing the reforms in this time period, and in the vast majority of these states the new system is not yet up and running, leaving victims, defendants, and lawyers in a system that functions according to a largely inquisitorial model that does not allow for equal debate between the parties, rigorous examination of evidence, or respect for basic due process rights.<sup>6</sup>

The changes also include a series of measures to address organized crime that violate human rights and that, unlike the adversarial system, entered into force immediately upon the promulgation of the constitutional reform in 2008. These include the use of *arraigo* (pre-charge detention) when someone is investigated for suspected links to organized crime. A person can be held under *arraigo* for 40 days, which can be extended to 80 days, without being charged with any wrongdoing. There are numerous cases documented in which individuals held under *arraigo* have been tortured as a way to gain evidence or force a (possibly false) confession.<sup>7</sup> The reforms also essentially established two separate judicial systems, one for "organized crime" and another for "common crime." Individuals accused of links with organized

## "I WAS ONLY GOING TO WORK"

*Centro de Pastoral Obrera de la Diócesis de Ciudad Juárez*

In August 2008, Roberto drove down the road to the company in Ciudad Juárez where he had worked on the night shift for 25 years. Before he got to work he was stopped at a military checkpoint. The soldiers took him out of his car, inspected it, and in a violent manner asked him questions. What was he doing out in his car at this hour? Where was he going? Why was he nervous? Although he tried to answer in the best way possible, the fear of what had happened to many other people in Ciudad Juárez made him nervous. After the soldiers searched the car, they showed him a packet of drugs [that Roberto did not recognize] and began another interrogation. Where did he get the drugs? Who had sold them to him? Roberto was not able to answer. He had never used drugs, bought or sold them — he was simply going to work.

Roberto was blindfolded, tied by the wrists and taken to an unknown location, that he experienced only by sounds, hard footsteps that came and went, questions from the soldiers, violent blows, and the screams of others being tortured.

After three days of interrogations and beatings, they released him with a warning: "If anyone asks you what happened to you, tell them that you were kidnapped. Remember that we know where your family lives."

Roberto's family filed a complaint on the day of his disappearance in August of 2008. In February of 2010 he was summoned by Major Dorian Martínez of the military's Attorney General's Office in Ciudad Juárez to provide more details regarding his complaint against the soldiers, but he decided not to go out of fear of retaliation.

crime can be held in special facilities with limited contact with third parties, such as their lawyers, and they are subject to a variety of procedural standards with lower protections for basic due process guarantees than those that legally apply to "normal" detainees. For example, in cases involving organized crime the name and information of the accuser may be withheld from the defense. The security concerns regarding organized crime are real, but addressing the situation at the expense of due process guarantees does not increase security; rather, it undermines respect for human rights.

### POLICE REFORM

With the police, the most significant change was the restructuring of federal law enforcement forces to establish the Federal Police in June 2009, essentially integrating the former Federal Preventive Police (PFP) and the Federal Investigation Agency (AFI) into one force. The Federal Police gained more investigative powers while the Attorney General's

Office (PGR) maintained a reduced number of ministerial police (*Policía Ministerial*) to lead their investigations.<sup>8</sup> On par with the creation of this "new" police force, the federal government implemented measures to professionalize, train, and modernize the force. These include higher recruitment standards, a revamped police academy (located in San Luis Potosí), and an integrated communication platform known as *Plataforma Mexico*.<sup>9</sup>

These actions have resulted in more established vetting systems for the police and new recruits as well as mechanisms intended to increase citizen oversight of the police, including the creation of citizen observatories for the Federal Police and at the state level. However, experts on police reform in Mexico have expressed their concern about the expanded investigative powers of the federal police and their powers to intervene in communications without the necessary internal and external control mechanisms, as well as the failure of the new law to incorporate accountability and transparency mechanisms.<sup>10</sup>





PHOTO BY CENTRO DE DERECHOS HUMANOS DE LAS MUJERES

A Mexican soldier patrolling Ciudad Juarez.

