



Extrajudicial executions in the context of the militarization of public security

**Report prepared for the visit of the United Nations
Special Rapporteur on Extrajudicial, Summary or
Arbitrary Executions**

Mexican Commission for the Defense and Promotion
of Human Rights (CMDPDH)

April, 2013

Executive Summary

In the context of the so-called “war against organized crime”, Mexico has experienced an alarming increase in the levels of violence and insecurity in recent years. The public security strategy, based on the use of force and militarization, has had a significant impact on gross violations of human rights such as torture, enforced disappearances and extrajudicial executions.

To date, it is estimated that about 96.000 members of the Armed Forces have been deployed for public security tasks that include detentions, patrols, inspections and searches, and they have taken in charge of public security agencies in different states and municipal entities. After the new Federal Government took power, significant changes in public safety have been proposed, but little has been said about the incorporation of human rights standards. There is a great concern on the creation of the “National Gendarmerie” security corp, resulting in the institutionalization of a militarized strategy for public security.

As part of the militarized strategy, began in 2011 the Joint Operations, driven by state governors under the National Conference of Governors (CONAGO). This type of operations facilitates the coordination of 32 local police forces with the Federal Police and the Army in order to carry out actions to fight against organized crime. These operations have resulted in several human rights violations, including extrajudicial executions, which have been denied by both state and Federal authorities. This is the case of Mr. Joaquin Figueroa, extrajudicially killed in the state of Veracruz, a crime that still remains unpunished.

The militarization of public security has had a direct impact on homicide rates, leaving at least 80.000 executed people in events related to the fight against organized crime. The exponential increase in the national homicide rate breaks a trend of nearly 20 years of steady decline. Currently, the phenomenon is disseminated throughout the country with a greater magnitude than previously reported. Despite the new Government at the Federal level, this trend has not changed during the first months of the current administration.

The participation of the military forces in public security tasks has had a serious impact on human rights in Mexico. As part of this strategy, security agencies have indiscriminately used lethal force, taking the lives of unarmed people during operations against organized crime. Moreover, the prevalence of military jurisdiction keeps such abuses in impunity.

Mexican authorities have justified the excessive use of force as necessary to combat organized crime, killing thousands of innocent people. Abuses committed by the armed forces will not stop until a new public security strategy is implemented with strict adherence to human rights lead by civil authorities.

In light of the above-mentioned, we present before the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions an analysis on the effects that such public security strategy has had on human rights in Mexico, particularly on the increase of extrajudicial executions and the surrounding impunity. We also include a series of recommendations we hope may be taken into account for the elaboration of the Concluding Observations and during the several meetings with authorities.

Introduction

In the context of the so-called “war against organized crime”, launched by the Federal Government in 2006, levels of insecurity and violence in Mexico have deteriorated. The increase of crime rates and human rights violations are direct consequences of the public security militarization, a strategy implemented to fight against organized crime and drug cartels.

Although the crime problem in Mexico is not new, in recent years there has been a significant increase, reflected in its victimization rate. According to the results of the International Crime and Victimization Survey (ENICRIV), the overall victimization rate in Mexico is 3% higher than the average of other countries included in the survey. Mexico also obtained the highest rate of bribery of public servants with 13.3%.¹

This strategy has privileged national security over public security, having little evidence and orientation on how to fight against an enemy that has never been clearly identified. This has left over 80.000 people killed,² more than 25.000 people disappeared³ and at least 250.000 internally displaced people.⁴

In addition, and as a result of the security policy, an alarming increase in human rights violations has been registered in the country. It is of particular concern the evident increase in gross human rights violations committed by the Armed Forces such as torture, enforced disappearances and extrajudicial executions.

The strategy to fight against organized crime undertaken since 2006 has favored a military approach based on the premises of national security over the principles of citizen security,⁵ with little guidance on how to combat organized crime and reduce drug trafficking. The use of the armed forces to perform public security tasks without a clear strategy imposing limits, deadlines and civilian controls, as well as a lack of objective analysis on its effects, has contributed to the increasing spiral of violence that after six years seems far from ending. The levels of violence and insecurity are much higher today than they have been during previous administrations,⁶ and human rights violations continue on the rise.

Militarization of public security: A strategy based on the use of force

December 11, 2006 marked a new direction in security policies in the country, especially on the rhetoric about drugs in Mexico. Just ten days after his inauguration, President Calderon sent thousands of elements of the armed forces and other police corporations to patrol the streets of the Michoacan state to fight the drug cartels and restore “peace in each region that is threatened by organized crime”.⁷

During the following months, the military operations spread to other northern states, such as Baja California, Sinaloa and Chihuahua. More than 30.000 soldiers were deployed within a few months throughout different regions in order to avoid Mexico becoming “a country dominated by insecurity and violence due to actions of criminal groups”,⁸ as the President stated. Today, according to official data, there are about 96.000 elements of the Armed Forces deployed in the streets of our country, about 40% of all military personnel,⁹ carrying out a series of tasks including search operations, detentions and patrols, activities that should only correspond to civil authorities.

Occasionally, civil authorities have declined their powers on public security to military elements. This happened in the state of Morelos, where elements of the Municipal and Federal Police handed Jethro Sanchez (see Annex II) and a friend of his to elements of the armed forces, claiming their alleged relation to gangs of organized crime.

Jethro was a young man aged 27 when he was arbitrarily detained by members of the Municipal and Federal Police on May 1st, 2011. He was then illegally handed to the Armed Forces. Jethro's arrest occurred without any court order and was never recorded as the Law mandates.

After being beaten while being detained, Jethro was transferred to the military installations of the 24th Military Zone, where he was tortured. Jethro died from the torture he was subjected to. Members of the army buried his body in secret in an empty lot in the state of Puebla, far from his place of origin. His body was found months later in a clear state of decomposition, requiring DNA testing for identification.

In addition to military involvement in law enforcement operations, active or retired militaries have been allocated to command police corporations; today, 14 states have a military as responsible of public security, while in 6 other states those in charge of local police institutions are also militaries. Moreover, many other municipal corporations in at least 25 states have commanded militaries in charge of local police agencies.¹⁰

Furthermore, the budget for security has doubled in recent years, reflecting the increasing involvement of the military in security tasks. For 2012, the security budget reached the highest amount in Mexico's history, totaling \$130,732 million pesos divided among the four federal security agencies (SEDENA, SEMAR, PGR and SSP).¹¹ Of these, the Ministry of National Defense (SEDENA) recorded the largest increase, receiving a total of \$ 55,610 million in 2012, an increase of over 250% since 2006.

