6. Mexico

6.1 Social and Economic Damage Caused by the War Against Drugs in Mexico

*by José Reveles**

When we use a very coarse brush, in the way Goya did, to draw the frightening face of barbarism that has established itself in Mexico – and to describe the bloodiest violence this country has seen in decades – the unavoidable truth this reveals may, at the same time, be hiding other crimes. These are the offenses against social justice, namely the unpunished looting of natural resources, the abandonment of farmers – leaving them completely on their own – as well as the incapacity of the government to create jobs, provide education, health services, housing, drinking water, sewage disposal, and other minimum service requirements for most of the population.

Recent government administrations have not even demonstrated the minimum level of efficiency required to stop the advance of poverty, which already afflicts more than 52 million people in Mexico (46.2% of the country's population).

Of course it is necessary, wherever possible, to remember, and to lament, the human tragedy brought to Mexico by this war against drug traffickers and organized crime – a war badly planned and even more poorly executed. A "failed war," some analysts say, and a "faked war," others believe, because there have been no positive results so far. After more than five years of armed combat, current data reveals devastating realities.

- The term of conservative President Felipe Calderón (National Action Party, PAN) will end on November 30, 2012, with around 70,000 Mexicans having been violently assassinated and at least another 10,000 who are missing and who have not been found in six years. The costs for civilians are extremely high. It is not true, as the government maintains, that the immense majority of victims were involved in organized crime or were executed or kidnapped by

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criminals. There are several thousand homicides and kidnappings (cynically labeled "liftings") that are increasingly being attributed to the armed and police forces who are fighting crime.

- In 2011, more than 1.6 million people were displaced from their original homes, which corresponds to 2 percent of the country's population above 18 years of age. More than 80 percent of these people who left their houses, their land, work, and schools were forced to do so because of violence, according to a Parametría poll. The exodus has mainly affected the states of Chihuahua (where Ciudad Juárez is situated, the city with the highest rate of insecurity and violence in Latin America), Tamaulipas, Sinaloa, Coahuila, Durango, Baja California, Nuevo León, Michoacán, Guerrero, and Veracruz. These are among the 32 states in the Mexican Republic where extremely bloody disputes between the drug cartels themselves and fights between them and the federal forces have taken place – and still take place. The most vulnerable in the population, namely widows, orphans, and old people, were among those who fled from their homes. However, this is also true for thousands of violated women or indigenous peoples who have been deprived of their land in the south of the Republic, as doctor Marcos Arana from the José María Luis Mora Research Institute explains. According to the United Nations, the problem does not seem to bother the government, which has not even carried out an analysis to explain the phenomenon of displaced people. A figure disseminated by the Internal Displacement Monitoring Centre of the Norwegian Refugee Council states that there were about 160,000 Mexicans displaced in 2011 – a number that is identical to that in Palestine during the same period but lower than the number displaced in Columbia (260,000), yet a lot more than the number of those displaced in Libya (30,000).
- The cultivated area for marijuana (cannabis) and opiates (opium poppy) is far from diminishing – more than 5,000 hectares of new plants have been sown in the past five years (almost 40%), which is an obvious paradox in view of the violence that has been unleashed by the army, the navy, and the federal police against organizations that trade their products in other countries or sell them on the internal drug market. Without any official explanation, these plantations were fumigated by airplanes in November 2006, above all in the so-called Golden Triangle in the north (Chihuahua, Sinaloa, Durango), but also in the mountainous region between Guerrero and Oaxaca on the southern Pacific coast, as well as in other production areas in the Gulf of Mexico and on the border to Guatemala. In December 2006, the entire fleet of aircraft of the Attorney General of the Republic (108 aircraft and helicopters) was transferred to the National Defense Ministry. Despite this, the armed forces did not destroy the plants from the air, but instead deployed 20,000 soldiers to destroy the plants manually – a much slower and less efficient method. Mexican heroin accounts for 9 percent of the total world production; this covers 39 percent of total consumption in the United States, which procures the rest of its supply

from Colombia and Afghanistan, according to information published by the International Narcotics Control Board in 2011.

