

# Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico

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## *Executive Summary*

After years of intense, cartel-related bloodshed that has claimed tens of thousands of lives and shaken Mexico, new President Enrique Peña Nieto is promising to reduce the murder rate. The security plan he introduced with the backing of the three biggest parties gives Mexico a window of opportunity to build institutions that can produce long-term peace and cut impunity rates. But he faces many challenges. The cartels have thousands of gunmen and have morphed into diversified crime groups that not only traffic drugs, but also conduct mass kidnappings, oversee extortion rackets and steal from the state oil industry. The military still fights them in much of the country on controversial missions too often ending in shooting rather than prosecutions. If Peña Nieto does not build an effective police and justice system, the violence may continue or worsen. But major institutional improvements and more efficient, comprehensive social programs could mean real hope for sustainable peace and justice.

The development of cartels into murder squads fighting to control territory with military-grade weapons challenges the Mexican state's monopoly on the use of force in some regions. The brutality of their crimes undermines civilian trust in the government's capacity to protect them, and the corruption of drug money damages belief in key institutions. Cartels challenge the fundamental nature of the state, therefore, not by threatening to capture it, but by damaging and weakening it. The military fight-back has at times only further eroded the trust in government by inflicting serious human rights abuses. Some frustrated communities have formed armed "self-defence" groups against the cartels. Whatever the intent, these also degrade the rule of law.

There has been fierce discussion about how to legally define the fighting. The violence has been described as a low-intensity armed conflict, a kind of war, because of the number of deaths and type of weapons used. The criminal groups have been described as everything from gangs, drug cartels and transnational criminal organisations, to paramilitaries and terrorists. The Mexican government, much of the international community and many analysts reject the idea there is anything other than a serious criminal threat, even though those criminal groups use military and, at times, vicious terror tactics. The army and marines, too, thrown into the breach with limited police training and without efficient policing methods, have often used intense and lethal force to fight the groups, killing more than 2,300 alleged criminals in a five-year period.

Within the grey world of fighting between rival cartels and security forces, there is much confusion as to who the victims of the violence are, and who killed them or made them disappear. Estimates of the total who have died in connection with the fighting over the last six years range from 47,000 to more than 70,000, in addition to thousands of disappearances. Cartel gunmen often dress in military uniforms and include corrupt police in their ranks, so people are unsure if they are facing criminals or troops. A victims movement is demanding justice and security. Mexico has also lost hundreds of police and army officers, mayors, political candidates, judges, journalists and human rights defenders to the bloodshed that is taking a toll on its democratic institutions.

The cartel violence began to escalate in 2004, when Vicente Fox was president and immediately after the domestic U.S. legislative ban on assault weapons expired. President Felipe Calderón launched an offensive against the criminal groups in 2006. It was backed by the U.S. under the Mérida Initiative and included deployment of 96,000 army troops, together with thousands of marines and the appointment of dozens of military officers as police chiefs in towns and cities. Calderón oversaw record seizures of cocaine, crystal meth and drug money, while security forces captured or killed 25 of the 37 most wanted cartel bosses. However, violence between rival criminal groups and the security forces shot up rapidly, while the army, previously one of Mexico's most respected institutions, came under scrutiny for widespread human rights abuses. The crackdown was also hindered by corruption, with police and military, as well as prosecutors, investigators and politicians being arrested for working with cartels, sometimes as killers.

Peña Nieto, who took office on 1 December 2012, has won broad consensus from the major political parties in support of a security plan. It promises to implement police and justice reforms, including overhauling a deficient judicial system and confronting the challenge of Mexico having more than 2,000 police forces that operate independently at the federal, state and municipal levels. For these reforms to succeed, the government must train police to both respect human rights and build strong cases that stand up under the new trial system. A practice promoted under Calderón of vetting police needs to be expanded and procedures established to gradually remove those who fail. Resources, including from the U.S., have shifted significantly to such institution building and away from the early emphasis on giving the military helicopters and other hardware. Now it is essential to review how to maximise and sustain the impact. Effective police and courts are crucial to reducing impunity in the long term.

The Peña Nieto administration also needs to follow through on its announced national crime prevention plan, aimed especially at helping young people in the most violent areas. The cartels have been able to recruit tens of thousands of killers in part because poor neighbourhoods have been systematically abandoned over decades and lack sufficient schools, community centres and security – in short they lack opportunity. There are many dedicated Mexican social workers with the experience and ability to reach the vulnerable groups if they are given resources.

While funding to help these programs is money well spent, Washington also needs to better control trafficking in guns, especially assault rifles, from U.S. suppliers, who are a principal source of arms for the cartels. International leaders need to engage in a serious debate on counter-narcotics policies, including strategies to curtail both production and consumption. While Mexico's cartels have become diversified crime groups, they still make billions of dollars every year trafficking drugs to the U.S., money that pays for guns, killers and corruption. At the global level, it is past time to re-evaluate policies that have failed to prevent illicit drugs from maintaining dangerous levels of addiction and to reduce the corruption and violence associated with drug production and trafficking.

Discussions to be opened at the Organisation of American States (OAS) and at the 2016 Special Global Drug Policy Session of the UN General Assembly provide new ground for a serious review. After suffering so much from the violence, Mexico is a natural leader for this debate.

The Mexican case is pertinent for countries across the world facing similar challenges. The development of criminal cartels capable of funding killers with military-

grade weaponry is also a danger to other nations in the Western hemisphere, in West Africa and Central Asia. The international community has much to learn from the efforts of the Mexican government and society to overcome these challenges. If they succeed in reducing violence, theirs can become a security model to follow instead of one to fear.

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# Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico

## I. Introduction

Fighting between rival criminal cartels and the government security forces sent against them has caused Mexico's most violent confrontation since the 1920s.<sup>1</sup> The bloodshed first reached significant levels under President Vicente Fox, then shot up sharply as his successor, Felipe Calderón, waged a U.S.-backed law enforcement offensive – including extensive use of the military – against the cartels that brought down top traffickers and made record drug seizures. Estimates of those killed in connection with the fighting during Calderón's term (1 December 2006–30 November 2012), range from 47,000 to more than 70,000, with thousands more disappeared.<sup>2</sup> Enrique Peña Nieto, who took office on 1 December 2012, said he would change the priority from seizing narcotics to drastically reducing murder and other crime rates. Leaders of the three major parties joined him in signing onto a security plan to achieve this,<sup>3</sup> including a national crime prevention program launched in February 2013.<sup>4</sup>

Violence has continued at high levels through 2012 and early 2013. While the newspaper *Reforma* found there had been about 10 per cent fewer cartel-related murders in 2012 than in 2011, *Milenio* reported a marginal increase during the same period. The police counted a reduction of total homicides from 22,480 in 2011 to 20,560 in 2012, but that included non-cartel-related killings. In any case, even the lower estimates show extremely high levels of violence. In December, the first month of the Peña Nieto administration, there were 1,139 cartel-related killings; in January, there were 1,104, according to a count by the interior ministry.

This report, Crisis Group's first on Mexico, analyses how the cartels have been transformed into heavily armed and resilient squads of gunmen; the effects of the government's militarised response; and the impact of the bloodshed on society and institutions. Understanding these three areas is crucial for determining the most effective ways to build security and protect human rights in Mexico. The report focuses

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<sup>1</sup> Enrique Krauze, "In Mexico, a war every century", *The New York Times*, 14 September 2010. According to Krauze, the Cristero War (1926 to 1929) caused an estimated 70,000 deaths.

<sup>2</sup> Mexico's Federal Attorney General's Office (PGR), released a database, "Fallecimientos por Rivalidad Delincuencial", that counted 47,515 cartel-related killings between 1 December 2006 and 31 September 2011. A newspaper counted 47,268 cartel-related killings in the period between 1 December 2006 and 30 November 2012, "Ejecutómetro", *Reforma*, 1 December 2012, and another counted 58,398, "27 ejecutados al día", *Milenio*, 1 December 2012. A third found 71,804 between 1 January 2007 and 30 April 2012, Enrique Mendoza Hernández, "Sexenio de Calderón: 71 mil ejecuciones", *Zeta Tijuana*, 28 May 2012.

<sup>3</sup> The agreements are grouped as follows: (a) rights and liberties, (b) economic development, employment, and competitiveness, (c) security and justice, (d) transparency, accountability and fight against corruption, (e) democratic governance. See full text (in Spanish) at <http://pactopormexico.org/acuerdos>.

<sup>4</sup> "Bases del Programa Nacional para la Prevención Social de la Violencia", *Mexico Seguridad*, 13 February 2013.

on the cycles of violence during the Calderón administration and the opportunities available to Peña Nieto for reducing the killings and reforming institutions. It looks at the security strategy also in the context of a rising international debate on reform of drug policy.

Mexico is far from a failed state. The country of 112 million people had a gross domestic product (GDP) of \$1.1 trillion in 2011, making it the fourteenth largest economy on the planet. It is home to eleven billionaires, including the world's richest man. It has a literacy rate above 93 per cent and an electricity grid covering 97 per cent of homes, although it also suffers from 46 per cent of the population living in poverty. A record 22.7 million tourists visited in 2011, many sunning themselves on its white Caribbean beaches.<sup>5</sup> Despite the violence unleashed by cartels, it still has a lower overall homicide rate than some other Latin American countries, including Colombia. The safest state, Yucatán, has the same murder rate as Belgium.<sup>6</sup>

Nevertheless, Mexico is under an extraordinary criminal threat that the international community needs to understand better in order both to support the country in its efforts and to demonstrate to others facing similar threats that response options are available. The violence is notorious worldwide because of its ferocity: reports of squads of killers dumping severed heads in public places and posting videos of their murders on the internet are not infrequent. There have been atrocities comparable to those in warzones, including single massacres that have claimed more than 70 lives and mass graves holding hundreds of corpses. Prolonged firefights with automatic rifles and grenades have shut down city centres and forced parents to rush to fetch their children from schools.

The high-intensity violence challenges the government's ability to keep order in the eyes of many citizens. Abysmal impunity rates – 80 per cent of homicides unsolved; convictions in only one of twenty murders in some states – also undermine citizens' faith in their institutions.<sup>7</sup> The security forces themselves have been accused of hundreds of extrajudicial killings and disappearances, further eroding the state's legitimacy.<sup>8</sup>

The wave of cartel violence began as Mexico moved from what was in effect a one-party state to a multiparty democracy.<sup>9</sup> For most of the twentieth century, it was dominated by the Institutional Revolutionary Party (PRI), which held the presidency for 71 consecutive years until defeated in 2000 by President Fox's pro-business

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<sup>5</sup> Population reported by Mexico's National Statistics Institute (INEGI); billionaires, including fugitive trafficker Joaquín "Chapo" Guzmán, in "The World's Billionaires", *Forbes*, 19 September 2012; electricity connections reported by Mexico's Federal Electricity Commission (CFE); poverty numbers from the government's Consejo Nacional de la Evaluación de la Política de Desarrollo Social (CONEVAL). The tourism ministry announced tourist figures in a 12 February 2012 news release.

<sup>6</sup> "Homicide Statistics 2012", UN Office on Drugs and Crime (UNODC). In 2011, Mexico had 23.7 intentional homicides per 100,000; Colombia had 31.4 and Honduras 91.6. Belgium had 1.7, the same as Yucatán, according to Mexico's Sistema Nacional de Seguridad.

<sup>7</sup> "Seguridad y Justicia en los Estados", *México Evalúa*, 26 March 2012, estimates that 80.6 per cent of the cases never reached convictions in 2010. The report says that in the case of Chihuahua, the rate was 96.4 per cent. See also, "Reporte de Investigación: La impunidad crónica en México. Una aproximación desde los derechos humanos", Human Rights Commission of the Federal District, 24 June 2012.

<sup>8</sup> "Neither Rights Nor Security: Killings, Tortures and Disappearances in Mexico's 'War On Drugs'", Human Rights Watch report, 9 November 2011.

<sup>9</sup> Raúl Benítez Manaut, "La crisis de seguridad en México", *Nueva Sociedad* no. 220, March-April 2009.

National Action Party (PAN). The bloodshed has been detrimental to democracy;<sup>10</sup> murders of investigative journalists and human rights defenders have forced many colleagues to censor their work, while gunmen have killed dozens of elected officials and candidates, tarnishing some regional elections.

The PRI regained the presidency in 2012 with Peña Nieto's election. However, unlike the party's presidents for most of the last century, he has to deal with opposition governors in a third of the states, including the capital, and his party is in the minority in both houses of Congress.<sup>11</sup>

Corruption is a key challenge he faces. Links between drug traffickers and members of the security forces and political establishment surfaced throughout the seven decades of the PRI presidency.<sup>12</sup> But corruption has continued during multiparty rule. Thousands of police officers were arrested or fired in Calderón's term because of alleged links to drug gangs, including many cases in which they were accused of moonlighting as killers. Critics assert that though the party in power changed, the system itself changed little.

This report is grounded on field research in Mexico City and states with high cartel violence, including Chihuahua, Nuevo León, Jalisco, Michoacán and Morelos. It is based on interviews with ex-cabinet ministers, police and military, U.S. agents, politicians from all major parties, victims of cartel-related violence, human rights defenders, gang members and businessmen, as well as cartel members' court testimony and intelligence reports. It builds on the literature about Mexico's war on drugs from a conflict prevention perspective, analysing violence by both cartel gunmen and the state.<sup>13</sup>

The following section examines the criminal cartels, their roots, organisation and evolution. Subsequent ones turn to successes and failures of the government offensive, then to the social damage and human suffering caused by the violence, including civilian casualties and institutional erosion. Finally, the report evaluates the tools

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<sup>10</sup> Eduardo Guerrero Gutierrez, "El crimen organizado en las elecciones", *Nexos*, 1 June 2012.

<sup>11</sup> The PRI has nineteen governors; its close ally, the Green Party, has one. The PRI and Green Party together hold 241 of 500 seats in the house of deputies.

<sup>12</sup> For example, drug tsar Jesús Gutiérrez Rebollo, appointed under the PRI in 1996, was arrested on organised crime charges for working with the Juárez Cartel in 1997 and sentenced to 71 years in prison. Procurador General de la República, Boletín No. 27/0/97. Mario Villanueva, governor of Quintana Roo from 1993 to 1999, was imprisoned in Mexico and later extradited to the U.S., where he pleaded guilty to laundering cocaine money. "Mexican ex-governor tells U.S. judge he laundered drug money", Reuters, 2 August 2012. See also Jorge Chabat, "Narcotráfico y Estado: el discreto encanto de la corrupción", *Letras Libres*, September 2005.

<sup>13</sup> Some of the most important writings reviewed for this report include: Eric Olson, "Considering New Strategies for Confronting Organized Crime in Mexico", Woodrow Wilson International Center for Scholars-Mexico Institute, March 2012; Andrew Seele, Cynthia Arnson and Eric Olson, "Crime and Violence in Mexico and Central America: An Evolving but Incomplete U.S. Policy Response", Woodrow Wilson International Center for Scholars-Mexico Institute and Migration Policy Institute, January 2013; Steven Dudley, "Transnational Crime in Mexico and Central America: Its Evolution and Role in International Migration", Woodrow Wilson International Center for Scholars-Mexico Institute and Migration Policy Institute, December 2012; "Abused and Afraid in Ciudad Juárez", Washington Office on Latin America, 12 October 2010; "Judicial Reform in Mexico", Trans-Border Institute, May 2010; "Armed with Impunity: Curbing Military Human Rights Abuses in Mexico", Trans-Border Institute, July 2012; "Exigiendo justicia y dignidad: defensores y defensoras de los derechos humanos en México", Amnesty International, 2010; and Vanda Felbab-Brown, "Peña Nieto's Piñata: The Promise and Pitfalls of Mexico's New Security Policy against Organized Crime", Brookings Institution, February 2013.

that might best reduce impunity and build security. Future reporting will treat particular sectors and key issues, such as justice and police reform and protection of vulnerable populations, and include specific policy recommendations.

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## II. Criminal Cartels

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The Humaya cemetery in the city of Culiacán in north-west Mexico boasts some of the most glamorous and expensive tombs in the world. There are mausoleums that are two stories high, built with imported Italian marble and decorated with precious stones. Some even have their own air conditioning systems. Many belong to drug traffickers.<sup>14</sup> The deceased crime bosses do not disguise their identities. Some have photos of themselves posing with Kalashnikov rifles in fields of marijuana or opium. In death, they no longer need to hide. Among the most notorious kingpins in the graveyard are Arturo Beltrán Leyva, alias “The Beard”, who was shot dead by Mexican marines in the city of Cuernavaca in 2009, and Ignacio “Nacho” Coronel, whom soldiers gunned down near Guadalajara in 2010.<sup>15</sup> In life, they fought a vicious turf war against each other. In death, they are buried a few feet apart, sharing the same earth.

The surrealism of the Humaya cemetery reflects a Mexican drug trafficking culture almost a century in the making. Culiacán is the capital of Sinaloa, a state between the Pacific Ocean and the western Sierra Madre mountains that is to Mexican organised crime as Sicily is to the Italian mafia.<sup>16</sup>

This report identifies the Mexican organisations as “criminal cartels” because they are involved in a variety of illicit enterprises. But all the major groups have their roots in the narcotics trade.<sup>17</sup> It is important to recognise the long history of Mexican drug trafficking to understand how deeply entrenched smugglers are in certain communities. Residents in some of the mountain villages in Sinaloa can claim that their father, grandfather and great grandfather were all involved in narcotics. Many Sinaloans refer to traffickers as “valientes” (“brave ones”).<sup>18</sup> Sinaloa is also home to an entire genre of music, “narcocorridos” (“drug ballads”), that celebrates the exploits of traffickers.<sup>19</sup>

Sinaloa first entered the drug trade by growing opium for the U.S. black market that emerged following the Harrison Narcotics Tax Act of 1914. This early trafficking was dominated by the descendants of Chinese workers who emigrated to Sinaloa to work in its mines and on its railroads.<sup>20</sup> However, by the 1930s, Mexican bandits and bootleggers had taken over the profitable opium trade and were converting an increasing amount into the purer heroin known as “Mexican Mud” and “Black Tar”.

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<sup>14</sup> Observations by Crisis Group consultant in an earlier capacity, 2008-2011. The names of convicted drug traffickers are clearly marked on many tombstones.

<sup>15</sup> The U.S. Drug Enforcement Administration (DEA) considered Beltrán-Leyva one of the most important traffickers in Latin America; “Statement from DEA Acting Administrator Michele M. Leonhart on death of Mexican drug cartel leader Arturo Beltrán-Leyva”, 17 December 2009. It considered Coronel one of the three most important figures in the Sinaloa Cartel; “Troops kill senior capo of mighty drug cartel”, Associated Press, 30 July 2010.

<sup>16</sup> Crisis Group phone interview, Mike Vigil, former head of DEA international operations, 19 September 2012.

<sup>17</sup> Crisis Group interview, Alejandro Hope, former Mexican intelligence agency CISEN agent and analyst, Mexican Institute for Competitiveness (IMCO), Mexico City, 11 December 2012.

<sup>18</sup> Crisis Group consultant's field work in an earlier capacity, Sinaloa, 2008-2011.

<sup>19</sup> Elijah Wald, *Narcocorrido: A Journey into the Music of Drugs, Guns, and Guerrillas* (New York, 2002).

<sup>20</sup> This early drug trade is documented most thoroughly in Luis Astorga, *Drogas sin fronteras: expedientes de una guerra permanente* (Mexico City, 2003), citing many U.S. agency reports from the period.

While Sinaloans dominated the western half of the country, a rival group of traffickers dominated the east coast, on the Gulf of Mexico.<sup>21</sup> From these networks, Mexican crime groups moved gradually into all major illegal drugs, dominating the trafficking into the U.S. In each period when they moved to a new narcotic, more regions and communities were pulled into the trade, spreading the influence of traffickers.

