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Justice Jettisoned: The Culture of 'National Security' in Mexico

Abstract

How has the Mexican state response to insecurity and crime affected its democracy? Security governance represents a broad political framework for reorganizing private and public authorities, regulatory agencies, and resources to manage entities, organizations, persons, and processes that are deemed threatening or dangerous. In the context of México's War on Crime, security governance is implemented at the international and domestic levels and entails: (a) international cooperation with the United States; (b) new legislation and legal tactics; (c) the deployment of the military to conduct policing operations; and (d) police reform. Given México's persistent problem with rule of law and its record of interagency corruption, none of this bodes well for democracy. Calling attention to how security governance negatively affects democracy in México helps identify the perils associated with México's quest for security. Thus, this research may enable readers to evaluate whether the security approach justifies the costs as well as its ramifications for democratic consolidation.

Introduction

The violence perpetrated by a series of warring criminal groups continues to undermine the security and governability of certain parts of México, a country that shares over 2,000 miles of border with the United States and boasts a trading relationship that grosses over \$ USD 530 billion a year.¹ Felipe Calderón's administration launched its "war on crime" in late 2006 and by the end of his term in 2012 violence carried out by organized crime had taken the lives of more than 85,000 Mexicans.² Recent cases—particularly the unresolved case of 43 missing students

¹ Clare Ribando Seelke and Kristin Finklea, *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond* Congressional Research Service / Federation of American Scientists, February 22, 2016, 1, <https://www.fas.org/sgp/crs/row/R41349.pdf>.

² *Amnesty International*, "México: Investigation into the Enforced Disappearance of 43 Students Is Far from Conclusive," January 21, 2015, <http://www.amnestyusa.org/news/news-item/mexico-investigation-into-the-enforced-disappearance-of-43-students-is-far-from-conclusive>.

who were disappeared in Iguala, Guerrero, in September 2014—have called more and more attention to the impunity extended to security forces accused of committing human rights abuses and the rampant corruption that plagues the country.³

This public security campaign has heavily relied on military force as the most crucial enforcement mechanism, which entailed bolstering the security apparatus without adequately strengthening key judicial capacities; enlisting the military into police work without accountable oversight; and detaining multiple suspects without the ability to try detainees impartially and effectively.⁴ The Mexican security establishment has argued that they are investing in “institution building” and that in fact a portion of the Plan Mérida funds are going toward establishing “the rule of law” and a “culture of human rights”. Nevertheless, evidence suggests that the implementation and execution of this security strategy has not curbed the protracted and escalating violence in any real or meaningful way.

On December 1, 2012, Enrique Peña Nieto took office as president and took over management of the anti-crime campaign. Violence between organized crime has escalated and worsened. Drug trafficking organizations (DTOs) have splintered over the last several years, multiplying the number of roving actors involved in the ongoing conflicts, and the surge in security forces has led to a dramatic increase in grave human rights violations perpetrated by security forces. This approach has not strengthened public security; rather these abuses along with instability and insecurity have exacerbated a climate of violence, lawlessness, and fear.⁵

These patterns raise a pressing normative question: What are the consequences of the

³ Jenaro Villamil, “Ayotzinapa, la mentira histórica al desnudo,” *Proceso*, August 18, 2015, <http://www.proceso.com.mx/?p=413220>.

⁴ *Amnistía Internacional*, “Fuera de Control: Tortura y Otros Malos Tratos en México,” September 4, 2014, 58, <https://www.amnesty.org/en/documents/AMR41/020/2014/en/>.

⁵ *Human Rights Watch*, “Los Desaparecidos de México: El persistente costo de una crisis ignorada,” February 20, 2013, 1.

security governance strategy for democracy in México? This research attempts to explain how the security governance strategy has affected democracy in México. Calling attention to how governance and this security strategy adversely affects democracy helps identify the hazards associated with the search for security in México. Therefore, this research can increase the overall assessment of security governance in Mexico, its justifications, its costs, and its impact on democratic consolidation.

The Security Governance Approach or Mano Dura

Security governance represents a broad framework for reorganizing public and private authorities, regulatory agencies, and resources to manage entities, organizations, persons, and processes that are deemed threatening or dangerous. In the context of México's War on Crime, security governance manifests in the following ways: (a) international cooperation with the United States; (b) new legislation and legal tactics; (c) the deployment of the military to conduct policing operations; and (d) police reform.⁶

Freedom of the Press

Members of the media, especially those who report on crime or criticize officials, are subject to harassment and assaults. According to the international media watchdog, 76 journalists and media-support workers have been killed in México since 2000. In addition, 16 journalists have disappeared since 2003.⁷ Impunity for these attacks is the norm. Other data produced by the Special Prosecutor's Office for Crimes against Freedom of Expression indicates that from 2000

⁶ Keith Guzik, "Security a La Mexicana: On the Particularities of Security Governance in México's War on Crime," *Theory and Society* 42, no. 2 (2013): 161–6; Dawn Paley, *Drug War Capitalism* (Oakland: AK Press, 2014); Arteaga B. Nelson, "The Mérida Initiative: Security-Surveillance Harmonization in Latin America," *European Review of Latin American and Caribbean Studies* 87 (2009):103–10; Gian Carlo Delgado-Ramos et al., "Political Economic Factors in U.S. Foreign Policy: The Colombia Plan, the Mérida Initiative, and the Obama Administration," *Latin American Perspectives* 38, no. 4 (2011): 93–108, doi: 10.1177/0094582X11406208; and Julien Mercille, "Violent Narco-Cartels or US Hegemony? The Political Economy of the 'War on Drugs' in México," *Third World Quarterly* 32, no. 9 (2011): 1637–53, doi: 10.1080/01436597.2011.619881.

⁷ Margaret Marshall, "Factors of Decline for Press Freedom in México," *Freedom House*, July 3, 2014, <https://freedomhouse.org/blog/factors-decline-press-freedom-mexico>.

to 2014, 102 journalists were killed, and 24 were disappeared.⁸ According to the Justice in México *Memoria* dataset 109 journalists and media-support workers were killed between 2000 and 2013, with the vast majority of these deaths (91) occurring after 2006.⁹ The National Human Rights Commission or *Comisión Nacional de los Derechos Humanos* (CNDH) documented the murders of 100 journalists between January and May 2000, 21 disappearances since 2005, and 45 attacks against the media since 2006.¹⁰ Law enforcement officials routinely fail to competently investigate crimes against journalists, often preemptively ruling out their occupation as a motive.

As of 2014, the Special Prosecutor's Office had 555 open investigations of crimes against journalists or media outlets, and had set forth charges in 61 cases.¹¹ This perilous situation, where organized crime groups and various law enforcement bodies, as well as judicial incompetence and incapacity threaten the security of journalists or media outlets, has compelled members of the media, particularly at the subnational level, to censor themselves and succumb to silence. This type of violence imposes serious constraints on freedom of the press and compels the media to police itself. This does not allow the media to be an effective independent check on security forces, the government or organized crime.¹²

The United States and México Security Relationship

In the past, México has adopted militarism to fortify its security apparatuses in order carry out counternarcotic operations as well as repress political dissidents. This political violence contradicts democracy because this repression infringes upon fundamental civil liberties, such as

⁸ *Human Rights Watch*, "World Report 2015: Events of 2014," (2015): 381.

⁹ Kimberly Heinle et al., "Drug Violence in México: Data and Analysis Through 2014," *Justice in México Project* (2015): 25.

¹⁰ Editor, "México, el sitio más peligroso para ejercer el periodismo en América," *La Jornada*, November 3, 2015.

¹¹ *Human Rights Watch*, "World Report 2015," 381.