- As such, in the very midst of the "War on Drugs," with troops invading several regions of Mexico – although it is not even officially recognized that an armed conflict exists – we have a situation that has brought about the exact opposite. The production, bagging, and export of Mexican marijuana and opiates have increased. This is also true for the processing of synthetic drugs (methamphetamines, "ice," "crystal") produced in laboratories that are emerging all over the country. This is made possible because tons of ephedrine, pseudoephedrine, and other chemical derivates (which are needed to make the drugs) enter Mexican ports, where controls are very lax. In line with information also provided by the International Narcotics Control Board, the Mexican government dismantled 21 clandestine laboratories in 2008, and in 2009 such discoveries and destructions mutiplied nine-fold (191 total). The Mexican armed forces confirm that more than 500 designer drug laboratories were destroyed while the present government was in office. Some labs were camouflaged in mountain zones, others were in urban zones, and some were even underground.
- The cocaine comes from South America, mainly from Colombia, Peru, and Bolivia, but almost all of the cocaine that reaches the US market inevitably passes through Aztec territory. This even includes the cocaine that traffickers now prefer to store in temporary "warehouses" in Central American countries, whose governments have fewer capacities for controlling illicit activities, as intelligence reports have confirmed. The annual quantity that simply passes through Mexico on a transit route has also remained unchanged ("We are the springboard and the USA is the pool," as Mexican President Gustavo Díaz Ordaz put it almost half a century ago). We are talking about 300 to 500 tons of alkaloid each year. However, the Mexican government is confiscating less and less cocaine. In the 1990s, there was one record year with seizures totaling 51 tons, but in 2009 this amount decreased to only 21 tons; in 2010, it decreased further to only 9.4 tons; 2007, however, was a good year for the government, as almost 48 tons were seized.
- A growing internal market serving Mexican drug addicts has developed. The country has 1 million new consumers of cocaine and 1.5 million consumers of marijuana, along with hundreds of thousands of designer drug users, which adds up to more than 7 million addicts. In 2008, Federal Public Safety Minister Genaro García Luna acknowledged that 4.7 million Mexicans were addicts of marijuana and cocaine. This was in addition to an excessive consumption of methamphetamines, resulting in almost 5 million users who consumed 515 tons of marijuana, 27.6 tons of cocaine, and 4.2 tons of ecstasy and other designer drugs, as outlined in a document submitted by Luna to the Congress of the Union. Some experts think this is a result of the closure of terrestrial and maritime borders in the south of the United States, and of employing more soldiers and border patrols to prevent the entry of prohibited substances into

the territory of the northern neighbor. However, other analysts estimate that "payment in kind" – that is, by a certain percentage of the cargo instead of cash – is becoming increasingly common, motivating the criminal organizations to deliberately create a market of Mexican addicts.