### **US security cooperation**

Mexico's position in the global drug trade and its current levels of drug-related violence are linked to its geographic location neighboring the United States, the largest illicit drug consuming country in the world.<sup>11</sup> US officials have been increasingly direct in accepting their shared responsibility for the drug trade and violence in Mexico, including Secretary of State Hillary Clinton's declaration during her March 2009 visit to Mexico that *"[o]ur insatiable demand for illegal drugs fuels the drug trade. Our inability to prevent weapons from being illegally smuggled across the border to arm these criminals causes the deaths of police officers, soldiers and civilians."*<sup>12</sup>

For decades the United States government has played a role in shaping Mexico's counter-drug efforts, including encouraging the participation of the Mexican military in counter-drug operations. While the US has provided security aid to Mexico in the past, this cooperation reached unprecedented levels when President Calderon assumed office in 2006. The ongoing negotiations between the United States and Mexico culminated in the announcement on October 22, 2007 of the "Merida Initiative," a US security assistance program for Mexico and Central America. The aid package has already gone beyond the three years of assistance originally announced and US officials have expressed their commitment to continue these high levels of cooperation with Mexico beyond 2012.<sup>13</sup>

To date, the United States has allocated for Mexico \$1.5 billion in assistance under the Merida Initiative

to combat drug trafficking and related violence and organized crime, including assistance earmarked for judicial reform, institution building, anti-corruption and rule of law activities.<sup>14</sup> A significant amount of these funds, \$481.5 million, have been designated to purchase transport helicopters for Mexico's Defense Department (Sedena) and surveillance planes for Mexico's Navy (Semar). In addition to the Merida funding, which comes through the State Department, the US Department of Defense (DOD) continues to provide counter-narcotic support to Mexico's military. It is estimated that between FY 2008 and FY2010 the DOD allocated \$80.9 million in counternarcotics funding for Mexico.<sup>15</sup>

Along with increasing financial support for the Mexican government's security efforts, the US Congress recognized the need to make progress on the human rights situation in Mexico. Congress also had no wish to identify the US with providing support or training to violators of human rights. As such, the Merida Initiative includes the possibility of withholding 15% of select accounts until the Secretary of State reports to Congress that the Government of Mexico is meeting four human rights requirements that were agreed upon by the US and Mexican governments. These requirements include ensuring investigations by civilian authorities into human rights abuses by the military and federal police and enforcing the prohibition of the use in court of testimony obtained through torture.<sup>16</sup> Although US, international and Mexican human rights organizations have documented the Mexican government's failure to meet these requirements,<sup>17</sup> particularly given the lack of investigation and prosecution of members of the military responsible for human rights violations, the State Department has issued two favorable reports to Congress on the requirements that *de facto* triggered the release of the majority of the withheld funds.

### **Human rights violations in counter-drug operations**

The Mexican government's reliance on the Mexican military has failed to address adequately the insecurity that plagues many regions of Mexico, as has been seen by the continued rise in drug-related killings, and it has subjected the civilian population to numerous human rights abuses. One indicator of the abuses committed by the armed forces is the number

*"PLEASE HELP ME, GET ME OUT OF HERE, I'M SCARED"**Centro de Derechos Humanos Paso del Norte**Centro de Derechos Humanos de las Mujeres**Casa Amiga Centro de Crisis**Gustavo de la Rosa Hickerson (Comisión Estatal de Derechos Humanos Chihuahua)*

On December 29, 2009, Jose Angel Alvarado Herrera and his cousin Nitza Paola Alvarado Espinoza were in a van outside a relative's house in the community Benito de Juarez in Buenaventura, Chihuahua, when they were arbitrarily arrested by ten armed soldiers in uniform from the Mexican Army. The soldiers approached Jose Angel's vehicle, took him out and beat him, and then took Jose Angel and Nitza away in their trucks.

Minutes later that same day, their aunt was at home with her daughter, 18-year-old Rocio Irene Alvarado Reyes, when she heard a car outside and realized that people were pulling on her front door. When she went to open it, she was pushed by some armed soldiers who told her to lock herself in the bathroom with the children, and that they were going to arrest her daughter. The mother asked them why, but they told her to shut up and not ask. The soldiers took her daughter without saying where they were going or why they had taken her.