Recently, after a new Government took power at the Federal level in December 2012, reforms to the public administration were approved with a direct impact on public security. Thus, by the amendments to the Organic Law of Federal Public Administration, the Ministry of Public Security (SSP) disappeared and was created the National Security Committee which reports directly to the Ministry of Interior.¹² It is of concern that this new instance does not provide a model for professional police corporations, and lacks civilian and democratic controls to allow for the ongoing evaluation of its performance.

On the other hand, the creation of a National Gendarmerie has been announced, a new security body that would seek to be a community police. While there is not enough information available, it has already been said that will this corp will initially be composed by 10.000 elements of the Army and the Navy.¹³ It has also been pointed out that the Army will train this new corporation, stating that it will be constantly recruiting new members to increase the number of military elements that will also participate in high impact operations against drug cartels.¹⁴

It is of concern that the new security federal agency formed by elements from the Armed Forces deepens the militarization of public security, allowing widespread violations of human rights to continue. The proposal of the National Gendarmerie, according to the little information that has been provided, consolidates the use of the military in public security tasks in detriment of building effective police forces under civilian control.

Joint Operations: Militaries performing public security tasks

In the context of public security militarization, the National Governors' Conference (CONAGO) agreed in June 2011 to perform various "Joint Operations" where the 31 Mexican states and the Federal District adopt coordinated public security measures, focusing on combat against organized crime, drug trafficking, firearms control, vehicle check cargo and passengers and verification of nightclubs.¹⁵

On June 13, 2011 was held the first Joint Operation in the country, which lasted for six days, until 19 June.¹⁶ The operation, known as CONAGO-1, included a display of over 300.000 troops from the various security corporations of different government levels, the Federal Police and the Armed Forces with powers to randomly search people, vehicles and properties.¹⁷

According to official information, during the Operation were recovered: 1.534 allegedly stolen vehicles, 170 weapons were seized and 3.918 people were arrested.¹⁸ However, to date no information has been provided if those arrests led to a criminal prosecution or if they were released, nor were the parameters under which such persons were arrested.

The then president of the CONAGO declared the operation a success, respectful of the law and human rights, with no complaints registered in local human rights commissions across the country.¹⁹ The alleged success achieved by the Joint Operations led the CONAGO to declare such actions permanent and applied without warnings.²⁰ The responsible authorities have ignored the various complaints and claims of human rights violations committed during the operation, as is the case of the execution of Mr. Joaquin Vazquez Figueroa (see Annex I), which occurred in the state of Veracruz.²¹

Mr. Figueroa, aged 53, was working as a diesel mechanic for the company *Triturados Río Seco S.A. de C.V.*, specializing in the sale of construction materials and heavy machinery. On June 17, 2011 when Mr. Figueroa went along with three co-workers from the village of Chichicastle, Veracruz, heading home in the city of Xalapa, his truck was attacked by security forces involved in the Joint Operation CONAGO-1. When his family had access to the photographs of the lifeless body of Mr. Figueroa, he showed signs of torture and punches in the nose and bruises on his left eye. Also, he had two shots to the head that went in at the neck, presumably a coup de grace, and other firearm impacts in the thorax region.

State officials ignored these facts and incriminated those who were killed as members of organized crime. Elements from the Army and other security corporations altered the crime scene and put next to the bodies high-caliber weapons, accusing them of assassins.

The right to life in the context of militarization

The militarization of public security has had a direct impact on the murder rate across the country. According to official figures, 1.537 people were killed in 2005 due to drug violence; in 2006, were registered 2.119 killings; in 2007, 2.826; in 2008, 6.837; in 2009 were registered 9.614, and 15.273 in 2010.²² The exponential increase of the national homicide rate breaks a trend of nearly twenty years in which this indicator had declined steadily each year to a low of about 8 homicides per 100.000 inhabitants in 2007, in 2011, the homicide rate skyrocketed to 24 per 100.000 inhabitants.²³

During President Calderon's administration, the total number of homicides per year almost tripled. According to the National Institute on Statistics, INEGI, between 2007 and 2011 were reported 95.646 homicides, an annual average of 19.129, which represents more than 50 people murdered per day. According to these figures, there was an average annual increase of 24%.²⁴

Federal authorities have consistently defined the phenomenon of crime in the country as something focused, limited to specific regions of the country. According to statistics released by the President's Office, 50% of these are found in the states of Chihuahua, Sinaloa and Tamaulipas, and 7 out of ten murders are concentrated in 68 municipalities.²⁵

But security experts have proven that the phenomenon is not as focused as government authorities say, and instead shows a wide geographical dispersion. According to a recently published study, in 2007 some 53 municipalities registered at least 12 violent killings throughout the year, mainly located in the northern states (Chihuahua, Sonora, Baja California and Sinaloa). Three years later, the number of municipalities that recorded the same number of executions increased to 200, scattered throughout the country. Particularly serious is the case of the states of Tamaulipas and Nuevo Leon, where rates were higher in almost all municipalities.²⁶

Analyzing the territorial dispersion of regions where violence has increased in recent years is not enough. The magnitude of such increases is also important. Some municipalities that in 2009 recorded low rates of executions, experienced an alarming increase of violence in recent years, related to organized crime. One example is the city of Acapulco, in the state of Guerrero, where in 2009 some 158 executions were recorded. One year later executions were more than double, with 370 violent killings registered. Likewise the city of Mazatlan, in the state of Sinaloa, went from 98 to 322 executions; the city of Tepic, Nayarit state, from 11 to 228 in the same period of time; city of Monterrey, Nuevo Leon state, increased from 22 up to 178; the Cuernavaca city, Morelos state, rose from 13 to 135; and in the city of Nuevo Laredo, state of Tamaulipas, from 12 to 113.²⁷

The indiscriminate use of force by the State to counter drug use and the proliferation of illegal markets has been particularly deadly for the younger generation. Currently, one in four deaths in the so-called "war against organized crime" is of a young person.²⁸ The increase in violence and insecurity in the country has had a particular impact on young people between 20 and 29 years old. During the past four years, the youth homicide rate has tripled from 7.8 young people killed per 100.000 inhabitants in 2007 to 25.5 per 100.000 in 2011.²⁹ Thus, since 2008 the leading cause of death among young people in Mexico has been murder, even higher than traffic accidents, which historically had been the leading cause of death among young people.

