

## **Background- Mexico**<sup>1</sup>

Mexico is a North American country home to 126 million people (est. 2016) with a long history, predating the arrival of the Europeans. Historically it has struggled with political repression. For most of the 20th century, Mexico was dominated by a single political party that maintained control through electoral fraud and prompted ongoing controversy over the fairness of Mexico's electoral system. During the 1960s through the 1980s, the government engaged in a Dirty War against activists and violence against activists persists to this day. Nowadays, despite having achieved high levels of economic development, in many ways Mexico is still affected by problems typical of poorer countries. Moreover, a modern crime epidemic and an uneasy relationship with its northern neighbor, the United States of America, are two of its major contemporary problems. Since the 1980s, crime in Mexico has grown increasingly severe. Today, Mexico's government is locked in a war against drug cartels. The U.S. demands that the Mexican government fight the cartels, which have monopolized the transport routes of illegal drugs from Latin American to the U.S., and accuses Mexico of exporting crime and criminals to the United States. Mexican civilians are caught in the crossfire of the war on drugs, often being killed and tortured by both the cartels and government.

Mexico's indigenous and colonial eras were extraordinarily vibrant and accomplished but often violent. From the 1000s BCE to the 1500s CE, the Olmecs, Mayans, Toltecs, and Aztecs successively flourished, building elaborate pyramid temples, developing sophisticated hieroglyphics and calendars, and creating ornate sculptures and murals. In 1325, the Aztecs began a swift rise to power, partially due to their advanced agriculture, bureaucracy, and trade but also partially due to their vicious, religiously mandated warfare and human sacrifice of captured enemies. In 1521, Spaniards led by Hernán Cortés conquered the Aztecs, thanks to the support of peoples hostile to the Aztecs, the Spaniards' own vicious and technology sophisticated warfare, and epidemics of newly arrived European diseases among the indigenous population. The Spaniards spent the rest of the 1500s and 1600s pushing south into Central America and north into California and Texas, ultimately expanding as far north as modern Wyoming. By the 1700s, the Spanish felt secure enough in their control to establish a community of Mexican-born Spaniards (Creoles) who earned their livings primarily from mining and participated in art, science, education, and the European Enlightenment. Mexicans closely watched the American and French revolutions and their own interest in independence was piqued. When Napoleon conquered Spain in 1808, Mexico revolted, first ostensibly in support of Spain's imprisoned king but soon on behalf of their own independence. Following a hard fought war from 1810 to 1821, Mexico achieved independence as a constitutional monarchy with military leader Agustín de Iturbide as its first emperor. However, Iturbide attempted to dissolve Congress and was swiftly deposed by General Antonio López de Santa Anna, turning Mexico into a republic.

Throughout the 1800s, Mexico faced repeated internal conflict and external interventions by the U.S. and European powers. The years of war had halted mining, driven out wealthy and educated Spaniards, and created crippling debt. Most of Mexico's limited income was spent servicing its

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debt. The government lacked the funds for education, social programs, or even paying the army, leading to military revolts. Revolts caused the presidency to repeatedly change hands between conservatives, who favored strong central government and a strong role for the Catholic Church, and liberals, who favored high state autonomy and a reduction in Church privileges. Santa Anna won the presidency 10 times, campaigning as a liberal but, once in power, nullifying anticlerical legislation and implementing centralized control over the states. The centralization prompted U.S. settlers in Texas to revolt in 1836 and U.S. troops moved in to support them, forcing Mexico to cede most of what is now the U.S. southwest in 1848. Despite Santa Anna's repeated defeats in the wars against Texas and the U.S., the conservatives invited him to become Mexico's dictator in 1853 and he enthusiastically accepted, decreeing that he be called "His Most Serene Highness" and selling Mexico's remaining land in New Mexico to the U.S. Appalled, liberals rebelled, forcing Santa Anna out of the presidency, separating church and state, removing privileges for the military and clergy, and implementing economic reforms designed to increase farming and industry, as part of a process known as "La Reforma." Outraged by their loss of privileges, the church and military rebelled with the support of France, Spain, and Britain, who were upset that the new government had repudiated Mexico's crippling foreign debt. Spain and Britain quickly fell out with France over the distribution of the debt, leaving France to conquer Mexico on its own, installing Austrian archduke Maximilian as Mexico's puppet emperor. However, Maximilian sincerely agreed with the liberal reforms and he quickly alienated the conservatives and the French by affirming the reforms, while simultaneously alienating liberals by ordering the shootings of liberal guerillas rebelling against his government. France withdrew its support and, aided by the U.S., the liberals overthrew Maximilian.