After opium and heroin, Mexican traffickers began smuggling marijuana. As U.S. appetite for cannabis exploded in the 1960s, thousands of peasant farmers grew the crop to meet this demand, spreading marijuana plants through the mountains of Sinaloa into the heights of Chihuahua and Durango states, then south to Michoacán, Guerrero and Oaxaca.<sup>22</sup> However, it was cocaine that turned Mexican smugglers into billionaires.<sup>23</sup> In the 1970s, Colombian criminal cartels flew or shipped it straight over the Caribbean into Florida, where it spread to consumers from New York to Hollywood.<sup>24</sup> In 1982, President Ronald Reagan hit back, using military surveillance planes and navy gunboats to create choke points that netted tons of the drug.<sup>25</sup> The Colombian cartels thus began to turn to their Mexican counterparts to smuggle their product over the long U.S. southern border.

The Mexican criminal organisations began as paid couriers, but they gradually gained more and more of the pie during the 1990s. “What is interesting is that there was no hostile takeover or violence”, said Jay Bergman, Andean director of the U.S. Drug Enforcement Administration (DEA). “At each progression, the Colombian cartels made a conscious decision to allocate more share to the Mexicans. And then it got to a time when the Mexicans started calling the shots”.<sup>26</sup> Colombian cartels were especially weakened by the killing of kingpin Pablo Escobar in 1993 and arrest and extradition of major Cali Cartel leaders in 1995.

The DEA estimates that by 2010, 93 per cent of the cocaine entering U.S. territory was travelling through Mexico, with much of it making stops in Central American countries en route.<sup>27</sup> Mexican cartel domination of this trade is cited by security officials as a key reason that drug violence exploded in the 21st century.<sup>28</sup> The cash pouring into the Mexican narcotics business created a much bigger pie over which rival cartels fought and enabled them to buy more powerful weapons, pay killers and bribe officials. Profits in cocaine are staggering. According to the 2012 UN World Drug Report, a kilo brick cost about \$2,400 in Colombia, \$33,300 when sold wholesale in the U.S. and some \$120,000 when sold “retail” on the streets of U.S. cities. In trafficking and distribution, the parts dominated by Mexican traffickers, the price rose 50-fold.<sup>29</sup>

Mexican traffickers have also moved into a fourth highly profitable narcotic: methamphetamines. Known as “crystal meth” or “ice”, the illegal stimulant was long produced in the U.S.; biker gangs and others cooked it up in bathtubs. But the U.S.

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<sup>21</sup> Crisis Group interview, Alejandro Hope, 11 December 2012.

<sup>22</sup> Crisis Group interview, Mike Vigil, 19 September 2012.

<sup>23</sup> Crisis Group interview, ex-Interior Secretary Alejandro Poiré, Mexico City, 22 October 2012.

<sup>24</sup> Crisis Group consultant interview in an earlier capacity, Jay Bergman, DEA Andean director, Bogotá, 23 March 2010.

<sup>25</sup> Reagan waged this offensive through the South Florida Task Force (FBI, DEA, army and navy). White House archives, filed under Office of Drug Abuse Policy, 26 May 1982.

<sup>26</sup> Crisis Group consultant interview in an earlier capacity, 23 March 2010.

<sup>27</sup> Anthony Placido, DEA assistant administrator, intelligence, statement, U.S. Senate, 5 May 2010.

<sup>28</sup> Crisis Group interview, Alejandro Poiré, Mexico City, 22 October 2012.

<sup>29</sup> “UN World Drug Report 2012”, UNODC, 2012, p. 96.

Combat Methamphetamine Epidemic Act of 2005 made it harder to get hold of the precursors, including pseudoephedrine and ephedrine, which are used in commercial products such as flu medicine. The law hammered meth production on the U.S. side but was a gift to Mexican traffickers, who built enormous laboratories to supply the U.S. market. Mexican traffickers travel far to buy the meth ingredients. In a UN-sponsored 2008 initiative, Operation Ice Block, police around the world seized 49 illegal shipments of meth precursors. The countries of origin included China, India, Syria and Iran. Half were headed to Mexico, including a shipment seized just outside Baghdad.<sup>30</sup>

It is impossible to nail down the exact profits made by Mexican traffickers selling narcotics to U.S. users, because of the clandestine nature of the business. The UN estimates that the total U.S. market yields revenues of around \$60 billion annually. The U.S. justice department estimated that in 2008, Mexican and Colombian cartels together were making between \$18 billion and \$39 billion annually from this market. However, a Mexican report concluded that Mexican cartels make only about \$6 billion exporting drugs north, with the rest of the money staying in the hands of dealers inside the U.S.<sup>31</sup> Whatever the exact figure, all agree that drug trafficking provides billions of dollars annually to criminal groups in a country where the minimum wage is \$5 a day. The money is particularly potent in urban ghettos and impoverished villages, where drug traffickers can be the biggest employers.

The cartels also make increasing income selling narcotics to users south of the Rio Grande. While drug use was long seen as a U.S. problem, Mexican health officials said that by 2011 their country had 550,000 hard-drug addicts of its own.<sup>32</sup> In many cases, street selling is directly linked to cartels, adding a new dimension to the turf wars: the traffickers are fighting not just over tons to the U.S., but also over grams sold on corners and in bars right at home. President Calderón said in June 2012:

Crime groups started looking to sell drugs and generate an increase of addiction and consumption in our country, particularly among our youths. This was a change with serious consequences. There came a new operative strategy of the criminals. It changed from just control of smuggling routes and border agents to geographical expansion and control of territory and consequently fighting for territory.<sup>33</sup>

When cartels fight over territory, it poses a fundamental challenge to the state's own control of that territory and monopoly of force within it.

#### A. *Defining Mexico's Crime Groups*

The phrase "drug cartel" was first used in Colombia in the early 1980s, when the Medellín and Cali criminal networks were so described because they were federations

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<sup>30</sup> "Report of the International Narcotics Control Board [INCB] for 2008", February 2009; "Precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances", INCB, February 2009; "Use of high intensity drug trafficking area funds to combat methamphetamine trafficking", executive office of the president, Office of National Drug Control Policy, May 2010.

<sup>31</sup> "UN World Drug Report 2012", op. cit. "National Drug Threat Assessment 2009", National Drug Intelligence Center, U.S. justice department, December 2008. Alejandro Hope, Eduardo Clark, "Si Los Vecinos Legalizan – Reporte Técnico", IMCO, October 2012, p. 45.

<sup>32</sup> "Encuesta Nacional de Adicciones 2011 – Drogas Ilícitas", health ministry, November 2012, p. 26.

<sup>33</sup> Felipe Calderón, 26 June 2012, speech transcript and video released by the president's office.

of traffickers who banded together to quash rivals and control the cocaine business in their territories. This fits with the dictionary definition of a cartel as a business alliance formed to limit competition, allocate turf and take other actions. Some experts have rejected the term as misleading, because the drug organisations compete ferociously among each other and are unable to set prices.<sup>34</sup> Nevertheless, the phrase has stuck for three decades, especially in Mexico, where law enforcement agents and journalists use it daily. Most notably, it is also used by the criminals, who spray cartel names on walls demarcating territory and use them on videos airing their propaganda. This report uses the term to refer to major Mexican criminal groups with multiple cells and an international reach.

However, the level of violence and range of activities by criminal groups in contemporary Mexico has led some to question whether they can be defined simply as drug cartels. Their members have been arrested for rackets including kidnapping, extortion, human smuggling, piracy, oil theft, car robbery and weapons trafficking, prompting U.S. agencies to label several as “transnational criminal organisations” (TCOs). Furthermore, their use of car bombs, rocket-propelled grenades and belt-driven machine guns to attack both security forces and civilians has prompted some to call them “insurgents” or “terrorists”.

In 2010, the then U.S. Secretary of State, Hillary Clinton, provoked a heated response from the Mexican government when she made the insurgency comparison: “We face an increasing threat from a well-organised network, drug-trafficking threat that is, in some cases, morphing into or making common cause with what we would consider an insurgency in Mexico”.<sup>35</sup> In their most recent comments, however, State Department officials have rejected the insurgency concept. Principal Deputy Assistant Secretary of State for Western Hemisphere Affairs John Feeley asserted:

The violence associated with the criminal activities of the transnational criminal organisations (TCOs) in Mexico is not a national security problem or an insurgency that threatens to destabilise the Mexican government. Clearly, the violence ... is a very serious public security problem that has important social and economic repercussions.<sup>36</sup>

The reason U.S. officials have been so vigorous in rejecting the concept of Mexico facing an insurgency is that it reawakens nascent anti-American feeling, implies that Washington's response should not be focused on law enforcement and puts at risk the positive U.S.-Mexico collaboration.

Mexican government officials have always rejected the term insurgency, arguing that cartels have no political program, and dismiss any notion that Mexico is in an armed conflict. However, they say that some attacks, such as when cartel gunmen throw grenades at civilians, should be defined as terrorism. “We have had some instances of acts of terror, no doubt about that”, Calderón's last interior secretary,

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<sup>34</sup> Marc Lacey, “Drug wars: When a drug cartel really isn't”, *The New York Times*, 21 September 2009.

<sup>35</sup> Hillary Clinton at Council on Foreign Relations, Washington DC, 8 September 2012. Her comment came in response to a question and was not in her written remarks. Privately at the time, it was seen as a misstatement by many in the State Department, aimed more at linking the kinds of violence and weapons used and the seriousness of the danger they posed rather than describing the nature of the cartels or their objectives. The next day, President Obama, countered that view in a statement specifically designed to correct the record. See [www.npr.org/blogs/thetwo-way/2010/09/09/129760276/obama-rejects-hillary-clinton-mexico-colombia-comparison](http://www.npr.org/blogs/thetwo-way/2010/09/09/129760276/obama-rejects-hillary-clinton-mexico-colombia-comparison).

<sup>36</sup> Crisis Group interview, Washington DC, 10 December 2012.

Alejandro Poiré, said. "I don't think that any of the other characterisations would find strong enough evidence to be useful ... I think the best way to describe it is drug cartel violence".<sup>37</sup>

The illegal nature of organised crime again makes it impossible to know the exact percentages that the cartels make from drugs and their other activities. Alejandro Hope, an analyst at Mexico's Competitiveness Institute (IMCO) and a former member of the intelligence agency (CISEN), argues that even with the highest estimates on revenue from human smuggling, piracy, and other criminal activities, no more than 15 per cent of their income is from non-drug sources.<sup>38</sup> However, the frequency of these other crimes has been sharply increasing. For example, in 2011 1,344 kidnappings were reported to the police, up from 733 in 2006 according to a government count.<sup>39</sup> Some anti-crime groups had much higher estimates.<sup>40</sup> Many more abductions likely go unreported.

Theft of crude oil by tapping into the pipelines of the oil monopoly Pemex has also been rising steadily. It is sold to brick makers to fire their ovens, or even smuggled across the border and peddled to U.S. distributors. Following a bi-national probe, U.S. police charged five Houston-based oil brokers with receiving stolen fuel in 2010.<sup>41</sup> Cartels also steal refined oil and sell it through middlemen to Pemex franchise petrol stations. In June 2012, station owners in seven states signed a complaint that they were being forced by gangsters to buy their fuel.<sup>42</sup>

The loss of oil revenues, including to the Mexican government, is considerable. In 2011, Pemex detected 1,324 taps into its pipelines, up from 712 in 2010 and 136 in 2005.<sup>43</sup> Its officials say these losses cost the company \$500 million per year. However, an independent oil analyst estimated the annual illegal fuel market in the country to be worth \$2 billion to \$4 billion.<sup>44</sup> When cartels attack oil, they are hitting the backbone of the economy: Pemex provides the federal government with up to 40 per cent of its national budget.<sup>45</sup>

Extortion rackets also hurt the economy. Crime groups shake down many types of small businesses, including taxis, buses, bars, restaurants, junkyards, grocery stores and others. They also get protection money from big businesses, such as iron mines, logging companies and major farms. This varies across Mexico, with some states registering almost no complaints, while in others, such as Michoacán, busi-

<sup>37</sup> Crisis Group interview, Mexico City, 17 October 2012.

<sup>38</sup> Crisis Group interview, Mexico City, 11 December 2012.

<sup>39</sup> "Incidencia Delictiva del Fuero Común 2006", Executive Secretariat of the National System for Public Security, Information National Centre, June 2012; "Incidencia Delictiva del Fuero Común 2011", *ibid*, August 2012.

<sup>40</sup> Reports of kidnappings to state and federal police, compiled by the anti-crime group Consejo Ciudadano para la Seguridad Pública y la Justicia Penal, in press releases, eg, "14 ciudades de México concentran secuestros", 3 January 2012.

<sup>41</sup> "Texas men get probation in Mexican stolen oil case", Associated Press, 24 September 2010. See also "Stolen oil: A gusher of cash for Mexican drug cartels", *TIME*, 9 March 2011; "Black gold on the black market", *The Economist*, 4 August 2012.

<sup>42</sup> "Venden gasolineras combustible robado", *El Universal*, 9 July 2012.

<sup>43</sup> Pemex data on oil theft in "Combate al mercado ilícito de combustibles", Pemex, 12 December 2012. Pemex said oil theft continued to increase in 2012, with 1,841,478 barrels stolen between January and June, an 18 percent increase compared over the same period in 2011.

<sup>44</sup> Crisis Group interview, independent oil analyst, 7 November 2012.

<sup>45</sup> Elisabeth Malkin, "In a change, Mexico reins in its oil monopoly", *The New York Times*, 23 April 2012.

ness owners say the problem is rife. "Almost everybody pays. They are all too scared to say no", said a business leader in the Michoacán state capital, Morelia. "Avocado growers have to pay a quota to the cartel for every kilo they produce. Taxis pay a daily rate. Shops pay according to how much money they make".<sup>46</sup>

Cartel gunmen have burned down or shot at thousands of businesses for non-payment. The most horrific case was in Monterrey, where gunmen torched a casino in an extortion shakedown, killing 52 workers and gamers.<sup>47</sup> Some multinational companies have also been affected by the violence. In May 2012, gunmen in Michoacán burned two warehouses and more than 40 trucks belonging to a local unit of PepsiCo.<sup>48</sup>

Mexican and U.S. security officers have argued the cartels have turned to these crimes out of desperation. With troops seizing more drugs under Calderón, they claim, the gangs needed to look elsewhere to make money. The cartels "have moved into so many crimes because of pressure", said White House drug tsar Gil Kerlikowski. "They are spending more time robbing Pemex or stealing cars or kidnapping or extorting".<sup>49</sup> But analysts such as Hope say other factors could be present in this diversification, including the rise of more aggressive cartel leaders after security forces killed or arrested their predecessors, and a breakdown of law in some areas amid the violence.<sup>50</sup> What is clear is that when cartels already have heavily-armed hit squads funded by the drug trade, they are in a formidable position to carry out other violent crimes that ravage businesses and the community.

#### B. *Sinaloa Cartel vs. The Zetas*

Mexico's criminal cartels are always realigning, suffering internal power battles, splitting into new factions or regrouping into larger cartels. Calderón's offensive killed or arrested 25 of 37 kingpins, forcing particularly rapid changes in leadership and structure. When a major narcotics trafficker such as Beltrán Leyva is taken down, those below will often fight to control the empire, unleashing bloodbaths. These fights caused several major divisions in the last six years, increasing the number of crime groups in Mexico.

There is debate as to how many of the organisations that have emerged can be labelled cartels or whether they should be understood better as local gangs. "They are a multi-tiered universe. You have many shades of organised crime in Mexico", said Hope, the former Mexican intelligence agency officer. "On one side you have huge organisations that operate in many countries carrying out a range of crimes, and in others you have groups that are largely confined to a single city".<sup>51</sup> Mexico's new attorney general, Jesús Murillo Karam, said in December 2012 that the realignments

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<sup>46</sup> Crisis Group consultant interview in earlier capacity, Morelia, 15 June 2012.

<sup>47</sup> The assailants burned down the Casino Royale on 25 August 2011. Mexico's Federal Attorney General's Office handled the investigation, releasing details in statements such as, "Hechos de violencia no quedarán impunes", 13 May 2012. More than 30 members of the Zetas cartel were arrested and charged with burning the casino over an extortion payment. On 15 December 2012, a judge gave sentences of 75 to 100 years to seven defendants.

<sup>48</sup> Crisis Group consultant interview in earlier capacity, official from state attorney general's office for Michoacán. PepsiCo in press statements said it did not know the cause of the attacks.

<sup>49</sup> In Ioan Grillo, "Stolen oil a gusher of cash for Mexican drug cartels", *TIME*, 9 March 2011.

<sup>50</sup> Crisis Group interview, Mexico City, 11 December 2012.

<sup>51</sup> *Ibid.*

had created between 60 to 80 cartels.<sup>52</sup> However, U.S. indictments of criminals active in 2013 focus mostly on nine major cartels: the Tijuana Cartel, Juárez Cartel, Gulf Cartel, Sinaloa Cartel, Beltrán Leyva Cartel, Zetas, Jalisco New Generation, La Familia Michoacana and Knights Templar.<sup>53</sup> (See Appendix D below.)

These cartels frequently open new operations, make pacts and shift alliances, thus creating multiple turf wars on numerous fronts, with varying local dynamics. However, within these warring factions, two stand out as the most far-reaching and powerful: the Sinaloa Cartel and the Zetas. Most others have some kind of alliance with one of these two dominant cartels, who are bitter enemies. The Sinaloa Cartel is dominant in the west, by the Pacific, while the Zetas predominate in the east, by the Gulf of Mexico. The battle lines of their struggle flow broadly from east to west. Drug agents believe that the Sinaloa Cartel is the richer, thanks to international trafficking networks that have been developed over decades.<sup>54</sup> The Zetas operate in more areas, with a presence in seventeen of Mexico's 31 states and Federal District, according to a report by the federal Organised Crime Unit.<sup>55</sup> Both have extensive reach into Central and South America, especially Guatemala.

They offer different models of organised crime, with contrasting features that reflect their roots and composition. The Sinaloa Cartel was born in western Sierra Madre villages with long histories of drug smuggling. It is controlled by veteran traffickers, including kingpins Joaquín "El Chapo" Guzmán (58), and Ismael "El Mayo" Zambada (65).<sup>56</sup> Guzmán has become Mexico's most infamous drugs trafficker, reaching mythical status in some villages and neighbourhoods and getting his name on the *Forbes* billionaires and *Time* 100 "leaders and revolutionaries" lists.<sup>57</sup> The cartel makes most of its money smuggling narcotics and has been connected to record-breaking seizures. Its leaders claim not to do protection rackets, and their propaganda tries to justify the feud with the Zetas. "Zetas, I am going to show you how to work Sinaloa style, without kidnapping, without extortion", read a message left in Nuevo Laredo, next to fourteen butchered bodies of alleged Zetas.<sup>58</sup>

The Zetas are a much younger cartel, founded in 1998 when trafficker Osiel Cárdenas of the Gulf Cartel recruited as enforcers fourteen ex-soldiers and officers, including members of the elite paratrooper unit known by the Spanish acronym

<sup>52</sup> Murillo Karam interview with Carmen Aristegui, on MVS radio, 18 December 2012.

<sup>53</sup> "Boom de carteles con Calderón, acusa Murillo Karam", "Revista Proceso", 18 December 2012.

<sup>54</sup> Vigil and other U.S. drug agents allege that the Sinaloa Cartel is the richest in Mexico. Indictments such as United States vs. Joaquín Guzmán allege that it made \$5.8 billion smuggling narcotics into Chicago alone since 1990. It has been linked to several record seizures. "How a Mexican drug cartel makes its billions", *The New York Times*, 15 June 2012, alleged it controls between 40 per cent and 60 percent of the Mexican drug trade to the U.S.