The number of homicides of children and young people in Mexico has been steadily increasing since 2007. Between 2007 and 2010, a total of 15.810 children were killed: in 2007 there were 1.900 cases; in 2008 were 3.143; in 2009 this increased to 4.527 and in 2010 it amounted to 6.240.³⁰ According to a report by the Colegio de México, an average of 4.500 young people were killed annually between 2006 and 2012.³¹ Similarly, the homicide rate among young people between 15 and 17 years of age showed a nearly threefold increase since 2007, from a rate of 5.3 cases to 14.4 cases per 100.000 inhabitants.³²

The geographic concentration of youth homicide reflects the impact the strategy to combat drug cartels through the use of the Armed Forces has had in the Mexican youth. While until 2005 the youth homicide was concentrated mainly in the central states of the country, in 2010 about 52% of these were in just five northern states, all in which militaries have been deployed: Chihuahua, Sinaloa, Baja California, Durango and Tamaulipas. In 1995, these states accounted for only 17.8% nationally.³³

After the new Federal administration took power, the violence and executions trends remained the same. During the four months since the new federal administration took office, 2.821 people have been reported killed, allegedly related to organized crime, an average of 23 people every day.³⁴ Similarly, the actions from the security forces remained: indiscriminately attacking civilians, and then covering up the facts in order to incriminate the victims. Civil Society Organizations denounced the killing of two young people by military elements in the state of Tamaulipas on 18

March, who showed signs of torture.³⁵ Both the CNDH and Amnesty International denounced the human rights violations committed by members of the Armed Forces, who incurred in an arbitrary detention, torture and extrajudicial execution; both demanded a proper investigation from the competent authorities and punishment of those responsible.³⁶

Ironically, in the current Government's efforts to impose "the Rule of law", understood as the recovery of the monopoly of violence by State institutions, the old regulatory system, based on political agreements and a selective use of the law, of the old regime has been broken triggering the implicit violence in such power relations. Unfortunately, this effort to impose order through the privileged use of force has not been accompanied by an equally consistent effort to create new institutions based on democratic norms, nor address the structural causes that fuel insecurity.

Homicide vs. Extrajudicial killings: the invisibilization of human rights violations

The militarization of public security has been accompanied by a media strategy that made use of a rhetorical discourse to add followers and silence criticism. By using various euphemisms, authorities have sought to reclassify reality to mold it into a policy that has no legal basis, which has resulted in the standardization and justification of death.

Thus, the Federal Government has sought to hide reality by a false use of language. Enforced disappearances have been hidden under the term of "levantones", illegal searches as "cateos" and arbitrary detentions in hotels, private homes and military installations as "arraigo". Extrajudicial killings have been named by authorities as "collateral damages".³⁷

Concepts such as "narco-violence" and "narco-executions" are commonly used by media and authorities, adopted as part of the popular understanding of the serious situation of violence in the country. However, none of these terms are part of the regulatory body and not included in any criminal code to allow its punishment. In Mexico, there is little distinction between the particularities of murder, being that criminal codes include only intentional homicide (*doloso*) and manslaughter (unintentional).³⁸ Recently, in July 2012, amendments to the Federal Criminal Code, as well as in 25 local codes, included the definition of femicide as a specific form of homicide against women by gender reasons.

There is no adequate definition or an offense to catalog an extrajudicial execution in Mexico, in accordance with international standards. According to the methodology used by the President's Office:

An execution or violent death event is one in which the victim presents impacts of firearm, presents signs of torture and severe injuries, was killed at the scene of the discovery or rather different from what was found or located within a vehicle; materials were used characteristic to the modus operandi of organized crime as a gag, blankets, tape, etc.; the circumstances of the alleged facts are related to organized crime groups, the victim was previously deprived of liberty (*levantón*), took place in ambush or persecution; were localized messages of organized crime. In extraordinary cases are considered those homicides within prisons, involving actors linked to organized crime.³⁹

In recent years, Legislators have sought to provide a legal backing to punish what is popularly coined as "narco-executions". Thus, the Federal Law against Organized Crime, has determined that any crime committed by three or more persons will be considered as "organized crime". However,

as has been pointed out by various international human rights bodies, the definition in its second article is clearly vague, specially designed to serve the interests of the Federal Government's strategy, preventing anyone to be protected against organized crime charges, because its wording indicates mere conspiracy as a crime without specifying what evidence standards would give substance to an indictment for this offense.⁴⁰

However, the concept of execution is used interchangeably in Mexico, thus obscuring extrajudicial killings by security elements. This has also led to the lack of a clear and statistical record of these killings. The only murder record in Mexico is tracked by the National Institute of Statistics, Geography and Informatics (INEGI), an independent body responsible for different databases. The INEGI provides information on deaths in the country, specifying death by homicide or other violent causes. This record does not provide information on the specifics of the crime, preventing to know if there were committed human rights violations or had any connection to organized crime.

Prevalence of Military Jurisdiction: Legalized impunity

The increase in gross human rights violations committed by military elements has been evident in the current context of public security militarization. The involvement of the military in law enforcement efforts and public security in the strategy to combat organized crime through military patrols and checkpoints on streets and highways of the country has had a serious impact on the enjoyment of human rights.

Federal and military authorities have justified the use of force as necessary to fight organized crime, even when it is lethal and excessive.⁴¹ The use of lethal force has been indiscriminate, and elements of the Armed Forces have taken the lives of unarmed people in actions against organized crime.⁴² In many cases, military members themselves alter the crime scene in order to present to the people killed as dangerous criminals, who are then accused of being criminals despite there is no previous investigation to prove what was said.⁴³

Even local and Federal authorities justified execution of people on the grounds of being part of organized crime. Recently, the coordinator of the office against homicides of the Special Attorney against Organized Crime, dependent of the Office of the General Attorney, Miguel Angel Guerrero Castro, declared:

"We're not talking about honorable people (being killed), but about people who dedicate themselves to the sale and consumption of drugs ... With all due respect to the victim's parents, we are seeing that people, who are not honorable in their life. They are participating in illegal activities and this should not be a police issue, but rather cases of health and prevention. If tomorrow we see that the victims are innocent, businessmen, traders and good people, then we would be more concerned".⁴⁴

The use of the Armed Forces has obvious implications for the number of deaths resulting from public security operations, because they are trained to kill following the guidelines of war training. The number of civilians killed in security operations is nearly 8 times the number of casualties recorded by the security forces.⁴⁵ This logic reveals that security authorities are not arresting suspects, but the strategy is "shoot to kill". According to the fatality rate based on the results of military operations for every wounded in an Army operation, 9 people were killed. The death toll rises to 17 in operations conducted by the Navy.⁴⁶

Since the current security strategy began, complaints before the National Commission of Human Rights (CNDH) due to human rights violations committed by the military have increased by over 1.000%.⁴⁷ According to information from the CNDH, between 2010 and 2012 one in four complaints was filed against the Ministry of Defense or the Navy.⁴⁸

However, reports of such violations are not investigated and so far there are only a few convictions for these offenses before either the military jurisdiction, and there is not a single conviction by any civil court. Military jurisdiction is still applied to investigate human rights violations committed by the military, despite recent rulings of the Supreme Court of Justice of the Nation (SCJN) to restrict military jurisdiction⁴⁹ and four judgments by the Inter-American Court of Human Rights (IACoHR) condemning the Mexican State to modify its scope.⁵⁰

A recent report published by the Ministry of Defense in November 2012, reported that of the 113 recommendations issued by the CNDH between 2006 and 2012 against the Armed Forces, only two judgments have been issued, although 63 of these have been given as concluded.⁵¹ However, it should be noted that of all the recommendations issued by the CNDH to the Ministry of Defense, only 1.5% of the total complaints received against this agency.