- The detention of around twenty criminal leaders over the past three years has had absolutely no impact at all, and has left the operative, armed, economic, and financial structure of the Mexican cartels virtually intact. The most important among these they are: Sinaloa or el Pacífico, Golfo, Zetas, Juárez, Tijuana, Familia Michoacana and Caballeros Templarios, Milenio, and the Beltrán Leyva. In addition to these there are a variety of subdivisions and temporary alliances that make up an extremely complicated map of organizations that are not only involved in the bagging of drugs, but also in the exploitation and trafficking of migrants with no papers, the trafficking of women, the smuggling of goods (including fuel theft from the official ducts and installations of Petroleos Mexicanos, fuel which is sold to "legal" enterprises in the south of the United States), extortion, and protection money (which is an illegal and forced "tax" on so-called *giros negros*, such as bars, discotheques, hotels, restaurants, but also companies and factories of any kind). We can also add kidnapping, child pornography, and exploitation of children, as well as book, music, video, and film piracy to this list, adding up to 22 different crimes, including the illegal purchase of votes during elections.
- Politicians and government officials protecting illegal activities are neither investigated nor punished in Mexico, apart from isolated cases and where doing so helps to support manipulation. This was the case, for example, with the detention, bail, and subsequent liberation (for lack of evidence) of 36 mayors and officers in Michoacán, most of whom were members of the left-wing Democratic Revolution Party (PRD). This attack – which politicized justice, or judicialized politics, depending on how you look at it – is referred to as "El Michoacanazo" in popular slang. The entire act was carried out by the federal government against local authorities, conveniently in the run-up to intermediate elections. The aim was to pave the way for the sister of the president of the Republic, Luisa María Calderón, to become candidate for governor. The same happened three years later, yet still she lost against Fausto Vallejo of the Institutional Revolutionary Party (PRI). Following her defeat, the president's sister accused drug traffickers of imposing governors on the land where the Calderóns were born. This was an unexpected acknowledgement that the "drug war" had failed (five years after it was initiated by her brother, the president). Felipe Calderón himself backed his sister's statement and publicly admitted that organized crime "threatened and led to the withdrawal of the candidature of 50 candidates" in their election campaigns to become mayors in the state of Michoacán at the end of 2011. The candidates were told "either you go along with us or we will have you disappear," and so "they withdrew their candidacies." Referring to candidates in the municipalities from all parties, the presi-

dent said that this was a "serious problem which is neither a personal matter, nor a matter of party."

Criminal reserve army

It must be emphasized that the armed conflict taking place across much of the Mexican territory is causing perverse damage. What is happening there is a far cry from what is vaguely referred to as "collateral" and must be taken into consideration when analyzing the most harmful effects of the declared war on drugs from social, economic, and health points of view. It is not enough to merely list figures concerning cases of violence, as we are talking about murders of civilians; concealed graves making up entire clandestine cemeteries; kidnappings and thousands of people missing; a rupture in the very tissue of society in many regions of Mexico; and even the development of parallel criminal structures that compete or openly manage to take the place of official structures.

Statistical data can give us a clearer picture of the devastation already caused to Mexican society, which it will take many years to reverse. We are witnessing the irretrievable loss of an entire generation of Mexicans at the worst possible time, namely when the country should be benefiting from the so-called democracy bonus, which is, however, being wasted (without any official or private solution in sight). According to economics professor Ciro Murayama, it will only end after millions of young people have been converted into a "criminal reserve army" due to the lack of productive employment.[1] He claims that between 2011 and 2020, there will be around 20.4 million Mexicans who are 18 years of age. They are of full age, meaning they can claim their voting card for the first time, but they will also demand work. All of them, who at the present time are between the third grade in elementary school and twelfth grade in high school, theoretically form the so-called demographic bonus, which is "the unique opportunity of having a low rate of dependent population, which means that we have a high proportion of Mexicans of productive age in relation to the population to be maintained."

The problem is that this "bonus" must be made use of, meaning that all of these young people must be brought into education and later into employment. Murayama's conclusions are terrible: This decade will see 11.5 million new citizens who have not even finished high school. "The situation is critical: United Nations studies show that we must have at least 12 years of schooling to avoid falling into a state of poverty … Thus, the majority of our young people today will have lost the chance for productive integration and sufficient income for the rest of their lives, because they left school too early." Mexicans who arrive at an age where they can start providing income to their homes "will have to deal with a situation of informality and precarious work," and without any access to higher education. This means that "a vast 'criminal reserve army'" will take shape during the years

1 | See his article in issue 409 of *Nexos* magazine from January 2012.

in which Mexico is shaken by violence and suffering from the massive early exclusion of children from school, and later from employment.

From another academic field, the rector of the National Autonomous University of Mexico (UNAM), Dr. José Narro Robles, coined a new word to describe this generation of young people who have no opportunity of progressing and a very uncertain future: He calls them "ninis" (neither-nors), who "neither study nor work," a term considered to be pejorative and discriminatory by many. This is not because they have decided to live their lives this way. Rather, it is because the lack of jobs and education in the country is far from good in terms of macroeconomic and financial policies. For this, the World Bank and the International Monetary Fund have blamed the government of the right-wing National Action Party.

