

### III. Armed conflict in Mexico

MARINA CAPARINI

The Government of Mexico is involved in two parallel non-international armed conflicts, one involving the Jalisco New Generation Cartel (Cartel Jalisco Nueva Generación, CJNG), and the other involving the Sinaloa Cartel. A third non-international armed conflict in Mexico exists between the CJNG and the Sinaloa Cartel.<sup>1</sup> Record high levels of violence in 2019, driven by drug cartels and organized crime, levelled off in 2020, albeit at a very high level. Overall numbers of homicides in 2020 decreased by 0.14 per cent from 2019, with 34 523 homicides recorded by the end of 2020, or 27.01 homicides per 100 000 inhabitants, a decrease of 1.3 per cent compared to in 2019.<sup>2</sup> The Armed Conflict Location & Event Data Project (ACLED) documented 8405 fatalities related to political violence in 2020, down from the 9365 fatalities of 2019.<sup>3</sup>

The powerful drug cartel CJNG has expanded aggressively throughout most states within Mexico and became more brazen in 2020, employing strategic use of violence against state criminal justice officials and publicized displays of firepower. In June the CJNG was implicated in the assassination of a federal judge and his wife in Colima. The judge had presided over several cases involving top CJNG and Sinaloa Cartel leaders, including the extradition of the son of the CJNG leader, Rubén Oseguera González or ‘El Menchito’, to the United States to face federal drug-trafficking charges.<sup>4</sup> Some judges have subsequently declined presiding over organized crime cases due to concerns for their personal safety.<sup>5</sup> Also in June the CJNG was identified as being behind the first assassination attempt made against a high-ranking security official in the capital Mexico City. The 400-round attack on the armoured vehicle of Mexico City’s police chief Omar García Harfuch, who had been cracking down on organized crime and police collusion, wounded him and killed two bodyguards and a bystander.<sup>6</sup> On 17 July the CJNG released a video showing over 20 armoured vehicles and dozens of uniformed gang members with assault weapons celebrating the birthday

<sup>1</sup> ‘Non-international armed conflicts in Mexico’, Rule of Law in Armed Conflicts, 23 Nov. 2020.

<sup>2</sup> ‘Mexico sees slight decrease in murders in 2020’, France 24, 31 Dec. 2020.

<sup>3</sup> Armed Conflict Location & Event Data Project (ACLED), Dashboard, accessed 1 Mar. 2021.

<sup>4</sup> Goodwin, Z., ‘Why one of Mexico’s smallest states is also its most violent’, InSight Crime, 24 June 2020; and McDonnell, P. J., ‘Mexico extradites son of powerful cartel leader to face US charges’, *Los Angeles Times*, 21 Feb. 2020.

<sup>5</sup> Beittel, J. S., *Mexico: Organized Crime and Drug Trafficking Organizations*, Congressional Research Service (CRS) Report for Congress R41576 (US Congress, CRS: Washington, DC, 28 July 2020), p. 8.

<sup>6</sup> Kitroeff, N., ‘Mexico City police chief is wounded in brazen ambush’, *New York Times*, 26 June 2020, updated 12 July 2020; and Kahn, C., ‘As Mexico’s dominant cartel gains power, the president vows “hugs, not bullets”’, NPR, 23 July 2020.

of its leader, Nemesio Oseguera Cervantes or ‘El Mencho’. The videotaped show of force was widely spread on social media at the same time as President Andrés Manuel López Obrador was visiting Jalisco, the home territory of the cartel.<sup>7</sup>

Despite the 2019 imprisonment of its leader, Joaquín ‘El Chapo’ Guzmán, for life in a federal United States super-maximum security prison, the Sinaloa Cartel has maintained a dominant role in the Mexican drug trade, notably the importation of precursor material from China, local production and smuggling of highly lucrative fentanyl into the USA.<sup>8</sup> The incarceration of El Chapo resulted in increased violence as other groups and cartels sought to gain control of Sinaloa production and trafficking routes.<sup>9</sup>

Despite his policy of ‘hugs not bullets’ and earlier criticism of the militarized ‘war on drugs’, President López Obrador has increasingly turned to the military as cartel violence increased and security deteriorated throughout the country. Mexico created a National Guard in 2019. The constitutional amendment that created the National Guard, and the 2019 Law on the National Guard passed two months later, established it as a civilian public security institution supervised and subordinate to civilian authorities, and trained according to police doctrine.<sup>10</sup> Having around 100 000 members by 2020, the National Guard is, in practice, based on military police organizational structure and commands, controlled by a military operational command, and largely composed of and trained by military personnel with some federal police using military weapons. When its members are accused of crimes, they are held in military rather than civilian prisons.<sup>11</sup> In May the president issued a decree extending armed forces

<sup>7</sup> Duncan, C., ‘Mexican drug cartel shows off uniformed troops with military weapons and armoured vehicles in video’, *The Independent*, 18 July 2020.