<sup>55</sup> Figures first cited from report by Subprocuraduría de Investigación Especializada en Delincuencia Organizada (SIEDO), in "Los Zetas dominan mas territorios que El Chapo", *Milenio*, 1 January 2012; confirmed in Crisis Group consultant in former capacity interview with former SIEDO head Jose Cuitláhuac, Cancun, 1 August 2012.

<sup>56</sup> Joaquín Guzmán and Ismael Zambada are named as leaders of the Sinaloa Cartel in numerous indictments in U.S. courts; \$5 million rewards are offered for their arrests by the U.S. Narcotics Rewards Program. The program lists Guzmán's birth as 25 December 1954; other sources have different dates. Zambada's birthdate is listed as 1 January 1948.

<sup>57</sup> Guzmán is on the 2012 *Forbes* list of "The World's Billionaires" at no. 1,153, worth \$1 billion, and on the *Forbes* list of "The World's Most Powerful People" at 63, 19 September 2012. He was included in the 2009 *Time* section 100 "Leaders and Revolutionaries", on 30 April 2009.

<sup>58</sup> "Mexico authorities say bodies of 14 men dumped in Nuevo Laredo", *Los Angeles Times*, 17 April 2012.

GAFE.<sup>59</sup> The Zetas rapidly mushroomed, adding other former soldiers, gang members and erstwhile police. Former members of the Guatemalan army's elite Kaibil unit brought in more military expertise, helping spread their power into Central America.<sup>60</sup> In 2007, the Zetas began to have tensions with Gulf leaders, and in 2010 they became fully independent.<sup>61</sup> They continue to fight their former masters in the Gulf Cartel, which has allied with the Sinaloans. This has unleashed intense violence in the north-eastern states of Tamaulipas, Nuevo León and Coahuila.

Zetas leadership is much younger. The former kingpin, Heriberto Lazcano, alias "The Executioner", was 37 when reportedly killed by marines on 7 October 2012.<sup>62</sup> Many local bosses are in their early 20s or even late teens. Drug agents describe an expanding cellular system that allows young recruits to rise quickly through the ranks. "There are people who start as "hawks" [look-outs] ... on the street, and then quickly they become head of a turf, if they have the ability", said José Cuitláhuac, former head of the Organised Crime Unit. "They go from earning two or three thousand pesos [\$150 to \$240] as a hawk to making thousands of dollars, more than you can imagine. And they can control important turfs".<sup>63</sup>

While drug traffickers are traditionally from Mexico's wealthier north, the Zetas have high numbers of recruits from the poor centre and south, including arrested operatives from states such as Puebla, Campeche, Oaxaca and Tabasco. Lazcano hailed from the ramshackle farming village of Acatlán in underdeveloped Hidalgo state.<sup>64</sup> However, the Zetas have carried out most of their violence in the north-east, away from these southern homelands.

The Zetas are accused of the worst of Mexico's cartel violence, including the massacre of 72 migrants near the town of San Fernando (Tamaulipas), the dumping of 49 decapitated victims near Cadereyta (Nuevo León), the burning of a Monterrey casino and the dumping of hundreds of bodies in mass graves.<sup>65</sup> They control turf through fear and make no claims to protect civilians. As a new cartel, they have less developed drug routes and rely much more on other crimes, particularly kidnapping, extortion and oil theft.<sup>66</sup> The extreme violence and the broad range of their crimes lead many in law enforcement to label them the country's no. 1 danger. "They engage

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<sup>59</sup> Crisis Group consultant interview in former capacity, army colonel, 5 October 2009. Zeta origins are documented in eg, Ricardo Ravelo, *Osiel: Vida y Tragedia de Un Capo* (Mexico City, 2009).

<sup>60</sup> Crisis Group Latin America Report N°39, *Guatemala: Drug Trafficking and Violence*, 11 October 2011.

<sup>61</sup> Many details of Zeta operations and division from the Gulf Cartel are provided by founding Zeta Jesús Enríquez Rejón in testimony to federal police following his arrest on 4 July 2011. Sections of the federal police video are at [www.youtube.com/watch?v=YUD5Tc9NIw](http://www.youtube.com/watch?v=YUD5Tc9NIw). Rejón said the Zetas were angered by a 2007 peace deal of Gulf Cartel leaders with the Sinaloa Cartel.

<sup>62</sup> The navy released a statement on 9 October 2012, saying marines had shot Lazcano dead in the town of Progreso in Coahuila state, but the body had been stolen. The navy said it identified the body through photographs and fingerprints, but because the DNA had not been confirmed, doubts were raised about the killing in the Mexican and international media. Agents said the organisation was subsequently taken over by his top lieutenant, Miguel Treviño, alias "Z-40".

<sup>63</sup> Cuitláhuac comments made at the Annual International Money Laundering conference in Cancún, attended by Crisis Group, 1 August 2012.

<sup>64</sup> Crisis Group obtained the record of Lazcano's birth.

<sup>65</sup> Details of the Federal Attorney General Office's investigations into these crimes and arrests and convictions of Zeta members are in PGR statements, including "Sujetos a proceso penal 82 de los posibles responsables en el caso de las fosas de San Fernando", 23 August 2011.

<sup>66</sup> Crisis Group consultant interview in former capacity, senior DEA official in Mexico, 2 February 2012.

in any criminal activity that will generate profits”, said a former senior DEA officer who served thirteen years as an agent in Mexico. “It is basically a paramilitary criminal organisation that is spreading like the bubonic plague throughout Mexico and Central America”.<sup>67</sup>

These two models of organised crime can be seen to varying degrees in other cartels. The Tijuana Cartel, with historic links to the Sinaloans, focuses on trafficking major cocaine loads into the U.S., while La Familia, originally trained by the Zetas, has diversified into large-scale extortion.<sup>68</sup> Peña Nieto has said he makes it a priority to go after the criminal groups who commit the most extortion and kidnapping, activities often carried out by the Zetas. But he has also stated he will go after any groups behind the homicides, and both the Zetas and Sinaloans have heavily-armed murder squads.

### C. *Murder Squads*

Born in the town of Guasave in Sinaloa state in 1975, Oscar Osvaldo García fought his way out of a poor and broken home by serving in the marines. As he rose to corporal and trained in anti-insurgency tactics, he realised he could make far more money selling his martial skills to the cartels. After deserting, he began working for Sinaloan crime boss Arturo Beltrán Leyva around 2002, as a *sicario*, a paid killer, murdering any who had not paid their debts.<sup>69</sup> As the violence escalated, García rose to head a cell of heavily-armed cartel troops fighting rival gangsters and security forces. When police arrested him in a Mexico City house in 2011, he confessed to 300 murders. His most spectacular crime, prosecutors said, was directing the massacre of 24 people whose bodies were left on a road leading into the capital in 2008. “I was trained to kill”, García said, unblinking, in videotaped testimony to prosecutors. He acknowledged murdering not only rival gangsters but also dozens of witnesses. “They were innocent, but they had seen too much. They had seen too many faces, and they had to go”.<sup>70</sup>

The cartels have carried out their tens of thousands of murders by recruiting youths whom they train in squads, provide with arms and teach efficient operational tactics. In Roman-occupied ancient Israel, the *Sicarii* were assassins who struck with concealed daggers. The term was used by the Sicilian mafia to describe their killers, and the Colombian cartels picked it up in the 1980s, when they revolutionised the murder business by recruiting thousands from the slums to carry out killings on motorcycles, training them to work in teams that blocked cars and shot their victims through the windows. This “school of motorcycle assassins” showed that many alienated youth in Latin America could be won over by a decent salary and a sense of purpose.<sup>71</sup> Mexican cartels in the last decade have recruited thousands of street gang members, school drop-outs and unskilled workers. In some cases killers are paid as little as 1,000 pesos (\$78) per murder.<sup>72</sup> Many are teenagers, some barely into ado-

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<sup>67</sup> Crisis Group interview, Mike Vigil, Mexico City, 19 September 2012.

<sup>68</sup> Crisis Group interview, army lieutenant colonel, San Luis Potosí, 20 August 2012.

<sup>69</sup> Videotaped García testimony to state prosecutors, released to media 15 August 2011. Sections can be seen at [www.youtube.com/watch?v=xp87EIWwzVQ](http://www.youtube.com/watch?v=xp87EIWwzVQ).

<sup>70</sup> Ibid.

<sup>71</sup> Tabio Castillo, *Los Jinetes de la Cocaína*, (Bogotá, 1987), p. 11.

<sup>72</sup> Testimony of police, soldiers, social workers and gang members provided to Crisis Group confirm these numbers

lescence, such as a fourteen-year old who said on television he had decapitated four people.<sup>73</sup>

Social workers say cartels can ensnare these youths because the government has neglected many working class urban areas.<sup>74</sup> “The schools are closed, and there is no work and no opportunity. On the other side, the criminals, they say, ‘Come here. There is a job for you’”, explained Juan Pablo García, a social worker in the urban area around Monterrey. “The kids get Uzis, AR-15s, 38s and 9mm, and they are killing people .... A kid working for the cartels can make between 5,000 and 6,000 pesos [\$390-\$468] a fortnight, while in a regular job, they get about 3,800 pesos [\$298] per month”. These young *sicarios* provide cartels with a huge pool from which they can replace those who are killed or arrested. And when minors between fourteen and eighteen years old are detained in Mexico, they can receive a maximum sentence of only ten years in a corrective institution in some states and three years in others.<sup>75</sup>

Most of these young *sicarios* are led by more seasoned cartel soldiers, who often have military or police experience. The cell leaders are usually known as *jefes de sicarios* (killer bosses). The commanders will often give recruits weapons training in makeshift camps, which have been found from close to the U.S. border to over Mexico's southern frontier in the Guatemalan jungles.<sup>76</sup> Cartel bosses will often treat the young killers as cannon fodder, throwing them into suicidal attacks on security forces, military officers say.<sup>77</sup> In many of these confrontations, troops will shoot dead ten or more attackers while suffering no casualties.

However, the cartels use the attacks to pressure the armed forces and pin them down, according to an army lieutenant colonel who has fought them across Mexico:

We will go on patrol and face an ambush by these young kids who don't even know how to shoot. When you have disciplined soldiers they are going to win in these shoot-outs. But then maybe the troops are being held up, while the bad guys are moving drugs or carrying out a murder somewhere else. And by attacking the army, they are trying to show the population that they have power.<sup>78</sup>

The murder squads are also aided by a vast network of “hawks”, paid to watch the street and report any activity by radio or mobile phone, the lieutenant colonel said. “Almost every two or three blocks of towns, they have people. Everyone calls them, from the person selling chewing gum, the guy on the corner, the shopkeepers, handicapped people, kids on the street. When we get close, they know we are coming and change direction”.<sup>79</sup> This network of look-outs has made the job of the security forces much more difficult and causes them to regard anyone on the street with suspicion.

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<sup>73</sup> Crisis Group consultant interview in former capacity, Morelos state prosecutors, 8 December 2010, in connection with the case of a minor arrested by soldiers near the city of Cuernavaca on 3 December 2010. The case was widely discussed in Mexican and international media. The minor (also a U.S. citizen) was given the maximum three-year sentence in a corrective facility.

<sup>74</sup> Crisis Group interviews, social workers Juan Pablo García, Nuevo León, 12 October 2012; Sandra Ramírez, Ciudad Juárez, 23 November 2012.

<sup>75</sup> For the regulations regarding the minor and juvenile justice system, see: “Protocolo de actuación para quienes imparten justicia en casos que afecten a niños, niñas y adolescentes”, Supreme Court of Justice, February 2012.

<sup>76</sup> Security forces have dismantled dozens of cartel training camps across Mexico, detailed in “Hal-lan presunto campo de entrenamiento de Zetas en NL”, *La Jornada*, 1 August 2012.

<sup>77</sup> Crisis Group interview, lieutenant colonel, San Luis Potosí, 20 August 2012.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

The squads murder with a range of weapons. The U.S. is estimated to be the source of more than two thirds of the firearms. Mexican security forces captured more than 99,000 guns between 2007 and 2011, and the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) traced 68,000 of them to U.S. gun sellers.<sup>80</sup> The biggest killers are Kalashnikov and AR15 assault rifles, many versions of which were prohibited under the 1994 U.S. assault rifle ban that was lifted in 2004, when serious cartel warfare first escalated in Mexico.<sup>81</sup> Cartels also favour pistols, such as the Fabrique Nationale 5.7, known in Mexico as the “cop killer” because its armour-piercing rounds penetrate the protective vests of police, and mounted, belt-driven machine guns that fire .50 ammunition. Both these weapons are sold in Arizona and Texas. Cartels usually acquire them through straw buyers, U.S. citizens paid a fee per gun, say ATF agents.<sup>82</sup> The cartels take them into Mexico, often using the same cars with hidden compartments that smuggle drugs north.

The gunmen also favour fragmentation grenades and rockets fired by the shoulder-carried RPG-7. Many have been traced to the military forces of Guatemala, El Salvador and Honduras, where gangs steal them from stockpiles to sell on the black market. Some are old M67 grenades the U.S. provided to support Central American countries in the Cold War, in the 1980s, according to ATF investigations.<sup>83</sup> Central American countries have reported various thefts of grenades and launchers, including the robbery of 22 RPG-7's in Honduras in 2010.<sup>84</sup>

The severity of cartel violence has been extreme. The killers have opened fire on weddings, football games, funerals and drug rehab centres. In May 2012, they left 49 bodies with no heads, hands or feet on a road near the industrial city of Monterrey. Cartels often aim their attacks at rivals, leaving threatening messages with the bodies. In other cases, they leave notes directed at informants or even government officers, frightening many in the public from providing information about criminals.

Furthermore, drug agents say, cartels also use such explicit violence to cause terror and instability generally, trying to force the government to back away. The former head of DEA international operations explained:

The cartels see that you don't have to engage in major battles. You have to win hearts and minds. If you create instability, then the people themselves will turn against the government. If they see the police and army can't protect them from massacres, that creates lack of respect for the government. So the cartels are sending a message out to say, “don't tread on me”.<sup>85</sup>

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<sup>80</sup> ATF numbers were first released publicly in a press statement, “ATF Releases Government of Mexico Firearms Trace Data”, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, 26 April 2012. More details were in ATF Report 123876. In 2010, 58.6 percent of the weapons traced to U.S. stores were rifles; 52.6 percent had been manufactured in the U.S.

<sup>81</sup> The Public Safety and Recreational Firearms Use Protection Act took effect on 13 September 1994 and expired on 13 September 2004, due to a ten-year sunset provision.

<sup>82</sup> Crisis Group consultant interview in former capacity, ATF officials, Phoenix, Arizona, 15 June 2009 and phone, 16 July 2010; gun shop owners, Phoenix, Arizona, 16 June 2009.

<sup>83</sup> Crisis Group consultant interview in earlier capacity, ATF officials, Phoenix, Arizona, 15 June 2009. The grenades issue is identified in Nick Miroff and William Booth, “Mexican drug cartels' newest weapon: Cold War-era grenades made in U.S.”, *The Washington Post*, 17 July 2010.

<sup>84</sup> “Se Roban del CALFAA 22 RPG-7 con sus respectivas municiones”, *El Heraldo* (de Honduras), 7 February 2012.

<sup>85</sup> Crisis Group interview, Mike Vigil, Mexico City, 19 September 2012.

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### III. The Calderón Offensive

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On a winter morning in the small town of Aguililla, perched between the ravines and cliffs of the Michoacán mountains, soldiers lined up dozens of suspects on the side of the road, as two helicopters flew low over breezeblock homes, and Humvees bearing mounted machine guns drove to the central plaza. The date was 13 December 2006, and the military incursion into the highlands was the first thrust in President Calderón's national offensive on drug cartels, days after he was sworn into office.<sup>86</sup> Within weeks, 6,000 soldiers had arrived in Michoacán, while troops also began offensives close to the U.S. border, in the port of Acapulco and in the Sinaloan mountains. Calderón supported the mission by dressing in green army fatigues and speaking personally at a Michoacán military base. This broke with tradition in Mexico, where civilian presidents have shied from donning military dress. He also used martial rhetoric, telling troops: "New pages of glory will be written. I instruct you to persevere until victory is achieved. We will give no truce or quarter to the enemies of Mexico".<sup>87</sup>

Soldiers had long taken part in Mexico's fight against drugs, with thousands of troops burning marijuana crops since at least the 1960s. President Fox also ordered soldiers on some high-profile missions against drug gangs, sending several hundred to back up federal agents in Tamaulipas state in 2005, in Operation Safe Mexico.<sup>88</sup> However, Calderón took the offensive to a much higher level, dispatching far more troops to fight cartels in all six border states and more than seven other states in the interior. By the end of 2007, there were 45,000 soldiers on missions against cartels; at the height of the military offensive in 2011, 96,000 were engaged in the fight, close to 40 per cent of all active personnel.<sup>89</sup> The army was joined in the crackdown by about 16,000 marines, the strike force of the navy. With many officers training with the U.S. Northern Command, the marines became an elite group in the offensive, sent against the highest-profile traffickers.<sup>90</sup>

Calderón's offensive quickly broke two world records in narcotics and cash seizures. In March 2007, federal police made the biggest drug cash bust ever, when they raided a house in the upscale Mexico City neighbourhood of Lomas de Chapultepec and seized \$205.6 million in \$100 bills and another \$1.5 million in pesos. Allegedly from crystal meth sales, it was so much money that notes filled the lounge and spilled down corridors into the kitchen.<sup>91</sup> Then in October, marines stormed a container boat in the Pacific port of Manzanillo and seized 23,562 kilos of cocaine

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<sup>86</sup> Crisis Group consultant's observations in earlier capacity, 13 December 2006.

<sup>87</sup> Calderón statement at defence ministry's Campo 1, 10 February 2007, transcription provided by Mexican presidency.

<sup>88</sup> Crisis Group consultant in earlier capacity covered Operation Safe Mexico in Nuevo Laredo; also see, "Nuevo Laredo police detained for drug testing", *Houston Chronicle*, 14 June 2005.

<sup>89</sup> "Calderon devolvio a 50% de la tropa a los cuarteles", *Milenio*, 16 December 2012. See also, "Sex-to Informe de Labores", Secretaria de la Defensa Nacional, date not available. According to [www.sedena.gob.mx/pdf/informes/sesto\\_informe\\_labores.pdf](http://www.sedena.gob.mx/pdf/informes/sesto_informe_labores.pdf), the Mexican army by 2012 had a total of 210,674 personnel and the Navy 54,728.

<sup>90</sup> U.S. preference for the marines over other Mexican agencies was suggested in cables made public by WikiLeaks, eg, "Mexican Navy Operation Nets Drug Kingpin Arturo", U.S. Mexico City embassy cable 3573 (2009). See also "Calderon: WikiLeaks caused severe damage to U.S.-Mexico relations", *The Washington Post*, 3 March 2011.

<sup>91</sup> The raid took place on 15 March 2007. The DEA classified it as the biggest ever cash bust globally. See "Not your average drug bust", *The Washington Post*, 25 July 2007.

concealed beneath a false floor and reportedly connected to the Sinaloa Cartel. The ship had sailed from the Colombian port of Buenaventura under a Hong Kong flag. That cocaine would have been worth billions of dollars if it had been sold on U.S. streets.<sup>92</sup>

The government also extradited more kingpins and traffickers to the U.S. than ever before, handing over 83 suspects in 2007 and 85 in 2008, compared to 41 in Fox's last year.<sup>93</sup> Among them were Osiel Cárdenas, the former head of the Gulf Cartel who ordered the creation of the Zetas, and Hector "Blondie" Palma, a kingpin from the Sinaloa Cartel. The fight against cartels was a higher priority than at any time before, and the military was more active than ever in it.