"Compared with the other countries in the Latin America region, Mexico is one of the countries that best manages its monetary policy, interest rates, fiscal and inflation control and the balance between revenues and public expenditure," said Augusto de la Torre, chief economist at the World Bank for Latin America and the Caribbean, in April 2012.

However, while comparing Mexico to other countries of the region, he complained that "it is one of the countries that has had the lowest growth over the past 30 years (average rate 2.5%), which means that Mexico is less vulnerable from the macroeconomic point of view, and yet still experiences reduced growth." It is vital that the country finds "the path to boost growth" (Mexico is already very much lagging behind Brazil, whereas some years ago its indicators exceeded that of the South American country), since Mexico represents a fifth of the Latin American economy, the World Bank official noted.[2]

At the same time, it seems that Mexico – a country with enormous natural and human resources – is doomed to make its policies (which should be sovereign) dependent on its fatal geographic proximity to the hegemonic world power to the north. From corrupt governments that repeatedly emphasized their sovereignty (during the reign of the PRI for seven decades), the country moved on to 12 more years of similarly corrupt regimes (two six-year terms under the conservative National Action Party with an encouraging political change in 2000, which, in the end, was overthrown), and all of this put a determined and unlimited appeasement policy – with respect to projects from Washington – on the official agenda.

In the face of this, and being the comfortable neighbor of the United States that Mexico is nowadays, the country has gradually become a reliable drug supplier to the United States (opium, heroin, morphine, marijuana, methamphetamines, and other designer drugs produced on Mexican territory, along with the cocaine that comes from the south of the continent, but inevitably passes through the vast territory of 2 million square kilometers).

Mexico is a country of just laws and has a history of being committed to social justice. But in practice it is a country with one of the highest concentrations of in-

2 | See *La Jornada*, April 19, 2012.

come. It is also a reliable supplier of oil and natural gas to its neighbor to the north, a haven for foreign investment, and a massive supplier of cheap labor for agricultural production, trade, tourism, hotels and restaurants, the construction industry, and domestic services required in the United States. It provides migrants to its powerful neighboring economy, and it also provides Central American citizens who – in huge numbers and traumatized – cross through the Mexican Republic in an attempt to make the "American dream" come true.

There is a kind of accepted inevitability that US drug addicts give their noses, lungs, mouths, veins and money, while Mexicans deliver the deaths in midst of uncontrollable violence, allowing drugs to cross the northern border and satisfy the needs of the most demanding – and largest number of – consumers in the world.

As said above, the traditional division between Mexican supplier and US consumer has changed and the number of Mexicans addicted to cocaine, marijuana, and designer drugs has increased substantially over the last five years, making the country an important consumer too.

The wealth of the cartels remains untouched

Organized crime has created a parallel economy that allows its members to buy sophisticated weapons, distribute bribes to the police and the army, fund armies of gunmen, and dispose of armored vehicles, aircrafts, boats, trailers, and all kinds of transportation to traffic tons of drugs.

The publicized detention of drug barons was not sufficient to achieve a dismantling of the criminal organizations. It did not even deprive them of their economic power. This became apparent in the case of two of the most notorious drug barons, Osiel Cárdenas Guillén (former leader of the Gulf Cartel) and Benjamin Arellano Félix (former leader of the Tijuana Cartel). They were initially detained for several years in a high-security prison in central Mexico (La Palma, in Almoloya) before being extradited to the United States, where judges benevolently sentenced them to 25 years each. Although these syndicates were among the most dangerous and bloody in the world, they were only ordered to pay €50 and €100 million, respectively. These amounts did not cause them any sleepless nights, nor did paying them leave their families without money, because both were able to keep their multimillion-dollar fortunes intact. Former Mexican anti-drug tsar José Luis Santiago Vasconcelos even maintained that the cartels formed an alliance in prison to merge their organizations so that they could confront the very powerful Sinaloa cartel, whose famous bosses are Joaquín "El Chapo" Guzmán, Ismael "El Mayo" Zambada, and Juan José Esparragoza Moreno "El Azul," who all remain at large. What this basically means is that they continued their illicit business from prison. (Vasconcelos died in the same air accident that killed the young Secretary of the Interior, Juan Camilo Mouriño, on November 4, 2008, when the Lear Jet 45 arriving from a short flight from San Luis Potosí crashed into a luxury residential area of Mexico City).