Particularly with regard to the crime of homicide, the offense for which they could be investigated and sanctioned for an extrajudicial killing, the Ministry of Defense reported that since 2006, 37 militaries have been sanctioned and other 32 cases are at the preliminary stage.⁵² Between 2007 and 2012, the CNDH issued 35 recommendations for unlawful deprivation of life, addressed to the major security agencies.⁵³ Of these, 55% were issued to the Ministry of Defense for the killing of civilians, of which only one of them was credited the legitimate use of force in self-defense.⁵⁴ However, to date, only 4 military elements related to these cases analyzed by the CNDH have been punished.⁵⁵

The prevalence of military jurisdiction has often allowed elements of the Armed Forces to alter the evidence and the crime scene immediately after human rights violations occur.⁵⁶ Multiple cases have been documented where military personnel have manipulated, concealed or destroyed evidence to protect soldiers responsible for murders, enforced disappearances and torture.⁵⁷

Among these are several cases of extrajudicial executions, which would suggest that soldiers altered the crime scene in order to incriminate or simulate victims who died during fighting that never happened.⁵⁸ Such was the case of Mr. Figueroa, whose dead body was found with multiple signs of torture. He was also accused of belonging to organized crime. Authorities registered a place and time of death other than the actual and moved the bodies so that they were near vehicles different from those they were traveling.

Mexico has been reluctant to comply with the four judgments of the Inter-American Court where was ordered to amend the Code of Military Justice to establish the jurisdiction of the civil courts in cases of human rights violations committed by the military. In October 2010, the then President Calderon sent to Congress an initiative to reform the use of military tribunals, which proved inadequate and not in accordance with international standards since it only considered the exclusion of the military jurisdiction for the crimes of enforced disappearance, rape and torture, leaving out of reach many other crimes such as extrajudicial executions and arbitrary detentions.

Since then, at least 15 different projects to reform the Code of Military Justice have been presented in Congress, but none of these have been discussed at the respective Commissions to advance their approval, demonstrating the lack of political will of the different political actors.

Human Rights Defenders, victims of militarization

Human Rights Defenders have also suffered the consequences of the public security strategy and militarization. During the last six years an escalation in the number of attacks, threats and aggressions against them has been registered, raising the risk level of their work. According to the Inter-American Commission on Human Rights, between 2006 and 2011, at least 61 human rights defenders were killed and 4 more remain disappeared.⁵⁹

The number of attacks and threats against them is even higher. The CNDH has also recorded an increase in aggressions and harassment against them, reporting an increase of over 100% in the complaints related to attacks against Human Rights Defenders since 2009.⁶⁰ According to the Office in Mexico of the United Nations High Commissioner for Human Rights (UNHCHR), more than 98% of these cases remain unpunished.⁶¹

During these years, there has also been a constant criminalization of the work of Human Rights Defenders by the authorities of the highest levels of government, accusing them of obstructing the work of the State to fight against organized crime or even be at their service. During 2011, various military commanders issued statements against Human Rights Defenders. Even the Minister of the Navy stated:

“There are criminal groups trying to smear the reputation of State institutions by using citizens’ groups who, through deceitful tactics, try to make these institutions victims of the criminals’ perverse game, since by using the banner of human rights, they seek to damage the image of our institutions, with the evil purpose of obstructing the government’s anti-crime actions so as to have the field open to their wickedness.”

Likewise, families of victims of extrajudicial executions have been threatened and harassed to give up their demands for justice and truth. In many cases, especially the Army, immediately after the execution occurs, contacts their relatives to offer them compensations in exchange for their silence, demanding that accepting the money they would give up their right to pursue any legal or judicial action. In rejecting the compensation offer, the relatives are threatened, harassed and persecuted.⁶²

This has been the case of the family of Mr. Figueroa, that since they knew about the execution, has begun a long struggle for truth and justice. Janeth Figueroa, daughter of Mr. Joaquin, has received a number of threats and intimidation from third persons connected with local authorities, phone calls urging her in a threatening manner to abandon their activities in defense of human rights, and in particular the investigation of the execution of her father. Also, she was constantly besieged by official vehicles outside her home and was frequently followed, both on foot and by official and civilian vehicles.

Following a request in July 2011 to the Ministry of the Interior to provide security measures in her favor and after some measures were implemented by the Attorney General of the state of Veracruz, security incidents against her increased. The measures provided were completely

ineffective, as security patrols were intermittent and the elements assigned to perform them did not have the capacity to do this kind of work. On the other hand, it was inadequate as elements of the state Attorney were those in charge with implementing security measures since the harassment has come precisely from staff of that institution.

Due to the lack of attention provided by Federal and local authorities to ensure the protection of Janeth Figueroa, she decided to leave her home in September 2012 and move to a safer place outside the state of Veracruz, leaving her belongings and her work.

Conclusions and Recommendations

The human rights situation in Mexico has severely deteriorated since the beginning of the so-called "war against organized crime", which imposed a security policy based on the use of force and militarization. Clearly, this strategy is having a direct impact on the respect and protection of human rights and the Rule of Law; the deployment of thousands of military elements for public security tasks has encouraged the commission of crimes since the Armed Forces do not limit themselves to support civil authorities and accept their orders, but also to perform tasks that correspond exclusively to civil authorities.

The military offensive has left behind a mounting loss of pain and suffering to countless victims as a result of the military presence in the streets. In just six years, more than 80.000 thousand executions related to the fight against organized crime have been reported, that, although many of them are not attributed to State actors, some of those can be defined as extrajudicial executions.

Nevertheless, Government officials have consistently rejected the participation of the military in human rights violations, especially in extrajudicial executions, cataloging them only as "collateral damage." It also resulted in almost total impunity for such acts, primarily because of the prevalence of military jurisdiction.