The family immediately reported the incidents to the community police and to the local office of the State Attorney General, based in Nuevo Casas Grandes, but the authorities refused to file a complaint. It was not until December 31st that the public prosecutor of Buenaventura agreed to accept their complaint. That same day, they were told that "they had information that the three people were in the barracks of the 35th Infantry Battalion and that they were being investigated by the army."

The family members have met several times with officials from the 35th Infantry Battalion, but this has not led to any progress in the investigations or in locating the missing relatives.

On February 3rd, Nitza contacted a member of her family by phone and cried, "Please help me, get me out of here, I'm scared." Local, state and federal authorities have been informed about the call but to date the family members are unaware of any efforts to trace it.

On February 4th, the Mexican Army made visits to the homes of the families of the disappeared and in a threatening and intimidating manner told the families that they were looking for the people who had been lodging complaints against the army.

On February 20th, the State Attorney General's Office declined its jurisdiction over the investigations and transferred the case to the Military Attorney General's Office. Unfortunately, there is no access to the case file, which is within the military justice system. The complaints brought before the state, municipal and federal authorities have not brought about legal actions to attempt to locate the victims — Jose Angel, Nitza and Rocio — whose whereabouts remain unknown.

of complaints received by the National Human Rights Commission (CNDH) against Mexico's Department of Defense (*Secretaría de la Defensa Nacional*, SEDENA). This number has increased almost 1000% in the first three years of Calderon's six-year term, passing from 182 complaints in 2006 to 1,791 in

2009.<sup>18</sup> In a statement released at the end of June 2010, SEDENA acknowledged that it had received a total of 3,981 complaints of human rights abuses filed before the National Commission since December 2006.<sup>19</sup> The human rights violations referred to in the complaints include frequent acts of torture, arbitrary

## WOMEN'S CASES

*There have been numerous reports of abuses against women by the Army and the Federal Police in Ciudad Juarez. We highlight here two representative cases.*

### SOLDIERS' ABUSE AGAINST WOMEN IN JUAREZ

*Casa Amiga Centro de Crisis*

Two sisters, 23 and 32 years old, went out to a bar in their neighborhood. When they left the bar a patrol car approached to search them. A few minutes later, some soldiers came and took one of the sisters in a Cherokee vehicle, while the other was forced to drive her car while accompanied by a soldier. They took them to an abandoned lot where they left the car. Then three men took the women in the Cherokee and began fondling them and licking them while they drove around different parts of the city until they got to another empty lot. There, they made the 23-year-old woman get out of the car; there were uniformed policeman, one of whom inserted his fingers in her vagina. The other woman was left in the car where they bit her breasts. After she told them that she was pregnant they stopped and only pushed her around. After a while, they took the women to an Oxxo convenience store where they turned them over to the soldiers that had detained them at the beginning. The women were able to take advantage of a moment when the soldiers were distracted and escaped, running until they found someone to take them to their car.

They lodged a formal complaint the following Monday, but out of fear of retaliations against them and their family, they are considering not following through with it. The women recall that at one point the soldiers told them that they had no idea what was about to happen to them and that this was just the beginning of their ordeal.

*"I HAVE THIS FEELING OF RAGE THAT I'VE NEVER FELT BEFORE, POWERLESS ANGER, AND FEAR, LOTS OF FEAR"*

*Centro de Derechos Humanos de las Mujeres (CEDEHM)*

A woman who was detained by a military unit while on her way to work in Ciudad Juarez on November 4, 2009 was asked to get out of her car so that the soldiers could search it. She complied and asked them to work quickly because she did not want to be late for work. The soldiers became annoyed and told her that now they were also going to search her. She asked if there was a woman who could do the search, but the soldiers only laughed. "They touched my body while they said, 'you smell tasty, *guerita*.' They mocked me and pushed me against the van as they continued to search me as if I were a criminal while touching my private parts." A co-worker passed by and stopped to ask what was happening and if she was okay; the soldiers laughed and one of them finally gave the order to let her go. "It's something that has affected me a lot. I have this feeling of rage that I've never felt before, powerless anger, and fear, lots of fear." She is not the only one: "I know another co-worker that had the same thing happen to her."

detentions, searches without warrants, sexual abuse, forced disappearances and arbitrary executions.