In the late 1800s and early 1900s, Mexico experienced economic progress but also political repression and a growing gap between the rich and poor. The liberal faction had been led by Benito Juárez, an educated, middle class politician and judge of Zapotec descent. Once back in power, Juárez ordered the shooting of Maximilian and his generals but otherwise worked to effect reconciliation, doling out fines and short imprisonments to conservatives and rebuilding relationships with the U.S. and Europe. Juárez appointed capable administrators to manage social and economic progress, including rebuilding the economy, creating a secular education system, and installing railroads and telegraphs. After Juárez's passing in 1872, his successor was overthrown by Porfirio Díaz, a working class Mixtec Indian who had risen through the military. Díaz shared Juárez's embrace of progress, assembling a team of "científicos" (scientific advisors) who added railways, installed electricity and streetcars, restored foreign mining, and introduced foreign petroleum extraction. However, Díaz had little concern for workers or tolerance for dissent. Workers had low wages, long hours, and few rights. The Rurales (rural police force) suppressed banditry and eliminated Díaz's opponents with ruthless efficiency. The Yaqui Indians repeatedly rebelled against the appropriation of their land for mining and agricultural and were shipped to plantations as slave labor. The gap grew between the wealthy, Europeanized upper classes who had enjoyed the benefits of Díaz's economic improvements and the working class who had been shut out. The growing Regeneración movement published a manifesto calling for civil liberties, land and wealth redistribution, elimination of foreign property ownership, a minimum wage, and safer working conditions. Díaz violently broke Regeneración textile and mining strikes and, after permitting presidential elections in 1910, ordered Congress to declare him the winner and imprisoned the actual winner, wealthy landowner Francisco I. Madero.

Madero poured his wealth into funding working class guerillas such as Pancho Villa and Emiliano Zapata, touching off a civil war that became known as the Mexican Revolution. Díaz was quickly exiled and Madero was soon assassinated but fighting continued until 1920, when Mexico emerged as a democracy once more.

In the mid-20th century, Mexico enjoyed unprecedented peace and prosperity that masked underlying economic fragility and political repression. The newly revised Constitution established rights for workers, called for land redistribution and the restoration of communal lands (ejidos), and asserted government ownership over oil and minerals.<sup>2</sup> The government nationalized the booming oil industry as *Petróleos Mexicanos* (Pemex), providing ample revenues. World War II boosted the Mexican economy further as Mexico supplied raw goods and labor to support the U.S. war effort and developed domestic industry to manufacture goods it had previously imported. In the 1950s through 1970s, Mexico took out loans to develop hydraulics, railroads, roads, and airlines. When oil prices finally fell in the 1980s, Mexico found itself deeply in debt and struggling with unemployment and inflation. Unfortunately, Mexico's ruling party, the Institutional Revolutionary Party (Partido Revolucionario Institucional; PRI), had little patience for criticism of its policies. The PRI won every election for 71 years amidst allegations of electoral fraud. It joined the U.S. in the Cold War and, beginning in the 1960s, carried out its own Dirty War against suspected communists, torturing, disappearing, and killing thousands of peasant and student activists. In the most notorious single incident, the Mexican military shot up to 350 student activists who embarrassed the government by protesting in Mexico City's Tlatelolco neighborhood just days before Mexico City hosted the 1968 Olympics.<sup>3</sup> Smaller scale torture and murder of individual activists was also commonplace. In 1974, Rosendo Radilla Pacheco, a peasant farmer activist and composer of socialist corridos (ballads), was seized by the military from a bus in front of his eleven year old son, imprisoned, beaten, and finally disappeared.<sup>4</sup>