In this regard, we believe that during the visit to Mexico of the Special Rapporteur of the United Nations on Extrajudicial, Summary or Arbitrary, the concern over the situation prevailing in our country because of the militarization of public security will be reiterated. In light of this, we present a series of recommendations that we hope will be taken up during the visit, and for the final report to be issued after the visit:

1. Set a short-term strategy for the withdrawal of the Armed Forces from public security operations and the application of criminal law as a measure to prevent extrajudicial executions, and implement a model of citizen security as established by the Inter-American Commission on Human Rights.
2. Ensure the establishment of civilian and democratic controls for autonomous and periodic evaluation of all security forces.
3. Put an end to the practice of incriminating victims of abuse by security forces by using the accusation of belonging to organized crime prior to any serious and impartial investigations.

4. Investigate thoroughly and impartially all cases of extrajudicial executions under the sole responsibility of civilian authorities and punish those responsible. Create a protocol to investigate the killing of civilians in military operations and legislate on the use of force by members of the Armed Forces.
5. Amend the Military Code of Justice, especially Article 57, to prohibit militaries involved in human rights violations to be tried only by military tribunals.
6. Establish that during the investigation, from the moment that military officials are aware that the alleged victims are civilians, they shall refer the matter to the Attorney General to proceed with the investigation. Also, set management protocols to avoid evidence at the crime scene being altered.
7. Ensure proper and effective implementation of the Protection Mechanism for Human Rights Defenders and Journalists, to guarantee the safety of those seeking justice and truth for human rights violations.

Mr. Joaquin Figueroa Vazquez, aged 53, was working as a diesel mechanic for the company *Triturados Río Seco S.A. de C.V.*, specializing in the sale of construction materials and heavy machinery.

On June 17, 2011, at the end of their working day, around 18:00 hrs., Messrs. Joaquin Vazquez Figueroa (Diesel Mechanic) and Tito Landa Argüelles (Laboratorist) were last seen on their way to their homes from his workplace in Chichicaxtle, Veracruz, in a white pickup truck, owned by the company. In the van was traveling, too, the Engineer Raul Tecatl Cuevas, who was driving the vehicle.

The next day, when having no information on the whereabouts of Mr. Figueroa and Mr. Landa, their relatives began to look after them. They were informed by people of the company they both worked, and in dubious circumstances, that they had deceased and that they should contact the Department of Forensic Services of the city of Xalapa to recognize their bodies. At this place, authorities showed the relatives photographic plates of the neck and head of several dead bodies, among which they could recognize both Mr. Figueroa and Mr. Landa who also presented other evidence of torture (both showed severe shock and impact projectiles in the body).

The same personnel informed the relatives that the bodies belonged to eleven persons who allegedly had participated in a shootout between gunmen and members of the local Police, Federal Police and the Army, the afternoon of June 17, in the Xalapa-Veracruz highway, by the installations of the 63rd Infantry Battalion of Military Zone No. 26, in the town of "El Lencero", in the municipality of Emiliano Zapata; they also said that these persons were found with heavy weapons, grenades and other devices for exclusive use by the Army, in a black SUV whose characteristics do not correspond to the vehicle in which their families were traveling that day.

According to authorities, the acts committed against Mr. Figueroa and Mr. Landa were carried out within the "Operation of the National Confederation of Governors CONAGO-1". However, local media refer to the existence of different versions about what happened that day, contradicting the official version that qualified them as hitmen.¹

Later, the relatives of Mr. Joaquin Figueroa, particularly his daughter Janeth, began an investigation into the events that led to the death of Mr. Figueroa. Janet Figueroa, in the company of her friend Jorge Ivan Garcia Reyes, went to the place where the events allegedly occurred, where they questioned people working in shops near the place. The people who she interviewed refused to give any information and visibly showed fear to talk about the facts. Also, Janeth and her friend saw traces of blood still fresh in the place where the military operation occurred.

It remains unknown the identity of the authorities responsible for the deprivation of the life of Mr. Figueroa and his coworkers. However, through press releases and official information we are

¹ Redacción. "Mueren 11 presuntos sicarios tras huir de retén militar en Xalapa, Veracruz" en *InformaVer* (18.06.2011); Brigada Callejera. "Militares torturan y asesinan a civiles en Xalapa Veracruz y los hacen pasar por sicarios" en *CGTChiapas* (25.06.2011); González, Armando. "Balacera en la carretera Xalapa-Veracruz" en *MilenioTV* (20.06.2011)

certain of the authorities participating under the operation CONAGO-1.² There are several versions of how the events occurred, but the participation of the following authorities is presumed:

- Elements from the State Police belonging to the Ministry of Public Security of the state of Veracruz.
- Elements of the Federal Police belonging to the Ministry of Public Security deployed in the state of Veracruz.
- Elements from the Army, belonging to the 63rd Infantry Battalion of Military Zone No. 26, in the state of Veracruz.

Contrary to what happened, Mr. Figueroa's family filed a complaint with the Attorney General of the state of Veracruz (File 1045/2011) and also presented a complaint before the National Commission of Human Rights (29/06/2011). There has also been made submissions of the case to the Office in Mexico of the UN High Commissioner for Human Rights (7/07/2011) and the Special Rapporteur of the United Nations on Extrajudicial, Summary or Arbitrary Executions (08/08/2011), all these actions accompanied by the CMDPDH.

As a result of the undertaken actions by Janeth Figueroa and Julio Landa demanding justice as Human Rights Defenders, they and their relatives began to be intimidated and harassed of third persons connected with the local authorities; this has been through phone calls urging them menacingly to abandon their activism in defense for human rights, constant presence of official vehicles in front of their homes and frequent monitoring both by foot and on civilian and official vehicles.

Although there has been requested the intervention of the Ministry of the Interior for their protection even before the intimidation began, through the Unit for the Promotion and Defense of Human Rights, and despite the Attorney General of the state of Veracruz issued on July 8 2011, protective measures for both families through patrols and access to emergency numbers, security incidents have not only continued but have increased.

Ineffectiveness of security measures has been repeatedly reported to Federal and local authorities. The patrols have been discontinuous and the police officers assigned to perform them have not had the capacity for this type of tasks. Furthermore, it is inappropriate for the local Attorney of the state of Veracruz to be in charge of their protection since intimidation and harassment has come precisely from elements belonging to that institution.

The failure to implement appropriate protective measures have put Janeth Figueroa and her family in a high-risk condition that has forced her to leave her place of residence and move to another city, leaving her work and belongings in Veracruz, in an attempt to protect her family from the dangers of proceeding with actions to defend human rights.

