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ARMED FORCES IN THE FIGHT AGAINST ORGANIZED CRIME AND DRUGS IN MEXICO

INTRODUCTION

This paper will analyze the use of the armed forces in the fight against organized crime and drug cartels in Mexico.

For this analysis, only the participation of the elements belonging to the Secretariat of Mexican Navy is examined – both in terms of its advantages and disadvantages in this fight.

The Introduction will explain the research method used for this project; Chapter One features arguments and their respective analysis; the Conclusion will translate the results of the study of the issued topics.

In 2006 the then President of México Felipe Calderón Hinojosa decided to employ the Mexican armed forces to combat the drug cartels and organized crime¹, a decision which has had both detractors and supporters, especially at the international level.

The main argument of critics is that the armed forces are not designed for police use; there is no national legislation for regulating its use in such tasks.

This lack of national legislation has also been criticized by those who support the decision to use the armed forces for policing. For example, there is the case of journalist Juan Ibarrola, an expert in National Security in Mexico who has expressed that there should be reforms to the Mexican legislation to regulate the participation of the armed forces in public

¹ Serious violations of human rights in the war on drugs. Mexican Commission for Defense and promotion of human rights, BC published in March 2015. PAG. 5.

security tasks.²

The above leads one to consider the following scenario:

"Return to the Secretary of the Mexican Navy to their barracks and leave that public safety is the which is responsible for pursuing and fight organized crime and drug cartels to finish with this problem, will the violence and trafficking drugs and crimes attached drive down."

CHAPTER ONE

Within the Mexican legal framework, the Constitution in its article 89 fraction VI grants powers to the President of the Republic to use the armed forces in internal security tasks. So, as mentioned in the introduction, the Government of Mexico has decided to employ elements of the Ministry of the Mexican Navy to fight organized crime and drug cartels.

This is due to the fact that the municipal and State police forces a completely incapable of preventing and eliminating such crimes, either because they did not have the preparation and proper equipment or were collusion way compulsory or voluntarily.

The Secretary of the Mexican Navy is a national military institution of a permanent nature whose mission is to employ the naval power of the Federation for the exterior defense and assist in the internal security of the country; in the terms established by the political Constitution of the Mexican United States, the laws deriving from it and the international treaties.³

2 Juan Ibarrola. Posted on November 28, 2015. Milenio.COM. Mexico.
http://www.milenio.com/firmas/juan_ibarrola/Propongan-descompongan_18_636716343.html.

3 Organic Law of the Mexican Navy. Chapter one mission, powers, and integration of the Mexican Navy. Article 1.

Has within its powers, "Cooperate in the maintenance of constitutional order of the Mexican State" and "Guarantee the fulfillment of the legal order in the Mexican maritime zones itself or helping with the competent authorities in the fight against terrorism, smuggling and piracy at sea, theft of fishing vessels, fishing gear or products of this, smuggling of people, weapons, narcotic drugs and psychotropic substances, in accordance with applicable law".⁴

Advantages of the participation of the Secretariat of the Mexican Navy to combat organized crime.

The participation of the Secretariat of the Mexican Navy in the eradication of the illegal traffic in narcotic drugs and psychotropic substances, is not new, as it has been doing it since many years ago in the Territorial Sea, Contiguous Zone and Exclusive Economic Zone and was limited only to the assurance of such substances and the people carrying it; and not participating to make the prosecution of the leaders of the organizations involved in the production, transportation and marketing.

And in the part of land, the Marine Corps, had devoted to eradication and destruction of plantations of marijuana and poppy which were discovered during their ground patrols and/or support of Navy aircrafts, as well as one another assurance of drug in vehicles where it was transported, the foregoing was always in support of another government institution such as the Office of the General Attorney, Federal Police or the police of the States.

Mandated presidential to directly prosecute cartels engaged in trafficking and illegal trade in narcotic drugs, the Secretary of the Mexican Navy decided to use special forces and the newly created unit of Naval Intelligence in what is qualified and trained the rest of infantry for their

⁴ Organic Law of the Mexican Navy. Chapter one mission, powers, and integration of the Mexican Navy. Article 2. Fractions II and IX.

participation in this new task.

