



PRESIDENT LÓPEZ OBRADOR'S NATIONAL GUARD:

FIVE THINGS YOU SHOULD KNOW

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INTRODUCTION

One of the central planks of the security strategy proposed by the new president, Andrés Manuel López Obrador, is the creation of a National Guard made up of between 50,000 and 60,000 members of the Military Police, the Naval Police, and the Federal Police, in addition to members of the General Staff¹ and “troops”.²

This proposal is part of constitutional reforms currently before Congress.³ President López Obrador has announced that there will be a public consultation about the National Guard on 21 March 2019.⁴ The government has asserted that its security model will be “radically different from the one that has been applied by previous administrations”.⁵ However, the proposal makes it clear that the strategy will in fact be very similar to that of previous governments and that in reality *the National Guard poses a threat to the security and human rights of the people of Mexico.*

The following sets out five facts about the proposed National Guard and counters the misinformation put forward by the new government to justify its creation.

FACT NO. 1: THE NATIONAL GUARD MODEL AND THE PLAN FOR PEACE AND SECURITY 2018-2024 IS VERY SIMILAR TO THAT OF PREVIOUS ADMINISTRATIONS, BUT WITH A NEW NAME.

The Plan for Peace and Security 2018-2024 states that “it is necessary to abandon...the use of force as a strategy.” In an effort to bolster the idea that the new government will not follow the militarized model adopted by Calderón and Peña Nieto, the current Minister of the Interior, Olga Sánchez Cordero, has argued that the Military Police is something very different and that they are not soldiers, they are police.⁶ Although the **Military Police** was initially set up to provide security for and maintain order and discipline within military installations,⁷ its functions and deployment have changed over the decades.

During the administration of Enrique Peña Nieto, the number of Military Police increased by 400%,⁸ with the largest increase occurring between 2014 and 2018 – years in which the homicide rates reached record levels.⁹

As of February 2018, there were about 26,366 Military Police personnel;¹⁰ the President has announced that there are now approximately 30,000 members.¹¹ Although the Ministry of Defence (Secretaría de la Defensa

¹ Andrés Manuel López Obrador’s inauguration speech, 1 December 2018, available at: <https://www.youtube.com/watch?v=2vQ1nXfz6h0> (Spanish only).

² S/A, *Plan Nacional de Paz y Seguridad 2018-2024*, Transición México 2018-2024, [National Plan for Peace and Security 2018-2014, Transition Mexico] 14 November 2018, available: https://lopezobrador.org.mx/wp-content/uploads/2018/11/Plan-Nacional-de-Paz-y-Seguridad_.pdf (Spanish only).

³ Iniciativa por la que se reforman los artículos 13, 16, 21, 31, 32, 36, 55, 73, 76, 78, 82, 89 y 123 de la Constitución Política de los Estados Unidos Mexicanos [Proposal to amend Articles 13, 16, 21, 31, 32, 36, 55, 73, 76, 78, 82, 89 and 123 of the Constitution of the United Mexican States], 20 November 2018, Parliamentary Gazette of the Chamber of Deputies, available at: <http://gaceta.diputados.gob.mx/Gaceta/64/2018/nov/20181120-II.html#Iniciativa225> (Spanish only).

⁴ See interview by Azucena Uresti of Andrés Manuel López Obrador on Milenio TV, 22 November 2018, available at: <http://www.milenio.com/politica/amlo-hara-consulta-guardia-nacional-21-marzo> (Spanish only). See also interview of Carmen Aristegui with Andrés Manuel López Obrador, 21 November 2018, available at: <https://aristeguinoticias.com/2111/mexico/amloenaristeguinoticias-nueva-consulta-ammnistia-politica-guardia-nacional-y-mas-lo-mejor/> (Spanish only).

⁵ “radicalmente distinto al que ha sido aplicado en los sexenios anteriores” (Ibid).

⁶ Andrea Becerril and Víctor Ballina, “Plan de Seguridad de AMLO no implica militarizar: Olga Sánchez Cordero” [“AMLO Security Plan does not imply militarization: Olga Sánchez Cordero”], *La Jornada*, 16 November 2018, available at: <https://www.jornada.com.mx/ultimas/2018/11/16/plan-de-seguridad-de-amlo-no-implica-militarizar-olga-sanchez-cordero-9176.html> (Spanish only).