<sup>8</sup> Helmore, E., ‘El Chapo: Mexican drug lord sentenced to life in prison’, 17 July 2019; and Travère, A. and Giraudat, J., ‘Revealed: How Mexico’s Sinaloa cartel has created a global network to rule the fentanyl trade’, *The Guardian*, 8 Dec. 2020.

<sup>9</sup> Ahmed, A., ‘El Chapo’s prosecution has fueled the drug war in Mexico’, *New York Times*, 17 July 2019.

<sup>10</sup> Mexican Government, ‘Decreto por el que se reforman, adicionan y derogan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de Guardia Nacional’ [Decree by which various provisions of the political constitution of the United Mexican States are amended, added and repealed, regarding the National Guard], 26 Mar. 2019; and Mexican Secretary of the Interior, ‘Decreto por el que se expide la Ley de la Guardia Nacional’ [Decree issuing the law of the National Guard], 27 May 2019.

<sup>11</sup> Pérez Correa, C., ‘AMLO’s broken campaign promise: Demilitarizing Mexico’, *Americas Quarterly*, 9 Dec. 2020; and Angel, A., ‘Mandos militares controlan a la Guardia Nacional, confirma amparo de Mayor del Ejército’ [Military commands control the National Guard, confirms protection of Army Major], *Animal Politico*, 19 Oct. 2020.

participation in civilian law enforcement for a further four years.<sup>12</sup> In July the president put the military in control of customs at border crossings and ports in an effort to address mismanagement and corruption that enabled the smuggling of precursor chemicals used in the manufacture of synthetic drugs by the cartels.<sup>13</sup>

The CJNG has become the second-most dominant Mexican cartel presence in the USA after the Sinaloa Cartel, and is a major perpetrator of drug trafficking across the border.<sup>14</sup> It is considered by the US Department of Justice to be one of the world's five most dangerous criminal organizations in the world. Since 2018 the USA has placed a \$10 million reward for information leading to the arrest of the CJNG leader El Mencho, and a \$5 million reward for information leading to the arrest of other high-ranking members of the CJNG.<sup>15</sup>

In addition to armed conflict, corruption scandals affected top figures in the political and economic elite in 2020. Emilio Lozoya Austin, the former chief executive officer of Mexico's state oil company Pemex, was extradited from Spain in July on charges that he had received more than \$4 million in bribes from the Brazilian construction firm Odebrecht. In his leaked deposition he accused three former Mexican presidents—his former boss Enrique Peña Nieto, Felipe Calderón and Carlos Salinas de Gortari—as well as numerous legislators and aides of corruption.<sup>16</sup> Retired general Salvador Cienfuegos, a former secretary of defence under President Peña Nieto, was arrested in October in the USA on drug-trafficking and corruption charges. Accused of taking bribes to protect drug cartel leaders, he was released in November at the demand of the Mexican Government, with the promise that he would face justice in Mexico. The Mexican authorities exonerated him shortly afterwards.<sup>17</sup>

<sup>12</sup> Mexican Secretary of the Interior, 'Acuerdo por el que se dispone de la Fuerza Armada permanente para llevar a cabo tareas de seguridad pública de manera extraordinaria, regulada, fiscalizada, subordinada y complementaria' [Agreement by which the permanent armed forces are available to carry out public security tasks in an extraordinary, regulated, supervised, subordinate and complementary manner], 11 May 2020; and Stevenson, M., 'Mexico authorizes military policing for 4 more years', AP News, 11 May 2020.

<sup>13</sup> Stevenson, M., 'Mexico puts military in charge of customs operations', *Washington Post*, 17 July 2020.

<sup>14</sup> US Drug Enforcement Administration, *2019 National Drug Threat Assessment* (US Department of Justice: Washington, DC, Dec. 2019), p. 6.

<sup>15</sup> 'US offers \$10 million for information leading to Mexican drug lord's arrest', Reuters, 16 Oct. 2018.

<sup>16</sup> Phillips, T. and Agren, D., 'Mexico rocked by claims of corruption against three former presidents', *The Guardian*, 20 Aug. 2020.

<sup>17</sup> Lopez, O., 'Mexico exonerates ex-defense chief who was freed by the USA', *New York Times*, 14 Jan. 2021.