The increase in human rights violations by the military is also concerning as Mexican soldiers are rarely investigated or prosecuted for the abuses they commit, and in the few cases that result in

prosecutions, these are carried out by other military authorities rather than by civil judicial authorities.

Article 13 of Mexico's Constitution establishes that cases of crimes against civilians by members of the military fall within the jurisdiction of civilian institutions. Nonetheless, article 57 of Mexico's Code



of Military Justice has been broadly interpreted to justify using military jurisdiction for investigating cases of human rights abuses against civilians. The Mexican Military Attorney General's Office generally requests jurisdiction over human rights violations involving its soldiers and although they have the power to do otherwise, civilian judicial institutions cede their jurisdiction. The military justice system is characterized by a lack of objectivity, transparency, and independence, which has resulted in little to no progress in investigations into abuses committed by members of the military. To date, only a single military human rights violation committed during the Calderon government has resulted in a conviction within military jurisdiction (a soldier who was sentenced to 9 months in prison for shooting a civilian who failed to stop at a military checkpoint).<sup>20</sup>

The military's role as the predominant force in counter-drug operations has led to increased abuses due to the historic impunity enjoyed by the Mexican armed forces. However, other dangers of military involvement in domestic law enforcement operations

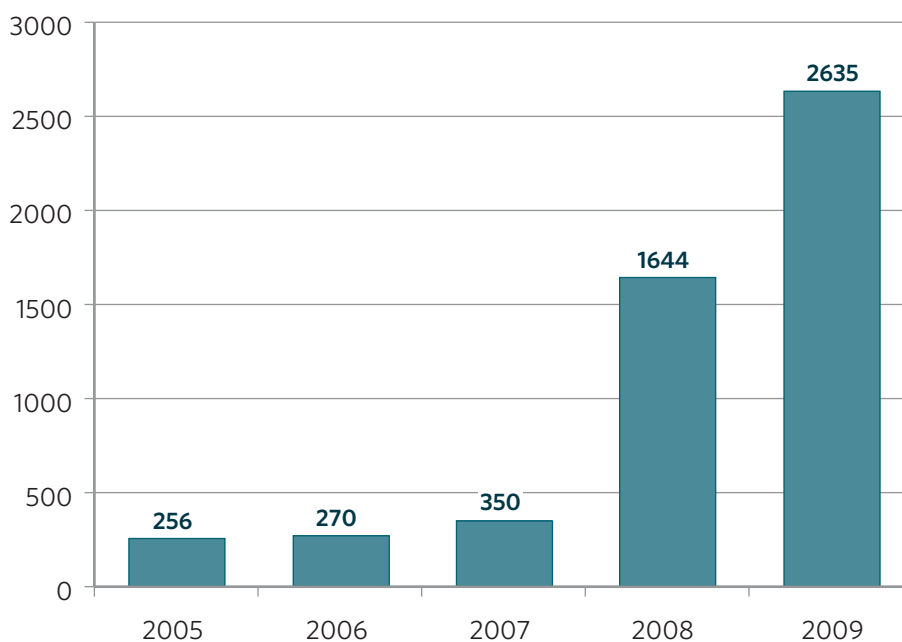
stem from differences in training and mandate.

Military forces are trained for combat situations, in which force is used to vanquish an enemy without regard for the enemy's wellbeing. In contrast, domestic law enforcement authorities are trained to interact with civilians within at least a minimal framework of Constitutional rights. The difference in roles and tactics means that conflict and abuses are virtually inevitable when the military is brought into a law enforcement role. It also raises serious concerns about the current practice of appointing military officers to command positions within local police forces.