So why did Calderón launch this unprecedented attack on Mexican cartels? In view of the tens of thousands of deaths that followed, his motivations have become hotly debated, especially as he did not explicitly talk about such an offensive during his campaign. Calderón and his top aides say that he was simply upholding the law as he had promised. While other presidents had been soft on cartels, allowing them to grow into monsters, they say, he would send them to jail. "It was not truly a controversial topic in the campaign, but that doesn't mean it wasn't one of his main goals", said former Interior Secretary Poiré. "[Calderón] stated from the very beginning in his plan that there were five areas in which his government would make an emphasis, and the very first one of these had to do with rule of law".<sup>94</sup>

Poiré also said that Calderón was forced to turn to the military because at the time he took office, no other force was capable of confronting heavily-armed cartels. The federal police only had 6,000 officers in December 2006. The government eventually expanded it to 38,000, who faced more rigorous vetting and training, and used it to replace soldiers in some areas. It also reorganised many state police forces (see below).

Calderón's offensive directly followed a steady escalation of cartel violence in the three years leading to his presidency; a government count found 1,304 cartel-related murders in 2004, 1,776 in 2005 and over 2,100 in 2006.<sup>95</sup> The violence was especially acute in Michoacán, Calderón's home state, which suffered more than 500 cartel murders in 2006, including an incident that gained international attention, in which gunmen threw five severed heads onto a disco dance floor.<sup>96</sup>

Calderón and his top generals described the offensive as recovering space from the cartels. When gunmen first hit back against the troops, firing on a convoy and killing five soldiers near the Michoacán town of Carácuaro, the generals said they would strike harder rather than back off. "Such sad events make the whole military and naval family mourn", General Brigadier Guillermo Almazán said at a military ceremony for the fallen soldiers. "It obliges the forces of land, sea and air to redouble efforts in the fight against organised crime to maintain calmness, guarantee security to the population and recover spaces that by right belong to society".<sup>97</sup>

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<sup>92</sup> Marines raided the ship in Manzanillo, Colima on 31 October 2007. See "Mexico tries to show resolve with big drug seizure", *The New York Times*, 29 November 2007.

<sup>93</sup> "Mexico and U.S. Wrap Up Record Year of Extraditions", U.S. Mexico City embassy press release, 30 December 2008.

<sup>94</sup> Crisis Group interview, Mexico City, 17 October 2012.

<sup>95</sup> "Ejecuciones en México equivalen a un tercio de muertes en Irak desde 2003", *El Universal*, 5 June 2007.

<sup>96</sup> "Human heads dumped in Mexico bar", BBC, 7 September 2006.

<sup>97</sup> Speech at Campo Militar 1, Mexico City. 2 May 2007, transcript provided by Mexican presidency.

Critics, including the PRI parliamentary bloc in the Senate, argue Calderón's strategy was flawed from the beginning, because it did not include an authentic crime prevention policy.<sup>98</sup> The government did not explain whether the offensive aimed to get rid of all drug traffickers, reduce the killing or something else. Nor was it clear what specific benchmarks would be used to determine when the military could return to the barracks. Critics also complain there was no discussion about the offensive in Congress or by the public and allege Calderón used it to establish his leadership after a narrow electoral victory.<sup>99</sup> He had defeated his leftist rival, Andrés Manuel López Obrador, by 0.6 per cent, the closest presidential vote in Mexico's history. López Obrador claimed fraud and led major protests.

Some also contend a high-profile offensive was bound to escalate, not solve the problem. "Sending the army out was an irresponsible act. We are not in a war in that sense. We are not invaded by a foreign country", said Javier Sicilia, leader of a victims movement and major Calderón critic. "What does this policy do? It forces the cartels to arm themselves on the same scale as the army".<sup>100</sup>

#### A. U.S. Support

The U.S. government hailed the crackdown. It had long pushed for more aggressive strategies against drug traffickers in producer and transit countries such as Mexico. It had given aid to Mexican anti-drug efforts since the 1970s, when it provided helicopters and light aircraft for aerial spraying of marijuana and opium poppy crops.<sup>101</sup> Since 1986, its Congress had enacted the process of drug certification, in which nations viewed as not doing enough against the narcotics trade were threatened with the loss of much of their foreign aid and loans.<sup>102</sup> When Calderón launched the military offensive, U.S. officials heaped praise on the new president. "The cartels are trying to make a statement to the authorities not to interfere with their enterprises. And they are also trying to send a message to the public saying they are in control", a senior DEA official in Mexico said after Calderón's first year in office. "But it's not going to work, because, quite frankly, this country has a new sheriff".<sup>103</sup>

The applause was backed by tangible resources after Calderón met with President George W. Bush in Mérida in March 2007. The Mérida Initiative, unveiled in October that year, promised, "a new and intensified level of bilateral cooperation" against cartels that "pose a clear and present threat to the lives and well-being of U.S. and Mexican citizens".<sup>104</sup> The U.S. pledged \$1.4 billion to help fight crime mobs for fiscal

<sup>98</sup> Andrea Becerril and Victor Ballinas, "La estrategia anticrimen de Calderón 'es fallida'", *La Jornada*, 8 November 2012.

<sup>99</sup> Alan Riding, "Turning back or moving on?", *The New York Times*, 27 June 2012.

<sup>100</sup> Crisis Group interview, Cuernavaca, Morelos, 29 September 2012.

<sup>101</sup> U.S. aid to Mexico in the 1970s is documented in Elaine Shannon, *Desperados: Latin Drug-lords, U.S. Lawmen, and the War America Can't Win* (New York, 1988).

<sup>102</sup> "Reforms to the U.S. drug certification process enacted in September 2002 (P.L. 107-228) essentially eliminated the annual drug certification requirement, and instead required the President to designate and withhold assistance from countries that had "failed demonstrably" to make substantial counternarcotics efforts. In the aftermath of this legislative change, antidrug cooperation with Mexico improved considerably during the Fox administration (2000-2006)". Clare Ribando Seelke, "Mexico and the 112th Congress", Congressional Research Service, RL32724, Washington DC, 29 January 2013.

<sup>103</sup> Crisis Group consultant interview in former capacity, 15 January 2008.

<sup>104</sup> Joint statement on the Mérida Initiative, 22 October 2007, at [www.state.gov](http://www.state.gov).

years 2008 to 2010, funding that continued under President Barack Obama at about \$330 million a year in 2011 and 2012. The money brought Mexico's security forces hi-tech equipment, including Black Hawk helicopters, surveillance aircraft and the latest wiretap gear, as well as training for strengthening institutional capacity.<sup>105</sup>

The initiative has often been compared to Plan Colombia, in which U.S. aid transformed that country's army and police in their fight against cocaine traffickers and guerrillas. But while Plan Colombia substantially strengthened the security forces,<sup>106</sup> the Mérida Initiative had a less dramatic effect, giving fewer resources to a far bigger country. Mexico itself was spending about \$14 billion annually on its federal security and justice agencies by the end of Calderón's term.<sup>107</sup> Rather than the economic impact, Mexican and U.S. officials emphasised that the initiative showed Washington was taking real responsibility for the joint problem for the first time. "We understand that the U.S. demand for illicit drugs is a primary driver of the trade that has caused so much suffering in Mexico", said the State Department's Feeley. "The Mérida Initiative is an unprecedented rule of law partnership between the U.S. and Mexico that confronts organised crime and its associated violence".<sup>108</sup>

The cooperation also increased intelligence sharing on suspects, officials say. The U.S. has one of its largest DEA offices in the world in Mexico, as well as ATF, Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE) and CIA agents. U.S. intelligence led Mexican forces to many seizures and the arrests and shooting of major kingpins, including Arturo Beltrán Leyva, agents say.<sup>109</sup> However, these actions against the cartels soon provoked a violent reaction.

## B. Escalation

In May 2008, nine bullets were fired at short range into the acting head of the federal police, Edgar Millán, when he walked into his Mexico City home. The cartel gunman had entered the house with keys supplied by a corrupt officer. After bodyguards detained the shooter, they say the badly injured Millán began to question his own assassin. However, he lost consciousness before he received any answers and died hours later in hospital.<sup>110</sup> The assassination, allegedly ordered by kingpin Arturo Beltrán Leyva, profoundly unsettled Mexico's establishment. That the nation's top policeman could be killed in his own home showed that cartels posed a worse threat to the establishment than many had imagined. Other losses soon followed, including the ambush and killing of seven federal police the same month and the murder of

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<sup>105</sup> Mérida Initiative, Department of State, at [www.state.gov/j/inl/merida](http://www.state.gov/j/inl/merida); and "U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond", Congressional Research Service, 15 August 2011. See also, "Iniciativa Mérida", informative note, U.S. Mexico City embassy at <http://spanish.mexico.usembassy.gov/es/temas-bilaterales/> and <http://mexico-y-eu-de-un-vistazo/iniciativa-merida.html>.

<sup>106</sup> Crisis Group, Latin America Report N°45, *Colombia: Peace at Last?*, 25 September 2012

<sup>107</sup> "Aprueban el Presupuesto 2012; castigan el gasto social", *Excelsior*, 17 November 2012. The 2012 federal budget awarded the following amounts in millions of pesos: defence ministry, 55,610 (\$4.2 billion); public security ministry, 40,536 (\$3.1 billion); navy, 19,679 (\$1.5 billion); federal attorney general's office, 14,905 (\$1.1 billion); judicial power, 45,832 (\$3.5 billion).

<sup>108</sup> Crisis Group interview, Washington DC, 12 December 2012.

<sup>109</sup> "Statement from DEA Acting Administrator Michele M. Leonhart on the Death of Mexican Drug Cartel Leader Arturo Beltran-Leyva", DEA, 17 December 2009.

<sup>110</sup> Crisis Group consultant interviews in earlier capacity, federal investigators following 8 May 2008 murder.

eleven soldiers in Monterrey in October.<sup>111</sup> By the end of Calderón's administration, gunmen had killed more than 2,800 police officers, and more than 350 soldiers and marines had died in security operations.<sup>112</sup>

The step-up in attacks on security forces coincided with a sharp increase in all cartel-related homicides, an escalation that would continue for the next four years. A government count found that in 2007 there were 2,826 cartel-related killings, and in 2010 there were 15,272.<sup>113</sup> The violence was not spread evenly across Mexico but concentrated in states along the U.S. border and down the Western Sierra Madre. The most murderous places could vary by year. Some states saw more attacks on security forces, others more inter-cartel fighting, and yet others more attacks on journalists and human rights defenders, signalling different local dynamics in the violence. However, drug agents and analysts say several factors explain the general escalation after 2008.

First, the cartels responded to the early success of Calderón's offensive by a deliberate campaign of terror against government forces and civilians. "It was a process of intimidation", the former DEA international chief said. "They wanted to send a message. If you don't play ball, we are going to put bullets into you".<sup>114</sup> The violence included attacks on members of the public apparently designed to shake the government's will. In a 2008 incident commonly cited as an act of terrorism, killers threw two fragmentation grenades at people celebrating Independence Day in the packed central plaza of Morelia, capital of Michoacán state.<sup>115</sup> The revellers believed the bangs were firecrackers until they saw people falling to the ground covered in blood. Eight died and more than 100 suffered shrapnel injuries, some of which left long-term disabilities. The atrocity, allegedly by the Zetas, was particularly startling as it was an indiscriminate attack on random victims. In the following years, people across Mexico became wary of public events in packed plazas.<sup>116</sup>

Such bloodshed put intense pressure on Calderón and his cabinet to rethink strategy. "Those have certainly been very hard moments. But the question is what would have happened if we had not started this strategy six years ago? I think we would have seen many more of those cases, sadly enough", former Interior Secretary Poiré said.<sup>117</sup>

Another factor driving the violence pointed to a more fundamental challenge. The government tried to hammer the cartels by removing their leaders. By doing so, they hoped, the cartels would fragment into smaller, easier to control units. This is known

<sup>111</sup> "Ven 'cacería' kaibil en homicidio de militares", *El Universal* (México), 22 October 2008.

<sup>112</sup> "Relación de personal fallecido en la aplicación de la campaña permanente contra el narcotráfico y la Ley Federal de Armas de Fuego y Control de Explosivos de Dic. 2006 al 30 Nov. 2012", Secretaría de la Defensa Nacional (SEDENA), [www.sedena.gob.mx/images/stories/archivos/derechos\\_humanos/pnal\\_fallecido.pdf](http://www.sedena.gob.mx/images/stories/archivos/derechos_humanos/pnal_fallecido.pdf); The newspaper *Reforma's* count of cartel-related killings included some 2,981 police during Calderón's term, "Matan a 21 Cada Día", 30 November, 2012; a second paper counted 2,894, "27 Ejecutados al día", *Milenio*, 1 December 2012.

<sup>113</sup> In 2008, there were 6,838; in 2009 there were 9,614; "Base de datos por fallecimientos por presunta rivalidad delincuencia", Federal Attorney General's Office (PGR). That office stopped publishing data after September 2011.

<sup>114</sup> Crisis Group phone interview, 19 September 2012.

<sup>115</sup> "Atentados en Morelia: suman ocho muertos", *El Universal* (México), 16 September 2008.

<sup>116</sup> In the following years, several towns cancelled Independence Day celebrations because of fear of violence; "Narcoviencia obliga a cancelar festejos patrios en municipios de SLP", *Proceso*, 15 September 2012.

<sup>117</sup> Crisis Group interview, Mexico City, 17 October 2012.

among drug agents as cartel decapitation. The government compiled a list of 37 major bosses. By the end of its term, 25 had been killed or arrested. The problem was that when cartel heads were killed or arrested, bloodshed resulted, as their lieutenants and rival cartels fought over their territory. An example was in the state of Morelos, bordering Mexico City. While kingpin Arturo Beltrán Leyva had long used the region of spa towns to fly in cocaine shipments on their way to the U.S., there had been little drug-related violence, as no rival challenged him. After marines allegedly shot him dead in December 2009, a battle for the territory erupted. The homicide rate in the state shot up from 259/100,000 in 2009 to 487 in 2010.<sup>118</sup> Similar battles followed the demise of kingpins across Mexico, from Acapulco to Guadalajara.

Furthermore, many lieutenants who replaced the fallen cartel bosses are from a younger generation and even more confrontational and violent than their predecessors. The 56-year-old Ignacio "Nacho" Coronel was considered to favour deals over bloodshed as he ran his trafficking empire from Guadalajara. But after soldiers killed him in 2010, his lieutenants renamed themselves the "Jalisco New Generation Cartel" and conducted a number of massacres to try and keep hold of the city.<sup>119</sup> This dynamic made Calderón's objective of recovering space from cartels extremely difficult. If the government did not attack, the cartels consolidated their power. But when it did go on the offensive, it made them more violent, with shoot-outs and mass killings making the gangsters more visible and scaring the public. Consequently, Calderón changed his rhetoric from mainly focusing on the confrontation to building better security institutions, the right objective but one far harder to accomplish in the short term.

### C. *Police and Justice Challenges*

When Calderón took office, he inherited a federal police force of just 6,000 officers, 31 state forces and more than 2,000 municipal corps that varied widely from groups of less than ten officers in remote mountain villages to those in major cities with thousands under municipal command. Calderón and Public Security Secretary Genaro García Luna were strong critics of the municipal police, who, they said, were often poorly paid, poorly trained and corrupt.<sup>120</sup> Several high-profile video scandals supported accusations that municipal police were dirty. One video showed local officers kidnapping three men from a hotel who were later found murdered in Jalisco state. Another showed police kidnapping their own mayor from his home in the wealthy municipality of Santiago, before his corpse was dumped on a nearby road. "Today in the country there is a car that is not moving, because the Mexican state is not putting in the petrol; that is to say the municipal police have a salary deficit of 1,200 million pesos (\$94 million) a month, and that is financed by criminals or corruption", García Luna said.<sup>121</sup>

Calderón tried to overhaul the police forces and the justice system in several ways. First, in June 2008, following pressure from civil society groups, he signed amendments to the constitution to change the entire criminal justice system from a closed-door process based on written arguments to a public trial system with oral

<sup>118</sup> Homicide rates as recorded by National Institute of Statistic and Geography (INEGI).

<sup>119</sup> Cartel-related killings in Jalisco shot up from 212 in 2009, the year before Coronel's death, to 776 in 2011, the year after, according to the count by the newspaper *Reforma*.

<sup>120</sup> "García Luna: aporta el crimen 14 mil mdp a salario policial", *Milenio*, 13 October 2011.

<sup>121</sup> *Ibid.*

arguments. These reforms were aimed at breaking an old vice of reliance on forced confessions and to oblige the building of proper cases, as well as to speed up trials and give suspects a fairer hearing. They should also make it harder for cartels to bribe judges. "I think it will reduce the problem of impunity, as in a public audience it is very difficult to pass a not-guilty sentence, when all points to the person being guilty", said José Arturo Salinas, a PAN lawmaker specialising in legal reform. "There is social pressure on a judge".<sup>122</sup> However, courts have until 2016 to implement the changes, and they had only had a limited effect by the end of Calderón's term in office.<sup>123</sup>

In some states where oral trials were introduced, such as Chihuahua, prosecutors also found it harder to convict alleged cartel members because of lack of evidence. The limitations of the system were exposed by a tragic episode in Ciudad Juárez, in which Marisela Escobedo waged a public campaign to get justice for her seventeen-year-old daughter, whose burned and dismembered remains were found in a rubbish bin in 2009. Escobedo accused the former boyfriend, Sergio Barraza, a man allegedly linked to the Zetas, and prompted police to arrest him. Barraza initially confessed and led police to the remains. At trial, however, he said he had been tortured, and a panel of three judges released him for lack of evidence. Escobedo campaigned for a new conviction, during which time she reported receiving death threats. In 2010, she was shot dead outside the courthouse; Barraza was suspected of involvement.<sup>124</sup> Amid a public outcry, the three judges who had released him resigned. In November 2012, soldiers killed Barraza and three other suspected Zetas in a gun battle in Zacatecas state.<sup>125</sup>

To improve police so they could make better cases, Calderón also introduced a reform bill in October 2010, proposing to put municipal forces under state authority and impose national standards on them. However, it was caught in Congressional gridlock and not approved by the time he left office. His administration also introduced national vetting, including lie detectors and drug tests, but a procedure to deal with those who failed was not clearly defined. 333,540 local, state and federal police officers have been subjected to vetting procedures, but of the 15 per cent – some 50,000 – who failed, only 20 per cent have been removed from service.<sup>126</sup> Federal police and soldiers arrested large groups of municipal police, charging many with working with organised crime. A June 2009 sweep detained 92 municipal officers accused of helping the Zetas in Hidalgo state.<sup>127</sup> In 2011, 100 administrators and 900 police in the port city of Veracruz were fired amid corruption accusations, and recently, 158 local police were arrested in Durango state for alleged organised crime ties.<sup>128</sup>

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<sup>122</sup> Crisis Group interview, Mexico City, 25 September 2012.

<sup>123</sup> "Tendremos juicios orales penales el 2016 en todo el país". Interview with María de los Angeles Fromow, technical secretary, Coordination Council for the Implementation of the Criminal Justice System (CETEC), Foro Jurídico (online), February 2012.

<sup>124</sup> "El asesinato de Marisela Escobedo, la madre mexicana que protestó demasiado", *El País*, 8 October 2012.

<sup>125</sup> "Que me maten, pero aquí", *El País*, 19 December 2010; "Renuncian los tres jueces que dejaron libre al asesino de Rubí Marisol Frayre (Escobedo)", *La Jornada*, 15 March 2011; "Abaten a asesino de hija de activista", *Reforma*, 22 November 2012.

<sup>126</sup> "Sigue en activo 80% de los policías reprobados en confianza: SNSP", *Proceso*, 6 November 2012. The figures are the government's.

<sup>127</sup> "Quedaron a disposición de la SIEDO 92 policías aprehendidos en Hidalgo", *La Jornada*, 26 June 2009.