¹² Andreas Schedler, "The Criminal Subversion of Mexican Democracy," *Journal of Democracy* 25, no. 1 (2014): 11–2.

freedom of speech, assembly and association. For example, when the PRI could not co-opt political groups it would oftentimes violently suppress segments of the populace under the guise of a purported necessity to combat drug trafficking and other criminal organizations. From the late 1960s to the early 1980s, the armed forces, police and intelligence agencies, supported by the US, waged a dirty war on subversives and leftist guerrillas.¹³

In the mid 1970s, over 7,000 Mexican soldiers aided by 226 DEA advisers were deployed to the northern states of Chihuahua, Durango, and Sinaloa in a campaign known as Operation Condor. These states were impoverished areas where numerous militant peasant land occupations occurred for two years. These operations purported to target drug trafficking, but military personnel did not apprehend any major drug traffickers during the campaign. Instead, hundreds of peasants were arrested, tortured and imprisoned. The counternarcotic campaigns in the countryside disguised the repression of peasants, marginalized groups and the guerrillas of the sierras.¹⁴

This pattern continues today and has been reinforced by the security governance strategy employed during the Calderón and Peña Nieto administrations. In a 2008 speech, Thomas Shannon, the US assistant secretary of state for western hemisphere affairs, asserted the importance of the Mérida Initiative, stating that NAFTA needed to be implemented in a manner that generates spaces to embed economic reform throughout the shared \$15 USD trillion economy comprised of the US, Canada and México. The US assistant secretary went on to declare that the initiative armors NAFTA because it augments the security capabilities of each nation.¹⁵ Mexico's most recent initiative, *Plan Frontera Sur*, has been publicized and discussed in a very similar manner.

¹³ Mercille, "Violent Narco-Cartels," 1641.

¹⁴ Delgado-Ramos et al., "Political Economic Factors in U.S. Foreign Policy," 95–6.

¹⁵ Mercille, "Violent Narco-Cartels," 1645.

Through the Mérida Initiative, the United States and México have forged a partnership to disrupt the capacity of organized crime to operate, institutionalize reforms to sustain the rule of law and support for human rights, create a 21st century border structure, and build strong and resilient communities.¹⁶ The U.S. Congress has appropriated \$2.5 USD billion since the bilateral agreement began in 2008. Of this sum, the US has provided more than \$1.5 USD billion in training, equipment and technical assistance. México, meanwhile, has invested some \$79 USD billion of its own resources in public safety and security, \$19 USD billion of which were appropriated between 2013 and 2014, and \$11 USD billion in 2015 alone.¹⁷

A small fraction of these funds have gone toward financing the implementation of justice sector reforms. US Department of Justice officials have trained prosecutors, investigators, defense counsels, and other justice sector personnel in order to prepare for México's constitutionally mandated transition to an oral accusatory system by 2016 and to comply with international recommendations on preventing torture and forced disappearances. As of 2013, 26 of Mexico's 32 states had enacted legislation to start the transition to an oral and adversarial justice system; 16 states had begun operating at least partially under the new system; and 6 states had fully implemented the system.¹⁸

The Mérida Initiative provides monetary and material assistance to professionalize municipal, state, and federal law enforcement bodies and to increase the capacity of their specialized investigative units (anti-corruption, anti-gang, anti-money laundering, and anti-kidnapping).¹⁹ This assistance encompasses multiple dimensions of the training process, including instructor training for state and federal police academy instructors, leadership and

¹⁶ U.S. Diplomatic Mission to Mexico, *The Merida Initiative - An Overview*, 2015, <http://mexico.usembassy.gov/eng/ataglance/merida-initiative.html>.

¹⁷ Seelke and Finklea, *U.S.-Mexican Security Cooperation*, 7.

¹⁸ *Ibid.*, 13.

¹⁹ U.S. Department of State, *Merida Initiative*, 2015, <http://www.state.gov/j/inl/merida/>.

supervision training, basic police skills, and numerous specialized investigative skills. So far, upwards of \$5 USD million have been invested in infrastructure (renovations of 57 courtrooms in 17 Mexican states) and materiel contributions to police academies in five states, with additional donations scheduled for both federal and state academies.²⁰

The initiative is primarily a security plan that seeks to coordinate the intelligence networks used against terrorism, organized crime, and drug and arms trafficking between the United States, México and Central America. It deploys security mechanisms that prioritize the use of communication equipment, plus databases and surveillance technologies to broaden and enhance the management of spaces of exception within México. These surveillance mechanisms broaden the capacity of law enforcement bodies to manage the population as a whole.²¹ The objective is to fortify these particular surveillance spaces that each actor in the initiative composes, so that it can ensure the security of the region. According to the Public Security Secretary of México the Mérida Initiative fosters the utilization of technologies as a way of potentializing the surveillance scheme over its national territory. This partly explains why the bilateral agreement gives more credence to the military as opposed to the police. Additionally, the myriad of military operations against organized crime and public insecurity are executed without local police and, at times, state police. Nearly all coordination transpires between the army and federal police. The contours of the initiative develop under the auspices of the military, and not under the mandates of the police.²²

The use of military personnel in policing capacities has been accentuated in recent years.

²⁰ U.S. Diplomatic Mission to Mexico, *The Merida Initiative*.

²¹ Guzik, "Security a La Mexicana," 170–1.

²² Nelson, "Mérida Initiative: Security-Surveillance," 107–8.

During the Calderón *sexenio* 40,000 military personnel²³ and 30,000 federal police agents were deployed throughout the nation, and today, under Peña Nieto, there are about 50,000 police.²⁴ These security forces have conducted raids under the pretext of counternarcotics operations to detain and suppress groups and persons who oppose government policies. Oftentimes, abuses perpetrated by the military, during counternarcotic and public security operations, disproportionately affect members of vulnerable or dissident groups calling for a more democratic polity. These are not groups associated with drugs or terrorism.²⁵

Even documents drafted by Mexico's Ministry of the Interior have stated that it is standard practice to employ counternarcotic operations to suppress dissidents. Such documents outline a strategy to form counternarcotic groups that would adopt the measures necessary to acquire intelligence on armed groups, subversive activities, unauthorized presence of non-citizens, organizations, proselytizing by figures of religious sects, ecological groups, political propaganda, and the presence and activities of bands or organized crime. In 2008, The International Civil Commission on Human Rights reported widespread arbitrary detention of members of social movements. These security forces would plant evidence to warrant arrests and falsely accuse detainees of possessing drugs or firearms. Here, the state utilizes the tactic of arbitrary arrests to criminalize the members of social movements.²⁶

However, the implementation of public security programs may also generate instability within the democratic system itself, because the operations to ensure public security rely upon

²³ *Human Rights Watch*, "Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations," April 29, 2009, 2, <https://www.hrw.org/report/2009/04/29/uniform-impunity/mexicos-misuse-military-justice-prosecute-abuses-counternarcotics>.

²⁴ *Amnesty International*, "Known Abusers, But Victims Ignored: Torture and Ill-Treatment in Mexico," October 11, 2012, 2, <http://www.amnestyusa.org/research/reports/known-abusers-but-victims-ignored-torture-and-ill-treatment-in-mexico>.

²⁵ Mercille, "Violent Narco-Cartels," 1647.

²⁶ *Ibid.*, 1647–9.

the military forces. The participation of military personnel infringes upon article 129 of the constitution, which stipulates that during peacetime, no military authority may exercise functions beyond those that are directly related to military discipline. As the government attempts to govern these spaces of exception it jettisons laws to ensure security of the region and populace. Hence, security logic trumps the illegality of such methods and trivializes the constitution. These outcomes do not foster democratic legitimacy.²⁷

Police and Military Reforms in México

The militarization of policing is a prevalent component of security governance, but in México this growing militarism is also distinguished by the use of military as police. This military security logic has been aligned with policy as well. The National Security Law amended México's constitution to provide legal grounds for the military's participation in security operations.²⁸ In 2008, The Joint Chihuahua Operation or *Operación Conjunto Chihuahua*, a plan to disrupt organized crime networks in the border city of Juárez, called upon the army and navy to coordinate with hundreds of federal police to patrol the municipality, set up checkpoints across the territory, and purge municipal police. At the height of the militarization of Juarez, between 2009 and 2010, at least 5,000 federal police and 5,000 soldiers were in the city.²⁹

Another operation carried out in 2009, known as the *Michoacanazo*, enlisted thousands of federal police to descend upon the Governmental Palace, Justice Ministry, and numerous municipal bureaus to arrest officials suspected of having links to the *La Familia cartel*. The operation was executed with a political angle because arrests transpired before the national elections to elect deputies to the lower house of the Mexican Congress, in a state governed by the two chief opposition parties to the PAN, the statist PRI and leftist PRD. After a year, nearly all

²⁷ Nelson, "Mérida Initiative: Security-Surveillance," 108–9.

²⁸ Guzik, "Security a La Mexicana," 174.