⁷ Response of Ministry of Defence to request for information on the National Transparency Platform, folio no. 0000700194618, 15 November 2018.

⁸ During the Calderón administration, there were approximately 6,000 Military Police. During Peña Nieto’s period in office, the number of Military Police rose from 6,145 in 2012 to 26,355 in 2018. Response of Ministry of Defence to request for information on the National Transparency Platform on the number of military police officers deployed, folio no. 0000700210817. (The figures for 2018 come from the source mentioned in footnote 9.)

⁹ See First-degree Homicide Rates published by the Executive Secretary of the National Public Security System (Spanish only).

¹⁰ Statement made by Divisional General Salvador Cienfuegos Zepeda, former Minister of Defence, 19 February 2018, available at: <https://www.gob.mx/sedena/prensa/palabras-pronunciadas-por-el-c-gral-salvador-cienfuegos-zepeda-srio-def-nal-el-19-feb-2018-durante-la-ceremonia-del-dia-del-ejercito> (Spanish only).

¹¹ See also, Alberto Morales, “AMLO pide a militares unirse a la Guardia Nacional” [“AMLO asks the military to join the National Guard”], *El Universal*, 3 December 2018 (Spanish only).

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Nacional, SEDENA) has on occasion argued that the Military Police work within the armed forces,¹² in reality for the past two decades Military Police officers have been deployed to carry out public order tasks in several states as well as a variety of military operations.¹³ Evidence of this can be seen in the numbers of Military Police officers who have died in “firearm incidents” in various parts of the country since at least 2001, which suggest that they have for years been involved in operations that resulted in clashes.¹⁴

The Military Police report directly to the same commanders as the rest of the military. They receive the same training as the rest of the army; they are trained with other members of the military, according to their position in military hierarchy (for example, corporals, sergeants, officers and generals)¹⁵ and SEDENA itself has recognized that the Military Police are available to respond in public order situations, in the same way as the rest of the army.¹⁶

The regulations and training of the armed forces are geared to the needs of confronting and potentially eliminating the “enemy”, not to carrying out policing functions such as protecting civilians and using force as a last resort. This distinction has been established by the Inter-American Court of Human Rights, among other international human rights bodies.¹⁷

The Naval Police has been deployed on the streets of Veracruz since at least 2011¹⁸ and a Naval Police battalion was established in Mexico City in 2016 to provide security and protection for the Navy Headquarters.¹⁹ The Naval Police is under the command of the Mexican Navy. No information is publicly available about the size of the Naval Police force, but official statements to the press indicate that the force is around 10,000 strong.²⁰

According to the National Plan for Peace and Security 2018-2024, the National Guard will come under the operational command of the Mexican Army and, in coastal areas, the Mexican Navy. The National Guard “will follow with the discipline, hierarchy and rank of the armed forces”. [“estará dotada de la disciplina, la jerarquía y el escalafón propios de las Fuerzas Armadas.”]²¹ These provisions indicate that the National Guard will have a clearly military character

FACT NO. 2: THERE IS AMPLE EVIDENCE THAT THE DEPLOYMENT OF THE ARMED FORCES HAS BEEN ACCOMPANIED BY AN INCREASE IN HUMAN RIGHTS VIOLATIONS AND IN LEVELS OF VIOLENCE.

In Amnesty International’s view, the deployment of the Army and the Navy has been accompanied by an increase in complaints of serious human rights violations such as torture, enforced disappearances,

¹² Functions of the Military Police (Response from SEDENA to a request public information on the National Transparency Platform, folio no. 0000700105917, 20 June 2017): (i) Guard and protect the headquarters, facilities and other units of the army and air force; (ii) Control traffic, direct the circulation of vehicles and people; (iii) Monitor compliance with measures to ensure the physical security of people, information and facilities; and (iv) On the orders of the competent military authorities: (a) Protect people and public property and prevent pillage and looting in emergency situations; (b) Assist the military judicial police.”