<sup>128</sup> <http://univisionnews.tumblr.com/post/14698225283/mexico-veracruz-fires-its-entire-police-force>; "Detienen a 158 policías ligados al narco", *Excelsior*, 19 January 2013.

Many state and municipal authorities fired or prosecuted large numbers of their own police. In many cases, governors and mayors appointed military officers as police chiefs, a policy encouraged by the federal government. These military officers, who were either retired or were granted a leave of absence, took control of police forces in cities including Tijuana, Ciudad Juárez, Cancún and Monterrey, and such states as Aguascalientes, Tamaulipas, San Luis Potosí, Nuevo León, Chihuahua, Coahuila, Colima, Michoacán, Sinaloa and Zacatecas. Many of them hired soldiers as their officers.

The working class municipality of Guadalupe on the outskirts of Monterrey was an extreme case in which the vast majority of police were replaced with soldiers. Former army Colonel Enrique Alberto San Miguel, named as its public security secretary in April 2011, immediately fired 95 per cent of the 700 officers, believing most worked for the Zetas. 87 were imprisoned, charged with racketeering and other crimes. He hired 230 ex-soldiers to take over, saying he greatly preferred soldiers to civilian officers: "In the army, they instil a sense of responsibility and loyalty to the institutions, to an untouchable honour, to bravery, a spirit of sacrifice and a spirit of the corps. They feel proud of the uniform".<sup>129</sup>

San Miguel named as his police director and second-in-command fellow army officer Florencio Santos, a veteran of the campaign against the Zapatista guerrillas in the southern state of Chiapas. Santos said that when he took command, corruption had been so bad that the Zetas moved openly in Guadalupe neighbourhoods: "It was incredible when I arrived. Criminals moved around armed. I asked who they were, thinking they were detectives or something, in plain clothes with guns, and they told me, 'no', they are Zetas. How is this possible?"<sup>130</sup>

The newly militarised police attacked the Zetas across Guadalupe, provoking a ferocious response. In the first seven months, gunmen murdered thirteen officers and destroyed dozens of police cars with bullets and grenades. Santos survived several ambushes in which his bulletproof vehicle came under heavy fire. He described the Zetas as:

... like an urban guerrilla that operates clandestinely. They carry AK-47s. They carry Galils. They carry carbines. They carry good weapons, better than ours. We don't have heavy weapons, because the government doesn't allow it, and they give us police guns. The biggest we have seized is a .50, a sniper rifle that can bring down aeroplanes.<sup>131</sup>

Following a powerful campaign against the Zetas over eighteen months, San Miguel claims to have greatly reduced their power in Guadalupe and forced them to flee to other municipalities. Although heavily armed, San Miguel says, when Zetas face trained and disciplined opponents, they run. "They attack like cowards, like all criminals. They are extremely dangerous if you are unarmed, if you have a disadvantage. But it is different if you are armed and decisive and go out to find them", he added.<sup>132</sup> However, while soldiers in police uniform may have reinforced some municipalities in the short term, critics complain they are not the equal of properly trained and

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<sup>129</sup> Crisis Group consultant interview in former capacity, Guadalupe, Nuevo León, 10 April 2012.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Crisis Group consultant interview in former capacity, Guadalupe, Nuevo León, 4 May 2012.

qualified police who can build cases that stand up in court.<sup>133</sup> Without police experience, soldiers can make the goal of operations to find and destroy an armed enemy, which can undermine rather than enforce the rule of law.

Calderón's administration presented the beefed-up federal police of 38,000 as the nation's showcase force. However, toward the end of his administration in 2012, two scandals stained its reputation. First, in June, officers at Mexico City's international airport shot dead three colleagues in a busy terminal, then fled while travellers cowered behind tables. The federal police chief said they had carried out the murders for a cartel and were trying to protect a cocaine smuggling racket from Colombia.<sup>134</sup> Then, in an international incident, fourteen federal officers attacked two CIA agents and a Mexican marine as they drove to a training session at a base near Mexico City in August.<sup>135</sup> The police, dressed in plainclothes, fired repeatedly at the car, which had diplomatic plates, but the U.S. agents escaped. The fourteen federal officers were arrested and charged with attempted murder. A senior U.S. official said he suspected that a cartel paid them.<sup>136</sup>

By the end of Calderón's administration, security forces had halted the activities of 25 major kingpins and made record seizures of narcotics and cash, capturing from cartels 114 tons of cocaine, 11,000 tons of marijuana and 75 tons of crystal meth, as well as \$1 billion, 100,000 cars, 515 ships and 578 planes.<sup>137</sup> However, U.S. customs and border patrol were finding similar quantities of drugs on their south-west border. For example in 2010, U.S. agents seized 4.5 tons of crystal meth, 905 kilos of heroin, 1,500 tons of marijuana, and 17.8 tons of cocaine. This was comparable to the 2.7 tons of meth, 449 kilos of heroin, 1,046 tons of marijuana and 27 tons of cocaine seized in 2006.<sup>138</sup>

U.S. agents might be scoring major successes at finding drugs thanks to added officers, or perhaps because more drugs were going north through Mexico. The varying quantities could also reflect changing fashions of consumption. More marijuana was seized and less cocaine, which corresponds to U.S. surveys on drug use that have shown more people saying they had smoked marijuana and fewer that they had snorted cocaine.<sup>139</sup> With such figures, critics assert that despite all the efforts made in Calderón's offensive, it ultimately failed to make a significant impact on the overall volume of drugs heading to the U.S.<sup>140</sup>

<sup>133</sup> Among many calls for better trained police rather than soldiers is that of security specialist and columnist Jorge Luis Sierra, "Menos soldados, mejores policías", *El Universal*, 27 March 2007.

<sup>134</sup> "Balacera en Aeropuerto del DF; matan a tres policías", *Proceso*, 25 June 2012.

<sup>135</sup> The federal police shot at the agents on 24 August 2012, in Tres Marías, Morelos. Crisis Group interviews, Mexican federal police and U.S. officials, Mexico City, 24-30 August 2012.

<sup>136</sup> "U.S. suspects Mexico cartel in CIA agent shooting", Associated Press, 2 October 2012.

<sup>137</sup> Calderón announced the seizure figures in his final state of the union address, 1 September 2012, transcript provided by presidency.

<sup>138</sup> The seizure numbers are detailed in "National Drug Threat Assessment", a report by the National Drug Intelligence Center, U.S. justice department, 2011.

<sup>139</sup> See the annual "National Survey on Drug Use and Health", U.S. health and human services department, years 2009 to 2011

<sup>140</sup> Eduardo Porter, "Numbers tell of failure in drug war", *The New York Times*, 3 July 2012.

#### IV. Human Suffering and Social Damage

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Irma Hidalgo, a schoolteacher in Monterrey, was relaxing in her home with her two sons in January 2011 when gunmen stormed in. She described how ten to twelve armed men, some in police uniform, tied the family up and grabbed everything of value. When they asked which of her sons was the oldest, her first born, an eighteen-year-old who studied philosophy at university, raised his arm. The men took him as well. The next day, Hidalgo received a phone call asking money for his release; she called family and friends to collect it, then handed in the ransom. Despite the payment, he was not released. Unsure if her son was alive, she visited the morgue after every major massacre or shooting and gave samples of his DNA to several databases around Mexico for comparison with unidentified bodies. But two years after the abduction, she has learned nothing and said:

They do not know how much pain they cause. My younger son, my parents, my husband and I are all seeing psychiatrists and taking medicine. I left work. My parents are consumed by it every day, hoping they will not die before [he] is found.<sup>141</sup>

Hidalgo's case is tragically typical. In cities and states plagued by cartel violence, such as Monterrey, mysterious armed groups have been involved in thousands of crimes against civilians unconnected to the drug trade. In many cases, the gangs are linked to cartels, but it can be difficult for investigators to be sure where they come from. In many instances, the criminals wear police or military uniforms, making people uncertain with whom they are dealing. Some abductions might be forced disappearances by authorities, others kidnappings for ransom, and some are believed to be forced recruitment into cartels. As so few of the crimes are solved, it is hard to know the breakdown. The abysmal level of impunity leaves a fog over the tragedies.<sup>142</sup>

##### A. Impunity

Mexico suffers from poor clearance rates for almost all crimes, including serious offences such as murder. A report calculated that the national impunity rate for homicides in 2010 was 80.4 per cent, with the worst rate – 96.4 per cent – in Chihuahua state.<sup>143</sup> These figures reflect the age-old policing problem. A report coordinated by Mariclaire Acosta, director of Freedom House Mexico, and released by the capital's human rights commission shows that the impunity rates have marginally worsened since 2006 – the same period of cartel-related violence.<sup>144</sup> One factor is that the sheer number of murders overwhelms the police and judicial systems. But falling clearance

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<sup>141</sup> Crisis Group consultant interview in previous capacity, Monterrey, Nuevo León, 13 May 2012. See also "Mexico massacre highlights unknown drug war victims", Reuters, 14 May 2012; "Exigen resolver casos de desaparecidos", *Reforma*, 11 January 2013.

<sup>142</sup> Additional reports that focus especially on the issues in this chapter include: "Armed with Impunity: Curbing Military Human Rights Abuses in Mexico", Trans-Border Institute, July 2012; and "Exigiendo justicia y dignidad: defensores y defensoras de los derechos humanos en México", Amnesty International, 2010.

<sup>143</sup> "Seguridad y justicia en los estados", *Mexico Evalúa*, 26 March 2012.

<sup>144</sup> "La impunidad crónica en México. Una aproximación desde los derechos humanos", Comisión de Derechos Humanos del Distrito Federal, 2012. See also, Guadalupe Barrera, "Enfrentar la impunidad: La promesa de una nueva justicia penal en México", in "Superar la impunidad: hacia una estrategia para asegurar el acceso a la justicia en México", Mariclaire Acosta (ed.), research report, Centro de Investigación y Docencia Económicas A.C. (CIDE), August 2011.

rates also reflect that the military often shoots rather than arrests suspected criminals, so fewer survive to face prosecution. In April 2012, the Calderón administration approved and issued protocols regarding the use of force and the protection of victims and detainees, but local human rights groups consider them incomplete, as they do not incorporate recommendations produced by international human rights bodies.<sup>145</sup>

There have also been a huge number of disappearances that are hard to classify, let alone solve. In February 2013, the Peña Nieto administration announced it had a register of 26,121 reported disappearances that occurred during the six years of Calderón's tenure.<sup>146</sup> The register had been compiled under Calderón but not released publicly, according to Lia Limon, the new under secretary for legal affairs and human rights at the interior ministry. Government officials will work to verify all those registered, Lia Limon said. The numbers are even higher than those counted by the National Human Rights Commission, which had reported 16,076 disappearances and 6,109 unidentified bodies during the first five and a half years of Calderón's term.

It is difficult to estimate how many of these disappearances are connected to the fighting between cartels and the security forces, but human rights defenders say the number is considerable. José Luis Mastretta, director of institutional development at the Human Rights Commission in Nuevo León state, observed:

There have been two important moments in the history of the country when we have talked about forced disappearances. In the 1970s, there were forced disappearances specifically to do with guerrillas and groups outside the system. In the new era, there have been disappearances that you can say are forced, in which it seems that authority is behind it, but there are (also) many disappearances by criminal groups.<sup>147</sup>

Within this blizzard of numbers, the estimates of cartel-related killings have varied widely. The national death toll from cartel violence has been recorded extensively by Mexican newspapers since 2004. Photographers and reporters would arrive at a crime scene, and when it appeared there were signs of a gangland hit, they would record it as an "execution". The national counts were known as "execution metres". Human rights defenders are critical of the term, which is insensitive and implies the victim could be guilty of a crime. However, many say that the media counts usefully exposed the level of the problem. "The law obliges the authorities to investigate homicides, and there are no investigations ... so this is filled by the media", said Mariclaire Acosta.<sup>148</sup>

For a long time, the government gave no figures of its own on cartel-related murders, leaving people to rely on the media count. Following pressure from civil society groups,<sup>149</sup> the federal attorney general's office finally released a database in January

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<sup>145</sup> "Entra en vigor protocolo para trato de detenidos", *El Universal*, 23 April 2012. See also, "Incompletos protocolos presidenciales para el uso de la fuerza policiaca", *Milenio*, 23 May 2012.

<sup>146</sup> Francisco Resendiz, "Confirma SG mas de 26 mil desaparecidos de 2006 a 2012", *El Universal*, 27 February 2013.

<sup>147</sup> Crisis Group interview, Monterrey, Nuevo León, 19 October 2012.

<sup>148</sup> Crisis Group interview, Mexico City, 19 December 2012.

<sup>149</sup> One of these groups was México Unido contra la Delincuencia. "Pide México Unido transparentar cifras sobre la violencia", Organización Editorial Mexicana, 10 January 2012. The largest university in Mexico, UNAM, submitted to Calderón a set of proposals to improve security policies, including the need for a clear database of victims. "UNAM entrega proyecto sobre seguridad a Calderón", *Universia Noticias*, 6 September 2011.

2011, which it updated in September; in it, officers evaluated which homicides might have been caused by cartels or the security forces fighting them. It counted 47,515 killings connected to drug-related violence to that date. This was even more than the newspaper tallies. The database divided deaths into three categories: those killed in ambushes or targeted hits; those who had been abducted and murdered; and those who died in shoot-outs, often with the security forces.

The federal attorney general's office then announced that it would not release more estimates of cartel-related killings, and Calderón explained in interviews that this was to avoid stigmatising victims.<sup>150</sup> The Peña Nieto administration, however, has resumed reporting cartel-related killings; its first count, released in February 2013, tallied more than 1,000 each in December 2012 and January 2013.

While there are arguments against publishing dubious estimates of cartel-related bloodshed, the lack of concrete numbers makes it hard to design and implement policies to respond to demands of a growing movement of victims and their families. For example, if there are no reliable statistics about people harmed by cartel violence, it is difficult to estimate the resources required for victim compensation. Several significant anti-crime groups have lobbied for justice for kidnap victims and others since the 1990s. In 2004 and 2008, marches against crime drew hundreds of thousands to the streets of Mexico City.<sup>151</sup> A new movement centred specifically on victims of cartel violence emerged after the 2011 murder of Francisco Sicilia, a 24-year-old medical administration student, in the spa town of Cuernavaca.

Gunmen from a drug cartel kidnapped and murdered him and six friends, allegedly for entering a bar owned by a trafficker and arguing with the manager and staff.<sup>152</sup> Francisco's father, Javier, is a well-known poet and writer, and his son's death became national news. He called for candlelight vigils of victims and, after a massive response, launched a caravan across Mexico, filling plazas with crying relatives. Later, he took the vigils to the U.S. Protestors calling themselves the Movement for Peace with Justice and Dignity met with President Calderón and other top politicians to demand better treatment of victims. Sicilia explained:

The first thing was to bring attention to the victims and the national emergency. It was not in the conscience of either the citizens or politicians. The victims were something abstract and a horror but without humanity. "We gave them a face. We gave humanity to the victims. The first justice that you have to give humans is consolation, to make them feel dignity and that we recognise their pain."<sup>153</sup>

Sicilia's movement emphasised that many victims of the cartel violence were neither criminals nor members of the security forces. When cartel gunmen kill, they often spray hundreds of bullets, hitting not only their targets, but also people driving close-by or working at stalls on the street. On occasion, other victims appeared to be sitting innocently in restaurants or shops and were killed either accidentally or because the criminals wanted no witnesses. However, many family members of those killed felt stigmatised by the presumption that most of those murdered must have been involved with the cartels. Some families were particularly angered when Calderón gave

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<sup>150</sup> David Lunhow, "Mexico Drug Violence Shows Decline", *Wall Street Journal*, 14 June 2012.

<sup>151</sup> Crisis Group consultant in a former capacity covered the anti-crime marches in both 2004 and 2008. See also, "Mass anti-crime rallies in Mexico", BBC, 31 August 2008.

<sup>152</sup> Crisis Group interview, Javier Sicilia, Cuernavaca, 29 September 2012.

<sup>153</sup> Crisis Group interview, Cuernavaca, Morelos, 29 September 2012.

a 2010 speech claiming that the vast majority of those killed were criminals, despite the fact that few of the killings had been solved.<sup>154</sup>

Sicilia and others lobbied for a new victims law to alleviate these problems. The Movement for Peace with Justice and Dignity worked with members of Congress on the law that aims, among other things, to oblige the government to compensate expenses incurred in searching for the disappeared. Congress approved the bill, but Calderón returned it with points for revision, leaving it in gridlock. It was revived in January 2013, and Peña Nieto quickly signed it<sup>155</sup>. The law, which covers crimes perpetrated by security forces among others, is a major step forward in the attention it gives to victims. Its enactment was hailed by Sicilia's movement and the Office of the High Commissioner for Human Rights (OHCHR), though a reform was immediately proposed to overcome some limitations.<sup>156</sup>

In a more worrying development, groups in some rural communities have begun to arm themselves to fight against the violence, extortion and kidnapping. Armed "self-defence" squads first appeared in the Michoacán community of Cheran in 2011 and spread to at least three other towns there in 2012.<sup>157</sup> In January and February 2013, armed groups were also formed in communities in Guerrero and Oaxaca.<sup>158</sup> A group in the town of Ayutla, Guerrero "arrested" more than 50 alleged criminals and held "public trials" in February.<sup>159</sup> While this recent development reflects the growing frustration of citizens battered by violence, vigilante justice poses a serious challenge to the rule of law and the authorities' monopoly on the use of force in Mexico. The National Human Rights Commission cited "a very thin line between self-defence organisations and paramilitary groups".<sup>160</sup>

## B. *Military Abuses*

During the offensive, soldiers sent to fight drug cartels were the subject of a rising number of accusations of crimes, including murder, forced disappearance, rape, robbery and torture. The National Human Rights Commission received 182 complaints against the army and marines in 2006, a figure that shot up to 1,626 in 2011.<sup>161</sup> Several high-profile cases of military killings have come to trial. In one, nineteen soldiers were arrested after they shot dead two women and three children who were travelling along a country road to a funeral in Sinaloa state in 2007. The victims had failed

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<sup>154</sup> Calderón delivered the speech on 16 April 2010 at an international tourism forum, saying more than 90 per cent of those killed by cartels were criminals. "Son menos, los civiles caídos en el fuego cruzado contra la delincuencia: Calderón", *Milenio*, 16 April 2010.

<sup>155</sup> Ley General de Víctimas, 9 January 2013, available at [www.diputados.gob.mx/LeyesBiblio/pdf/LGV.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LGV.pdf).

<sup>156</sup> "Palabras del MPJD al ejecutivo por la publicación de la ley general de víctimas", Javier Sicilia speech, 9 January 2013; "La ONU-DH saluda expedición de Ley General de Víctimas", OHCHR in Mexico, press release, 9 January 2013. See also, "Con pendientes técnicos, arranca ley de víctimas", Movimiento por la Paz con Justicia y Dignidad, press release, 8 February 2013.

<sup>157</sup> Jennifer Gonzalez, "Mexican indigenous community takes on armed gangs", Agence France-Presse, 7 May 2011.

<sup>158</sup> "PGR investigara los grupos de autodefensa en Oaxaca", *El Universal*, 13 February 2013.

<sup>159</sup> Dudley Althaus, "Can vigilante justice save Mexico?", *Global Post*, 3 February 2013.

<sup>160</sup> "Obligación de las autoridades brindar seguridad a la sociedad", National Human Rights Commission, press release, 17 February 2013.