²⁹ Paley, *Drug War Capitalism*, 121.

of those apprehended were cleared of any charges.³⁰

To sustain high levels of security forces and to replace preceding corrupt police agents, the government has doubled wages, and recruited for and trained new police forces in order to demonstrate its commitment to these policing reforms.³¹ Under new management, the Ministry of Public Security or *Secretaría de Seguridad Pública* (SSP) oversaw the formation of the Federal Police (PF). Prior to 2006, the total number of federal police was 11,000.³² After the formation of the PF the number of officers surged to 30,000 and current numbers indicate that there are more or less 50,000 Federal Police and about 544,000 federal, state, and municipal police agents.³³

Upon closer examination of the structure of the Federal Police, the negative impact on democracy becomes even clearer. For instance, installing military leadership to command the Federal Police exemplifies the noticeable shift of utilizing military personnel in policing programs. Both the Calderón and Peña Nieto administrations appointed high ranking military and intelligence officers as administrators of the country's anticrime operations, as well as other programs adjoining other federal bureaus and state and municipal governments across the country. Most of the SSP's budget is allocated to the Federal Police, and most its newly opened positions are given to military trained applicants. The practice of installing military officers in policing programs is also noticeable at the subnational level, where in nearly two-thirds of México's states retired generals command municipal and state offices of public safety.³⁴

³⁰ Guzik, "Security a La Mexicana," 169.

³¹ Ibid., 173; Maureen Meyer, *Mexico's Police: Many Reforms, Little Progress*, Washington Office on Latin America, 2014, 1–3.

³² Ibid., 171–2; Paley, *Drug War Capitalism*, 114.

³³ Meyer, *Mexico's Police: Many Reforms*, 5.

³⁴ Delgado-Ramos et al., "Political Economic Factors in U.S. Foreign Policy," 98–9.

Employing military personnel to professionalize federal and subnational police forces does not bode well for democracy in México. In 2006, when there were approximately 6,500 officers on the Federal Police, the CNDH received 146 complaints of human rights violations by the police; by 2012, this number had quintupled to 802 complaints, while the number of federal police rose to 37,000.³⁵ Using the military to instruct, supervise, and command the PF has not lowered the number of complaints. As the military has inculcated its administrative procedures and security practices within police institutions, it has also institutionalized and embedded the militarization of these police forces. This dramatic increase in complaints of human rights violations perpetrated by federal police forces corresponds with the surge in federal agents, which has been directed by military officials since its inception and restructuring. What the past 10 years have shown is that bolstering and reforming police forces in an effort to restore some semblance of peace has failed, and instead, a new generation of police has multiplied abuses and injustices.

Illegal Detention

In 2008, the Judicial Penal System Reform amended the constitution to permit pre-charge administrative detention or *arraigo* for serious or organized crime cases. Prior to the revisions, Article 133 or the *arraigo* clause permitted prosecutors to place persons being investigated for crimes under house arrest in order to make certain that the individual does not flee. With the current revisions, this law stipulates that a suspect may be held in ad hoc or specialized facilities by the public prosecutor for up to 40 or 80 days on the orders of a judge. The law has been reworked to permit the state to take individuals into custody in order to investigate their criminality.³⁶

³⁵ Meyer, *Mexico's Police: Many Reforms*, 2.

³⁶ Guzik, "Security a La Mexicana," 175; Paley, *Drug War Capitalism*, 102–5.

During *arraigo*, prosecutors enforce severe restrictions on suspects' access to family, legal consul and medical attention, compounding their imprisonment and augmenting the arduousness of reporting and documenting complaints of mistreatment. The National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) recorded receiving over 1,000 complaints in relation to *arraigo* orders executed by the Attorney General (Procuraduría General de la República, PGR) from 2009 to 2011. The federal *arraigo* orders that were provided to federal prosecutors climbed from 542 in 2006 to 1,896 in 2010.³⁷ From 2008 to 2013, 8,595 people were held in up to 80-day pre-charge detention, *arraigo* by the PGR.³⁸

Multiple cases have been documented in which suspects have allegedly been tortured and mistreated during *arraigo*, particularly in those instances where the suspect was detained in military barracks. In other cases, detainees were tortured and mistreated between the moment of detention and the moment when suspects were officially transferred over to the custody of prosecutors and classified under an *arraigo* status.

Moreover, the constitution specifies that military or police personnel who detain suspects must hand over detainees without delay to the prosecutor, who can then solicit an *arraigo* order from a judge according to the rationale that the accused is a threat or may abscond or may impede an investigation. Oftentimes, prosecutors do not look into whether a suspect has been illegally detained by the military or police and subjected to mistreatment. It is also common for prosecutors to presume the veracity of military or police reports documenting the suspect's detainment process.³⁹

Another troubling aspect of the *arraigo* order is that the suspects do not have to be arraigned before a judge while in the presence of their legal consul, which in turn, further loosens

³⁷ *Amnesty International*, "Known Abusers, But Victims," 17.

³⁸ *Amnistía Internacional*, "Fuera de Control," 37.

³⁹ *Amnesty International*, "Known Abusers, But Victims," 17; Paley, *Drug War Capitalism*, 102–5.

the pressures on prosecutors to uphold the rights of suspects in a manner that safeguards their physical and mental wellbeing. The constitution also mandates Control Judges to immediately resolve *arraigo* inquiries from prosecutors through any means of communication, which sharply limits their ability to confirm the bases provided by prosecutors. After spending 40 or 80 days in *arraigo*, suspects who undergo judicial proceedings—having been denied full access to legal counsel, the broader public and proper medical attention—face considerably more difficulty in validating allegations of illegal detention, mistreatment or torture.⁴⁰

The *arraigo* measures provide the legal basis for detaining individuals who are suspected of being linked to organized crime. This public security logic supplants legal norms like, every person is innocent until proven otherwise, while the government purports that suspension of civil liberties is necessary for the preservation of security. The security governance approach undermines the functions and management of the law by suspending rights as a response to violence, which generates a political willingness to bend the law and transgress the rules.⁴¹

There are a few ways *arraigo* measures set back democratic gains. First, these provisions extend the 48 hours established in the Constitution that a suspect may legally be detained by the public prosecutor before being presented to a judge to up to 80 days. Second, these measures erode many of the safeguards enshrined in law to guarantee the effective judicial oversight of arrests and inhibit illegal and incommunicado detention, torture and ill-treatment, and other forms of coercion. Lastly, the *arraigo* statute reverses democratic trends because it encourages the use of detention as a method of investigation, it violates the presumption of innocence and propagates an environment in which detainees may be subject to torture and other ill-treatment.⁴²

⁴⁰ *Amnesty International*, “Known Abusers, But Victims,” 18.

⁴¹ Nelson, “Mérida Initiative: Security-Surveillance,” 108–9; Paley, *Drug War Capitalism*, 105; Guzik, “Security a La Mexicana,” 175.

⁴² Paley, *Drug War Capitalism*, 104–5; *Amnistía Internacional*, “Fuera de Control,” 38.

Torture and Other Ill-treatment

Since 2006, the CNDH has received approximately 9,000 complaints of abuse by the army, and issued reports in more than 100 cases in which it found that army personnel had perpetrated serious human rights violations. From 2010 to 2013, the CNDH received 7,000 complaints of torture and other ill-treatment, and during this time the PGR conducted special forensics procedures in 364 cases, obtaining evidence of torture in 26.⁴³

Furthermore, from 2006 to 2013 PGR opened 1,219 investigations into complaints of torture and other ill-treatment, but started just 12 prosecutions for torture. The federal judiciary report states that this resulted in a mere 7 convictions, reflecting a conviction rate of 0.006%.⁴⁴ The pervasiveness of torture and impunity is even more pronounced at the subnational level. Lastly, according to a 2014 Amnesty International survey, 64% of Mexican citizens are afraid that they will be tortured if detained by the authorities.⁴⁵

The inability of the military and federal justice systems to prosecute human rights violations ultimately means justice is nearly unobtainable, which is another major setback for democracy. These abuses recur because the police officers and military personnel who commit these violations are almost never held responsible for their offenses. The general fear of torture among the Mexican public may also reinforce this impunity because individuals may choose to not report violations. This impunity sends a signal to security personnel that the government or military will indeed tolerate human rights violations.