### **Human Rights Violations in Joint Operation Chihuahua**

In 2008, Ciudad Juarez — the biggest city in Chihuahua state, which borders El Paso, Texas — had a reported homicide rate of 130 for every 100,000 residents.<sup>21</sup> In 2009, this rate reached 191.<sup>22</sup> In both years Juarez had the highest murder rate in the country and one of the highest in the world.<sup>23</sup> A recent survey conducted by the Autonomous University of

## **VIOLENT DEATHS REGISTERED IN JUAREZ FROM 2005 TO 2009**



Source:

- Statistical data from Mexico's National Institute for Statistics and Geography (INEGI) on violent deaths in Ciudad Juarez from 2005-2008. Available at: <http://inegi.org.mx/est/contenidos/espanol/proyectos/continuas/vitales/bd/mortalidad/MortalidadGeneral.asp?s=est&c=11144>
- Agencia EFE, "Ciudad Juárez supera 2,600 muertes en 2009 y es urbe más violenta de México," LA CRONICA DE HOY, December 31, 2009. Available at: [http://www.cronica.com.mx/nota.php?id\\_notas=478444](http://www.cronica.com.mx/nota.php?id_notas=478444)

Ciudad Juarez, the municipal government and the Pan-American Health Organization estimates that approximately 230,000 people have left the city in the past two years and that more than half of these individuals have moved to the United States.<sup>24</sup>

Given these levels of violence, Mexico's highest profile anti-drug operation has been in Ciudad Juarez. On March 27, 2008, the former Secretary of the Interior, Juan Camilo Mouriño, announced the beginning of the public security strategy known as Joint Operation Chihuahua — initially called Joint Operation Juarez. In the first phase of the operation, 2,026 members of the armed forces were deployed along with 425 agents from the federal police and the federal Attorney General's Office.<sup>25</sup> Only five days later, the facilities and functions of the police institutions in the state of Chihuahua were taken over by the military.<sup>26</sup> In June of the same year, the federal government ordered the deployment of an additional 1,400 military troops to support those that were already operating in Chihuahua.<sup>27</sup> In March 2009, the government announced it was sending 5,332 more soldiers to Ciudad Juarez and the military assumed control of the local police.<sup>28</sup>

Despite the massive presence of soldiers in Chihuahua for more than two years, especially in Ciudad Juarez, the level of criminal violence has not dropped; on the contrary, approximately 4,900 homicides were committed between 2006 and 2009, with at least 1,300 murders in the first six months of 2010.<sup>29</sup> At the same time, the number of serious human rights abuses committed by the military against the civilian population quickly reached alarming levels. Just months after beginning the Joint Operation in 2008, the state of Chihuahua already topped the list of complaints of military abuses received by the CNDH; 199 complaints against the military were registered in the first six months of the year.<sup>30</sup>

Based on the complaints they have received, CNDH officials have stated that *"the most frequent attacks are torture, arbitrary arrest, unlawful entry, illegal searches, cruel or degrading treatment, robbery, illegal detention, threats, forced disappearance, intimidation, damage to private property and violations against liberty and due process rights."* In cases where suspects are illegally taken to military barracks, *"the victims are interrogated by military personnel who extract information through torture: beatings, electric shocks, submersion in water, and*

*covering their heads with plastic bags..."*<sup>31</sup> The Chihuahua State Human Rights Commission reported in September 2009 that it had received more than 1,450 complaints of violations committed by the security forces during Joint Operation Chihuahua.<sup>32</sup>