<sup>161</sup> Statistics provided by the National Human Rights Commission (CNDH) to Crisis Group. In 2007, there were 367 complaints; in 2008, 1,230; in 2009, 1,800; in 2010, 1,415.

to stop at a checkpoint, the defence ministry said. In 2011, a military court handed down prison sentences against fourteen of the soldiers ranging from sixteen to 40 years.<sup>162</sup>

In another incident, prosecutors said soldiers fighting traffickers killed two students near the prestigious Tecnológico de Monterrey University and, to hide the crime, planted weapons on the bodies. "They altered the death scene of the two students", said Mastretta at the Human Rights Commission in Nuevo León. "[Because of] this altering, we recommended that the army start proceedings against the troops that were there ... they are now under military justice".<sup>163</sup>

In other cases, soldiers have been accused of murdering or disappearing arrested suspects. In an incident in Ciudad Juárez, they allegedly detained ten teenagers and young men and pressed them for information on cartel activities. All were released except one, who was never seen again. Soldiers denied they had ever detained him. "This a clear case of a forced disappearance, as there are many witnesses who were detained by the soldiers with him", said Gustavo de la Rosa, Chihuahua state human rights commissioner.<sup>164</sup> Human Rights Watch concluded that in 149 of the 249 cases it investigated, "the evidence strongly suggests they were *enforced* disappearances — meaning state actors likely participated in the crime". And of those, some 90 were at the hands of local police.<sup>165</sup>

There have also been accusations of torture and rape of women. In a prominent case in Michoacán, soldiers searching for suspects in an ambush allegedly abducted four teenage girls, who said they were taken to the army base, drugged and repeatedly raped.<sup>166</sup>

There are likewise questions about soldiers frequently shooting dead alleged criminals during operations against the cartels, especially in the north east, where they had almost daily firefights with Zeta gunmen from 2010 to 2012. The defence secretariat said that in the first five years of the Calderón administration, soldiers shot dead 2,321 alleged criminals.<sup>167</sup> This high number raises questions about whether the government is treating the cartel threat as a criminal problem as it claims, or as a question of national security in which troops can fire at will against an armed enemy. If servicemen are shooting to kill, they could be violating Mexican law. Soldiers claim that in all cases they were defending themselves. Authorities pay little attention to such incidents unless family members of the victims file complaints, so the vast majority are never investigated.

This serious situation was addressed by the government through enactment on 23 April 2012 of a protocol on the use of force that establishes military personnel should fire weapons only against those who represent a serious and imminent danger of death or injuries, and when other less extreme measures become insufficient.<sup>168</sup>

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<sup>162</sup> The defence department (SEDENA) released a statement about the arrest of the soldiers on 5 June 2007. The shooting took place near the Sinaloa village of La Joya; "14 militares reciben sentencia por el homicidio de civiles en Sinaloa", CNN México, 4 November 2011.

<sup>163</sup> Crisis Group interview, Monterrey, Nuevo León, 19 October 2012.

<sup>164</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>165</sup> "Mexico's Disappeared: The Enduring Cost of a Crisis Ignored", Human Rights Watch, February 2013.

<sup>166</sup> The four girls said they were abducted on 2 May 2007. The National Human Rights Commission gave details about their accusations on 14 June 2007.

<sup>167</sup> The defence department (SEDENA) gave out this number in a news release on 27 December 2011. It corresponds to the killings from 1 December 2006 until that date.

<sup>168</sup> "DIRECTIVA que regula el uso legítimo de la fuerza por parte del personal del Ejército y Fuerza Aérea Mexicanos, en cumplimiento del ejercicio de sus funciones en apoyo a las autoridades civiles

However, it remains to be seen whether the military will comply with such limitations in the field.

All this has brought much criticism against the armed forces, previously viewed as one of Mexico's most trustworthy institutions. Protests were organised against the army offensive in several states, including Michoacán, Nuevo León and Chihuahua. Police said the cartels organised and paid some of the demonstrators, but many who protested were clearly not criminals.<sup>169</sup> In November 2011, a group of lawyers and activists stepped up pressure against the armed forces by filing a suit calling for the International Criminal Court (ICC) to investigate Calderón for international crimes.<sup>170</sup> Other civil society groups had also campaigned to limit military jurisdiction, and the Inter-American Court of Human Rights issued a judgment that military courts should not have competence over human rights violations affecting civilians.<sup>171</sup> In December 2011, Calderón called for military personnel to face civilian courts if accused of crimes against civilians – a major reversal of long Mexican practice.<sup>172</sup> Following his lead, the Supreme Court in 2012 sent several cases against troops and officers to civilian courts.<sup>173</sup>

### C. *Journalists and Human Rights Defenders*

Cartel-related violence has been particularly detrimental to those whose work is in dangerous areas or who come into contact with cartels and/or security forces.<sup>174</sup> These include journalists, human rights defenders, health workers, priests and pollsters, among others. After gunmen shot at paramedics in Sinaloa state and Ciudad Juárez, ambulance teams became much more cautious about going to crime scenes.<sup>175</sup> In 2011, cartel gunmen kidnapped nine employees of major polling firms in Michoacán state.<sup>176</sup> They were released unharmed, but it raised questions about taking surveys in cartel-plagued regions. While all groups deserve attention, this report focuses on damage to journalists and human rights defenders.

Mexico's media has come under fire – literally – as it covers cartel violence, the military offensive and corruption. Direct violence against journalists is concentrated in certain states – usually the same ones with high rates of cartel killings – and especially on local outlets, but national television networks and newspapers have also been targeted. Most importantly, violence against journalists has had a devastating impact across the Mexican media, intimidating most of those who report on violence, cartels, or corruption.<sup>177</sup> Cartels attack the media to influence coverage, often wanting to draw attention to their violence or to silence reporting on corruption

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y en aplicación de la Ley Federal de Armas de Fuego y Explosivos”, Official Journal of the Federation, 23 April 2012.

<sup>169</sup> Crisis Group consultant interviews in former capacity, demonstrators against the military in Ciudad Juárez, Chihuahua, 18 February 2009.

<sup>170</sup> “Mexican group asks ICC to probe president, officials”, Reuters, 25 November 2011.

<sup>171</sup> “Caso Radilla Pacheco versus Estados Unidos Mexicanos”, Inter-American Court of Human Rights, judgment, 23 January 2009, paragraphs 273-274

<sup>172</sup> “Calderon ordena juicios civiles a militares”, *El Universal*, 9 December 2011.

<sup>173</sup> “Mexico's Supreme Court rejects military trials code”, BBC, 22 August 2012.

<sup>174</sup> Crisis Group interview, officials, OHCHR in Mexico, 25 September 2012.

<sup>175</sup> Crisis Group consultant in former capacity interview, ambulance workers in Culiacan, Sinaloa, 10 December 2008; “Atacan ambulancia en Cd. Juárez”, *El Universal*, 8 December 2011.

<sup>176</sup> “Nine missing Mexican pollsters freed in Michoacán”, BBC, 3 August 2011.

<sup>177</sup> Crisis Group email correspondence with Mike O'Connor, representative in Mexico of the Committee to Protect Journalists, 19 February 2013.

networks. "A lot of attacks are made an hour before news bulletins, so they get out to the public, and people know the problem they are involved in", a man arrested in a car bomb attack in Ciudad Juárez told investigators.<sup>178</sup>

Cartel operatives also telephone media outlets, demanding they not name particular traffickers or report a particular atrocity. "We would get constant phone calls saying 'publish this', or 'don't publish that' or 'why didn't you publish this'", said Pedro Torres, the news editor of *Diario de Juárez*. In some cases, callers would identify themselves as members of the Juarez Cartel or Sinaloa Cartel.<sup>179</sup>

Editors generally comply with the demands out of fear. Cartel gunmen have shot dead journalists, kidnapped and tortured them, attacked media offices with gunfire and grenades and left severed heads outside as warnings. Counts of journalist murders and impunity rates during several years find that Mexico has become one of the most dangerous countries in the world for media, alongside Afghanistan, Somalia, Pakistan, Iraq and Syria.<sup>180</sup> Most have been deliberately targeted, but some have died in crossfires while covering the violence. When marines stormed Matamoros and shot dead the Gulf Cartel kingpin, Antonio Ezequiel Cárdenas, firefights erupted throughout the city, and twenty bullets hit the car of local reporter Carlos Guajardo, killing him instantly.<sup>181</sup>

Counts of the numbers of journalists killed vary, depending on classification. Some include anyone working for a media outlet, others only reporters, photographers and editors; some groups only include the names of murdered journalists if there is evidence the crime was directly linked to their work. The international press freedom group Article 19 counted 70 Mexican journalists murdered between 2000 and 2011, while a report released by Mexican journalists put the figure at 126 between 2000 and 2012.<sup>182</sup> Almost none of the killings have been solved, despite the establishment in 2006 of a special prosecutor for crimes against journalists and a legal reform passed in June 2012 that allows federal prosecutors to directly investigate crimes against journalists. Lack of resources and institutional capacity have hampered the effective implementations of these mechanisms.<sup>183</sup>

Two of the victims include a reporter and photographer from *El Diario de Juárez*. After the first murder of a reporter in 2008, investigators did not even interview staff, Torres, the editor, said. After the second, in 2010, the paper published a front-page editorial directed at the cartels:

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<sup>178</sup> A videotaped statement of the suspect to federal investigators was released to media following his arrest for involvement in the car bombing in Ciudad Juárez on 13 August 2010 and aired on Milenio TV among others, 16 August 2010. [www.youtube.com/watch?v=SIgUINrKEs](http://www.youtube.com/watch?v=SIgUINrKEs).

<sup>179</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>180</sup> "The 10 Most Dangerous Places For Journalists", Reporters Without Borders, updated 18 December 2012; "Getting Away With Murder", Committee to Protect Journalists, 17 April 2012; "Mexico: Protection of journalists highlighted before Inter-American commission", Article 19, 31 October 2011.

<sup>181</sup> "Un periodista muere en Matamoros en un choque entre marinos y delincuentes", CNN México, 5 November 2010.

<sup>182</sup> "Mexico: Protection of journalists highlighted before Inter-American commission", Article 19, 31 October 2011; "Tu y yo coincidimos en la noche terrible", released by Nuestra Aparente Rendición in 2012, [www.nuestraaparenterendicion.com](http://www.nuestraaparenterendicion.com).

<sup>183</sup> Crisis Group interviews, press freedom groups, Mexico City, 18 December 2012, 5 February 2013. On 25 June 2012, Article 73 of the Federal Criminal Code was modified to allow federal prosecution of crimes against journalists. See [www.dof.gob.mx/nota\\_detalle.php?codigo=5256052&fecha=25/06/2012](http://www.dof.gob.mx/nota_detalle.php?codigo=5256052&fecha=25/06/2012).

What do you want from us? "You are at this time the de facto authorities in this city, because the legal authorities have not been able to stop our colleagues from falling. Even war has rules. In any outbreak of violence protocols or guarantees exist for the groups in conflict."<sup>184</sup>

The Calderón administration reprimanded the newspaper for suggesting that criminal groups were the de facto authority in the city. "There is no room for any actor to ... promote a truce, or negotiate with criminals that are the very ones frightening the population", Interior Secretary Poiré said.<sup>185</sup>

Such violence has forced many media outlets to limit their reporting on cartels and pull out of some towns and cities altogether. Ciro Gómez Leyva, news director at the Milenio TV channel, described how the network scaled back coverage in 2010, after one journalist was murdered, another abducted and assaulted and still another kidnapped and held for a week:

Facing this, as the one in charge of Milenio TV, I can't say nothing is happening. They talk about self-censorship, well that is true. Where they held our reporter, we haven't sent a correspondent back, and we probably won't. Who am I to send reporters to this place where they risk their lives? This is a war.<sup>186</sup>

As a result, some important developments get scarce or no coverage, and self-censorship has become the rule in certain areas. When a car bomb exploded in Nuevo Laredo days before the 2012 presidential election, international news agencies moved almost no photos or videos of the incident because they had pulled their employees from the city. Two weeks later, the Nuevo Laredo newspaper *El Mañana* editorialised that it would halt all coverage of cartel violence, following the second grenade attack in a year on its offices.<sup>187</sup> "We have entire zones of the country where (there) is no information (about the violence)", said Acosta of Freedom House Mexico.<sup>188</sup>

Direct violence is no longer needed to extend self-censorship in many media outlets, and this is not restricted to the more violent border states. In Zacatecas, according to research conducted by the Committee to Protect Journalists, the cartels have not had to kill a single journalist to silence every journalist. According to its findings, this is the pattern now in many Mexican states: cartels gain strength, the press is intimidated, and the public is uninformed.<sup>189</sup>

Human rights defenders have also been exposed, as their jobs take them to the most embattled states and into the heart of conflicts. In some places, they have stepped on the gangsters' business interests, reporting on cartel rackets such as the mass kidnapping of migrants. In others, they have risked vengeance by documenting abuses and corruption of police or soldiers. De la Rosa, the Juárez human rights commissioner, took refuge in the U.S. for several months after receiving threats from an armed group. "They drove past me and made a signal that they would shoot me", he said.<sup>190</sup> In many other cases, groups have attacked without warning. In November

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<sup>184</sup> "¿Qué quieren de nosotros?", *El Diario de Juárez*, 19 September 2010.

<sup>185</sup> "Gobierno critica la tregua que pidió El Diario de Juárez", *El Universal*, 21 September 2010.

<sup>186</sup> Crisis group consultant interview in former capacity, 10 September 2010.

<sup>187</sup> "Comunicado de El Mañana por ataque a sus instalaciones", *El Mañana*, 11 July 2012.

<sup>188</sup> Crisis Group interview, Mexico City, 18 December 2012.

<sup>189</sup> Mike O'Connor, "The Zacatecas Rules: Cartel's Reign Cannot Be Covered", Committee to Protect Journalists (no date available).

<sup>190</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 22 November 2012.

2011, gunmen in the state of Sonora shot dead human rights activist Nepomuceno Moreno, a colleague of Sicilia in the Movement for Peace with Justice and Dignity.<sup>191</sup> He had publicly accused police of kidnapping his eighteen-year-old son and had pleaded his case with Calderón.

It is particularly difficult to agree on the number of human rights defenders killed; the definition can vary between those in established groups and others in the community who have taken a stand. The National Human Rights Commission documented 27 murders of human rights defenders in a five-year period; civil society groups said 61 were killed in five years, according to a report by the Inter-American Commission on Human Rights.<sup>192</sup>

Cipriana Jurado, a human rights activist from Ciudad Juárez, received threats when she uncovered cases of soldiers torturing and murdering suspects during the offensive against cartels. Fearing for her life, she went to the U.S. and filed for political asylum, which a judge granted in 2011. "I fear the cartels, but I fear the Mexican military more", she said. An increasing number of human rights workers, journalists and others have applied for U.S. or Canadian asylum, asserting persecution from authorities or that authorities will not protect them from cartel threats. In 2011, U.S. immigration courts dealt with 6,133 such cases, compared with 2,611 five years earlier. "Perhaps we will never be able to return to our homeland, and this is very sad", Jurado said. "I miss many things about Mexico. But what is happening there now is truly tragic".<sup>193</sup>

To alleviate this situation, Freedom House and other groups pressed Congress to pass the Law for the Protection of Human Rights Defenders and Journalists that took effect in 2012.<sup>194</sup> It establishes protocols for protection, including some mechanisms that those fearing attack can use to call on authorities to provide security or help with relocation. However, many journalists say that they will only feel secure if the authorities arrest and convict those who attack journalists. "Why hide in a corner when someone is trying to kill you. It is better to arrest the person trying to kill you", said Mike O'Connor, Mexico Representative for the Committee to Protect Journalists.<sup>195</sup>

The Freedom House office in Mexico also worked on a bill, sent to Congress in 2012, that would give the special prosecutor more resources and power to go after crimes against journalists.<sup>196</sup> It is vital that it become law quickly to help reduce impunity.

<sup>191</sup> "Matan a activista del Movimiento por la Paz", *La Jornada*, 29 November 2011.

<sup>192</sup> "El Derecho a Defender: Informe Especial Sobre la Situación de los Defensores de los derechos humanos en México", Comisión Nacional de Derechos Humanos, July 2011, p. 42; "Segundo informe sobre la situación de las defensoras y los defensores de derechos humanos en las Américas", Comisión Interamericana de Derechos Humanos, 31 December 2011, p. 13.

<sup>193</sup> Crisis Group consultant telephone interview in former capacity, Mexico City, 14 September 2011. "FY 2011 Asylum Statistics", "FY 2006 Asylum Statistics", both U.S. justice department, executive office for immigration review, February 2012, February 2007. The U.S. immigration courts granted asylum in 104 of the 6,133 cases in 2011.

<sup>194</sup> The federal government called for establishment of the first Consultative Council in order to implement this law. *Diario Oficial de la Federación*, 25 June 2012.

<sup>195</sup> Crisis Group interview, Mexico City, 5 February 2013.

<sup>196</sup> Crisis Group interview, Mariclaire Acosta, 18 December 2012.

## V. Building Security

Long-term security can only be built through a mix of policies in Mexico, the U.S. and beyond. Asked what could be learned from the Calderón offensive, former Interior Minister Poiré said, “the key issue is that we need a comprehensive approach. The policy has to be widespread. It has to have different aspects in different countries”.<sup>197</sup> No silver bullet can stop cartel-related violence, but it could be dramatically reduced by a series of actions aimed to improve police, transform the poor neighbourhoods from where cartel killers come and cut down on the drug money, weapons and money laundering in the U.S. and Europe.

Peña Nieto's administration has taken up the call for a broad approach with a security plan approved by the three major political parties.

### A. The Case of Juárez

In 2010, Ciudad Juárez gained the ominous title of the most murderous municipality on the planet, with more than 3,000 homicides in a city of 1.3 million, a worse per capita rate than Kandahar, Caracas or Baghdad.<sup>198</sup> On the bloodiest days, local reporters covered more than ten murder scenes around the urban area.<sup>199</sup> Cartel gunmen not only carried out ambushes and kidnappings, but also torched hundreds of businesses and set off a car bomb in the city centre that year.<sup>200</sup> Thousands of terrified residents fled, often to live north of the river in the neighbouring U.S. city of El Paso.<sup>201</sup> Others built barricades at the end of their streets to stop gangs of gunmen driving past their homes.<sup>202</sup> For several years, Chihuahua state, where Juárez is located, was the most violent battleground in Mexico; in 2010, it was home to a quarter of all cartel-related killings.<sup>203</sup>

By the end of 2012, however, Juárez had been markedly transformed. In October, it had 28 homicides, an 89 per cent drop from October 2010, according to a city government count.<sup>204</sup> Residents returned to the streets at night, giving life back to the once thriving city centre and allowing several bars and restaurants to reopen.<sup>205</sup> Many residents who had left returned to their homes.<sup>206</sup> Reasons for the acute drop in the murder rate are hotly debated.<sup>207</sup> There are also concerns that criminal cartels

<sup>197</sup> Crisis group interview, Mexico City, 22 October 2012.

<sup>198</sup> “Ciudad Juárez, por tercer año consecutivo, la urbe más violenta del planeta”, Consejo Ciudadano para la Seguridad Pública, 12 January 2011.

<sup>199</sup> Crisis Group interview, *El Diario de Juárez* reporters, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>200</sup> “Ciudad Juárez car bomb shows new sophistication in Mexican drug cartels' tactics”, *The Washington Post*, 22 July 2010.

<sup>201</sup> “Tragedy in Juarez spurs economy in El Paso”, *The Texas Tribune*, 14 July 2010.

<sup>202</sup> Crisis Group consultant field work in earlier capacity, Ciudad Juárez, April 2010.

<sup>203</sup> Count of cartel-related homicides, “Fallecimientos por Rivalidad Delincuencial”, Mexico's Federal Attorney General's Office (PGR) database, released on PGR website, September 2011.

<sup>204</sup> Crisis Group consultant in former capacity interview, officials from Secretaria de Seguridad Publica, Ciudad Juárez, 20 January 2011; Crisis Group interview, Mayor Héctor Murguía, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>205</sup> Crisis Group interviews, Ciudad Juárez, Chihuahua, 21-23 November 2012.