Although the number of the dead and missing as a result of fighting organized crime is insane, Mexico only decided at a very late stage – it was announced in 2012 – to directly combat the money laundering within the context of organized crime, which is said to amount to up to €40 billion annually.

When, in February 2012, the Attorney General's Office published data about seized assets from organized crime, this initially seemed to impress public opinion, however, when compared to other countries and to Mexican statistics, the achievements are actually pathetic. In the five and a half years of Felipe Calderón's government, the Attorney General's Office seized dollars, euros, and Mexican pesos in cash equivalent to almost a billion dollars (VI presidential Pronouncement/ Informe). The average for 2,000 days was half a million dollars a day, which is more or less 7 million pesos a day. But when we divide the estimated earnings that Mexican cartels generate from drug trafficking and the whole range of related and parallel offenses every day (let us say the amount is $36 billion, although some sources calculate more), the daily profit would be at least $100 million, or, converted into pesos, 1.4 billion pesos every day, of which authorities only seize less than 7 million pesos daily. This quantity represents only 0.005 percent.

The information that best reveals this official incapacity to deprive organized crime of its economic and financial power was provided by Dr. Edgardo Buscaglia, who is studying the phenomenon at the University of Virginia, USA, and at the Instituto Tecnológico Autónomo de México, and who is a United Nations advisor to missions in dozens of countries. "These random seizures represent 20 or 25 times less than those confiscated in the same period in Colombia, whose economy is much smaller than that of Mexico," says Buscaglia. Strangely enough, while in Mexico seizures and detentions take place against the adversaries of the Sinaloa cartel, in Colombia, it is precisely the Sinaloa organization that was deprived of part of its infrastructural assets and its aircraft fleet. "This is a media show," Buscaglia continues:

> After years of open and obscene financial and criminal impunity in Mexico, they are now starting a confiscation show in the media, while entering a new era of general financial impunity. They want to convince a poor, subdued, and hypnotized people that they are now going to attack the financial backbone of the traffickers.

Buscaglia insists that these are random seizures and not the result of an investigation or a specific campaign against money laundering or an attempt to get at the economic nerve of the cartels.

The head of the Financial Intelligence Unit of the Ministry of Finance, José Alberto Balbuena, acknowledged at the 13th International Seminar for the Prevention of Money Laundering and Financing of Terrorism, organized by the Bankers' Association of Mexico in 2011:

When I am asked at international meetings: "Listen, how much money is laundered in Mexico?" I answer that the figures range from $15,000 to $50 billion. [...] What we now know for sure, is that we will no longer seize the $14 billion a year in the Mexican banking system, the origin of which we did not know in the past.

This figure has decreased to $7 billion "and the trend is continuing downward." Mexico is establishing "a robust prevention system against money laundering within the financial system" Balbuena boasted. "Maybe there are still many things to do, but we have made clear progress," he added.

Criminal organizations try to invest their resources in real estate, jewelry, and vehicles, or they store them. They also invest in security firms, casinos, and betting offices, Balbuena said at the seminar. The Assistant Attorney of the Republic, Patricia Bugarín, referred to cases in which criminals are returning to a "prehistoric scheme" of keeping or hiding the money. "I would not say under the mattress, but we have definitely observed that, and we are looking for intelligent mechanisms to seize this money and to prevent it from entering the financial system."

The Attorney General of the Republic, Marisela Morales, confirmed that the government strategy is to curtail the operational, logistic, and financial capacities of criminal groups and, in doing so, demolish their capabilities to bribe, acquire weapons and vehicles, and hire gunmen to fight opposing groups and even the authorities. The government, at that time, still had 15 months in office when Morales stated that "[w]e will only be able to defeat crime when we deprive criminals of the material resources that enable them to buy the means to generate violence and achieve impunity."