Those who denounce human rights violations committed by the military run the risk of being threatened, attacked, and even killed. In early January 2010, human rights defender Josefina Reyes was shot to death in the municipality of Guadalupe, east of Ciudad Juarez, a crime that many observers connect to her work to denounce the abuses committed by the armed forces that were part of Joint Operation Chihuahua.<sup>33</sup> Her colleagues in the Coordination of Civil Society Organizations (*Coordinadora de Organizaciones de la Sociedad Civil*), a network of civil society groups, have been harassed and threatened because of their work as human rights defenders. At present, out of fear for her safety and that of her family, the human rights defender Cipriana Jurado, a colleague of Josefina's, has asked the Inter-American Commission on Human Rights (IACHR) for precautionary measures to protect her. Human rights defender Gustavo de la Rosa Hickerson, the head of one of the Departments of the Chihuahua State Human Rights Commission and an outspoken critic of the constant abuses against the civilian population by the military, suffered various threats that led him to flee the country for several months.<sup>34</sup> In August 2010, Juarez human rights defender Emilia González, known for her leadership in calling for military crimes to be investigated in civilian jurisdiction, received threatening visits from armed soldiers at her home.<sup>35</sup>

### **Changes in the government's strategy**

On January 30, 2010, 16 young people were murdered by a group of armed assailants at a party in Ciudad Juarez. Although prior to this murder there was widespread discontent about the counter-drug operations, including protests against the presence of the military, this murder in particular sparked a reaction from civil society throughout the country and a common call for the federal government to change its security strategy.

Calderon, who on various occasions has classified civilian deaths as "collateral damage" in the "war" against organized crime, initially responded to the death of the adolescents by saying that "they were probably killed by another rival group," thus

## ACTS OF TORTURE

### *Red Mesa de Mujeres de Ciudad Juárez<sup>i</sup>*

On February 3, 2010, Mexican Army personnel and civilians in an unmarked pickup stopped and spoke to Israel Arzate, who sells records in the Commercial Center of Ciudad Juarez. They asked him if he was Carlos Madrigal and although he said that he wasn't, Israel was detained and taken to the military barracks where he was physically and psychologically tortured. Israel was not seen again until the Attorney General's Office of the State of Chihuahua presented him to the media on February 6th as one of those allegedly involved in the Villas de Salvarcar massacre, which occurred on January 30, 2010.<sup>ii</sup> Although his wife and mother searched for him at police stations, medical clinics, military barracks, and the municipal correctional institute, they were unable to find information about his whereabouts; his family only knew that he had been imprisoned because they saw him on television.

Israel says that he is innocent and that during the days that he was "disappeared," electric shocks were administered to his chest and abdomen, a plastic bag was placed over his head, and his interrogators told him that his wife was in the adjoining room and that they were going to rape her. They said they needed him to admit that he had participated in the massacre of the adolescents at Villas de Salvarcar, and after fainting twice as a result of the beatings and burns and believing that they were going to hurt his wife, Israel told them that yes, he had participated in the killings as a look-out. After this, he was forced to take six unknown pills that left him dizzy, and then he was presented to the media.

On March 18, 2010, without prior legal notification, agents removed Israel from the State of Chihuahua's correctional institute where he was being held to await the start of the trial. No one was told where he was for more than seven hours. During this time he was taken to military barracks and to the State Attorney General's local offices for the Northern Zone, where they again tortured him by placing a bag over his head and telling him that he had to help them solve the case. Israel was told that they were not going to hit him this time, which would leave visible marks, because his mother was making a scene outside.

Currently Israel is being held for two crimes, one for the possession of a stolen vehicle and the other for his alleged involvement in the multiple homicides in Villas de Salvarcar; a public defense attorney is handling his case.

A complaint has been lodged before the National Human Rights Commission for the torture requesting that the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) be used to document this abuse. According to information given to Guadalupe Melendez, Israel's mother, on July 9 by Deyanira Cruz Elenes, a member of the Commission, CNDH specialists examined Israel in accordance with the Protocol and he has been diagnosed as having post-traumatic stress syndrome as a result of the torture.

i An independent journalist has conducted an interview with Israel in prison. This interview is available on You Tube in four parts : <http://www.youtube.com/watch?v=VPWSKajn4Bw>; <http://www.youtube.com/watch?v=2dkZvyEf83A>; <http://www.youtube.com/watch?v=i8oHZyCjMqk>; <http://www.youtube.com/watch?v=6d2yelZm9kl>

ii This refers to the killing of 16 young people attending a party in Ciudad Juarez.