In the 1990s, PRI's hold on power disintegrated amidst worsening economic problems and escalating violence. The Central Bank's mismanagement of the money supply led to the so-called "Tequila Crisis" which included hyperinflation, the flight of foreign capital, and bank collapses. To correct the crisis, Mexico agreed to implement austerity measures in exchange for emergency loans from the U.S. and the International Monetary Fund. PRI's popularity plummeted and, in 1994, its presidential candidate was shot to death at a campaign rally by a disgruntled factory worker. Conspiracy theories flew that the assassination had been plotted or at least covered up by rivals within the PRI and President Carlos Salinas de Gortari fled the country facing investigation.<sup>5</sup>

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<sup>2</sup> Constitución Política de Los Estados Unidos Mexicanos, CP, Diario Oficial de la Federación [DOF] 05-02-1917 at art. 27 (asserting government ownership over oil and minerals, regulating landownership, and providing for communal land ownership) and art. 123 (establishing right to a minimum wage, right to strike, and other working conditions), reprinted in *WORLD CONSTITUTIONS ILLUSTRATED* (Hein.)

<sup>3</sup> *The Ghosts of Mexico 1968*, THE ECONOMIST (Apr. 24, 2008), <http://www.economist.com/node/11090825>; Molly Moore, *Unveiling A Hidden Massacre; Mexico Sets Honors For 300 Slain in '68*, WASHINGTON POST (Oct. 2, 1998).

<sup>4</sup> *Radilla Pacheco v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 209 (Nov. 23, 2009), <https://iachr.ils.edu/cases/radilla-pacheco-v-mexico>.

<sup>5</sup> Sandra Dibble, *1994 Assassination Still Resonates In Mexico*, SAN DIEGO UNION TRIBUNE (March 22, 2014), <http://www.sandiegouniontribune.com/news/border-baja-california/sdut-tijuana-colosio-lomas-taurinas-pri-mexico-politics-2014mar22-story.html>; Anthony DePalma, *Disgraced Mexican is Back, With Accusations of His Own*, N.Y. TIMES (Oct. 8, 2000), <http://www.nytimes.com/2000/10/08/world/disgraced-mexican-is-back-with-accusations-of->

In southern Mexico, active rebellions broke out and the government responded with murder, torture, and sexual assault. The first rebellion was sparked when the government outraged indigenous communities by agreeing to re-privatize ejidos as part of its implementation of the North American Free Trade Agreement (NAFTA). On January 1, 1994, the day NAFTA took effect, masked men calling themselves the Zapatista National Liberation Army (Ejército Zapatista de Liberación Nacional; EZLN or Zapatistas) announced the takeover of several towns in Chiapas, Mexico's heavily indigenous southernmost state. 145 people on both sides died in the initial fighting and, although a truce was called after a few days, conflict continued to erupt. In 1997, Tzotzil Indian members of the PRI massacred 45 Tzotzil Indian men, women, and children accused of supporting the Zapatistas. Initially, law enforcement permitted and helped cover up the massacre. Then, when the massacre provoked international outrage, they swung in the opposite direction, jailing men who insisted on their innocence based on flimsy evidence.<sup>6</sup> Soon, a second rebellion broke out in Guerrero, a southern state known for its coastal beach resorts and its impoverished interior, the site of drug trafficking, scattered guerilla groups, and Dirty War violence against peasant activists. In 1995, the government massacred a dozen peasant farmers travelling through Aguas Blancas, Guerrero, on their way to a demonstration. On the one year anniversary of the massacre, members of fourteen guerilla groups announced that they were banding together to form the Popular Revolutionary Army (Ejército Popular Revolucionario; "EPR") and commenced a campaign of kidnapping and extortion to fund their rebellion.<sup>7</sup> Police and the military cracked down with further violence, beating, shooting, and suffocating peasant and environmental activists to force them to confess to participating in the EPR and other crimes.<sup>8</sup> As part of its campaign of repression, the military committed a string of rapes of indigenous women and girls whose male relatives were suspected of criminal or guerilla activity.<sup>9</sup> Just as it had during the Dirty War, the military asserted jurisdiction over the human rights violations its members committed, trying and acquitting itself.<sup>10</sup>