Initially the Marines and Naval Intelligence Unit gave positive results with the abatement of the leader of the Cartel of the Beltran-Leyva Marcos Arturo Beltran Leyva (a) "El Barbas"⁵, then gave another important now to the Gulf Cartel hit when folding to Antonio Ezequiel Cárdenas Guillén, (a) "Tony Tormenta".⁶

Subsequently gave other good results as the abatement of Heriberto Lazcano Lazcano (a) "El Lazca"⁷ and the capture of Miguel Angel Trevino (a) "The Z40"⁸, both leaders of the Zetas Cartel; as well as the capture on two occasions of the leader of the Cartel from Sinaloa Joaquin Guzman Loera (a) "El Chapo Guzmán"⁹.

In the State of Veracruz, the municipal and estatal police forces of the port of Veracruz and the port of Coatzacoalcos, were relieved by elements of the Secretary of the Mexican Navy¹⁰ before the high tide of violence that occurred in that State.

This, also was due to the State of Veracruz is where greater presence has existed from the Secretary of the Mexican Navy, since it is where is the headquarters of their training schools and the Heroic Naval School, Centre are formed where the official naval line, and high credibility

5 Paul Ordaz. Daily El País.

http://internacional.elpais.com/internacional/2009/12/17/actualidad/1261004404_850215.html. 17 Dec 2009.

6 Gustavo Castillo, Jesús Aranda and Alonso Urrutia. Diario La Jornada.

<http://www.jornada.unam.mx/2010/11/06/politica/007n1pol>. November 6, 2010.

7 BBC world.

http://www.bbc.com/mundo/noticias/2012/10/121009_mexico_perfil_heriberto_lazcano_lider_zetas. Published on October 9, 2012.

8 <http://www.univision.com/noticias/narcotrafico/como-detuvieron-a-miguel-angel-trevino-el-z-40>. Posted on July 16, 2013.

9 Alberto Nájar. BBC world.

http://www.bbc.com/mundo/noticias/2016/01/160109_chapo_guzman_cronica_recaptura_mexico_an . Published January 9, 2016.

10 <http://sipse.com/mexico/dan-en-veracruz-mando-unico-a-policia-naval-30432.html>. Posted on May 8, 2013.

that the population of Mexico has in the institution as one of the Government with lower rate of corruption and more reliable institutions of Mexico. (Figure 1)

Tabla 1. Evolución de la confianza en instituciones en México, 2000-2013 (% que confía)						
	2000	2005*	2007	2010*	2011*	2013
Ejército	66	63	70	60	72	69
IFE	66	ND	55	48	ND	50
Presidencia/Gobierno Federal	52	44	54	35	58	46
Suprema Corte de Justicia	38	37	49	30	34	42
Cámara de Diputados	38	25	34	24	29	29
Partidos Políticos	40	23	27	21	ND	25
Policía	36	33	ND	24	35** y 51***	32

Fuentes: Diario *Reforma*, EMV para el caso de 2005, ENVUD para 2010 y CIDENA para 2011.¹⁴
 *Para este año, se incluyen y engloban respuestas de "Algo" y "Mucha" confianza/aprobación. Nota: cifras redondeadas a números enteros.
 **Policía estatal
 ***Policía federal

Figure 1. (In Army are included in the three armed forces, Army, Navy and air force.)

He used to the Secretary of the Mexican Navy to combat organized crime given high credibility to the Government of the Republic, reflecting their true commitment to eradicate this evil that is growing and increased rates of violence in various States of the Republic, which was very well seen by the international community, therefore, that the Government of the United States of America increase the support given to the Mexican Government to combat to drugs.

This support has been training and training of personnel, specialized equipment and above all share and exchange information of intelligence institutions, mainly the DEA and the US Coast Guard.

Disadvantages of the participation of the Secretariat of the Mexican Navy to combat organized crime.

So far of the presidential term of President Enrique Peña Nieto current President of

Mexico, (until January 2015) has been 6,254 civilians detained by the Secretary of Navy (SEMAR) 2006 to 2014; Institution which has made 1,770 operating together with other federal, State and municipal institutions only from 2012 to 2014¹¹.

