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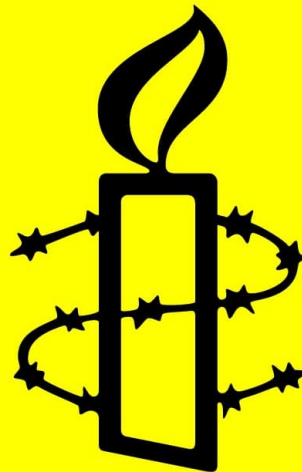
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November 8, 2020

Mexico's new National Guard is breaking its vow to respect human rights

Jessica Silva and her husband Jaime Torres were driving through Delicias, a town in the northern state of Chihuahua, late on 8 September when members of Mexico's National Guard attacked them.

That afternoon they had joined thousands of agricultural workers in a tense protest at La Boquilla, a nearby dam, to defend their right to water. The National Guard fired tear gas at the demonstrators, who were armed with bats, poles and rocks. Undeterred, the protesters managed to seize control of the dam, forcing the soldiers to retreat.

As Silva and Torres made their way home that night, members of the National Guard opened fire on their vehicle. A witness told Amnesty International he saw two National

opened fire on their vehicle. A witness told Amnesty International he saw two National Guard trucks pass by and heard five or six gunshots. Torres, a walnut and alfalfa farmer, was seriously wounded, while Silva, a 35-year-old homemaker and agricultural worker with three teenage children, died instantly.



It's not fair that people who are supposed to protect their safety have taken [Jessica's] life and almost killed Jaime

Alma Rodríguez

Founded last year, the National Guard was supposed to herald an end to the militarized approach to public security that left an estimated 200,000 people dead and tens of thousands missing under Mexico's last two governments. Upon inspecting a barracks in February 2020, President Andrés Manuel López Obrador **declared it** a “very important new institution to guarantee peace, but without excesses, without authoritarianism, respecting human rights.”

The early signs suggest this has not been the case. The new force was unable to stop Mexico registering **record numbers** of murders last year and it stands accused of hundreds of human rights violations, including killing Silva and wounding her husband.

The National Guard initially said it had “**repelled [an] attack**” by “**armed civilians in several vehicles**” but Torres **has denied** he was carrying a weapon. Neither victim appeared to be armed in a photo that showed Torres behind the wheel, blood soaking his white t-shirt, with Silva's body slumped beside him, her black facemask still covering her face.

Luis Rodríguez Bucio, the head of the National Guard, later said it was “**a disgraceful, unfortunate accident**” and on 27 October the **National Guard admitted** that there was “evidence that suggests the guilt of some members of our institution”. The same day, the federal attorney general's office announced that it had arrested six members of the force and charged them with **homicide and attempted homicide**.

“It's not fair that people who are supposed to protect their safety have taken [Jessica's] life and almost killed Jaime,” Silva's aunt, Alma Rodríguez, told Amnesty International. “They took the life of a wonderful, hard-working person, someone who was not a criminal, who didn't steal or kill, whose only defect was having gone to protest to stand up for her rights.”

The continued militarization of Mexico

There is **ample evidence** that the deployment of military forces has coincided with an increase in human rights violations and in levels of violence across Mexico. A **2016 government survey** found that the armed forces are more likely to abuse detainees than Mexico's federal, state or municipal police, with 88 percent of people detained by the Navy and 86 percent of those arrested by the Army complaining of torture or other ill-treatment.

Instead of **fulfilling his pledge** to return the armed forces to their barracks, López Obrador has extended their role in enforcing public security **until 2024** and entrusted them with **pet projects** such as building a new airport for Mexico City and parts of a controversial tourist train connecting Mayan ruins. The government has also deployed the armed forces to aid Mexico's **response to the COVID-19** pandemic and **announced plans** to hand control of the nation's ports and customs to the Army and the Navy.



Past experience shows it's dangerous for the military to operate without civilian oversight

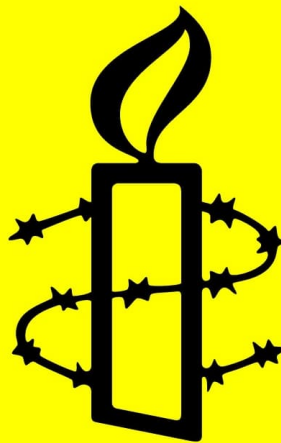
Sam Storr

The National Guard was born into this context of militarization. Although an amendment to Mexico's Constitution established that it must be "civilian in nature", it is an overwhelmingly militarized force. Led by the former general Rodríguez Bucio, its members are armed with Mexican-made **FX-05 Xiuhcoatli** assault rifles and **Sig Sauer** 9mm pistols, and ride **Chevrolet pickups** backed by **Black Hawk** helicopters.