The Missing or Disappeared

In May 2014, Interior Minister Osorio Chong stated that the number of people missing or

⁴³ *Amnistía Internacional*, “México: Las autoridades guardan silencio ante el aumento alarmante de las denuncias de tortura y malos tratos,” September 4, 2015, <https://www.amnesty.org/es/latest/news/2014/09/mexico-shocking-rise-reports-torture-and-ill-treatment-authorities-turn-blind-eye/>.

⁴⁴ *Amnistía Internacional*, “Fuera de Control,” 46.

⁴⁵ *Amnistía Internacional*, “México: Las autoridades.”

disappeared since Peña Nieto took office was 8,000.⁴⁶ According to a report by the Ministry of the Interior or *Secretaría de Gobernación* (SEGOB), there were a total of 24,812 missing persons registered at the state and local level and another 418 were registered as missing in federal records. Of the total number of disappeared, almost 60% are in: Tamaulipas (5,392), Jalisco (2,184), Nuevo Leon (1,947), State of Mexico (1,945), Chihuahua (1,540) and Sinaloa (1,536). Seventy two percent of those missing were men and the remaining 28% were women and girls. The majority (88.7%) were of Mexican nationality and 10.8% were of unknown origin or nationality.⁴⁷

What is even more disturbing is that Human Rights Watch has documented 249 disappearances committed in México since December 2006. In 149 of these cases, evidence suggests that these were forced disappearances, meaning that state agents directly participated in the crime, or indirectly through support or compliance. These crimes were committed by members of all of the security forces involved in public security operations. Federal, state, and municipal police, the Army, and the Navy, as well as judicial police are all implicated in these cases. This complicates this picture of interagency corruption in México because it is difficult to ascertain which organization(s) is perpetrating the bulk of the abuses.⁴⁸

Eyewitnesses who observed the victims being taken into custody, for the most part without evident justification, by police or the military, corroborate these 149 cases. These illegal detentions were more or less never officially logged, nor were detainees relinquished to the public prosecutor's department, as the law stipulates. The failure to log detentions and promptly

⁴⁶ *Human Rights Watch*, "México 'Disappearances' Response Falls Short: Inexplicable Delays, Contradictory Statements, Limited Results," October 8, 2014, <http://www.hrw.org/news/2014/10/08/mexico-disappearances-response-falls-short>.

⁴⁷ *Proceso*, "Hay más de 24 mil personas desaparecidas en México, según la Segob," September 2, 2015, <http://www.proceso.com.mx/?p=414418>.

⁴⁸ *Human Rights Watch*, "Los Desaparecidos de México," 3.

transfer detainees over to prosecutors has stymied endeavors of officials and families searching for the disappeared. In cases where security forces appeared to act on their own, victims were never seen after their illegal arrests. In other instances, there is evidence that members of the police or military handed over illegally detained persons to organized crime groups, or coordinated with armed individuals in conducting kidnappings, and then dismissed accusations of participating in the abductions. Occasionally, after a criminal group kidnapped an individual, law enforcement officials would assist criminal groups in extorting the families of the disappeared.⁴⁹

The members of municipal police who have been implicated in forced disappearances comprise the majority of cases. There are 95 documented cases of municipal police participating directly or indirectly in forced disappearances. At least 13 of these cases were forced disappearances carried out by the federal police. In over 60 cases, there exists compelling proof of collusion between security forces and organized crime in disappearances, and these cases represent a small fraction of forced disappearances because a substantial number are not reported, documented, or witnessed by the public, human rights watchdogs, and relevant government entities. This type of complicity and collusion complicates is at the core of what is so troubling about the story of corruption in México.⁵⁰

What is also disappointing is that not one soldier or police officer has been convicted of a forced disappearance perpetrated after 2006. From 2006 to 2013, authorities opened 99 criminal investigations of forced disappearance at the federal level, and 192 at the state level. Of the 291 investigations, a mere six individuals were convicted for the disappearances of seven victims.

⁴⁹ Ibid., 17–8.

⁵⁰ Ibid., 26–9.

Each one of these cases occurred before 2006.⁵¹

A forced disappearance is one of the worst forms of repression. When the state disappears people it not only abducts beings, it also suppresses dissent. This type of state sponsored terrorism cements a regime of fear, which terrorizes marginalized populations and silences particular voices. México's overall score on the Political Terror Scale (PTS) has worsened over a thirteen-year period. Here, political terror refers to state-sanctioned killings, torture, disappearances and political imprisonment that the Political Terror Scale measures. The scale lists scores based on the annual reports on human rights practices that are published by U.S. State Department and Amnesty International. Between 2000 and 2005 México received a 3 (a score of 5 is the worst) on the Political Terror Scale (PTS). Such a rating implies that there is large-scale political incarceration, or a recent history of such imprisonment. Execution, or other political assassinations and brutality may be common. Indefinite detention, with or without judicial proceedings, for political views is tolerated.

Between 2006 and 2014, México received a 4, with the exceptions of 2007 and 2011, where it received a 3 and a 5 respectively. Such a rating implies that much of the populace experiences civil and political rights violations. Torture, killings, and disappearances are recurring forms of brutality.⁵² Lastly, according to a recent Pew Research Center poll, 59% of Mexicans were dissatisfied with the way their political system was working, while 40% were satisfied.⁵³ México's practice of disappearing of subversives or political dissidents is evidence of state sponsored political terror and not of the pluralism necessary for a robust democracy.

⁵¹ *Human Rights Watch*, "México: 'Disappearances' Response."

⁵² Mark Gibney et al., "The Political Terror Scale 1976-2015," (2015), <http://www.politicalterror scale.org>.

⁵³ *Pew Research Center*, "Discontent with Politics Common in Many Emerging and Developing Nations: Widespread Belief That Wealthy Have Too Much Influence," February 12, 2015, <http://www.pewglobal.org/2015/02/12/discontent-with-politics-common-in-many-emerging-and-developing-nations/>.

The Military Justice System

The military justice system has serious structural deficiencies that compromise its autonomy and impartiality to judge fellow military personnel. México's Secretary of Defense exercises both executive and judicial authority over the Armed Forces. Military judges do not have much job security, as a result judges almost always do not issue decisions that may upset the secretary because of the high probability that they may be expelled or have their carriers sidelined for rendering such rulings.⁵⁴

Civilian review of military court rulings is very restricted. There is effectively no public oversight of, or access to, information concerning what occurs throughout military investigations, prosecutions, and judicial proceedings, which unfold over years. These structural flaws are exhibited in practice and procedure. The Ministry of Defense or *Secretaría de la Defensa Nacional* (SEDENA), limits excessively and without warranted basis the public's access to simple details regarding the status of military abuse cases that are still awaiting decision or action before a military tribunal, adding to the difficulty of ascertaining the extent to which military personnel are being held responsible. In a multitude of cases, witnesses and victims are hesitant to testify or unwilling to participate, fearful of the subsequent repercussions of vocalizing discontent concerning military abuses in front of military officials.⁵⁵

The limited information that is accessible suggests that the probability of obtaining justice in cases of alleged human rights abuses in the military justice system is tremendously low. For example, between 2007 and 2012 the Military Prosecutor's Office opened nearly 5,000 investigations into human rights violations by military officers against civilians, resulting in only

⁵⁴ *Human Rights Watch*, "Los Desaparecidos de México," 133.

⁵⁵ *Ibid.*, 133–4.

four convictions (two of which are under appeal).⁵⁶ According to SEDENA, military courts have pronounced merely 38 military officers guilty of criminal offenses since December 2006. It is not evident in documents produced by the Armed Forces how many of those convicted were fugitives tried and deemed guilty because they were not present, or if any were subsequently absolved of wrongdoing following appeals. In addition, 11 of the military personnel among those declared guilty were convicted of crimes perpetrated prior to 2007.⁵⁷

The misuse of the military justice system to prosecute forced disappearances ultimately means justice is nearly unobtainable, which is another major setback for democracy. These abuses recur because the members of the armed forces who commit these violations are almost never held responsible for their offenses. Soldiers are repeatedly investigated and put on trial in the military justice system, which does not possess the autonomy or impartiality to judge fellow military servicemen, and has been deficient in its responsibility to equip victims with a retributive judicial remedy. As a result, the Mexican public has minimal confidence in yet another one of the country's judicial systems.⁵⁸

State Failure and Public Opinion

Many scholars have yielded long-term complementary findings that crime victimization and intractable violence can pose onerous obstacles to democracy in the Americas.⁵⁹ In addition

⁵⁶ Washington Office on Latin America, *Mexican Congress Approves Historic Reforms to the Military Code of Justice*, April 30, 2014, http://www.wola.org/news/mexican_congress_approves_historic_reforms_to_the_military_code_of_justice.