One of the biggest problems the Government of Mexico has faced that, it has been the large number of complaints presented against the Secretary of the Mexican Navy for alleged violations to human rights, mainly by alleged cases of use of excessive force and abuse of authority towards citizenship.

In case of use excessive force are mainly cases such as torture, extrajudicial execution and enforced disappearance¹², that in 2014 was reformed the code of military justice, so that military institutions responsible for investigating, processing and punish those responsible for committing infringements discipline military, might not already know of crimes that constitute human rights violations, in those cases in which the victims were civilian¹³.

On the subject of extrajudicial from 2006 to 2014, the National Commission of human rights (CNDH) issued 56 recommendations in relation to the deprivation of the right to life, involving 187 victims; of which 6 were addressed to the Secretariat of Navy¹⁴. (Figure 2.)

11 Serious violations of Human Rights in the war on drugs. Mexican Commission for Defense and Promotion of Human Rights, BC published in March 2015. PAG. 6.

12 Ibid.

13 Ibid.

14 Ibid. page. 7

Tabla 4.
Supuestas violaciones a los derechos humanos, 2006 – 2011

	SEMAR	SEDENA	Total por año
2006	24	182	206
2007	31	367	398
2008	43	1230	1273
2009	42	1791	1833
2010	198	1415	1613
2011	495	1695	2190
TOTAL	833	6680	7513

Fuente: México Unido Contra la Delincuencia y Consulta Mitofsky, *Décima Encuesta Nacional sobre Percepción de Inseguridad Ciudadana en México*, marzo de 2012, URL: <http://mucd.org.mx/recursos/Contenidos/EncuestaMitofskydePercepcionCiudadanasobrela/documentos/10%20Encuesta%20%20Mitofsky%20completa.pdf>, consultada el 31 de mayo del 2013.

Figure 2.

On the issue of enforced disappearance, although there are discrepancies in the figures given by various organizations, it is also complaints there against the SEMAR features, as well as in the case of torture, between December 2012 and July 2014, the CNDH received 1.148 complaints for violations attributable only to the armed forces for torture.¹⁵

Another problem that has been presented is that it has been linked to personnel belonging to the Secretariat of national defense (SEDENA) with the drug cartels¹⁶, although to date you have been able to link to any member of the SEMAR with organized crime, does not remove the possibility that this can occur.

Another factor which has earned critics of the use of SEMAR in the fight against organized crime, is that the institution as such, does not have legal figure that if Mexican laws allow their act for this purpose, you must always do so in support of another institution if this authority.

So this loophole has been tapped by lawyers for criminals to be able to exonerate their

15 Ibid Pags. 8, 9.

16 Pamela Gómez Bañuelos, Rodrigo Peña González. Mexican Public Opinion magazine. <http://www.sciencedirect.com/science/article/pii/S1870730013723202> . Volume 15, July-December 2013, pp. 30-43.

clients and has caused the SEMAR members make arresting agent to be subject to an investigation for illegal deprivation of freedom and other so many charges that may apply, as well as violations to human rights in which some elements have been arrested and placed at the disposal of the public prosecutor's Office.

This is exacerbated if the judge who is taking the case also presumed that its colluded or has been threatened by organized crime or in other cases will want to take advantage of the political situation of the time to obtain benefits and advantages to his person, affecting members of SEMAR and the institution.

Of all the above, the participation of the SEMAR in the fight against organized crime, it has been affected by the increase of complaints for alleged violations to human rights, so Secretary of Navy instructed the High Command of the Navy to strengthened the training of members in the field of human rights which is carried out continuously by each territorial command, as well as in the different schools and training it has.

Other actions that the federal Government has carried out to prevent that SEMAR members may be co-opted by organized crime is to have increased their salaries (Figure 3), as well as its performance, in addition to creating programs for the benefit of their families, as e.g. programs where the children of the military, active, retired or deceased in action enjoy full scholarships to continue and complete their studies up to the University level.