PHOTO BY KOLEKTIVO ZIRCONOMADA

Civil society protests against violence and military presence in Ciudad Juarez.

classifying them as gang members without citing any information that would corroborate such a statement, which he later retracted.<sup>36</sup> In response to growing pressure, Felipe Calderon, alongside members of his security cabinet, made the first of three visits within a one month period to Ciudad Juarez on February 11, 2010.<sup>37</sup> As a result of these visits, the government announced the program “*Todos Somos Juárez: Reconstruyamos la Ciudad*” (“We are All Juárez: Let’s Rebuild our City”) a commitment from all levels of the government to spend \$270 million dollars to carry out 160 concrete actions in the city. This involves spending for projects such as schools, hospital renovations, student breakfasts, a youth orchestra, anti-violence training and drug treatment centers. While the government’s web page on the program lists several accomplishments,<sup>38</sup> six months after the initiative was launched, many Juarez residents claim they have yet to see any results from the programs.<sup>39</sup>

Prior to the announcement of more emphasis on social spending in Juarez through “*Todos Somos Juárez*,” the Mexican government had declared as early as January 2010 a change in its security strategy in the city involving the gradual shifting of control over Joint Operation Chihuahua to Mexico’s Federal Police with the new name “Coordinated Operation Chihuahua.”<sup>40</sup> On April 8, 2010, the government announced that

approximately 5,000 Federal Police were assuming the public security tasks in Ciudad Juarez previously handled by the military, with the support of between 2,500 to 3,000 “new” municipal police.<sup>41</sup> Under this new structure, the Federal Police are in charge of patrolling the streets, managing the Emergency and Immediate Action Center (*Centro de Emergencia y Reacción Inmediata, CERI*), searching bars and nightclubs, focusing on cases of kidnapping and extortion, investigating high impact crime, and dismantling criminal networks. It was announced that the military would continue its role of guarding the international border crossings, the airport, and the roads leading into Ciudad Juarez, and that it would continue to work in the rural parts of the municipality of Ciudad Juarez.<sup>42</sup> Although this shift means that the counter-drug operation in urban Ciudad Juarez is now in the hands of the Federal Police, the military will continue to play a role in the city as well as in the surrounding areas.

While the levels of insecurity caused by drug trafficking groups in Ciudad Juarez should not be minimized, tolerating human rights violations by the military and failing to hold soldiers accountable for their actions simply adds another type of insecurity to the city, rather than reducing drug-related violence. The sampling of cases described in the text boxes throughout these pages, documented by local human rights organizations in Ciudad Juarez, demonstrate that the very agents assigned to ensure citizen security are perpetrating violent acts. Because of their dominant presence in Operation Chihuahua until April 2010, the cases included in this report involve military abuses. Recent information from Ciudad Juarez suggests that now that the Federal Police have a dominant role in the security operation in Ciudad Juarez, they are committing abuses of their own. This illustrates that replacing the military with police who also have weak accountability mechanisms will do little to ensure that citizens are not victimized by these security forces.<sup>43</sup>

## Conclusion

While institutional strengthening has been part of the Mexican government’s security strategy, the central element has clearly been the deployment of military-led security forces in counter-drug operations. This focus has failed to decrease drug-related violence in Mexico, while also resulting in a dramatic increase in human rights abuses.

Effectively withdrawing the military from public security tasks is an essential element to disentangle public security and national security responsibilities within Mexico's security bodies and to ensure the resources and energy necessary to strengthen civilian law enforcement institutions. However, even if in the future the military's role were reduced throughout the country, it would in no way diminish the severity of the abuses already committed by the military, which still remain unpunished.

One essential step toward ensuring accountability for military abuses and preventing further human rights crimes would be to guarantee that human rights violations committed by members of the armed forces are investigated and prosecuted by civilian authorities. In a 2009 sentence against the Mexican government issued by the Inter-American Court of Human Rights, Mexico was ordered to reform article 57 of its Code of Military Justice to guarantee that these abuses be tried by civilian authorities.<sup>44</sup> Unfortunately, recent discussions in the Mexican Congress regarding the National Security Law have made it evident that while the proposed law would regulate the deployment of the military in counter-drug operations, reforms to article 57 will not be discussed until the next sessions this September.