² Carvajal, Ignacio. "Gobierno estatal eleva a 11 muertos el saldo de balacera en Xalapa" en *desarmador político* (18.06.2011)

Annex II: Arbitrary detention, torture, enforced disappearance and extrajudicial execution of Jethro Ramsses Sanchez

Jethro Ramsses Sanchez Santana, at the time of his disappearance and death, he was 27 years old. He worked as Electromechanical Engineer with specialization in Mechatronics and had a master's degree in Business Administration. Jethro had begun to form his own micro Automotive Electronics Engineering and was a teacher at the Polytechnic University of Morelos on Management. He was recognized as a healthy and responsible young man among people who knew him.

Jethro was forcibly disappeared on May 1, 2011 at the fairgrounds in Acapatzingo, administrated by the city of Cuernavaca, Morelos. After a football game, Jethro and a group of friends attended the fair. Once in there, at the food court, a quarrel arose with the servers of the site started by one of the companions of Jethro, by the name of Ernesto. It is noteworthy that according to witnesses, Jethro was not involved in that fight. Municipal Police intervened, Jethro who arrested along with another of his friends, Horacio. They were taken to the back where police officers beat them.

Later on, the Municipal Police handled both of them to the Federal Police, who moments later took them to members of the 24th Military Zone. Elements of the Municipal Police falsely claimed that the detainees claimed to be part of the drug cartel "Familia Michoacana", while other officials said they had told police to belong to the cartel "Negro Radilla". This contradiction in the statements of police officers demonstrates how police elements lied to justify delivering Jethro and his friend to the Armed Forces.

Jethro and Horacio were handcuffed and blindfolded, and then uploaded to different military units (Jethro to 0821362 and Horacio to 0821307). It should be mentioned that there was no procedure for their arrest and subsequently delivering to the military. It is important to note that there were no weapons or drugs found on them that could justify an arrest in flagrante.

After a few hours, the military released Horacio in the municipality of Miacatlan, after being interrogated and beaten. However, the military denied any knowledge of the situation of Jethro, denying also that he was arrested by them, even though elements from both the Municipal and Federal Police declared they had delivered him to military elements of the 24th Military Zone.

Based on the testimony of Horacio, after returning from the place in which he was "liberated" by soldiers on the early morning of May 2 in a deserted place in the community of Coatetelco, in the municipality of Miacatlan, Jethro's relatives believed authorities would have his son under arrest, so his father decided to promote an *Amparo* on May 3, 2011, before a civilian judge. All authorities denied having any registration of the arrest of Jethro, taken any action against him or taking him into custody. This implied false testimony by the authorities and their complicity in the crime of enforced disappearance.

Jethro's relatives filed a complaint before local authorities, who turned the inquiry to the Office of Special Investigations on Organized Crime (SIEDO), at the General Attorney's Office. A month later, the PGR declined its competence due to the participation of elements of the Armed Forces, turning it to the military jurisdiction.

The Military Prosecutor began documenting the case and relied on elements to presume that Jethro had actually been arrested and tortured by military forces and died the same day of his arrest. His research shows that the body was placed in a clandestine grave near the town of Atlixco, in the state of Puebla.

Following the investigations by the Military Prosecutor, the body was exhumed and transferred to the Military Attorney, for relevant expert evidence to determine the genetic profile of the corpse. After several days it was determined that it was indeed Jethro Ramsses, so the body was handed over to the relatives and properly buried.

On August 30, 2011, the Human Rights Commission of the State of Morelos issued its recommendation 165/2011-1 for the murder and torture of Jethro. In this, it is recommended to state and local authorities to follow the necessary procedures to ensure justice in the case and provide adequate reparations for gross violations of human rights.

On July 10, 2011, in the criminal case 331/2011 opened at the military jurisdiction before the Fifth Military Judge assigned to the First Military Region for the crimes of "torture and violence against persons causing homicide" and issued a formal arrest warrant against infantry Lieutenant José Guadalupe Orizaga y Guerra and infantry Lieutenant Edwin Raziel Aguilar Guerrero. To date, these people are being prosecuted and incarcerated at the prison of the Military Camp No. 1.

About the process referred to in the preceding paragraph, it should be emphasized that Hector Sanchez Lopez, father of Jethro, promoted to the Military Judge an incident of incompetence, so the matter could be turned over to a civilian judge. However, the judge not only refused to decline jurisdiction, but refused to recognize the juridical personality of the father of Jethro as offended in the criminal proceedings. Given this, he promoted an *amparo*, that was resolved on April 9, 2012, ordering the military judge to recognize Jethro's father as part in the criminal proceeding and ruled to decline the case before civilian jurisdiction. The military judge declined jurisdiction in favor of a federal judge.

Moreover, following the disappearance and murder of Jethro, was also initiated criminal proceedings against Colonel José Guadalupe Arias Agredano, on charges of "injuries causing murder, aggravated clandestine burial", filed before the Fifth Military Judge assigned to the First Military Region, under case 376/2011. That judge declined jurisdiction in favor of a civilian court, who refused to deal with the case, causing the case to be taken before the Fifth Court of Appellations of the First Circuit for a conflict of jurisdiction. In March 2012, the matter was taken before the Supreme Court of Justice, to decide on the jurisdiction.

On August 9, 2012, the Supreme Court resolved the conflict of jurisdiction 38/2012, in relation to criminal proceedings against Colonel José Guadalupe Arias Agredano for his involvement in the murder of Jethro Ramsses. The Supreme Court decided by 8 votes to 2 that the competent court to prosecute Colonel Arias Agredano is a civil court. In the discussion, the Ministers of the Supreme Court emphasized the need to restrict the military jurisdiction because the criminal trial not only affects the processing, but also the victims, stating that when civilian victims are involved, the military court has no jurisdiction. Currently the process is being taken at the ordinary jurisdiction before the Fifth District Court, who has issued a detention order against Colonel Arias Agredano. Several proceedings and interrogations key to the process are still pending.

On August 16 of that same year, the CNDH issued Recommendation 38/2012 addressed to the Secretary of National Defense and the Ministry of Public Security, for the arbitrary detention, torture, enforced disappearance and extrajudicial execution of Jethro Ramsses Sanchez Santana. This recommendation reinforced the claim of the family and civil society organizations, to shed light on the truth of what happened to Jethro Sanchez, setting out the respective responsibilities and urging to grant reparation and guarantees of non-repetition as a result of serious human rights violations. The Ministry of Public Security refused to admit the recommendation, arguing that elements of his corporation did not participate in the arrest of Jethro, despite statements by both Municipal Police and members of the Army. For its part, the Ministry of Defense admitted the recommendation but has not taken any action to comply with the resolutions by the CNDH.