Tabla 2. SEMAR – Ingresos mensuales netos, 2008 - 2012

	2008	2012	Cambio %
Almirante Secretario de Marina	\$147,688.08	\$124,960.00	-15%
Almirante Subsecretario de Marina	\$136,759.90	\$118,753.00	-13%
Almirante Oficial Mayor	\$136,759.90	\$118,753.00	-13%
Almirante Inspector General y Comandante de Fuerza Naval	\$115,590.54	\$104,352.00	-10%
Vicealmirante Jefe de Estado Mayor	\$109,944.00	\$99,255.00	-10%
Contralmirante, Comandante o Director General Adjunto	\$81,798.34	\$73,608.00	-10%
Capitán de Navío, Comandante o Director de Área	\$61,588.64	\$57,293.00	-7%
Capitán de Fragata, Comandante o Subdirector de Área	\$41,045.76	\$39,355.00	-4%
Capitán de Corbeta, Comandante o Subdirector de Área	\$25,959.00	\$24,228.00	-7%
Teniente de Navío, Comandante o Jefe de Departamento	\$19,342.00	\$18,324.00	-5%
Teniente de Fragata, Oficial Operativo o Jefe de Departamento	\$15,086.76	\$14,699.00	-3%
Teniente de Corbeta, Oficial Operativo o Jefe de Departamento	\$11,098.55	\$10,817.00	-3%
Primer Maestre	\$7,244.91	\$7,414.00	2%
Segundo Maestre	\$6,063.80	\$6,509.00	7%
Tercer Maestre	\$5,732.00	\$6,153.00	7%
Cabo	\$4,916.00	\$5,397.00	10%
Marinero	\$4,221.14	\$4,878.00	16%

Figure 3

Another program for the members of sailors who need to rent a home is a financial support where is supporting them for the payment of the rent of the House, in addition to members directly involved in operations against organized crime, is granted a so-called economic "Risk Pay" stimulus.

As mentioned above, both State and municipal police were over pass in their ability to prevent and eradicate organized crime and the illegal trafficking of psychotropic substances, which was due to the fact that they do not have the proper equipment and also makes them lack training, another problem presented is that police commanders last only while the municipal

mayors have the charge which is every three years, the Governors of the States have it by six years, after the end of his/her period in office, another new person arrive, because they cannot re-elect and there is change of Governor or Mayor must therefore change of all his/her Cabinet.

This makes that there isn't a continuity within police forces, since their controls are usually changed every determined, in addition to non-career policemen, most of them are appointed by the closeness they might have with the Mayor or Governor in turn; In addition, the majority of the police officers recruit their staff from among the population and once they are accepted in corporations, only receive training, that varies from one month to three months of duration.

Are few States such as Puebla has an Academy of police to prepare her staff, there are other States like Veracruz and Jalisco that already have their own Police Academy to prepare her new staff, but the production of this new generation police is being slowly since today's youth is not very interested in becoming a police since the relation risk-payment not them is adequate, since they feel that the pay of the police is very low compared to other professions.

Currently the President of the Republic, gave and turn instructions so that all the States police mergers into a single Corporation by State, which will be only having a single control so it is expected that there is greater continuity in its programs and projects, in addition to which there is a single police Corporation resources allocated for such category will be much better manageable.

CONCLUSION

While the decision to use the Secretary of the Navy of Mexico (SEMAR) to assistant to

the federal authorities responsible for imparting justice in Mexico in the fight against organized crime, it has produced positive results, especially at the international level where the firm available to Mexico has been shown to put an end to the illegal trafficking of narcotic drugs and crimes that are typically attached to it as illegal arms trafficking about people, prostitution, kidnappings, and extortion.

The Mexican State should seek to provide a better legal certainty to SEMAR continue with previously mandated tasks and the institution, as well as its staff is protected legally authorities that are likely to be co-opted by organized crime, whether voluntary or forced, and this can be achieved by modifying and adapting the national legislation in force which regulate their actions.

As well as continue and continue creating benefits and entitlements to SEMAR staff so that they can be tempted and co-opted by organized crime, mainly in the upper echelons of command, since it is here where decisions are made and where corruption would begin which would lead to a snowball downhill and that could put in danger the lives of the elements and their families.

While the State police are not professionalized, trained and equipped properly, SEMAR and SEDENA, should continue in support to the combat of organized crime and the trafficking of narcotics until the Mexican Government having a police force that is able to do so independently, as well as being the authority which, by law, deserves to do this work.

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