⁵⁷ *Human Rights Watch*, "Mexico: Court's Historic Opportunity to Address Military Impunity: Nearly 5,000 Cases Languish in Military Jurisdiction; Reform Needed," August 6, 2012, <https://www.hrw.org/news/2012/08/06/mexico-courts-historic-opportunity-address-military-impunity>.

⁵⁸ *Human Rights Watch*, "Los Desaparecidos de México," 132.

⁵⁹ Regina Bateson, "The Criminal Threat to Democratic Consolidation in Latin America," In *APSA 2010 Annual Meeting Paper*. 2010; Alin M. Ceobanu et al., "Crime Victimization and Public Support for Democracy: Evidence from Latin America," *International Journal of Public Opinion Research* (2010): 1–23, doi: 10.1093/ijpor/edq040; Miguel Carreras, "The Impact of Criminal Violence on Regime Legitimacy in Latin America," *Latin American Research Review* 48, no. 3 (2013): 85–107; John A. Booth and Mitchell A. Seligson, *The Legitimacy Puzzle in Latin America: Political Support and Democracy in Eight Nations* (New York: Cambridge University Press, 2009); Seymour Martin Lipset, "The Social Requisites of Democracy Revisited: 1993 Presidential Address." *American*

to its high crime rates, embedded political corruption continues to plague México. Among the scholarship concerning public opinion, there is ample evidence that suggests that the victims of corruption are less likely to trust the political actors and institutions in their countries, and these effects are seen throughout the Americas.⁶⁰ More recent studies have shown that high public perception of corruption is related to declining levels of trust in institutions, regardless of the individual's experience with corruption.⁶¹

However, direct experience with corruption does not have a particularly close relationship with a high perception of corruption, and therefore it is important to gather and discuss data concerning both of these areas.⁶² Survey data collected by the Latin American Public Opinion Project (LAPOP) scores and averages a multitude of questions on scale from 0 to 100 in order to demonstrate how the perception of and the experiences with crime, insecurity, and even corruption have an impact on overall public support for the system.⁶³ On average, the publics' perception of corruption in Mexico has not changed much since 2004 when it was 72.8; 2006 (72.1); 2008 (74.4); 2011(76.3); 2012 (76.5),⁶⁴ and 2014 (75.1).⁶⁵ According to the data,

Sociological Review 59, no.1 (1994): 1–22; and Mary Fran T. Malone, “The Verdict Is In: The Impact of Crime on Public Trust in Central American Justice Systems,” *Journal of Politics in Latin America* 2, no. 3 (2010): 99–128.

⁶⁰ Vidal Romero et al., *Cultura política de la democracia en México y en las Américas, 2014: Gobernabilidad democrática a través de 10 años del Barómetro de las Américas* (Nashville: Latin American Public Opinion Project, 2015), 3; and Nicole Hinton et al., “Crime and Violence across the Americas,” in *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, ed. Elizabeth J. Zechmeister (Nashville: Latin American Public Opinion Project, 2014), 3.

⁶¹ Vidal Romero et al., *Cultura política de la democracia en México y en las Américas, 2012: Hacia la igualdad de oportunidades*. Nashville: Latin American Public Opinion Project, 2013, 90; Stephen D. Morris, “Disaggregating Corruption: A Comparison of Participation and Perceptions in Latin America with a Focus on Mexico,” *Bulletin of Latin American Research* 28, no. 2 (2008): 388–409; and Eduardo Salinas and John A. Booth, “Micro-social and Contextual Sources of Democratic Attitudes in Latin America,” *Journal of Politics in Latin America* 3, no. 1 (2011): 29–64.

⁶² *Ibid.*, 89.

⁶³ *Ibid.*, 107.

⁶⁴ *Ibid.*, 94.

⁶⁵ Matthew M. Singer et al., “Corruption in the Americas,” in *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, ed. Elizabeth J. Zechmeister (Nashville: Latin American Public Opinion Project, 2014), 151; and Romero et al., *Cultura política de la democracia en México y en las Américas, 2014: Gobernabilidad democrática a través de 10 años del Barómetro de las Américas* (Nashville: Latin American Public Opinion Project, 2015).

the percentage of respondents who have directly experienced corruption has also remained relatively stable since 2004.⁶⁶

In the case of México, public support for the system is shaped significantly by the individual's perception of corruption and insecurity, as well as one's direct experience with corruption, but directly experiencing a crime does not have an effect on public support for the system. Nevertheless, because crimes rates are so high in México, it is imperative that political scientists and policy makers understand the ways in which directly experiencing a crime as a victim, as well as the public's perception of insecurity as it relates to crime, may effect governance and democratic stability.⁶⁷ On average, the public's perception of insecurity was 40.5 in 2004; 44.9 in 2006; 39.6 in 2008, 43.5 in 2010, 43.1 in 2012;⁶⁸ and 51 in 2014.⁶⁹ These data show a 10-point increase, which means that México feels more insecure today than it has in the past. Newer data suggests that 35% of respondents identified security as the most important problem facing the country in 2014.⁷⁰ Also, the percentage of respondents who reported being a victim of a crime was 23.1% in 2012 and 23.4% in 2014.⁷¹

In the context of violent crime, the number of annual homicides attributed to criminal organizations shot up from around 2,200 in 2006 to more than 16,600 in 2011.⁷² Statistical analysis from 2006 to 2010 shows homicides attributed to organized crime in México increased an average of 80.47%, resulting in over 51,000 casualties. Another estimate shows that from

⁶⁶ Singer et al., "Corruption in the Americas," 150.

⁶⁷ Pablo Parás García et al., *Cultura política de la democracia en México, 2010: Consolidación democrática en las Américas en tiempos difíciles* (Nashville: Latin American Public Opinion Project, 2011), 89–90; and Romero et al., *Cultura política de la democracia en México y en las Américas, 2012*, 89.

⁶⁸ Romero et al., *Cultura política de la democracia en México y en las Américas, 2012*, 99.

⁶⁹ Arturo Maldonado and Mariana Rodríguez, "Safety and Security as Influences on Everyday Life," in *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, ed. Elizabeth J. Zechmeister (Nashville: Latin American Public Opinion Project, 2014), 63.

⁷⁰ Hinton et al., "Crime and Violence across the Americas," 14.

⁷¹ Romero et al., *Cultura política de la democracia en México y en las Américas, 2014*, 18.

⁷² Schedler, "Criminal Subversion of Mexican Democracy," 6.

2007 to 2012, murders rose 112%.⁷³ By 2011, 47% of all intentional homicides were related to criminal groups.⁷⁴ During the six year Calderon Administration, the weekly magazine *Zeta* documented 83,191 executions, and 57,410 during the first 32 months of the Peña Nieto Administration. These data indicate that at least 794 homicides have occurred every month since 2006, and now there are over 130,000 persons murdered today.⁷⁵ According to the National Institute of Statistics and Geography or *Instituto Nacional de Estadística, Geografía e Informática* (INEGI) there were 19,660 homicides reported in 2014, down nearly 15% from 24,732 homicides in 2013, but still 122 more than the number of homicides committed in the country in 2007.⁷⁶ Moreover, in 2013 and 2014, seven women were killed daily on average in the country.⁷⁷

These escalating homicide rates are even affecting the country's average life expectancy. Life expectancy appeared to be on the rise from 2000 to 2005, but according to a study published in the journal *Health Affairs*, from 2005 to 2010 the life expectancy for men aged 15 to 50 fell by 0.6%. In 2005, Mexico's murder rate was 9.5 per 100,000 people, but by 2010, that figure had more than doubled, to 22 per 100,000.⁷⁸ That shift coincides with the start of the state's security strategy in 2006, which aimed to dismantle criminal networks. Many states, particularly those at the center of the drug war, have experienced a drastic reversal. The average life expectancy for

⁷³ Anahi Rama and Lizbeth Diaz, "Violence against Women 'pandemic' in México," *Reuters*, March 7, 2014, <http://www.reuters.com/article/2014/03/07/us-mexico-violence-women-idUSBREA2608F20140307>.