Notes and references

¹ The International Crime and Victimization Survey (ENICRIV) covers the following crimes: vehicle robbery, burglary, simple robbery, violent robbery, sexual crimes, corruption crimes, fraud to consumers, drugs issues, and crimes caused by discrimination.

² Centro Miguel Agustín Pro Juárez. “Transición traicionada: los derechos humanos en México durante el sexenio 2006-2012.2013”

See also the Report presented by different organizations from the Civil Society “La situación de los Derechos Humanos en México”. Report presented at the 147th Period of sessions of the Inter-American Commission on Human Rights

³ On February 26th of 2013, the Undersecretary for the Legal Issues and Human Rights of the Governance Secretary introduced a data base with the records of 26.121 cases of missing persons, between December 1st of 2006 and November 30 of 2012. These records can be consulted at

http://www.secretariadoejecutivosnp.gob.mx/es/SecretariadoEjecutivo/Sistema_RNPED

⁴ Report of the Internal Displacement Monitoring Centre of the Norwegian Refugee Council about the forced displacement in Mexico caused by the drug cartels’ violence, available at [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/E65A0D75E1B5E8F8C125781F00318DF2/\\$file/Mexico_Dec2010_s.p.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/E65A0D75E1B5E8F8C125781F00318DF2/$file/Mexico_Dec2010_s.p.pdf)

⁵ The Inter-American Commission on Human Rights (IACHR) establishes on its Report on Citizen Security and Human Rights that the States, on the attempts on achieving democracy, must introduce a citizen security perspective based on the achievement of greater levels of democratic citizenship, focusing their public policies on the human person, instead of on the security of the State or certain politic order (par. 21)

⁶ Trans-Border Institute, “Drug Violence in Mexico: Data and Analysis Through 2012”. University of San Diego, February, 2013. Pp 4

⁷ Herrea, Claudia and Martínez, Ernesto. “Vestido de militar, Calderón rinde “tributo” a las fuerzas armadas” *La Jornada*. (04.01.2007)

⁸ Relea, Francisco. “Entrevista a Felipe Calderón: La situación en México” *El País* (21.01.2007)

⁹ International Crisis Group. “Peña Nieto’s Challenge: Criminal Cartels and Rule of Law in Mexico”. ICG, March, 2013. Pp. 19

¹⁰ Acosta, Mariclaire. “La impunidad crónica de México: Una aproximación desde los derechos humanos”. CDHDF. April, 2012. Pp. 62

¹¹ Ministry of Defense (SEDENA), the Navy (SEMAR), Ministry of Public Security (SSP) and the Attorney General (PGR). See the Expenditure Budget of the Nation from 2012. Available at

<http://www.shcp.gob.mx/EGRESOS/PEF/Paginas/PresupuestodeEgresos.aspx>

¹² Article 27 of the Organic Law of Public Federal Administration. Available at

<http://www.diputados.gob.mx/LeyesBiblio/pdf/153.pdf>

¹³ Alba, Hugo and Rivelino Rueda. “Gendarmería será militar: Mondragón” *La Silla Rota* (25.02.2013)

¹⁴ Vega, Aurora. “Gendarmería operará en 2015; el reclutamiento se inicia en enero” *Excelsior* (14.12.2012)

¹⁵ Reséndiz, Francisco y Sara Pantoja. “Pacta Conago acción conjunta contra el crimen” *El Universal* (28.05.2011)

¹⁶ Editorial office. “Inicia en Michoacán y en todo el país Operativo Conjunto de Seguridad” *Cambio de Michoacán* (13.06.2011)

¹⁷ Morales, Alberto. “Poiré reconoce operativo Conago” *El Universal* (17.06.2011)

¹⁸ “Operativo CONAGO-1, Informe Final de Resultados del 13 al 19 de junio de 2011”. Conferencia Nacional de Gobernadores. Available at:

http://www.conago.org.mx/Documentos/OPERATIVO_CONAGO_REPORTER_FINAL_DEL_13_AL_19_JUNIO11-JG.pdf

¹⁹ Mora, Karla. “Conago-1, sin quejas en derechos humanos: Marcelo Ebrard” *El Universal* (19.06.2011)

²⁰ Archundia, Mónica. “Permanente y con acciones sorpresa Conago-1” *El Universal* (20.06.2011)

²¹ Local authorities in different areas of Guerrero pointed out the responsibility of Army and Police members for making arbitrary searches to homes without a warrant. Besides, people were accused of robbery of money and other goods. At Distrito Federal, young men were arbitrarily detained and accused for drugs possession and drugs dealing, without having enough proves. Money was asked to these men in order to be released and afterwards, they were taken to the Prosecutors. Cfr. Editorial Office “Operativo militar y policial en Ahuacotzingo a punto de acabar en confrontación”. IRZA (16-06.2011)

²² Official numbers revealed by the Office of the President, available at en <http://www.presidencia.gob.mx/base-de-datos-de-fallecimientos/>

²³ Official numbers revealed by the Office of the President, available at en <http://www.presidencia.gob.mx/base-de-datos-de-fallecimientos/>