In response to **reports** that the government had handed operational control of the National Guard to the military in October, Mexico's Secretariat of National Defense told Amnesty International they "work in a coordinated manner in response to the specific situation in each state" and that the armed forces can only carry out "public security tasks in an extraordinary, regulated, controlled, subordinate and complementary manner" for a period of five years "while the National Guard develops its structure, capacities and territorial implementation".

Yet doubts remain over whether it is a truly "civilian" force.

"Past experience shows it's dangerous for the military to operate without civilian oversight," says Sam Storr, a consultant with the Citizen Security Program at Mexico's Ibero-American university, who warns that the National Guard has not fulfilled its legal obligations in terms of making information public, in particular regarding how many of its troops are still employed by the armed forces.



The National Guard is an overwhelmingly militarized force (Photo by Manuel Velasquez/Getty Images)

As of July 2020, the National Guard was comprised of approximately 90,000 troops, of whom 51,101 had transferred from the Army, 10,149 from the Navy and 26,376 from the now-defunct Federal Police, according to an investigation by **Animal Político**. The Army and Navy had been responsible for all recruitment and continued to pay the wages of their former members who joined the National Guard. Only 20 percent of members and just 0.3 percent of new recruits had **reportedly passed background checks** and been trained and certified to carry out police work.

"The wider context here is the lack of investment in good police forces and the lack of strong civilian institutions in Mexico, and this is only going to worsen the problem over time, so that takes the country in potentially a very dangerous trajectory," Storr warns.

While the armed forces are often portrayed as less corruptible than Mexico's police – a narrative **weakened by the arrest** of the former National Defence Secretary, General Salvador Cienfuegos, in the United States in October – the National Guard has already

Salvador Cienfuegos, in the United States in October – the National Guard has already been implicated in multiple scandals. Its members have been exhibited **extorting** an alleged drug trafficker in Sonora, **dining** with alleged members of criminal groups in Puebla, **misusing firearms** in an apparent state of inebriation in Jalisco, and **inviting sex workers** to a party at a barracks during the COVID-19 lockdown in Guanajuato.

Concerns over lack of transparency and unlawful use of lethal force

Mexico's ombudsman's office, the **National Human Rights Commission** (CNDH), logged at least 219 complaints about the National Guard between 26 May 2019, when the force was formally established, and August 2020. These included allegations of 51 arbitrary arrests, 28 cases of cruel, inhuman or degrading treatment, three cases of torture, two unlawful killings and two enforced disappearances.

Yet experts say it's difficult to ascertain the full number of human rights violations that the National Guard is committing due to a lack of transparency from the authorities, the absence of a specialist independent watchdog, the fact that victims are often afraid to denounce security forces for fear of reprisal, and the dangers that inhibit journalism in parts of the country.

Lucia Chavez, a researcher at the non-governmental Mexican Commission for the Defense and Protection of Human Rights (CMDPDH), says the actual number is likely much higher, particularly in states that have experienced high levels of violence like Tamaulipas, Veracruz and Durango, where few complaints are typically made due to "distrust in the authorities and the ombudsman figure".

The National Guard also faces reduced accountability after the Mexican government passed a **National Law on the Use of Force** last year that did not restrict the use of lethal force or require that it only be used as a last resort in order to protect life, or even mention the need to protect third parties.

Although by no means complete, the information available in the press is enough to set alarm bells ringing over the National Guard's use of lethal force. As of late September 2020, media reports compiled by the CMDPDH since 2019 indicated that 11 members of the National Guard had died in 128 violent confrontations in which 178 alleged criminals or bystanders were killed, as well as 11 members of other state security forces. In the troubled states of Guanajuato, Michoacán and Tamaulipas alone, the National Guard reportedly suffered four deaths in 52 confrontations that left 84 alleged criminals or bystanders dead, along with one police officer and two Navy personnel.