⁷⁴ Viridiana Ríos, "The Role of Government Coordination in Crime Deterrence and Citizen Security in México," *The Journal of Conflict Resolution* (2014): 3, http://www.gov.harvard.edu/files/RiosV_JournalConflictResolution2014.pdf.

⁷⁵ Enrique Mendoza Hernández and Adela Navarro Bello, "Tercer Informe de Peña: 57 mil 410 ejecuciones," *Semanario Zeta*, August 31, 2015, <http://zetatijuana.com/noticias/reportajes/24643/tercer-informe-de-pena-57-mil-410-ejecuciones>.

⁷⁶ Juan Antonio Zúñiga M., "Hubo 19 mil 669 asesinatos en 2014, 15% menos que en 2013, según el Inegi," *La Jornada*, July 23, 2015, <http://www.jornada.unam.mx/2015/07/23/politica/008n1pol>.

⁷⁷ Julio Reyna Quiroz, "Inegi: 7 mujeres asesinadas diariamente en 2013 y 2014," *La Jornada*, November 23, 2015, <http://www.jornada.unam.mx/ultimas/2015/11/23/inegi-7-mujeres-asesinadas-diariamente-entre-2013-y-2014-1824.html>.

⁷⁸ José Manuel Aburto et al., "Homicides In Mexico Reversed Life Expectancy Gains For Men And Slowed Them For Women, 2000–10," *Health Affairs* 35, no. 1 (2016): 88, doi: 10.1377/hlthaff.2015.0068

men in the states of Sinaloa, Durango, and Chihuahua for instance, fell by three years over those five years.⁷⁹ Chihuahua averaged more than 20 deaths per 1,000 males under age 75. Life expectancy among women in these same states was also affected, falling by three to six months. Because of the vast number of missing-person reports, researchers consider their results a conservative estimate of homicide's actual effect on life expectancy.⁸⁰

The Mexican Government has routinely attributed 90% of homicides to the “score-settling” among DTOs.⁸¹ This figure has been grossly exaggerated, and has served as a propagandistic ploy to dehumanize the victims of the violence. This narrative purports that only 10% of victims are innocent, and the overwhelming majority are guilty. Government and law enforcement officials across varying levels of jurisdiction have pointed to this misinformation as an adequate explanation for the negligible quantity of cases that have led to prosecutions.⁸² The Mexican Government's own data contradicts this story. It has attributed an estimated 35,000 murders to organized crime from 2006 to 2011. Of these, 2.8% led to formal criminal investigations, 0.9% led to formal criminal charges being filed, and 0.06% led to convictions.⁸³

It is easy to understand how crime victimization may adversely affect support for a country's political system, as well as general support for democracy, because the system can be blamed for failing to provide security to the citizens. The fear of crime or the direct experience with it may have eroded support and confidence in certain key political institutions, in particular the police and the justice system.⁸⁴ In 2004, the average level of confidence in the federal police

⁷⁹ Ibid., 88–90.

⁸⁰ Rachael Nuwer, “Reverberations From a Rise in Mexico's Murder Rate,” *New York Times* February 1, 2016, http://www.nytimes.com/2016/02/02/science/mexico-murder-rate-life-expectancy.html?_r=0.

⁸¹ *Human Rights Watch*, “Ni Seguridad, Ni Derechos: Ejecuciones, desapariciones y tortura en la “guerra contra el narcotráfico” de México,” November 9, 2011, 161, <https://www.hrw.org/es/report/2011/11/09/ni-seguridad-ni-derechos/ejecuciones-desapariciones-y-tortura-en-la-guerra-contra>.

⁸² Schedler, “Criminal Subversion of Mexican Democracy,” 7.

⁸³ Ibid., 11–2.

⁸⁴ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2014, 90–1.

was 42.4; 37.7 in 2006; 43.6 in 2008; 36.4 in 2010; 39.9 in 2012;⁸⁵ and 39.2 in 2014.⁸⁶ Despite reforms these rates remained dismally low and unchanging. The average satisfaction with police performance in the neighborhood in 2014 was 42.6.⁸⁷ What is also alarming is that in 2004 the average level of confidence in the judicial system was 50.2; 2006 (50.6); 2008 (50.8); 2010 (48.1); 2012 (49.0);⁸⁸ and 2014 (41.8).⁸⁹ These figures indicate a step 10-point decline in public confidence for the judiciary. This picture is not helped by the average level of confidence that the judicial system will punish those guilty of robbery or assault either, which was 39.3 in 2012 and 36.5 in 2014.⁹⁰

As the evidence suggests, only the perception of insecurity and corruption as well as directly experiencing corruption has a negative and statistically significant impact on public support for the political system. In this sense, the more insecure an individual feels and the more they perceive corruption as rampant, the less likely they are to support the political system. This also applies to those who claim to have been victims of corruption.⁹¹ The current situation in Mexico is a very dangerous mix of high crime victimization rates and low confidence that the judicial system will punish the guilty. It is assumed that this adversely affects the confidence in the authorities and the integrity of the democratic system.⁹² Data suggest that public confidence in Mexico's political institutions remained relatively stable from 2004 (51.5) to 2008 (60.9) and

⁸⁵ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 130.

⁸⁶ Matthew Layton et al., "Citizen Security, Evaluations of the State, and Policy Preferences," in *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, ed. Elizabeth J. Zechmeister (Nashville: Latin American Public Opinion Project, 2014), 86.

⁸⁷ *Ibid.*, 77.

⁸⁸ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 130.

⁸⁹ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2014, 118.

⁹⁰ Layton et al., "Citizen Security, Evaluations of the State," 88.

⁹¹ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 107; and García et al., *Cultura política de la democracia en México*, 2010, 89–90.

⁹² Ceobanu et al., "Crime Victimization and Public Support."

began to sharply decline in 2010 (58.4)⁹³ and continued to drop through 2014 (53.6) as well.⁹⁴

The pervasiveness of violence and crime in México presents urgent concerns regarding the stability and character of its democracy. Where states do not to sufficiently protect their people from crime and violence, not only are those individuals likely to grow discontent and less trusting of the state officials and institutions responsible for providing security to citizens, but under certain conditions they may also attribute some fault to democracy itself for their dangerous circumstances. Or, under conditions of uncontrollable crime, they may grow less attached to the central principles of the rule of law that permit democracy to flourish. In addition, citizens can lose confidence and potentially tolerance towards their fellow citizens if they have been victims of a crime or if they fear it, which in turn undermines social capital and leads to a decrease in support for civil liberties and the institutions of liberal democracy.⁹⁵

For México, two factors that were isolated to determine some degree of democratic stability were the support of the political system and the level of political tolerance for fellow citizens. The average level of moderate political tolerance has plunged 10 points since 2004 when it was 57.5; 56.2 in 2006; 52.6 in 2008; 49.2 in 2010; 48.3 in 2012;⁹⁶ and 47.7 in 2014.⁹⁷ When merging both factors to gauge some degree of democratic stability the figures are even more dismal and worrying. In 2004, the support of the political system and the level of political tolerance was 41.3; 2006 (41.1); 2008 (32.0); 2010 (27.4); 2012 (24.6);⁹⁸ and 2014 (22.3).⁹⁹ This shows a nearly 20-point drop for democratic stability in México according to public opinion

⁹³ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 118.

⁹⁴ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2014, 174.

⁹⁵ Ibid., 3; and Hinton et al., "Crime and Violence across the Americas," 3.

⁹⁶ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 126.

⁹⁷ Ryan E. Carlin et al., "A Decade of Democratic Legitimacy in the Americas," in *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, ed. Elizabeth J. Zechmeister (Nashville: Latin American Public Opinion Project, 2014), 210.

⁹⁸ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2012, 104.

⁹⁹ Romero et al., *Cultura política de la democracia en México y en las Américas*, 2014, 144.

surveys.