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[his-own.html?ref=topics](#); Anthony DePalma, *The Slain Man Who Haunts Mexico*, N.Y. TIMES (Aug. 2, 1997), <http://www.nytimes.com/1997/08/02/world/the-slain-man-who-haunts-mexico.html>; Tim Golden, *Mexican Candidate's Assassin Is Sentenced to 42 Years*, N.Y. TIMES (Nov. 1, 1994),

<http://www.nytimes.com/1994/11/01/world/mexican-candidate-s-assassin-is-sentenced-to-42-years.html>; Tim Golden, *The Case of the Murdered Candidate*, N.Y. TIMES MAG. (Aug. 21, 1994),

<http://www.nytimes.com/1994/08/21/magazine/the-case-of-the-murdered-candidate.html?pagewanted=all>.

<sup>6</sup> Marc Lacey, *10 Years Later, Chiapas Massacre Still Haunts Mexico*, N.Y. TIMES (Dec. 23, 2007),

<http://www.nytimes.com/2007/12/23/world/americas/23actael.html>; Associated Press, *Zapatistas Celebrate 13th Anniversary of Uprising*, N.Y. TIMES (Jan. 2, 2007),

<http://www.nytimes.com/2007/01/02/world/americas/02mexico.html>; *Massacre in Mexico*, THE ECONOMIST (Jan. 1, 1998), <http://www.economist.com/node/109450>.

<sup>7</sup> Gretchen Peters, *Rebels Gain Ground in Guerrero*, C.S. MONITOR (May 10, 2002)

<https://www.csmonitor.com/2002/0510/p07s01-woam.html>; Julia Preston, *Mexican Rebels Vow a Long, Hard Battle*, N.Y. TIMES (Feb. 6, 1997), <http://www.nytimes.com/1997/02/06/world/mexican-rebels-vow-a-long-hard-battle.html>; Sam Dillon, *Shadowy Rebels Pose New Problems for Mexico*, N.Y. TIMES (July 7, 1996),

<http://www.nytimes.com/1996/07/17/world/shadowy-rebels-pose-new-problems-for-mexico.html>.

<sup>8</sup> *García Cruz and Sánchez Silvestre v. Mexico*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 273 (Nov. 26, 2013), <https://iachr.ils.edu/cases/garcia-cruz-and-sanchez-silvestre-v-mexico>; *Cabrera García and Montiel Flores v. Mexico*, Preliminary Objection, Merits, Reparations and Legal Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 220 (Nov. 26, 2010), <https://iachr.ils.edu/cases/cabrera-garcia-and-montiel-flores-v-mexico>.

<sup>9</sup> *Rosendo Cantú et al. v. Mexico*, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 216 (Aug. 31, 2010), <https://iachr.ils.edu/cases/rosendo-cantu-et-al-v-mexico>; *Fernández Ortega et al. v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct.

The crime rate began to climb and police responded with violence towards suspects<sup>11</sup> and hostility and indifference towards victims.<sup>12</sup> In a characteristic 2001 case, construction workers found the dead bodies of two teenage girls and a twenty year old woman in a cotton field outside Ciudad Juárez, a northern city known for its epidemic of violence against women and girls.<sup>13</sup> Police arrested two men for the killings but the men's confessions did not match the autopsies and the men said police tortured them into giving false confessions. A court overturned the men's detention but not before one man died in prison and his attorney was shot to death by police. Police failed to collect all of the physical evidence at the crime scene and ignored physical evidence collected and sent to them by the victims' families. When the families criticized the investigation, police beat and harassed them, forcing one family to flee the country.

Paradoxically, as violence intensified, the government became increasingly willing to permit at least some political freedom and investigation of human rights violations. In 1990, former police officers gunned down a high profile human rights attorney and President Salinas agreed to create the National Human Rights Commission (Comision Nacional de los Derechos Humanos; CNDH) to investigate such violations. When Salinas left office, he was replaced by Ernesto Zedillo, a former student activist who had been roughed up by police during the 1968 protests<sup>14</sup> and who continued the government's human rights investigations. Throughout the 1990s, the government steadily increased CNDH's budget and autonomy and the CNDH meticulously investigated and documented human rights violations, including providing detailed reports on the Aguas Blancas massacre and the Ciudad Juárez murders.<sup>15</sup> The CNDH's report helped spur

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H.R. (ser. C) No. 215 (Aug. 30, 2010), <https://iachr.ils.edu/cases/fernandez-ortega-et-al-v-mexico>; Peters, *supra* note 7.