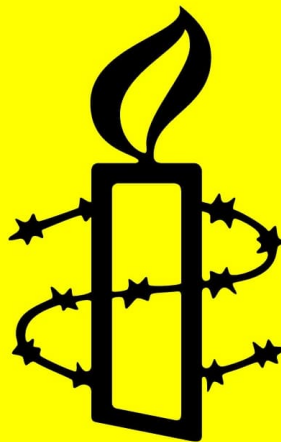
While this may appear like evidence of the efficiency or superiority of the National Guard, experts from the group Lethal Force Monitor have established that if there are

guards, experts from the group Estrella 1000 members have established that if there are 10 or more deaths for every member of the security forces killed in confrontations **“this constitutes a clear indication of excessive use of force”**.

Torture and sexual violence against migrants and asylum seekers

Although ostensibly created to improve public security, the National Guard's most visible role to date has been in stopping Central American migrants and asylum seekers from traveling up through Mexico to the United States.

In one incident, on 23 March, about 20 members of the National Guard entered the Siglo XXI migrant detention center in Tapachula, a small, steamy city in the southern state of Chiapas. Dozens of Central American migrants and asylum seekers had started protesting and asking to be released for fear of contracting COVID-19 while locked up there.



The National Guard's most visible role to date has been in stopping Central American migrants and asylum seekers (ALFREDO ESTRELLA/AFP via Getty Images)

Flanked by Mexican immigration agents, the National Guard allegedly assaulted the migrants over several hours, stripping some of them naked and attacking them with their shields, fists, boots, hoses, fire extinguishers, pepper spray, Tasers, bats and knuckledusters, according to transcripts of interviews that the Fray Matías de Córdova Human Rights Center conducted with witnesses and shared with Amnesty International.

they dragged them by their hands, by their feet, naked, with their faces disfigured and beaten, broken even... they threw them to the floor and started beating them with their fists and electrocuting them,” said one Honduran man. “I’ll never forget the screams of those people, as I watched them vomiting blood.”

Another man, who had fled his home in Guatemala after surviving an attempt on his life, said he almost suffocated from the pepper spray and felt scarred by the brutality he witnessed: “I’d never experienced anything of that magnitude, violence of that kind.”

Eventually the National Guard dragged a group of migrants onto a bus and drove them away, without revealing their destination. Salvador Lacruz from the Fray Matías Center says he eventually learned that they were transferred to other migrant detention centers in the states of Chiapas, Tabasco and Veracruz. Lacruz says the witnesses’ testimony is “evidence of torture and ill-treatment”, while other local human rights groups suggested the abuses fit the definition of **enforced disappearance** under international human rights law, given that authorities refused to reveal their location or destination during the events.

“

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A Honduran migrant

On another occasion, when the CMDPDH’s asylum coordinator Daniela Reyes visited the migrant detention center in Hermosillo, in the northern state of Sonora, last December she was struck not only by the **severe overcrowding and oppressive heat**, but also by the detainees’ reluctance to speak to her and her colleagues. Migrants at other detention centers had always been quick to approach them, Reyes told Amnesty International, but in Hermosillo she found they had been silenced by a culture of fear and intimidation.

As the migrants began to open up, they told her the National Guard had beaten,

threatened and pointed their firearms at them during an inspection of the facility, in retaliation for starting protests or hunger strikes to denounce their living conditions. The violence was gendered, with 13 women, mostly from Cameroon and Central America, telling Reyes that members of the force sexually assaulted them.

“We gathered their testimony on the first day, but when we came in the next day, they wouldn’t even look at us. They didn’t want to talk,” Reyes says. “Finally, one person told us that members of the National Guard had come in that morning and physically attacked the people that agents of the National Migration Institute had identified as having talked to us.”

The CMDPDH is also representing several migrants who say they suffered torture and threats of enforced disappearance at the hands of the National Guard in Mexico City’s Las Agujas migration detention center in October 2019 and February 2020.

Mexico’s Secretariat for Security and Citizen Protection did not respond to requests for comment on the allegations against the National Guard, which, combined with its militarized nature and the lack of transparency and civilian oversight, contrast with the president’s proclamations about the nature and significance of the force.

After 18 months in operation, there is little to suggest that the National Guard represents a change to Mexico’s security strategy or a new era of respect for human rights.

Duncan Tucker is the Americas media manager at Amnesty International

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