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Human-rights Advocates Push For U.S. Government To Withhold Drug-interdiction Funds For Mexico

by LADB Staff

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Human rights advocates and some US legislators are pushing US President Barack Obama's administration to use its muscle to force the Mexican government to halt abuses by Mexican soldiers and police in its fight against drug traffickers. The Obama government has given conflicting signals, citing the need for Mexico to respect human rights but also praising President Felipe Calderon's administration for its effectiveness in the war against drug traffickers. Obama especially noted the Mexican government's efforts at a North American leaders' summit with Calderon and Canadian Prime Minister Stephen Harper in Guadalajara in early August. Calderon argues that his administration is conducting its campaign in accordance to the law.

Army, federal police said to commit numerous rights violations

The clamor for the US to take a stronger stance against human rights violations in Mexico is led by the New York-based organization Human Rights Watch (HRW), which is pushing the Obama administration to withhold security assistance approved under Plan Merida. The aid is to be used for Mexico to acquire helicopters and surveillance aircraft, train law-enforcement personnel, and improve intelligence-gathering and coordination among various agencies (SourceMex, June 11, 2008).

The US Congress added a controversial clause in the language for Plan Merida that allows the US president to withhold 15% of the funds pending a report from the US Department of State that Mexico is complying with certain human rights conditions. One of those conditions is that Mexican civilian authorities be allowed to investigate and prosecute alleged abuses by the Mexican Army and federal police "in accordance with Mexican and international law." Human rights advocates have accused the Army of torture, rape, arbitrary arrests, and murder (SourceMex, February 20, 2008 and July 16, 2008).

In a letter to US Secretary of State Hillary Rodham Clinton, HRW argues that Mexico is not complying with this condition because military courts are handling all complaints related to the campaign against drug traffickers. The organization contends that civilian courts should hear those complaints. The HRW position is similar to one held by the semi-independent Comision Nacional de Derechos Humanos (CNDH), which says that the military courts have no jurisdiction when the Army is conducting activities such as law enforcement, which is outside its normal duties.

CNDH president Jose Luis Soberanes also urged the Calderon administration to rethink its strategy in the fight against drug traffickers, saying that 14,000 people have died since the campaign was launched in 2008. "In this battle, there is evidence that human rights are not being respected," Soberanes told participants at a forum in Mexico City in mid-July. The accusations of human rights

violations against the military have mounted since Calderon launched his war against the drug cartels in January 2007 (SourceMex, January 04, 2007).

Government statistics show that complaints have increased 600% since then, averaging about 140 per month. The CNDH has produced reports on 26 cases involving the military since the beginning of Calderon's term, and it found evidence of torture in 17 of the cases. At least one of the victims of Army abuses has brought legal action against the military. Reynalda Morales Rodriguez, whose husband was one of four unarmed civilians allegedly gunned down by soldiers in Sinaloa state in March 2008, took the case all the way to Mexico's high court (Suprema Corte de Justicia de la Nacion, SCJN). The high court declined to hear the case, however.

The Secretaria de Defensa Nacional (SEDENA) claims it has sanctioned a lieutenant, two corporals, and two privates in the incident, but human rights advocates contend that no members of the Mexican military have been brought to justice in Mexico for human-rights violations in the past decade. Furthermore, the CNDH and other advocates claim that as many as 20 military personnel were involved in the shooting in Sinaloa. Despite all these complaints, Calderon has challenged critics to come up with evidence that his administration is tolerating human rights abuses. He emphasized that his administration is investigating every complaint and prosecuting all guilty parties. "Our commitment to human rights is absolute," Calderon said. "We have met and will continue to meet this commitment, not because of any money that may or may not come through the Merida Initiative, and not because a member of the US Congress asks for it, but because of our profound convictions."

Obama administration scraps plan to give Mexico favorable report

The Obama administration, rather than condemning human rights violations, had been planning to produce a report affirming that Mexico was respecting human rights in its campaign against drug traffickers. The State Department had intended to release the favorable report in advance of Obama's summit with Calderon and Harper in Guadalajara. But officials scrapped the plan after aides to Sen. Patrick Leahy (D-VT) made it known that the influential senator opposed its release because the findings contradicted reports citing numerous instances in which Mexican soldiers violated civilians' human rights during the anti-drug campaign.

Among the violations cited were forced disappearances and torture. "Those requirements have not been met, so it is premature to send the report to Congress," said Leahy, who chairs the Senate Appropriations Committee's state and foreign operations subcommittee, which has jurisdiction over funds for Plan Merida. Leahy attempted to put a positive spin on the decision. "We had good faith discussions with Mexican and US officials in reaching these requirements in the law, and I hope we can continue in that spirit," said the senator. Leahy's stance could, however, delay the disbursement of Plan Merida funds to Mexico this year.

State Department officials were considering whether to rewrite the report before submitting it to Congress, which returns from its summer recess on Sept. 7. If Congress does not release the money by Sept. 30, the end of the fiscal year, Mexico could lose some of that aid.

Obama uses North American summit to praise Calderon's efforts

The lack of an official report did not prevent Obama from using the North American leaders' summit to declare that Mexico was complying with human rights norms in its fight against drug traffickers. "I have great confidence in President Calderon's administration applying the law-enforcement techniques that are necessary but doing so in a way that's consistent with human rights," Obama said at a press conference at the summit. "We have a strong commitment to protect the human rights of everybody." This was Obama's first North American leaders' summit, and observers noted a different tone than during past meetings of the leaders of North American countries.

The three leaders addressed issues like immigration, trade, Canada's new visa requirement for Mexicans (SourceMex, July 22, 2009), and their common support for ousted Honduran President Manuel Zelaya (NotiCen, August 13, 2009). "The word 'terrorism' was absent from the discussions," said the Guadalajara daily newspaper El Informador, in reference to ex-US President George W. Bush's policy priorities. "This is in contrast to previous summits, where the word was a prominent part of speeches as well as official documents. Still, Obama was criticized for missing an opportunity to press Calderon directly about the human rights violations. "While people on both sides of the US-Mexico border expected to hear President Barack Obama plan for dealing with problems involving drug smuggling, violence, crime, and illegal aliens, they were treated only to the usual flowery language that is the hallmark of an Obama speech," wrote columnist Jim Kouri in the Law Enforcement Examiner. Calderon also came under some criticism for failing to press Obama to make a greater commitment to address the ongoing problem of high-caliber weapons smuggling into Mexico. The easy access to these weapons has allowed the drug cartels to continue violent attacks against each other and against law-enforcement personnel, politicians, and innocent bystanders.

In April of this year, Obama announced a plan to increase inspections along the US-Mexico border in an attempt to discourage the southbound flow of weapons to Mexico (SourceMex, April 01, 2009). But Mexican legislators say this effort has had little effect in slowing down arms smuggling. Sen. Fernando Castro Trenti, who chairs the legislative affairs committee (Comision de Estudios Legislativos) in the upper house, said only a major overhaul of US legislation, including greater controls on weapons sales, would reduce the weapons flow. "Arms smuggling should have been a major theme of the summit," said Trenti, a member of the opposition Partido Revolucionario Institucional (PRI). He said any other efforts to control drug trafficking are equivalent to "using an aspirin" to address a serious illness.

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