<sup>10</sup> HUMAN RIGHTS WATCH, UNIFORM IMPUNITY: MEXICO'S MISUSE OF MILITARY JUSTICE TO PROSECUTE ABUSES IN COUNTERNARCOTICS AND PUBLIC SECURITY OPERATIONS 23-36 (2009), [https://www.hrw.org/sites/default/files/reports/mexico0409web\\_0.pdf](https://www.hrw.org/sites/default/files/reports/mexico0409web_0.pdf).

<sup>11</sup> Alfonso Martín del Campo Dodd v. Mexico, Preliminary Objections, Judgment, InterAm. Ct. H.R. (ser. C) No. 113 (Sept. 3, 2004), <https://iachr.ils.edu/cases/alfonso-martin-del-campo-dodd-v-mexico> (1992 torture of murder suspect to obtain confession; Dismissed because the events occurred before Mexico acknowledged the Inter-American Court's jurisdiction.); U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2016: MEXICO 2-6 (2017), <https://www.state.gov/documents/organization/265812.pdf>; HUMAN RIGHTS WATCH, NEITHER RIGHTS NOR SECURITY: KILLINGS, TORTURE, AND DISAPPEARANCES IN MEXICO'S "WAR ON DRUGS" at 5-6 (2011), [https://www.hrw.org/sites/default/files/reports/mexico1111webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/mexico1111webwcover_0.pdf).

<sup>12</sup> Azam Ahmed, *In Mexico, Not Dead. Not Alive. Just Gone.*, N.Y. TIMES (Nov. 20, 2017), <https://www.nytimes.com/2017/11/20/world/americas/mexico-drug-war-dead.html>; Evelyn Nieves, *To Work and Die in Juarez*, MOTHER JONES, May/June 2002, <http://www.motherjones.com/politics/2002/05/work-and-die-juarez/>.

<sup>13</sup> González et al. ("Cotton Field") v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C), No. 205 (Nov. 16, 2009), <https://iachr.ils.edu/cases/gonzalez-et-al-cotton-field-v-mexico>; HUMAN RIGHTS WATCH, MEXICO'S NATIONAL HUMAN RIGHTS COMMISSION: A CRITICAL ASSESSMENT 38-45 (2008), <https://www.hrw.org/reports/2008/mexico0208/mexico0208web.pdf>; Damien Cave, *Wave of Violence Swallows More Women in Juárez*, N.Y. TIMES (June 23, 2012), <http://www.nytimes.com/2012/06/24/world/americas/wave-of-violence-swallows-more-women-in-juarez-mexico.html>; Nieves, *supra* note 12.

<sup>14</sup> Sam Dillon, *Mexico City Journal; Anniversary of '68 Massacre Brings Facts to Light*, N.Y. TIMES (Sept. 14, 1998), <http://www.nytimes.com/1998/09/14/world/mexico-city-journal-anniversary-of-68-massacre-brings-facts-to-light.html>.

<sup>15</sup> MEXICO'S NATIONAL HUMAN RIGHTS COMMISSION, *supra* note 13 at 1-3, 10-12, 14, 38-45 (2008); Marjorie Miller, *Mexico Arrests 4 in Killing of Human Rights Activist*, L.A. TIMES (July 3, 1990), [http://articles.latimes.com/1990-07-03/news/mn-670\\_1\\_national-human-rights](http://articles.latimes.com/1990-07-03/news/mn-670_1_national-human-rights).