²⁴ Trans-Border Institute, *Op. Cit.* Pp. 21

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- ²⁵ Alejandro Poiré Romero, spokesman for the Office of the President on Security Matters at that time, and Ministry of the Interior subsequently, at the event *Diálogos por la Seguridad* on January of 2011, pointed out that the murders presumably related to organized crime are a phenomenon which is focused in some areas of Mexico, and as an example he declared that “in 2010, 50% of these events were concentrated in three states: Chihuahua, Sinaloa and Tamaulipas”
- ²⁶ Guerrero, Eduardo. “Cómo reducir la violencia en México”. Nexos, No. 395, November, 2010.
- ²⁷ Guerrero, Eduardo. *Op. Cit.*
- ²⁸ World Bank. “La violencia juvenil en México: Reporte de la situación, el marco legal y los programas gubernamentales” New York, 2012. Pp. 8
- ²⁹ National Institute of Statistics, Geography and Informatics (INEGI) “Censo de Población y Vivienda”.
- ³⁰ México Evalúa. Índice de víctimas visibles e invisibles. Mexico, 2011. Pp. 12-13
- ³¹ Alvarado, Arturo. “Violencia Juvenil en América”. New York, 2012
- ³² Velasco, Elizabeth. “Homicidios contra jóvenes de 15 a 17 años se triplican en cuatrienio: ONG” *La Jornada* (01.05.2012)
- ³³ World Bank. *Op. cit* Pp. 14-16
- ³⁴ Méndez, Alfredo. “En la gestión de Peña han sido ejecutadas 2 mil 821 personas” *La Jornada* (01.04.2013)
- ³⁵ Editorial office. “Militares mataron a sangre fría a dos inocentes: CNDH, AI, CDHNL; es primera ejecución extrajudicial con EPN, dicen”, *Sin Embargo* (28.03.2013)
- ³⁶ Figueroa, Carlos. “Documenta CNDH posible ejecución extrajudicial cometida por soldados” *La Jornada* (28.03.2013). See also Amnesty International. “Dos jóvenes posiblemente ejecutados por militares en Nuevo Laredo”. Available at <http://amnistia.org.mx/nuevo/2013/03/28/dos-jovenes-posiblemente-ejecutados-por-militares-en-nuevo-laredo/>
- ³⁷ Acosta, Mariclaire. *Op. Cit.* Pp. 90
- ³⁸ Trans-Border Institute. *Op. Cit.* Pp. 6
- ³⁹ Official numbers revealed by the Office of the President. Available at <http://www.presidencia.gob.mx/base-de-datos-de-fallecimientos/>
- ⁴⁰ Article 2nd from the Federal Law against Organized Crime establishes that “When three or more people agree on organizing or organize themselves to achieve either permanently or repeatedly conducts which isolated or connected to others aim to accomplish one or some of the following felonies will be penalized, for this simple fact, as organized crime members”
- ⁴¹ Constantly, President Felipe Calderón has justified the use of lethal force in military operations. During a ceremony with the Army, the President declared that “my commitment to keep security will prevail to the last day of my administration and if I must use the Armed Forces, as the Constitution establishes, to accomplish that commitment , I will keep on doing so” *Cfr.* Ramos, Jorge y Elena Michel. “Ejército en calles, hasta fin de mandato: FCH” *El Universal* (19.08.2010)
- ⁴² See, for example, Recommendation 36/2010 which documents the murder of two kids at a military checkpoint (at <http://www.cndh.org.mx/recomen/2010/036.pdf>); see also Recommendation 42/2011, in which there is a record about two people who were seriously injured during a confrontation between the Army and a group of criminals, and later were executed by members of the Army when they were trying to ask for help (at <http://www.cndh.org.mx/recomen/2011/042.pdf>); see also Recommendation 45/210, in which there is a record about two students who were murdered during a confrontation between the Army and a group of criminals, and later the crime scene was modified so they were passed off as armed criminals (at <http://www.cndh.org.mx/recomen/2010/045.pdf>)
- ⁴³ During a public event in which representatives of the civil society participated, President Felipe Caledrón himself affirmed that “more than 90% of the deaths belong to people connected to one or another criminal group in this conflict. More or less, 6% are fallen authorities as consequence of the criminal attacks. And... approximately 1% are innocent victims, which is the most painful for society” Speech available at <http://www.presidencia.gob.mx/2010/08/segunda-intervencion-del-presidente-en-dialogo-por-la-seguridad-con-representantes-de-asociaciones-religiosas/>
- ⁴⁴ Cervantes, Miguel. “Piden no alarmarse por homicidios” *El Norte* (08.04.2013)
- ⁴⁵ Silva Forné, Carlos; Catalina Pérez Correa and Rodrigo Gutiérrez Rivas. “Uso de la fuerza letal. Muertos, heridos y detenidos en enfrentamientos de las fuerzas federales con presuntos miembros de la delincuencia organizada” *Desacatos*, no. 40, September- December 2012.
- ⁴⁶ Silva Forné, Carlos; Catalina Pérez Correa and Rodrigo Gutiérrez Rivas. *Op. Cit.*
- ⁴⁷ CNDH. *Informes de Actividades 2006-2012*. Comisión Nacional de Derechos Humanos.
- ⁴⁸ CNDH. *Informes de Actividades 2010-2012*. Comisión Nacional de Derechos Humanos.
- ⁴⁹ Between August and September of 2012, there were 28 cases related to the limits of military jurisdiction studied by the SCJN. Based on them, the SCJN set the precedent regarding that not a single Army member accused of human rights

violations against civilians could possibly be prosecuted by a military Court. In the case Bonfilio Rubio, the SCJN declared the unconstitutional nature of Article 57 of the Military Code of Justice.

⁵⁰ *Case of Radilla Pacheco vs. Mexico* Judgement of November 23, 2009; *Case of Fernández Ortega y otros vs. Mexico* Judgement of August 30, 2010; *Caso Rosendo Cantú y otra vs. Mexico* Judgement of August 31, 2010 31; *Case of Cabrera García y Montiel Flores vs. Mexico* Judgement of November 26, 2010.

⁵¹ Situación de quejas y recomendaciones. SEDENA, 2013

⁵² Response from the Ministry of Defense (SEDENA), obtained by request from public information access no. 0000700016013

⁵³ CNDH. *Informes de Actividades 2006-2012*. Comisión Nacional de Derechos Humanos.

⁵⁴ CNDH. *Recommendation No. 39/2007, Sobre los hechos de violencia ocurridos el día 7 de mayo de 2007, en la Ciudad de Apatzingán, en el Estado de Michoacán*. Comisión Nacional de Derechos Humanos

⁵⁵ SEDENA. "Personal militar involucrado en conductas ilícitas consideradas como violaciones a DD.HH., derivadas de 109 recomendaciones emitidas por la CNDH en contra de esta Secretaría durante la presenta administración". Secretaría de la Defensa Nacional. September, 2012

⁵⁶ Human Rights Watch. "Mexico: Letter to the Senate on Military Justice Reform". New York, 2012. Available at:

<http://www.hrw.org/es/news/2012/04/10/m-xico-carta-al-senado-sobre-reformas-al-fuero-militar>

⁵⁷ Human Rights Watch. "Ni Seguridad ni Derechos: Ejecuciones, desapariciones y tortura en la 'guerra contra el narcotráfico' de México". New York, November, 2011. Pp. 185-187

⁵⁸ Human Rights Watch. *Op. Cit.* Pp. 186

⁵⁹ IACHR. "Segundo Informe sobre la situación de las defensoras y los defensores de derechos humanos en las Américas". Inter-American Commission on Human Rights. Washington, 2011. Pp. 13

⁶⁰ CNDH. "Informe Especial sobre la Situación de las y los Defensores de los Derechos Humanos en México". Comisión Nacional de los Derechos Humanos. July, 2011. Pp. 24-25.

⁶¹ OHCHR. "Actualización 2010: Informe sobre la Situación de las y los defensores de derechos humanos en México". Office of the High Commissioner for Human Rights. Mexico, 2010. Pp. 7

⁶² Human Rights Watch. *Op. Cit.* Pp. 195