<sup>206</sup> Crisis Group interview, Mayor Héctor Murguía, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>207</sup> Crisis Group interviews, Ciudad Juárez, Chihuahua, 21 November-23 November 2012.

remain strong in the city and that many of the root causes of violence are unsolved.<sup>208</sup> But whatever the driving factors and shortcomings, the reduction has been a turning point affecting Mexico's overall security situation.

The Juárez case is being closely studied by security policy researchers, including those in the Peña Nieto administration, in order to form strategies for reducing homicides elsewhere.<sup>209</sup> At least five factors are given to explain the drop in murders. The first three are cited by government officials and some others: arrests of the leaders of cartel murder squads in bi-national stings; focused community policing; and increased spending on social work. Others point to two reasons outside government control: an alleged pact between the two main criminal cartels in the city, the Juárez and Sinaloa cartels, and exhaustion of the cartel's pool of killers.<sup>210</sup> These factors are not mutually exclusive, and all may have contributed.

Hector Murguía, who became mayor in Ciudad Juárez in October 2010 when the murder count was at its highest level, oversaw the sharp decline. His mandate coincided with Governor César Duarte taking power in Chihuahua state.<sup>211</sup> "It wasn't just one single action. First, there was better coordination between the three levels of government: federal, state and municipal", Murguía said. "Then there were two main aspects: policing and social development".<sup>212</sup>

The highest-profile arrest of a cartel killer in Chihuahua came in July 2011, when federal police detained José Antonio Acosta, alias "El Diego", the chief of an armed wing of the Juárez Cartel. In a videotaped interrogation, he said he had commanded murder squads that killed more than 1,500 in Juárez, including a massacre of high school students and the shooting dead of three persons linked to the U.S. consulate.<sup>213</sup> U.S. agents had organised an extensive hunt for him, involving more than ten U.S. police and prison departments as well as the FBI and DEA, which provided intelligence leading to his arrest. Acosta was extradited to the U.S., pled guilty to racketeering, narcotics trafficking, money laundering and murder and was sentenced by an El Paso court to seven life sentences.<sup>214</sup>

Though, as detailed above, the arrest or killing of top drug traffickers has often sparked more violence, a senior DEA official in Mexico said Acosta's detention may have reduced homicides, because he was an extremely violent mid-level commander. By attacking the most bloodthirsty mid-level figures, security forces could have a more immediate impact on the cartels' killing machines, the official added.<sup>215</sup> Soldiers and police arrested other alleged bosses of killers in Juárez in 2011, including Noel "El Flaco" Salgueiro, of the rival Sinaloa Cartel.<sup>216</sup> However, the top leaders,

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<sup>208</sup> Crisis Group interview, social worker Sandra Ramírez, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>209</sup> Crisis Group interview, Ciudad Juárez Mayor Héctor Murguía, 22 November 2012.

<sup>210</sup> Crisis Group interviews, Ciudad Juárez, 21-23 November 2012; Mexico City, 26 November 2012.

<sup>211</sup> Both replaced fellow PRI officials.

<sup>212</sup> Crisis Group interview, Ciudad Juárez Mayor Hector Murguía, 22 November 2012.

<sup>213</sup> "El Diego' arrestado en México, 'confiesa' 1.500 muertes", BBC, 31 July 2011.

<sup>214</sup> "Juárez Drug Cartel Leader Pleads Guilty to Charges Related to U.S. Consulate Murders and Is Sentenced to Life in Prison", U.S. justice department, 5 April 2012.

<sup>215</sup> Crisis Group consultant interview in earlier capacity, Mexico City, 2 February 2012.

<sup>216</sup> News release by Mexico's Secretaria de la Defensa Nacional (defence department), 5 October 2011.

such as Joaquín “El Chapo” Guzmán of the Sinaloa Cartel and Vicente Carrillo Fuentes of the Juárez Cartel, have evaded capture.<sup>217</sup>

At the local level, Mayor Murguía named as his police chief Julián Leyzaola, a former army officer and head of police in Tijuana. Though from the military, Leyzaola did not replace police officers with soldiers as in Guadalupe.<sup>218</sup> Instead, he followed policing methods similar to the “broken windows” approach developed in New York City: creating databases of crime by neighbourhoods and sending officers to target offences in specific areas based on the data. He also personally took part in many raids and operations, pushing his officers for results, Murguía said.<sup>219</sup> Critics allege that Leyzaola’s methods unfairly target petty offenders, with police detaining wind-screen wipers and unlicensed street vendors.<sup>220</sup> But Murguía argues that Leyzaola has created a much better overall security environment in which it is harder for the cartels and their spies to operate.

The Juárez government engaged in an unprecedented campaign of building community centres, especially in the most deprived areas, increasing the number from twelve in October 2010 to 44 by the end of 2012. Offering personal development programs, sport facilities and schemes to reconstruct neighbourhoods, these aim to win the hearts and minds of residents and turn them away from cartels.<sup>221</sup> Much of the construction money was provided by the federal government through the Social Development Secretariat (Sedesol). It also financed a range of NGO community projects in Juárez in 2011, particularly those aimed at vulnerable youths. The U.S. Agency for International Development (USAID) has given grants to community projects as a component of the Mérida Initiative, particularly since 2010.<sup>222</sup> “There was suddenly a waterfall of funding for programs like we had never seen”, said social worker Sandra Ramírez of the non-governmental community project Strategic Plan for Juárez.<sup>223</sup>

Some observers argue a truce was the most important reason for the drop in killings. Several journalists, social workers and human rights defenders allege that the Juárez and Sinaloa Cartels, who had fought over the city, finally made a deal to divide the territory.<sup>224</sup> According to a Mexican federal law enforcement official who agreed that the two groups had made a pact, the very weakened Juárez Cartel now operates in the centre and west of the city, controlling the major drug sales and prostitution as well as access to two international bridges, while the Sinaloa Cartel controls the more sparsely populated area to the west that traditionally has been a major trafficking route.<sup>225</sup> Ramírez, who works directly with many Juárez gang members linked to the cartels, also believes that a pact explains the rapid dive in murders. Some media re-

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<sup>217</sup> Guzman is named as a leader of the Sinaloa Cartel in numerous indictments in U.S. courts, and a reward of \$5 million is offered for his arrest under the U.S. Narcotics Rewards Program. Fuentes is named in a 46-count indictment in the Western District of Texas as head of the Juárez Cartel, and a \$5 million reward is offered for his arrest.

<sup>218</sup> For more on the Guadalupe case, see Section III above.

<sup>219</sup> Crisis Group interview, Mayor Héctor Murguía, Ciudad Juárez, 22 November 2012.

<sup>220</sup> Crisis Group interview, Sandra Ramírez, Plan Estratégico Para Juárez, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>221</sup> Crisis Group interview, Mayor Héctor Murguía, Ciudad Juárez, 22 November 2012.

<sup>222</sup> Cristina Prado, “Building Resiliency Along the Mexican Border”, USAID, March/April 2012.

<sup>223</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>224</sup> Crisis Group interviews, Ciudad Juárez, 21-23 November 2012. William Booth, “In Mexico’s murder city, the war appears over”, *The Washington Post*, 20 August 2012; Dave Graham and Julian Cardona, “Mexico’s drug war bright spot hides dark underbelly”, Reuters, 28 November 2012

<sup>225</sup> Crisis Group interview, Mexico City, 26 November 2012.

ports have suggested a different version: that the Juárez Cartel in effect surrendered to the Sinaloa Cartel, ending the major fighting.<sup>226</sup> Murguía, however, strongly denied any pact between the cartels or that one group had come to dominate the area.<sup>227</sup>

Gustavo de la Rosa, from the Chihuahua Human Rights Commission, argued that another, gruesome factor is behind the relative peace: "After 9,000 murders, a whole generation of young gang members had been wiped out. It was a war of extermination. Now a new generation is growing up and getting armed. We have to work to stop an even worse war coming in the future".<sup>228</sup>

## B. *Police and Justice Initiatives*

On President Peña Nieto's fourth day in office, he stood before military officers and soldiers wearing a dark suit and red tie, in obvious contrast to Calderón's famous appearance in military clothes, and promised they would slowly be withdrawn from anti-drug street operations. However, he said, they would still be needed in the short term, and he did not lay out a timetable for withdrawal. "Until we apply the new state policy for security and justice, which will allow your gradual return to barracks, the armed forces will continue in the work of [domestic] security".<sup>229</sup>

Peña Nieto outlined the "Pact for Mexico" that he and the leaders of Mexico's three largest parties signed the day after he took office, following pre-inauguration negotiations. The security section reiterates his objective of reducing homicides, extortion, and kidnappings, described as the crimes that most hurt Mexicans. It does not give specific targets, but a document circulated by his team in October had suggested that the president should ambitiously aim to reduce all homicides and kidnappings by half in his first year.<sup>230</sup>

The Pact for Mexico does not mention the goal of reducing drug trafficking or defeating cartels. Peña Nieto's move away from the confrontational drug-war rhetoric of Calderón has caused consternation among some residents in U.S. border towns, who fear he might stop attacking cartels altogether.<sup>231</sup> However, the president has emphasised that police will continue to enforce the law against narcotics smugglers, albeit as a lower priority. "I reaffirm the Mexican state's obligation to combating drug trafficking", he said in an interview, "but now we have another matter which for me takes higher priority, that of the violence".<sup>232</sup> The change in focus placates Mexican anti-crime lobbies that have demanded more safety on the streets while criticising the war on drugs.<sup>233</sup>

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<sup>226</sup> Silvia Otero, "EU: 'El Chapo' ganó Ciudad Juárez", *El Universal*, 14 June 2012; and "Señalan que gana Chapo control en Juárez y baja violencia", *El Diario de Chihuahua*, 25 January 2012.

<sup>227</sup> Crisis Group interview, Ciudad Juárez Mayor Héctor Murguía, 22 November 2012.

<sup>228</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>229</sup> Speech and photos released by president's office, 4 December 2012.

<sup>230</sup> "Pacto por Mexico", Presidencia de la República, [www.presidencia.gob.mx](http://www.presidencia.gob.mx). In total, it contains 95 promises for improving Mexico. Segments of the earlier document, "Breve Diagnóstico sobre la Seguridad Pública", were published in "Busca Peña bajar 50% homicidios", *Reforma*, 13 October 2012.

<sup>231</sup> Robert Gray, "U.S. border residents mixed over Mexico Peña Nieto's win", Reuters, 3 July 2012.

<sup>232</sup> Anahi Rama and Dave Graham, "Mexico's Peña Nieto plans new police to fight drug gangs", Reuters, 9 April 2012.

<sup>233</sup> Crisis Group interview, Javier Sicilia, Cuernavaca, Morelos, 29 September 2012. The anti-crime lobby Mexico Unified Against Crime also criticised the war on drugs, organising the forum "Drogas: Un balance a un siglo de su prohibición", in Mexico City, 14-16 February 2012.

U.S. drug agents have said they expect to continue intelligence sharing and cross-border stings on traffickers with the same intensity as during the Calderón administration. There have been no moves to reduce or stop funding for Mexico's efforts to fight criminal cartels under the Mérida Initiative. "We are looking forward to continuing the exact same level of cooperation with the Mexican government and enjoying the same level of success that we have had the last years", said Jeffrey Scott, a DEA spokesman in Washington.<sup>234</sup> Drug agents also point out that in many cases, the narcotics traffickers, murderers and kidnappers are the same people.<sup>235</sup> If police go after abductions and homicides in many Mexican states, they will find themselves battling with cartels.

The Pact for Mexico has eight specific promises for reducing crime. One is a commitment to community programs targeting youths; four involve legal reforms; one is a commitment to overhaul the prison system, and two are to reform the police forces. The first of the police reforms is for new coordination of municipal forces under state commands, "a scheme of Coordinated State Police". It addresses a core challenge Calderón confronted: that more than 2,000 municipalities all have their own forces, many considered corrupt or helpless against the cartels. Under the new scheme, municipal forces would "become on-the-ground police to look after neighbourhoods, housing estates, markets, tourist areas and other public spaces", while reporting to state police who would lead on public security.<sup>236</sup> Peña Nieto's team has yet to say if it will attempt to accomplish this by changing the law or the constitution. Some such revision would likely be necessary to give state forces real authority over municipal police.

State police commands could be particularly useful in strengthening law enforcement in areas where local police have been overwhelmed by cartels, lawmakers from all major parties agree.<sup>237</sup> But some mayors oppose giving up power to state forces that may themselves be corrupt or inefficient. Mayor Mauricio Fernández of Mexico's wealthiest municipality, San Pedro Garza García in Nuevo León state, said he has created a professional force with high salaries and benefits that has drastically reduced crime, making the town safer than U.S. cities such as Houston and San Antonio. He also has his own intelligence operation, he added, that can obtain information on local criminals better than state or federal agents: "When they asked me about a single command here in Nuevo León, I told them, 'don't include me', because I have better security than the state. If (the state) is twenty times worse than here, why do I want to join them?"<sup>238</sup>

Peña Nieto's second promise concerning police is to create a new national gendarmerie, a militarised police force to reinforce security across the country, particularly in sparsely policed rural areas.<sup>239</sup> In interviews, he has said it will have some 40,000 officers, chiefly with military experience.<sup>240</sup> The new force may help reduce violence in certain areas, security analysts believe,<sup>241</sup> but there are many questions and reservations. Peña Nieto says financing will come from fiscal and energy reforms,

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<sup>234</sup> Crisis Group consultant telephone interview in earlier capacity, 5 July 2012.

<sup>235</sup> Crisis Group interview, Mike Vigil, 19 September 2012.

<sup>236</sup> "Pacto Por México", Section 3.2.

<sup>237</sup> Crisis Groups interviews, Congress, Mexico City, 25 September 2012.

<sup>238</sup> Crisis Group interview, San Pedro Garza García, Nuevo León, 19 October 2012.

<sup>239</sup> "Pacto Por México", Section 3.2.

<sup>240</sup> Rama and Graham, "Mexico's Peña Nieto plans new police", *op. cit.*

<sup>241</sup> Crisis Group interview, Mike Vigil, 19 September 2012.

but Congressmen have said an entirely new force would be expensive and ask if it could take away from valuable social programs.<sup>242</sup>

Critics also fear the gendarmerie will simply be soldiers in grey uniforms who lack real police training.<sup>243</sup> There are further questions about how it will work with the federal police. Responding to this last concern, Peña Nieto said he can better coordinate federal forces by putting them under the command of Interior Secretary Miguel Osorio Chong – a change from Calderón's time, when federal police answered to the cabinet-level public safety secretary.<sup>244</sup> Osorio Chong has given assurances that the gendarmerie will have civilian leadership and training. "What we are doing", he said, "is putting order – we are not putting one force above the other".<sup>245</sup>

On 25 February 2013, the Mexican Senate ratified as the new under secretary for security Manuel Mondragon y Kalb, who had formerly served in the opposition-controlled government of Mexico City's Federal District. Mondragon y Kalb said the first 10,000 enlistees in the gendarmerie will consist of 8,000 soldiers and 2,000 marines, and the gendarmerie will be a "police of proximity", serving on long-term deployments as opposed to the short-term operations of federal police. "The federal police come and go, act in high risk areas", he added. "The gendarmerie will stay permanently in some places, and we will establish the rules".<sup>246</sup>

Whatever the exact structure, officers at all levels need to be better managed to prevent corruption and better prepared. While vetting of all officers is challenging, Mexico should prioritise vetting all commanders and chiefs and establish strict procedures for dealing with those who fail.<sup>247</sup> Police also need to learn to investigate better and solve crimes with techniques that suit the seismic legal reforms underway.

The Pact for Mexico promises to complete the national change begun in 2008 from a closed-door, written trial system to an open oral system. For that justice reform to succeed, the new administration needs to work hard on training police and prosecutors to build better cases. Some of this can be done through bilateral Mexico-U.S. programs such as the Mérida Initiative, which has come to emphasise institution building. As noted, human rights defenders say spending on police and prosecutor training could be more useful than giving the military more Blackhawk helicopters and other hardware.<sup>248</sup>

The first point in the Pact for Mexico's security section, a promise to enact a national crime prevention plan, places a much-needed priority on this issue. It includes "programs to combat poverty, full-time schools, an employment program for young people and recovery of public spaces close to communities".<sup>249</sup> On 12 February, Peña Nieto announced a budget of 118 billion pesos (\$9.3 billion) for the plan, to be channelled through various government ministries. "We must put special emphasis on prevention, because we can't only keep employing more sophisticated weapons, better

<sup>242</sup> Crisis Groups interviews, Congress, Mexico City, 25 September 2012.

<sup>243</sup> Lydia Cacho, "Los gendarmes de Peña Nieto", *Sin Embargo*, 18 January 2013.

<sup>244</sup> "Diputados avalan fusion de SSP con Goberancion", *El Universal*, 22 November 2012.

<sup>245</sup> Osorio Chong interview with Joaquin Lopez Doriga, Radio Formula, 13 February 2013.

<sup>246</sup> Jenaro Villamil, "La Gendarmeria Nacional sera una 'policía de proximidad': Mondragon", *Proceso*, 25 February 2013.

<sup>247</sup> Daniel Sabet, "Police reform in Mexico: Advances and Persistent Obstacles", Woodrow Wilson International Center for Scholars-Mexico Institute, Working Paper Series on U.S.-Mexico Security Collaboration, May 2010.

<sup>248</sup> Crisis Group interview, Gustavo De la Rosa, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>249</sup> "Pacto Por México", Section 3.1.

equipment, more police, a higher presence of the armed forces in the country as the only form of combating organised crime”, he said.<sup>250</sup>

The administration has named Roberto Campa to oversee the plan in the new post of under secretary for prevention and citizen participation. He explained that the program will focus on 57 hot spots, where young people and others are particularly vulnerable to become involved with crime. These include parts of northern cities, such as Torreon and Monterrey, as well as some communities on the outskirts of the capital.<sup>251</sup> He elaborated:

When you see the circumstances that young people live in many of these communities, you can easily explain why they are involved in these [criminal] activities. You find young people that suffer violence in the home, in many cases are from broken homes, where in many cases there is presence of alcohol or drugs, in communities where they have chance to enjoy their free time. They are from groups in the barrio, and then they are in gangs, and then they are openly involved with organised crime. Yes, without doubt, we have to work with contention, with all the issues of police, prisons, prosecutors and the presence of armed forces. But on the other side, we have to start systematically confronting the causes of these problems.<sup>252</sup>

The social programs advocated are sorely needed to reduce recruitment of young people into the cartels. As described above, cartels became powerful in slums by taking advantage of unemployed teenagers who saw little government presence other than security forces. “We need very focused programs that target the most vulnerable young people and give them real-life projects and alternatives to joining up with organised crime”, said De la Rosa in Ciudad Juárez.<sup>253</sup> Such programs could help restore the social contract between the state and residents of these areas. The money poured into schemes in Juárez showed they can have a positive impact on crime rates, even in the short term. Nevertheless, social workers on the ground emphasise it must be carefully spent to get best results;<sup>254</sup> care needs to be taken to avoid waste or theft.

A host of tools used to reduce violence in other Latin American countries have been little discussed in Mexico. Among them are programs allowing criminal groups to surrender themselves and their weapons in return for more favourable prison sentences. Such schemes have been used in Colombia not only to disarm paramilitaries and guerrillas, but also to dismantle drug cartels and new illegal armed groups.<sup>255</sup> Another mechanism is a government-backed pact between crime groups. A truce between El Salvador's biggest gangs, Mara Salvatrucha and Barrio 18, in March 2012 has presumably helped reduce the murder rate at least in the short term.<sup>256</sup>

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<sup>250</sup> Peña Nieto transcript provided by the Mexican presidency.

<sup>251</sup> Crisis Group interview, Roberto Campa, Mexico City, 11 February 2013.