Inter-American Commission action on the Aguas Blancas massacre and, in 1998, Mexico accepted the full jurisdiction of the Inter-American Court. In 2000, Zedillo broke with PRI's long tradition of electoral fraud to peacefully pass power on to Vicente Fox of the conservative National Action Party (Partido de Acción Popular; PAN). Fox introduced unprecedented transparency regarding human rights and, on CNDH's recommendation, created a Special Prosecutor's Office to investigate and prosecute the human rights violations committed during the Dirty War. However, although the investigations brought valuable information to light, they provided little real accountability for perpetrators.<sup>16</sup> CNDH refused to take direct action against human rights violators and the Special Prosecutor's Office closed after five years, having filed charges in only 16 cases, obtained indictments in only 9 cases, and failed to obtain a single criminal conviction.<sup>17</sup> Facing little real consequences, police and the military continued to commit human rights violations with impunity.

Likewise, although Mexico's electoral system was increasingly open, it continued to generate complaints of unfairness. When Fox was termed out in 2006, Mexico hosted its first presidential race in decades between two non-PRI candidates: Felipe Calderón of PAN and Andrés Manuel López Obrador, of the leftist Party of the Democratic Revolution (Partido de la Revolución Democrática; PRD). However, Jorge Castañeda Gutman, PAN's former Minister of Foreign Affairs, complained that he had been barred from running as an independent "citizens' candidate."<sup>18</sup> Additionally, when López Obrador lost, he accused Calderón of electoral fraud, formed his own parallel government, and encouraged his supporters to spend weeks occupying central Mexico City.<sup>19</sup> In 2012, López Obrador lost again to PRI candidate Enrique Peña Nieto and again accused Peña Nieto of fraud. However, in both elections, recounts found no evidence that fraud had determined the outcome and López Obrador's support trickled away as his continued protests reinforced perceptions of him as autocratic.<sup>20</sup>

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<sup>16</sup> HUMAN RIGHTS WATCH, *LOST IN TRANSITION: BOLD AMBITIONS, LIMITED RESULTS FOR HUMAN RIGHTS UNDER FOX 1* (2006), [https://www.hrw.org/sites/default/files/reports/mexico0506web\\_0.pdf](https://www.hrw.org/sites/default/files/reports/mexico0506web_0.pdf).

<sup>17</sup> *Id.* at 6; MEXICO'S NATIONAL HUMAN RIGHTS COMMISSION, *supra* note 13 at 1-3, 31-34; HUMAN RIGHTS WATCH, *JUSTICE IN JEOPARDY: WHY MEXICO'S FIRST REAL EFFORT TO ADDRESS PAST ABUSES RISKS BECOMING ITS LATEST FAILURE* 10-12 (2002), <https://www.hrw.org/sites/default/files/reports/mexico0703.pdf>.

<sup>18</sup> Castañeda Gutman v. Mexico, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 184 (Aug. 6, 2008), <https://iachr.ils.edu/cases/castaneda-gutman-v-mexico> (Holding that Mexico had the right to ban independent presidential candidates but that Castañeda Gutman had not been provided with adequate opportunity to challenge the practice under Mexican law.)

<sup>19</sup> J. Weston Phippen, *Mexico's Populist Savior May Be Too Good to Be True*, THE ATLANTIC (Nov. 1, 2017), <https://www.theatlantic.com/international/archive/2017/11/mexico-lopez-obrador-nafta-trade-trump/544295/>; James C. McKinley, Jr., *Yes, He Lost Mexico's Vote, So He's Swearing Himself In*, N.Y. TIMES (Nov. 21, 2006) <http://www.nytimes.com/2006/11/21/world/americas/21mexico.html>; James C. McKinley, Jr., *Leftist's Backers End Blockade in Mexico City*, N.Y. TIMES (Sept. 15, 2006) <http://www.nytimes.com/2006/09/15/world/americas/15mexico.html>.

<sup>20</sup> *Id.*; James C. McKinley, Jr., *A Year Later, a Mexican Leftist's Tone Is Subdued*, N.Y. TIMES (July 2, 2007); James C. McKinley Jr., *Election Ruling in Mexico Goes to Conservative*, N.Y. TIMES (Sept. 6, 2006), <http://www.nytimes.com/2006/09/06/world/americas/06mexico.html>; James C. McKinley, Jr., *Court Rejects Challenges to Mexico Presidential Vote*, N.Y. TIMES (Aug. 29, 2006), <http://www.nytimes.com/2006/08/29/world/americas/29mexico.html>; James C. McKinley, Jr., *Mexican Leftist Remains Defiant as Recount Ends*, N.Y. TIMES (Aug. 14, 2006), <http://www.nytimes.com/2006/08/14/world/americas/14mexico.html>.