Governments have been cautioned against a brutal cycle in which countries lock themselves in a “security trap,” where inefficacious government entities and unbridled corruption debilitate the ability of governments to guarantee some security and preserve the rule of law, kindling deep-seated misgivings in the legitimacy of democracy that in turn enfeebles the state.¹⁰⁰ Building a robust state that adequately curbs and counters violence and crime is vital to the blossoming of democracy in whichever setting. Indeed, it can be said that the interdependence between criminal justice and democracy is “so fundamental as to be self-evident: the rule of law guarantees due process, and the observation of human rights is an integral part of the emergence and institutionalization of democracy.”¹⁰¹

Conclusion

This research sought to explain how security governance has affected democracy in México in order to help advance our overall assessment of this strategy, its justifications, costs, and impact on democratic consolidation. Clearly the violence perpetrated by transnational criminal organizations as well as state security forces continues to threaten public safety and governance in some parts of México. This dangerous situation threatens the safety of journalists, forcing members of the media to censor themselves and succumb to silence. This does not allow the media to be an effective independent “watchdog” of the security forces, the government, or organized crime.¹⁰²

In addition, measures such as *arraigo* have set back democratic gains. The provision

¹⁰⁰ John Bailey, “‘Security Traps’ and Democratic Governability in Latin America: Dynamics of Crime, Violence, Corruption, Regime, and State,” in *Criminality, Public Security, and the Challenge to Democracy in Latin America*, edited by Marcelo Bergman and Laurence Whitehead (Notre Dame: University of Notre Dame Press, 2009), 251–76.

¹⁰¹ Susanne Karstedt and Gary LaFree, “Democracy, Crime, and Justice,” *Annals of the American Academy of Political and Social Science* 605 (2006): 6.

¹⁰² Schedler, “Criminal Subversion of Mexican Democracy,” 11–2.

violates the constitutionally designated limits on detention and erodes many of the guarantees enshrined in the law to ensure effective judicial control of arrests. The *arraigo* statute reverses democratic trends because it encourages the use of detention as an investigative tool; violates the presumption of innocence; and propagates an environment in which detainees may be subject to torture and other ill-treatment.¹⁰³ Moreover, the implementation of public security programs can generate instability within the democratic system itself, because the operations to guarantee public security are guided by militarism. As the state tries to govern areas it has deemed dangerous or in need of security, it jettisons and rewrites laws to see to that security, thus creating “states of exception”.¹⁰⁴ The use of the military to instruct, supervise and direct the Federal Police has institutionalized and embedded militarism within various police forces. Undoubtedly, the strengthening and reform of police forces in an effort to restore peace have failed, and instead, a new generation of police has multiplied injustices.¹⁰⁵

Finally, the inability of federal and state judiciaries as well as military courts to prosecute human rights violations and forced disappearances means that justice is almost impossible to obtain, which is another way in which democracy is weakened. These abuses are repeated because the police and soldiers that commit these abuses are almost never held accountable for the commission of these crimes. The widespread fear of torture and disappearances among the public can also reinforce impunity because people may choose not to report incidents.¹⁰⁶ Impunity sends a signal to the security forces that the government or military will in fact tolerate human rights violations. This type of state terrorism reinforces a regime of fear, which in turn terrifies marginalized populations and silences dissenting voices. The disappearance of

¹⁰³ Guzik, “Security a La Mexicana,” 174.

¹⁰⁴ Nelson, “Mérida Initiative: Security-Surveillance,” 107–8.

¹⁰⁵ Delgado-Ramos et al., “Political Economic Factors in U.S. Foreign Policy,” 98–9.

¹⁰⁶ *Human Rights Watch*, “Los Desaparecidos de México,” 132–4.

subversives is proof of the acuteness of political terror in México and not of the pluralism necessary for a robust democracy. In the end, none of these results foster legitimacy or the consolidation of democratic governance.

Bibliography

Aburto, José Manuel, Hiram Beltrán-Sánchez, Victor Manuel García-Guerrero, and Vladimir

Canudas-Romo. “Homicides In Mexico Reversed Life Expectancy Gains For Men And Slowed Them For Women, 2000–10.” *Health Affairs* 35, no. 1 (2016): 88–95. doi: 10.1377/hlthaff.2015.0068.

Amnesty International. “Known Abusers, But Victims Ignored: Torture and Ill-Treatment in Mexico.” October 11, 2012, 1-42. <http://www.amnestyusa.org/research/reports/known-abusers-but-victims-ignored-torture-and-ill-treatment-in-mexico>.

Amnesty International. “México: Investigation into the Enforced Disappearance of 43 Students Is Far from Conclusive.” January 21, 2015. <http://www.amnestyusa.org/news/news-item/mexico-investigation-into-the-enforced-disappearance-of-43-students-is-far-from-conclusive>.

Amnistía Internacional. “Fuera de Control: Tortura y Otros Malos Tratos en México.” September 4, 2014, 1–82. <https://www.amnesty.org/en/documents/AMR41/020/2014/en/>.

Amnistía Internacional. “México: Las autoridades guardan silencio ante el aumento alarmante de las denuncias de tortura y malos tratos.” September 4, 2015. <https://www.amnesty.org/es/latest/news/2014/09/mexico-shocking-rise-reports-torture-and-ill-treatment-authorities-turn-blind-eye/>.

Nelson, Arteaga B. “The Mérida Initiative: Security-Surveillance Harmonization in Latin

America.” *European Review of Latin American and Caribbean Studies* 87 (2009): 103–10. http://www.cedla.uva.nl/50_publications/pdf/revista/87RevistaEuropea/87-ARTEAGA-ISSN-0924-0608.pdf.

Bagley, Bruce M., and Jonathan D. Rosen. *Drug Trafficking, Organized Crime, and Violence in*

- the Americas Today*. Gainesville: University Press of Florida, 2015.
- Bailey, John. “‘Security Traps’ and Democratic Governability in Latin America: Dynamics of Crime, Violence, Corruption, Regime, and State.” In *Criminality, Public Security, and the Challenge to Democracy in Latin America*, edited by Marcelo Bergman and Laurence Whitehead, 251–76. Notre Dame: University of Notre Dame Press, 2009.
- Bateson, Regina. “The Criminal Threat to Democratic Consolidation in Latin America.” In *APSA 2010 Annual Meeting Paper*. 2010.
- Booth, John A., and Mitchell A. Seligson. *The Legitimacy Puzzle in Latin America: Political Support and Democracy in Eight Nations*. New York: Cambridge University Press, 2009.
- Carlin, Ryan E., Gregory J. Love, and Matthew M. Singer. “A Decade of Democratic Legitimacy in the Americas.” In *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, edited by Elizabeth J. Zechmeister, 193–226. Nashville: Latin American Public Opinion Project, 2014.
- Carreras, Miguel, “The Impact of Criminal Violence on Regime Legitimacy in Latin America.” *Latin American Research Review* 48, no. 3 (2013): 85–107.
- Ceobanu, Alin M., Charles H. Wood, and Ludmila Ribeiro. “Crime Victimization and Public Support for Democracy: Evidence from Latin America.” *International Journal of Public Opinion Research* (2010): 1–23. doi:10.1093/ijpor/edq040.
- Constitución Política de los Estados Unidos Mexicanos*. 1917. Última reforma publicada 13 de Junio de 2014. <http://www.diputados.gob.mx/LeyesBiblio/htm/1.htm>.
- Delgado-Ramos, Gian Carlo, Silvina María Romano and Mariana Ortega Breña. “Political Economic Factors in U.S. Foreign Policy: The Colombia Plan, the Mérida Initiative, and

- the Obama Administration.” *Latin American Perspectives* 38, no. 4 (2011): 93 –108. doi: 10.1177/0094582X11406208.
- Editor. “México, el sitio más peligroso para ejercer el periodismo en América.” *La Jornada*, November 3, 2015. <http://www.jornada.unam.mx/2015/11/03/politica/003n1pol>.
- García, Pablo Parás, Carlos López Olmedo, and Dinorah Vargas López. *Cultura política de la democracia en México, 2010: Consolidación democrática en las Américas en tiempos difíciles*. Nashville: Latin American Public Opinion Project, 2011.
- Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, and Daniel Arnon. “The Political Terror Scale 1976-2015.” (2015). <http://www.politicalterroryscale.org>.
- Guzik, Keith. “Security a La Mexicana: On the Particularities of Security Governance in México’s War on Crime.” *Theory and Society* 42, no. 2 (2013): 161–87. doi: 10.1007/s11186-013-9189-9.
- Heinle, Kimberly, Cory Molzahn, and David A. Shirk. “Drug Violence in México: Data and Analysis Through 2014.” *Justice in México Project* (2015): 1–46. <https://justiceinmexico.org/wp-content/uploads/2015/04/2015-Drug-Violence-in-Mexico-final.pdf>.
- Hernández, Enrique Mendoza, and Adela Navarro Bello. “Tercer Informe de Peña: 57 mil 410 ejecuciones.” *Semanario Zeta*, August 31, 2015. <http://zetatijuana.com/noticias/reportajes/24643/tercer-informe-de-pena-57-mil-410-ejecuciones>.
- Hinton, Nicole, Daniel Montalvo, Arturo Maldonado, Mason Moseley, and Daniel Zizumbo Colunga. “Crime and Violence across the Americas.” In *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the*

AmericasBarometer, edited by Elizabeth J. Zechmeister, 1–28. Nashville: Latin American Public Opinion Project, 2014.