<sup>252</sup> Ibid.

<sup>253</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 22 November 2012.

<sup>254</sup> Crisis Group interviews, social workers, journalists and human rights defenders, Ciudad Juárez. 21-23 November 2012.

<sup>255</sup> See Crisis Group Latin America Report N°41, *Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender*, 8 June 2012.

<sup>256</sup> Randal C. Archibold, “Gangs’ truce buys El Salvador a tenuous peace”, *The New York Times*, 27 August 2012.

Mexican officials have traditionally shown little appetite for such programs, fearing they could be seen as lending the cartels legitimacy or forgiving horrific crimes. However, in 2011, former President Fox said in a speech in the U.S., "I want to start a public debate on the following ideas ... call on the violent groups for a truce ... [and] evaluate the advisability of an amnesty law".<sup>257</sup> Calderón emphatically rejected the idea, saying that all cartel members needed to be punished for their crimes and the violence they unleashed.<sup>258</sup>

However, the environment may be changing; several in Congress say they could be open to schemes that encourage criminals to surrender. "There is no better program than social reintegration", said Roberto Carlos Reves, a PRD lawmaker. "When it comes to organised crime, you have to get to the root of the problem. We can't just think that with more police we are going to be effective against organised crime".<sup>259</sup> Some disarmament programs might weaken the murder squads by offering a path out for lower-level members who have often been recruited as young teenagers. It would be very hard, however, for a government to back pacts that might appear to accept some cartel territorial control.

### C. *International Community*

International funding for social programs aimed at crime prevention has had a positive effect in several cities. Even fairly small and relatively less expensive schemes – if sustained over time, social workers caution – have been shown to benefit young people vulnerable to organised crime's inducements. If the flow of funding into Juárez dries up, for example, the city could face another explosion of violence. "It is a big advancement that we have these 42 community centres in Juárez, but we have to be sure that in a couple of years they are not sitting there empty and rotting", said Ramírez, the social worker. "The problems of marginalisation and poverty here run deep and need a long-term solution".<sup>260</sup>

Washington concedes that tens of thousands of firearms have been sold in U.S. stores and gun shows to Mexican cartels and subsequently used for murders in Mexico. The U.S. must do more to stem the flow of these guns to Mexican criminals. The vast majority of murders in Mexico are committed with assault rifles, so a new prohibition on certain types of these guns north of the border could help ultimately to reduce the firepower of cartels. Even if they found other sources, a U.S. ban could make such guns more difficult to acquire.

President Obama, in the aftermath of a recent mass killing of students and teachers in Newtown, Connecticut, announced his intention both to pursue a new assault weapons ban and to extend prior background checks to all gun buyers. His State of the Union speech to Congress made this a high priority for his second term.<sup>261</sup> Various bills already have been introduced in the U.S. Congress, including one specifically to halt sale and manufacture of assault weapons, as well as broad bi-partisan drafts dealing with banning high-capacity ammunition magazines, mandatory back-

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<sup>257</sup> "Ex-Mexico president suggests truce with drug cartels", Associated Press, 27 August 2011.

<sup>258</sup> The president's office released the text of Calderón's statement about the amnesty on 29 August 2011 to Crisis Group consultant in former capacity.

<sup>259</sup> Crisis Group interviews, Mexico City, 25 September 2012.

<sup>260</sup> Crisis Group interview, Ciudad Juárez, Chihuahua, 23 November 2012.

<sup>261</sup> [www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address](http://www.whitehouse.gov/the-press-office/2013/02/12/remarks-president-state-union-address).

ground checks and other violence-prevention measures.<sup>262</sup> However, the future of all these remain unclear.

Beyond a new prohibition, the U.S. could increase efforts under existing laws to stop cartels buying and smuggling guns. The most effective method of attacking the gun runners is using ATF intelligence units to locate suspicious buys and enable raids on safe houses used by the smugglers. In major supply points for cartels, such as Phoenix, Arizona, however, agents say they do not have enough agents to monitor the thousands of gun shops and that more inspectors would allow them to seize more weapons. The situation has not been helped by threatened budget cuts across the U.S. government.<sup>263</sup>

While good intelligence work is vital, schemes that merely watch weapons being smuggled into Mexico in the hope of catching bigger fish are ethically questionable and damage the U.S. relationship with Mexico. In one such operation, known as “Fast and Furious”, the ATF allowed certain weapons purchased in the U.S. to cross the border with the hope of identifying and then capturing the entire arms network. However, the authorities lost track of many weapons, allowing many to be used by cartels to kill; the operation’s concept has been condemned in Congressional investigations in both countries, and several officials involved in it were dismissed.<sup>264</sup>

Many advocates of drug policy reform argue that the most powerful measure against Mexican criminal cartels would be legalisation of narcotics. As discussed in Section II above, the cartels annually make tens of billions of dollars smuggling drugs. If this business were taken away, policy reformers say, they would be damaged financially. Cartels have become diversified crime groups, so even total legalisation of drugs would not cause them to disappear, but the loss of so much profit, reformers argue, would make them weaker and easier to fight.<sup>265</sup>

Reformers are currently focusing on legalisation of marijuana. The 6 November 2012 decision by U.S. voters to do so in Colorado and Washington State echoed sharply in Mexico, where critics questioned why the army was burning cannabis fields in Baja California when it was to be sold in some dispensaries north of the border.<sup>266</sup> The following week, a PRD lawmaker introduced a bill in Congress to legalise production, sale and use of marijuana in Mexico.<sup>267</sup> A PRI governor in Colima state called for a referendum on legalisation. Mexican practice since 2009 is already not to prosecute those who possess small amounts of any drugs, but production and sale is illegal and firmly in cartel hands.

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<sup>262</sup> [www.feinstein.senate.gov/public/index.cfm/assault-weapons](http://www.feinstein.senate.gov/public/index.cfm/assault-weapons); “Bipartisan House plan focuses on gun trafficking”, *The New York Times*, 5 February 2013.

<sup>263</sup> Crisis Group consultant interviews in former capacity, ATF agents, Phoenix, Arizona, June 2009; Jackie Kucinich, “Budget cuts may weaken gun background checks, feds say”, *USA Today*, 20 February 2013.

<sup>264</sup> “Issa, Grassley Report on Fast & Furious Finds Widespread Justice Department Management Failures”, Committee on Oversight and Government Reform, U.S. House of Representatives, 29 October 2012. See also, “Niega la SRE que el gobierno supiera con antelación del operativo rápido y furioso”, *La Jornada*, 3 November 2012.

<sup>265</sup> Crisis Group interview, Jorge Hernández, president, Collective for an Integral Drug Policy, Mexico City, 7 November 2012.

<sup>266</sup> Former Foreign Secretary Jorge Castañeda asked on Mexican radio MVS on 7 November 2012: “Why are we busting trucks of marijuana in Mexico, when they are selling it over the counter in some U.S. states?”

<sup>267</sup> “Mexico lawmaker introduces bill to legalize marijuana”, Reuters, 15 November 2012.

Legal marijuana would still leave the cartels with the profitable cocaine, heroin and crystal meth trade, but a Mexican think tank estimated they derive a third of their income from marijuana export to the U.S. (others have said it may be as little as 10 to 15 per cent).<sup>268</sup> Legalisation contravenes UN treaties that oblige parties (as both Mexico and the U.S. are) to combat marijuana as well as various other drugs. However, following demands from Latin American presidents for a new debate on drug policy, the UN has announced it will discuss the issue at a General Assembly Special Session on drugs in 2016.<sup>269</sup> The OAS year-long report on counter-drug policy mandated by the Cartagena Summit of the Americas is due much earlier, by May 2013, and will inevitably generate heated debate.<sup>270</sup>

Because it suffers traumatically from drug trafficking, Mexico has status to lead this debate. President Peña Nieto has said that the referendums in Colorado and Washington State raise serious questions about global drug policy:

Without a doubt, it opens space for a rethinking of our policy. It opens a debate about the course the drug war should be taking. Personally, I'm against legalisation; I don't think it's the route. But I am in favour of a hemispheric debate on the effectiveness of the drug-war route we're on now.<sup>271</sup>

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<sup>268</sup> Hope and Clark, "Si Los Vecinos Legalizan", *imco*, op. cit. The Rand Corporation estimated 10 to 15 per cent in an October 2010 report, "Legalizing Marijuana in California Will Not Dramatically Reduce Mexican Drug Trafficking Revenues".

<sup>269</sup> Press release, Mexico Secretaría de Relaciones Exteriores, 30 November 2012. The press release did not refer to discussion of a particular treaty.

<sup>270</sup> [www.cicad.oas.org/Main/Template.asp?File=/Main/policy/default\\_ENG.asp](http://www.cicad.oas.org/Main/Template.asp?File=/Main/policy/default_ENG.asp).

<sup>271</sup> Tim Padgett, "Mexico's Peña Nieto talks to *TIME*: 'We can move beyond the drug war'", *TIME*, 30 November 2012.

## **VI. Conclusion**

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Mexico faces a Herculean challenge. The government has to fight cartel murder squads who use military-grade weapons to attack civilians and troops. But sending security forces usually raises serious concerns about human rights abuses. From the north, it faces pressure to stop the flow of narcotics to U.S. users. Domestically, it faces pressure to reduce the violence, kidnappings and extortion by killers financed largely by this illegal drug trade. The last six years have shown how serious the consequences are of a combination of criminal cartels, a failing justice system and a poorly regulated military crackdown. If Mexico does not improve its institutions and attend to its abandoned communities, the horrific violence, lack of social justice and dwindling belief in the state could become endemic.

There are many positive factors that signal Mexico might be able to break the downward cycle of violence and criminal cartels. The long-divided political class has shown unity in supporting a plan for building institutions and reforming the justice system. Congressmen, politicians, governors, attorneys and judges are committed to implement the biggest changes to the legal code in a century. A national program for the prevention of violence and crime has been approved. Experienced, dedicated social workers and human rights defenders have built programs that can reach the most vulnerable. If the government can carry out seismic reforms, and civil society efforts to transform poor communities bear fruit, there is a prospect to achieve peace and justice for the new generation. And if Mexico does markedly improve its security, this could provide lessons for the rest of the Latin American region and other parts of the world besieged by crime and violence.

**Mexico City/Bogotá/Brussels, 19 March 2013**

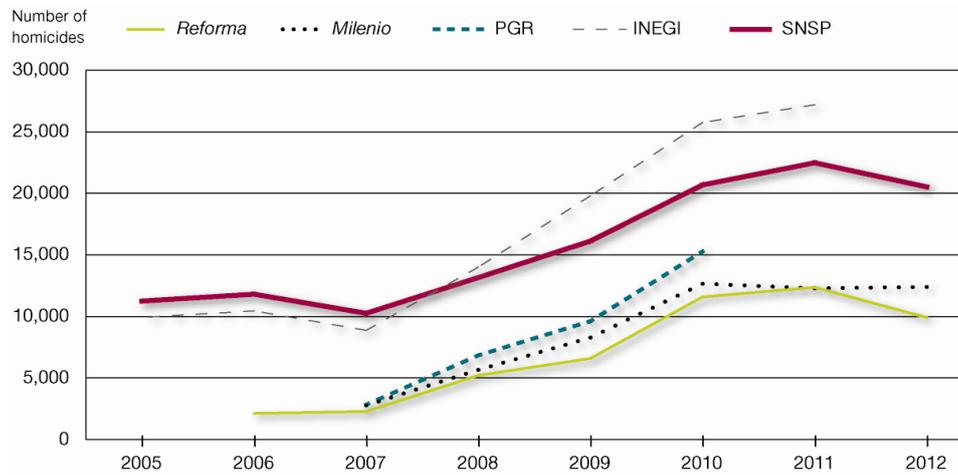
Appendix A: Map of Mexico



Appendix B: Map of Cartel-related Murders 2006 to 2012



Appendix C: Cartel-related homicides vs. All Homicides, By Year



**Reforma** (newspaper): Total number of cartel-related homicides from 1 January 2006 to 31 December 2012.

**Milenio** (newspaper): Total number of cartel-related homicides from 1 January 2007 to 31 December 2012.

**Attorney General's Office** (PGR): Total number of cartel-related homicides from 1 January 2007 to 31 December 2010. The Attorney General's Office (PGR) stopped publishing data after September 2011.

**National Institute of Statistics and Geography** (INEGI): Total number of all homicides from 1 January 2005 to 31 December 2011. Information last updated July 2012.

**Public Security National System** (SNSP): Total number of intentional homicides from 1 January 2005 to 31 December 2012.

	2005	2006	2007	2008	2009	2010	2011	2012
<i>Reforma</i>	–	2,119	2,275	5,207	6,587	11,583	12,366	9,913
<i>Milenio</i>	–	–	2,773	5,661	8,281	12,658	12,284	12,394
PGR	–	–	2,826	6,837	9,614	15,272	–	–
INEGI	9,921	10,452	8,867	14,006	19,803	25,757	27,199	–
SNSP	11,246	11,806	10,253	13,155	16,118	20,681	22,480	20,560

Appendix D: Main Cartels in Mexico

Name	Leaders	Major base	Other info
Sinaloa Cartel (Cártel de Sinaloa/Cartel del Pacífico/Organización Guzmán-Loera)	Joaquín Guzmán, "El Chapo"; Ismael Zambada, "El Mayo"	Sinaloa	Has roots in the villages of the Sierra Madre mountains where traffickers have been growing and smuggling opium since the early twentieth century. Agents consider it the wealthiest Mexican cartel; it is linked to record-breaking seizures of cocaine.
The Zetas (Los Zetas)	Heriberto Lazcano, "El Lazca"/ "Z-3" (shot dead October 2012); Miguel Ángel Treviño, "Z-40"	Nuevo Laredo, Tamaulipas	Founded around 1998 by former Mexican military officers recruited as enforcers for the Gulf Cartel but broke off to claim territory for themselves. Brought military-style tactics to Mexico's drug violence and are alleged to be behind the most brutal massacres.
Gulf Cartel (Cártel del Golfo)	Eduardo Costilla, "El Coss" (arrested September 2012); Mario Armando Ramírez, "El Pelón/El X-20"	Matamoros, Tamaulipas	Has roots in a network of alcohol bootleggers. Linked to major shipments of cocaine and other drugs in one of Mexico's biggest trafficking corridors. Has allied with its former enemy, the Sinaloa Cartel, to fight against The Zetas.
Tijuana Cartel (Cártel de Tijuana/Organización Arellano Félix)	Luis Fernando Sánchez Arellano, "El Ingeniero"	Tijuana, Baja California	Gained notoriety for violence in the 1990s under the Arellano Félix brothers. Recruited wealthy Tijuana youth known as "narco juniors" and members of California street gangs.
Juárez Cartel (Cártel de Juárez/Organización Vicente Carrillo Fuentes)	Vicente Carrillo Fuentes, "Viceroy"	Ciudad Juárez, Chihuahua	Has wing of enforcers known as "La Línea" and works closely with the Barrio Azteca, a gang that operates both in Mexico and within Texas prisons and cities.
Beltrán-Leyva Cartel (Cártel de los Beltrán-Leyva)	Alfredo Beltrán-Leyva, "El Mochomo" (arrested January 2008); Marcos Arturo Beltrán-Leyva, "El Barbas" (shot dead December 2009); Carlos Beltrán-Leyva (arrested December 2009); Héctor Beltrán-Leyva	Morelos	Founded by four Beltrán-Leyva brothers (Alfredo, Marcos Arturo, Carlos and Héctor) after a split from the Sinaloa Cartel. Linked to major crystal meth labs and drug shipments.
Knights Templar (Caballeros Templarios)	Servando Gómez, "La Tuta"/"El Profe"; Dionisio Loya, "El Tío"	Michoacán	Has roots in the quasi-religious La Familia Michoacana of now deceased Nazario Moreno González, "El Más Loco". Provides members with book of codes and conducts ceremonies imitating medieval armours.
La Familia	José de Jesús Méndez, "El Chango" (arrested June 2011)	Mexico State	A splinter from the Knights Templar that inherited the La Familia name but now operates mainly from Mexico State. Linked to major violence on the edges of Mexico City.
Jalisco New Generation (Cártel de Jalisco Nueva Generación/CJNG/Matazetas)	Rubén Oseguera/Nemesio Oseguera, "El Mencho"; Erick Valencia Salazar, "El 85" (arrested March 2012)	Jalisco	Closely allied to the Sinaloa Cartel. Has conducted a campaign of massacres of alleged Zetas and fought a turf war with the Knights Templar.

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## Appendix E: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

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**March 2013**

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## Appendix F: Reports and Briefings on Latin America and the Caribbean since 2010

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- Haiti: Stabilisation and Reconstruction after the Quake*, Latin America/Caribbean Report N°32, 31 March 2010 (also available in French).
- Guatemala: Squeezed Between Crime and Impunity*, Latin America Report N°33, 22 June 2010 (also available in Spanish).
- Improving Security Policy in Colombia*, Latin America Briefing N°23, 29 June 2010 (also available in Spanish).
- Colombia: President Santos's Conflict Resolution Opportunity*, Latin America Report N°34, 13 October 2010 (also available in Spanish).
- Haiti: The Stakes of the Post-Quake Elections*, Latin America/Caribbean Report N°35, 27 October 2010.
- Learning to Walk without a Crutch: The International Commission Against Impunity in Guatemala*, Latin America Report N°36, 31 May 2011 (also available in Spanish).
- Guatemala's Elections: Clean Polls, Dirty Politics*, Latin America Briefing N°24, 17 June 2011 (also available in Spanish).
- Post-quake Haiti: Security Depends on Resettlement and Development*, Latin America Briefing N°25, 28 June 2011.
- Cutting the Links Between Crime and Local Politics: Colombia's 2011 Elections*, Latin America Report N°37, 25 July 2011 (also available in Spanish).
- Violence and Politics in Venezuela*, Latin America Report N°38, 17 August 2011 (also available in Spanish).
- Keeping Haiti Safe: Police Reform*, Latin America/Caribbean Briefing N°26, 8 September 2011 (also available in French and Spanish).
- Guatemala: Drug Trafficking and Violence*, Latin America Report N°39, 11 October 2011 (also available in Spanish).
- Keeping Haiti Safe: Justice Reform*, Latin America/Caribbean Briefing N°27, 27 October 2011 (also available in French).
- Moving Beyond Easy Wins: Colombia's Borders*, Latin America Report N°40, 31 October 2011 (also available in Spanish).
- Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender*, Latin America Report N°41, 8 June 2012 (also available in Spanish).
- Dangerous Uncertainty ahead of Venezuela's Elections*, Latin America Report N°42, 26 June 2012 (also available in Spanish).
- Policy Reform in Guatemala: Obstacles and Opportunities*, Latin America Report N°43, 20 July 2012 (also available in Spanish).
- Towards a Post-MINUSTAH Haiti: Making an Effective Transition*, Latin America/Caribbean Report N°44, 2 August 2012 (also available in French).
- Colombia: Peace at Last?*, Latin America Report N°45, 25 September 2012.
- Governing Haiti: Time for National Consensus*, Latin America and Caribbean Report N°46, 4 February 2013 (also available in French).
- Totonicapán: Tension in Guatemala's Indigenous Hinterland*, Latin America Report N°47, 6 February 2013 (also available in Spanish).

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<b>Zbigniew Brzezinski</b>	<b>Max Jakobson</b>	<b>Michel Rocard</b>	
<b>Kim Campbell</b>	<b>James V. Kimsey</b>	<b>Volker Rühle</b>	
<b>Jorge Castañeda</b>	<b>Aleksander</b>	<b>Güler Sabancı</b>	
	<b>Kwasniewski</b>	<b>Mohamed Sahnoun</b>	
	<b>Todung Mulya Lubis</b>	<b>Salim A. Salim</b>	
	<b>Allan J. MacEachen</b>	<b>Douglas Schoen</b>	