Under Calderón and Peña Nieto, police murders and assaults on activists continued. Calderón and Peña Nieto initiated efforts to privatize the oil industry<sup>21</sup> and continued the past two decades of efforts to privatize ejidos. In the town of San Salvador Atenco, activists protested attempts to seize their ejidos to construct an airport, leading to a dramatic 2006 confrontation over the government's attempts to evict flower vendors. To shut down the protests, police arrested over 200 people, tortured at least 26 men and women, and raped 26 women.<sup>22</sup> In 2014, police arrested 43 student teachers travelling to Mexico City to commemorate the Tlatelolco massacre, then handed the students over to a local drug gang to be murdered. The Inter-American Commission appointed a group of independent experts to investigate and, in 2016, the experts released the second of two exhaustive reports documenting the government's role in the murders and accusing the government of obstructing their investigation.<sup>23</sup>

Additionally, both Calderón and Peña Nieto pursued a war on drugs that ultimately worsened the violence it sought to prevent. Throughout the 2000s, drug trafficking had grown in scope and viciousness and drug traffickers murdered men, women, and children, massacring entire communities as part of territorial disputes and publically displaying mutilated bodies and severed heads as warnings.<sup>24</sup> To combat the traffickers, the government deployed increasing numbers of police and military forces who continued their longstanding practice of killing and disappearing suspects and forcing suspects to confess through asphyxiation, waterboarding, electric shocks, sexual assault, and death threats.<sup>25</sup> Initially, the war on drugs appeared to be successful, as the government captured drug cartel leaders, including the dramatic capture, escape, recapture, second escape, and second recapture of cartel leader Joaquín (“El Chapo”) Guzmán Loera. However, the capture of cartel leaders backfired, causing cartels to fragment and engage in turf

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<sup>21</sup> Constitución Política de Los Estados Unidos Mexicanos, CP, Diario Oficial de la Federación [DOF] 06-11-2013 at art. 27, *reprinted in* WORLD CONSTITUTIONS ILLUSTRATED (Hein) (Amending the Constitution to allow private companies to participate in oil extraction.)

<sup>22</sup> MEXICO'S NATIONAL HUMAN RIGHTS COMMISSION, *supra* note 13 at 37-38; Clayton Conn, *Mexico Remembers 2006 Atenco Tragedy When Police Raped, Killed*, TELESUR (May 3, 2016), <https://www.telesurtv.net/english/news/Mexico-Remembers-2006-Atenco-Tragedy-When-Police-Raped-Killed--20160503-0041.html>. See also the CNDH's final report on the incident COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS MÉXICO, RECOMENDACIONES SOBRE EL CASO DE LOS HECHOS DE VIOLENCIA SUSCITADOS LOS DÍAS 3 Y 4 DE MAYO DE 2006 EN LOS MUNICIPIOS DE TEXCOCO Y SAN SALVADOR ATENCO, ESTADO DE MÉXICO (2012), [http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2006/Rec\\_2006\\_038.pdf](http://www.cndh.org.mx/sites/all/doc/Recomendaciones/2006/Rec_2006_038.pdf).

<sup>23</sup> Grupo Interdisciplinario de Expertos Independientes, Informe Ayotzinapa II at 2, 597 (2016) <http://www.oas.org/es/cidh/actividades/giei/GIEI-InformeAyotzinapa2.pdf>; Grupo Interdisciplinario de Expertos Independientes, Informe Ayotzinapa (2015), <http://www.oas.org/es/cidh/actividades/giei/GIEI-InformeAyotzinapa1.pdf>.