Human Rights Watch. “Los Desaparecidos de México: El persistente costo de una crisis ignorada.” February 20, 2013, 1–193. <https://www.hrw.org/node/256408>.

Human Rights Watch. “Mexico: Court’s Historic Opportunity to Address Military Impunity: Nearly 5,000 Cases Languish in Military Jurisdiction; Reform Needed.” August 6, 2012. <https://www.hrw.org/news/2012/08/06/mexico-courts-historic-opportunity-address-military-impunity>.

Human Rights Watch. “México ‘Disappearances’ Response Falls Short: Inexplicable Delays, Contradictory Statements, Limited Results.” October 8, 2014. <http://www.hrw.org/news/2014/10/08/mexico-disappearances-response-falls-short>.

Human Rights Watch. “Ni Seguridad, Ni Derechos: Ejecuciones, desapariciones y tortura en la “guerra contra el narcotráfico” de México.” November 9, 2011, 1–212. <https://www.hrw.org/es/report/2011/11/09/ni-seguridad-ni-derechos/ejecuciones-desapariciones-y-tortura-en-la-guerra-contra>.

Human Rights Watch. “Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations.” April 29, 2009, 1–76. <https://www.hrw.org/report/2009/04/29/uniform-impunity/mexicos-misuse-military-justice-prosecute-abuses-counternarcotics>.

Human Rights Watch. “World Report 2015: Events of 2014.” (2015): 1–644. https://www.hrw.org/sites/default/files/wr2015_web.pdf.

Karstedt, Susanne, and Gary LaFree. 2006. “Democracy, Crime, and Justice.” *Annals of the American Academy of Political and Social Science* 605 (May): 6–2

- Layton, Matthew, and Mariana Rodríguez, Mason Moseley, Daniel Zizumbo-Colunga. “Citizen Security, Evaluations of the State, and Policy Preferences.” In *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, edited by Elizabeth J. Zechmeister, 73–116. Nashville: Latin American Public Opinion Project, 2014.
- Lipset, Seymour Martin. “The Social Requisites of Democracy Revisited: 1993 Presidential Address.” *American Sociological Review* 59, no.1 (1994): 1–22.
- Maldonado, Arturo, and Mariana Rodríguez. “Safety and Security as Influences on Everyday Life.” In *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, edited by Elizabeth J. Zechmeister, 29–72. Nashville: Latin American Public Opinion Project, 2014.
- Malone, Mary Fran T. “The Verdict Is In: The Impact of Crime on Public Trust in Central American Justice Systems.” *Journal of Politics in Latin America* 2, no. 3 (2010): 99–128.
- Morris, Stephen D. “Disaggregating Corruption: A Comparison of Participation and Perceptions in Latin America with a Focus on Mexico.” *Bulletin of Latin American Research* 28, no. 2 (2008): 388–409.
- Marshall, Margaret. “Factors of Decline for Press Freedom in México.” *Freedom House*, July 3, 2014. <https://freedomhouse.org/blog/factors-decline-press-freedom-mexico>.
- Mercille, Julien. “Violent Narco-Cartels or US Hegemony? The Political Economy of the ‘War on Drugs’ in México.” *Third World Quarterly* 32, no. 9 (2011): 1637–53. doi: 10.1080/01436597.2011.619881.011.619881.
- Meyer, Maureen. *Mexico's Police: Many Reforms, Little Progress*. Washington Office on Latin America. 2014, 1–35. <http://www.wola.org/sites/default/files/Mexicos%20Police.pdf>.

- Mitchell, Katharyne, and Katherine Beckett. "Securing the Global City: Crime, Consulting, Risk, and Rating in the Production of Urban Space." *Indiana Journal of Global Legal Studies* 15, no. 1 (2008): 75–100. doi: 10.1353/gls.0.0026.
- Paley, Dawn. *Drug War Capitalism*. Oakland: AK Press, 2014.
- Pew Research Center*. "Discontent with Politics Common in Many Emerging and Developing Nations: Widespread Belief That Wealthy Have Too Much Influence." February 12, 2015. <http://www.pewglobal.org/2015/02/12/discontent-with-politics-common-in-many-emerging-and-developing-nations/>.
- Proceso*. "Hay más de 24 mil personas desaparecidas en México, según la Segob." September 2, 2015. <http://www.proceso.com.mx/?p=414418>.
- Quiroz, Julio Reyna. "Inegi: 7 mujeres asesinadas diariamente en 2013 y 2014." *La Jornada*, November 23, 2015. <http://www.jornada.unam.mx/ultimas/2015/11/23/inegi-7-mujeres-asesinadas-diariamente-entre-2013-y-2014-1824.html>.
- Rama, Anahi and Lizbeth Diaz. "Violence against Women 'pandemic' in México." *Reuters*, March 7, 2014. <http://www.reuters.com/article/2014/03/07/us-mexico-violence-women-idUSBREA2608F20140307>.
- Ríos, Viridiana. "The Role of Government Coordination in Crime Deterrence and Citizen Security in México." *The Journal of Conflict Resolution* (2014): 1–43. http://www.gov.harvard.edu/files/RiosV_JournalConflictResolution2014.pdf.
- Romero, Vidal, Pablo Parás, and Mitchell A. Seligson. *Cultura política de la democracia en México y en las Américas, 2012: Hacia la igualdad de oportunidades*. Nashville: Latin American Public Opinion Project, 2013.
- Romero, Vidal, Pablo Parás, and Elizabeth J. Zechmeister. *Cultura política de la democracia en*

- México y en las Américas, 2014: Gobernabilidad democrática a través de 10 años del Barómetro de las Américas*. Nashville: Latin American Public Opinion Project, 2015.
- Salinas, Eduardo y John A. Booth. 2011. "Micro-social and Contextual Sources of Democratic Attitudes in Latin America." *Journal of Politics in Latin America* 3, no. 1 (2011): 29–64.
- Seelke, Clare Ribando, and Kristin Finklea. *U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond*. Congressional Research Service / Federation of American Scientists. May 7, 2015, 1–27. <https://www.fas.org/sgp/crs/row/R41349.pdf>.
- Schedler, Andreas. "The Criminal Subversion of Mexican Democracy." *Journal of Democracy* 25, no. 1 (2014): 5–18. doi: 10.1353/jod.2014.0016.
- Secretaría General, Secretaría de Servicios Parlamentarios. *Código De Justicia Militar*. 1933. Última reforma publicada 10 de Julio de 2015. http://www.diputados.gob.mx/LeyesBiblio/pdf/4_130614.pdf.
- Singer, Matthew M., Ryan E. Carlin, and Gregory J. Love. "Corruption in the Americas." In *The Political Culture of Democracy in the Americas, 2014: Democratic Governance across 10 years of the AmericasBarometer*, edited by Elizabeth J. Zechmeister, 139– 60. Nashville: Latin American Public Opinion Project, 2014.
- U.S. Department of State. *Merida Initiative*. 2015. <http://www.state.gov/j/inl/merida/>.
- U.S. Diplomatic Mission to Mexico. *The Merida Initiative - An Overview*. 2015. <http://mexico.usembassy.gov/eng/ataglance/merida-initiative.html>.
- Villamil, Jenaro. "Ayotzinapa, la mentira histórica al desnudo." *Proceso*, August 18, 2015. <http://www.proceso.com.mx/?p=413220>.
- Washington Office on Latin America. *Mexican Congress Approves Historic Reforms to the Military Code of Justice*. April 30, 2014.

http://www.wola.org/news/mexican_congress_approves_historic_reforms_to_the_military_code_of_justice.

Zúñiga M., Juan Antonio. “Hubo 19 mil 669 asesinatos en 2014, 15% menos que en 2013, según el Inegi.” *La Jornada*, July 23, 2015.

<http://www.jornada.unam.mx/2015/07/23/politica/008n1pol>.