On par with holding soldiers accountable for the abuses they commit is the need to strengthen Mexico's civil judicial system. While the constitutional reforms passed in 2008 contain many important measures, including introducing oral trials and greater due process protections, these reforms do not guarantee that Mexico will overcome the historic challenges of corruption, lack of transparency and weak judicial institutions.<sup>45</sup> In order to overcome the shocking 98% impunity rate for crimes in Mexico and to guarantee a more effective investigation and prosecution of state agents accused of human rights abuses, the government needs to increase its efforts to implement fully the reforms passed in 2008 and enact measures to address the historic challenges in the system.

Finally, while more attention and resources on police reform efforts are needed so that civilian law enforcement institutions are able to assume their mandated public security role, federal, state, or local police agents operating with weak or non-existing accountability mechanisms will also continue to commit abuses against the civilian population. The

development of new systems of internal and external controls, or strengthening existing systems in the police corps, particularly at the state and local levels, are essential so that police officers receive a clear message that they will be sanctioned for any criminal behavior, including human rights abuses.

In terms of its cooperation with Mexico, the United States government should prioritize strengthening Mexico's civilian institutions such as through training in the adversarial criminal justice system; not the expansion of the military in counter-drug efforts. The United States also needs to send a strong message to Mexico that it will not ignore the gravity of the human rights violations that have occurred in counter-drug operations. The State Department's decision to withhold part of the 2010 Supplemental funds for Mexico until further progress is made by the Mexican government in introducing and passing human rights legislation, including legislation to ensure that grave human rights abuses against civilians are tried in civilian and not military courts, is an important message from the United States government.<sup>46</sup> However, all conditioned funds should be withheld until there is evidence that abuses committed by soldiers, like those detailed above, are being effectively addressed and those responsible sanctioned. It is to both countries' benefit to work to curb the systematic human rights violations committed by Mexico's security forces.

While there are clearly challenges to public security in Mexico, the use of illegal tactics by law enforcement agencies and the military against the population, including grave human rights abuses such as torture, neither helps nor is justified by the situation: it only answers one type of crime and violence with another. Much less can the country's problems with organized crime justify attacks against human rights defenders such as those in Juarez whose cases have been mentioned here, and who continue working in conditions of great personal risk in favor of the rule of law. Public security and human rights are not mutually exclusive; they are both essential components of a democratic State. As the Mexican government moves forward in its security strategy it needs to hold members of Mexico's army and police forces accountable for the abuses they commit as an important measure to combat impunity and to strengthen the rule of law in the country.



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Washington Office on Latin America  
1666 Connecticut Avenue, NW  
Suite 400 | Washington, D.C. 20009  
telephone: 202.797.2171 | facsimile: 202.797.2172  
email: [wola@wola.org](mailto:wola@wola.org) | web: [www.wola.org](http://www.wola.org)

## About Center Prodh

The Miguel Agustín Pro Juárez Human Rights Center (Center Prodh) was founded by the Jesuits in 1988 to defend the human rights of Mexico's most vulnerable residents and to build a more just, equitable and democratic society. Based in Mexico City, Center Prodh works to protect and promote human rights through the integral defense of paradigmatic cases; training programs for human rights defenders; international advocacy; and the publication of information on the human rights situation in Mexico. Among its current topics of work are citizen security and human rights, transitional justice, criminal justice reform, and economic, social and cultural rights.

Miguel Agustín Pro Juárez Human Rights Center, A.C.  
Serapio Rendón No. 57-B | Col. San Rafael  
Del. Cuauhtémoc, CP 06470 | Mexico, DF, Mexico  
telephone: (5255) 5546 8217 | facsimile: (5255) 5546 8217 ext. 108  
email: [internacional@centroprodh.org.mx](mailto:internacional@centroprodh.org.mx) | web: [www.centroprodh.org.mx](http://www.centroprodh.org.mx)

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