<sup>24</sup> NEITHER RIGHTS NOR SECURITY, *supra* note 11 at 4; *In Mexico, Not Dead. Not Alive. Just Gone.*, *supra* note 12; Azam Ahmed, *Mexico's Deadliest Town. Mexico's Deadliest Year*, N.Y. TIMES (Aug. 4, 2017), <https://www.nytimes.com/2017/08/04/world/americas/mexicos-drug-killings.html>; Ioan Grillo, *The Paradox of Mexico's Mass Graves*, N.Y. TIMES (July 19, 2017), <https://www.nytimes.com/2017/07/19/opinion/mexico-mass-grave-drug-cartel.html>; Kirk Semple, *Mexico Grapples With a Surge in Violence*, N.Y. TIMES (Dec. 13, 2016), <https://www.nytimes.com/2016/12/13/world/americas/mexico-drug-war-violence-donald-trump-wall.html>; Elisabeth Malkin, *Report Criticizes Mexican Officials for Ignoring 2011 Massacre*, N.Y. TIMES (Oct. 9, 2016), <https://www.nytimes.com/2016/10/10/world/americas/report-criticizes-mexican-officials-for-ignoring-2011-massacre.html>.

<sup>25</sup> NEITHER RIGHTS NOR SECURITY, *supra* note 11 at 5-6.

wars.<sup>26</sup> In El Chapo's home state of Sinaloa, his would be successors battled to take over his territory. In Guerrero, the successful disruption of the cartel that had long controlled the drug trade caused drug trafficking organizations to splinter and engage in turf wars and civilians to form militias to defend themselves. Lacking the organizational ability to handle large scale drug trafficking,<sup>27</sup> the smaller splinter groups turned to violent, local crimes like kidnapping and extortion.

The task of containing the drug war will fall to the winner of the 2018 presidential elections, in what is an increasingly open political field. Castañeda Gutman's challenges to the electoral system helped pave the way for future independent candidates and, in 2015, Jaime Rodríguez Calderón, a former member of PRI turned independent, successfully ran for governor of Nuevo Leon, becoming the first independent elected governor. Peña Nieto's chosen successor, José Antonio Meade, is an independent who has served in both the PRI and PAN governments. In 2018, he will face off against López Obrador, making yet another bid for the presidency.<sup>28</sup> Even the Zapatistas are throwing their hat into the presidential ring, backing indigenous human rights activist María de Jesús Patricio Martínez. In perhaps the most telling example of how severe the violence has become, the Zapatistas announced that they are turning to politics and renouncing armed revolution because Mexico simply cannot handle any more violence.<sup>29</sup>

### **More information**

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State's 2016 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

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<sup>26</sup> Sofia Lotto Persio, *Crime In Mexico: Murder Rate Reaches Record High And Nobody Is Talking About It*, NEWSWEEK (June 22, 2017), <http://www.newsweek.com/crime-mexico-murder-rate-reaches-record-high-and-nobody-talking-about-it-628193>.

<sup>27</sup> Joshua Partlow, *In Mexico, The Price Of America's Hunger For Heroin*, WASHINGTON POST (May 30, 2017), <https://www.washingtonpost.com/graphics/2017/world/violence-is-soaring-in-the-mexican-towns-that-feed-americas-heroin-habit/>; *Why Murder In Mexico Is Rising Again*, THE ECONOMIST (May 11, 2017), <https://www.economist.com/news/americas/21721973-gangs-get-smaller-and-diversify-why-murder-mexico-rising-again>.

<sup>28</sup> Andrés Oppenheimer, *Mexican Leader Picks A U.S.-Educated Candidate For 2018 Elections. Can He Win?*, MIAMI HERALD (Nov. 29, 2017) <http://www.miamiherald.com/news/local/news-columns-blogs/andres-oppenheimer/article187278213.html>; Paulina Villegas, *Mexico's Finance Minister Says He'll Run for President*, N.Y. TIMES (Nov. 27, 2017), <https://www.nytimes.com/2017/11/27/world/americas/jose-antonio-meade-mexico.html>.

<sup>29</sup> Paulina Villegas, *In a Mexico 'Tired of Violence,' Zapatista Rebels Venture Into Politics*, N.Y. TIMES (Aug. 26, 2017), <https://www.nytimes.com/2017/08/26/world/americas/mexico-zapatista-subcommander-marcos.html>.