President Felipe Calderón launched an initiative to combat money laundering in 2011, which was approved by the Senate committees, but which, as of 2012, still had not become law. The National Institute of Criminal Sciences researcher Ramon Garcia Gibson estimated that between $25 and $40 billion is laundered in Mexico. There is also a great deal of cash-smuggling resulting from drug trafficking, which is difficult to calculate, he added.

A survey by the Chamber of Deputies on indicators of money laundering and government actions estimated that the amount of deposits in the Mexican banking system that were not justified by a legitimate source was still $10 billion in 2011.

There is reliable data that income from organized crime activities in Mexico generates between $36 and $38 billion annually, according to Global Financial Integrity and the University of Columbia, which say the figure equals to 3.6 percent of GDP. The same source estimates that earnings from drug trafficking in the United States amount to $196 billion, which is, however, hardly 1.3 percent of GDP. In contrast, the independent organization No Money Laundering calculates that the illegal gains of Mexican trafficking groups have reached 5 percent of GDP, which would amount to more than $59 billion a year.

Are criminal organizations superceding the state?

In Mexico a factually weak civilian government is protected by increasingly repressive armed forces. Add to this emergency the threat of a National Security Law that is still being debated in Congress, and which would give absolute powers to the executive to declare states of the military and the government. All of this reveals a fundamental contradiction: On the one hand, is implicitly admit the failure of the anti-drug strategy because the government is losing control in some regions of the country. On the other hand, the military and the government explicitly insist on maintaining the punitive paradigm against drugs.

General Guillermo Galván Galván is the National Secretary of Defense. In some of his most honest moments, he has confirmed that criminal organizations have taken over state institutions in some regions where "public security has been completely overrun." He admitted that "we must acknowledge that security is under a serious threat today."

Then there is the confession made by President Felipe Calderón at the 6th Summit of the Americas in Colombia that organized crime is usurping the functions of the state. He made that statement in a conversation with President Ollanta Humala of Peru, who translated the content of this bilateral exchange to the media as follows:

> We not only have to find out what measures we should take jointly, but also establish what we do not want for the coming years – and this raises the issue of illicit drug trafficking and other illegal economic activities which are developing. Some heads of state have noted that drug trafficking is about to usurp the functions of the state in some places, as the President of Mexico has already maintained: look at the issue of tax levying, for example, where such organizations are competing with the state in such areas.

Calderón did not deny this version, but confirmed and reinforced these comments a few days later at the World Economic Forum on Latin America held in Puerto Vallarta, on Mexico's Pacific coast. He maintained that if the functions of a state are, among other things, to guarantee security and raise taxes, drug traffickers operate as a "parallel state" because they levy duties as if they were taxes, and impose their own rule of law:

> In traditional theories of state and law, the state is defined by its monopolistic characteristics: it has the monopoly of law, the monopoly of levying taxes and the monopoly of power [...] Nowadays, the misters (drug barons) have come to a position where they contest the monopoly of state power, establish their own power, come to a place and impose their own law there, and finally, levy their duties which are like taxes the state does not levy: we are talking about a parallel state.

The Mexican president added:

We must ask ourselves: Who rules, the mayor of a place or the drug baron? Who rules, the governor of this state, or the boss of the group, or the boss of the Mafia established in that state? Who rules in a country, the President and Congress or the laws of the drug barons?

All these discussions were followed by a repetition of the anti-drug strategy in Mexico – despite the fact that it had totally failed. It is a "big mistake" to let the criminals do what they want and (allow them) to cause a shockwave in which they even dispute territories, Calderón said. "We must fight them, we must arrest them, in that we cannot give in." On the other hand, he recommended establishing more powerful institutions, because those existing in Mexico and throughout Latin America "are tremendously vulnerable; the police forces are fragile, corruptible, poorly armed, and poorly recruited."

In turn, the International Narcotics Control Board declared that drug traffickers have succeeded in undermining the state apparatus, including the federal and state police, the criminal justice system, and the media, exercising corruption, threats, and intimidation.

To fight crime, the Mexican government employs almost 70,000 soldiers and marines, as well as more than 30,000 federal police officers who organize massive operations to suppress crime in more than half of the states of the Federation.

The problem is, however, that with the entry of the federal forces (who act like an invading army, says human rights activist Gustavo de la Rosa Hickerson in Ciudad Juarez), brutal violence has increased dramatically and is far from diminishing. Juarez is a good example, as it was the location of about 150 brutal murders in 2007. The army moved in massively in March 2008, and in the same year violent murders numbered 1,600 – a figure which rose to 2,400 in 2009 and to 3,200 in 2010. Federal, state, and municipal governments tell us that figures fell in 2011 – not compared to 2007, however, but only in relation to the previous year, in which the number of murder victims in one border community had multiplied by 20. In this community, the phenomenon of "femicides" also shot upwards, which has made Juarez a place of notoriety worldwide since the 1990s. By the second half of 2012, figures for femicides stood at around 500 victims for the period between 2007 and 2011, a number higher than in the previous 15 years combined.

It is almost commonplace to say that the major challenge is to bring the army back into the barracks.

The Mexican case is paradigmatic in this regard. Discussion on a presidential initiative on national security has been pending in the Congress of the Union for more than two years. This initiative aims to proclaim a state of emergency in areas where crime – according to the ruling government's opinion – threatens the stability of the country. Meanwhile, the Penal Code and the Federal Criminal Procedure Code are being reformed, giving prosecutors and the police the possibility to search homes, track people, carry out all kinds of espionage activities, and to intercept telephone calls, mail, and emails without requiring a court order. This means that the police state, which already exists in the laws and in practice, will

be complemented by the ominous force of an intimidating militarized state that is repressive and not accountable to the authorities.

On the other hand, although the Mexican armed forces were still acting as their own judges in 2012 in cases where severe human rights violations had been committed by them against civilians, the Supreme National Court of Justice declared in August 2012 that provisions in Article 57 of the Code of Military Justice, which allow for the extension of military jurisdiction, were unconstitutional. This means that, in the future, members of the armed forces will have to answer to local or federal civilian courts for human rights violations against the civilian population.

The controversy was immediate. Civil organizations applauded the decision that the Supreme Court judges adopted by an 8–2 vote, while legal experts maintained that the decision of the Supreme Court judges was limited to "interpreting military jurisdiction" (in force since 1933), because the power to alter laws is an exclusive power of the Congress of the Union, which by then had not pronounced itself on the issue. It should be remembered here that the Inter-American Court of Human Rights had urged the Mexican government to reform Article 57 of the Code of Military Justice, but that Congress had not reached any agreement on this matter.

There is another article in the Code of Military Justice that has not been rescinded – Article 81. In its fourth section, it grants power to the Secretary of National Defense to grant pardons, even to soldiers and officials who have already been sentenced. Brigadier General José Francisco Gallardo has confirmed that during the administration of Felipe Calderón criminal prosecutions ordered by the civil courts were stopped in this way in hundreds of cases by the Secretary of Defense, General Galván.

In 2012, for the third time, there were highly contested presidential elections in Mexico (the others were in 1988 and 2006). They were characterized, for example, by the use of many millions of dollars of uncertain origin to secure votes, thereby guaranteeing the return to power of the Institutional Revolutionary Party. This was preceded by several years of media campaigns – using resources from the Treasury – creating the image of an unbeatable candidate who was unconditionally supported by the powerful electronic media. In addition, there were biased surveys prior to the election that artificially elevated the electoral advantage of this "invincible" candidate for the presidency. Enrique Peña Nieto was finally recognized as winner by the Federal Election Court and will be president of the Republic from 2012 to 2018. However, at least 15 million voters did not vote for him but for Andrés Manuel López Obrador, who had already been denied the presidential victory by official institutions and the powers that be on two previous occasions.