¹³ Ibid. In its response to the request for information on the National Transparency Platform (folio no. 0000700068809), SEDENA notes that the Military Police form part of several sections of the Mexican Army that are not necessarily attached to Military Police battalions but are under the direct command of a Region or Military Zone, or part of the presidential guard or special operations battalions.

¹⁴ Members of the Military Police killed in firearm clashes: five in 2001; 11 in 2002; nine in 2003; five in 2004; seven in 2005; three in 2006; 11 in 2007; 16 in 2008; and three between January and May 2009. Response of SEDENA to the request for information on the National Transparency Platform, folio no. 0000700068809, 1 June 2009.

¹⁵ Folio no. 0000700070805, response to the request for information addressed to SEDENA, dated 1 November 2005, through the National Transparency Platform of the National Institute for Transparency, Access to Information and Personal Data Protection (INAI).

¹⁶ The Military Police act solely in collaboration with the authorities at the three levels of government and, where they are involved in restoring public order, only at the request of a competent authority and with the approval of the President of the Republic, folio no. 0000700203216, 28 November 2016.

¹⁷ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, 31 December 2009 (OEA/Ser.L.V/II), para. 100. Inter-American Court of Human Rights, *Case of Montero-Aranguren et al (Detention Center of Catia) v. Venezuela*, para. 78; *Case of Zambrano Vélez et al. v. Ecuador*, op. cit., para. 51; *Case of Cabrera García and Montiel Flores v. Mexico*, op. cit., para. 88. Similarly, regarding Mexico, see the Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in follow-up to his mission to Mexico, 6 May 2016 (A/HRC/32/39/Add. 2), para. 11.

¹⁸ Ministry of the Navy, response to a request for information made on the National Transparency Platform, folio no. 0001300076514, 16 October 2014.

¹⁹ Ministerial Agreement No. 041 which provided for the creation of the Naval Police Battalion, based in Mexico City, under the command militarily, operationally and administratively of the High Command Headquarters, available at:

http://www.dof.gob.mx/nota_detalle.php?codigo=5428926&fecha=08/03/2016 (Spanish only).

²⁰ Héctor Molina, “Más de 40,000 elementos del Ejército y la Marina se integrarán a la Guardia Nacional: Morena”, [More than 40,000 members of the Army and the Navy will be integrated into the National Guard: Morena], *El Economista*, 20 November 2018, available at: <https://www.economista.com.mx/politica/Mas-de-40000-elementos-del-Ejercito-y-Marina-se-integraran-a-la-Guardia-Nacional-Morena-20181120-0074.html> (Spanish only). See also: *El Universal*, “AMLO pide a militares unirse a la Guardia Nacional” [AMLO asks the military to join the National Guard], 3 December 2018, available at: <http://www.eluniversal.com.mx/nacion/seguridad/amlo-pide-militares-unirse-guardia-nacional> (Spanish only).

²¹ National Plan for Peace and Security 2018-2024, op. cit.

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extrajudicial executions and arbitrary detentions, among others.²² Information gathered by academics has identified the presence of the armed forces as a trigger and direct cause of increased violence in the municipalities where the military are deployed.²³ One of these studies shows that the clashes often start when the military are patrolling and chase people they consider “suspicious”, without having an arrest warrant or reasons to fire, sparking the violence.²⁴ In addition to arbitrary detentions, the Army and the Navy are more likely to use lethal force.²⁵

The lethal use of force by the armed forces impacts people’s lives. For example, on 19 March 2010, members of the army killed Javier Francisco Arredondo and Jorge Antonio Mercado Alonso, two students at the Monterrey Institute of Technology and Higher Education, on the Monterrey Campus. SEDENA claimed that they were criminals and that they had attacked the soldiers. However, it was subsequently shown that they were students and that they had not attacked or represented any risk to the soldiers.

FACT NO. 3: THERE HAVE BEEN NUMEROUS REPORTS AND COMPLAINTS THAT THE MILITARY POLICE HAVE COMMITTED HUMAN RIGHTS VIOLATIONS AND IN A NUMBER OF HIGH-PROFILE CASES THEIR DIRECT RESPONSIBILITY HAS BEEN PROVEN.

In September 2018, the National Commission for Human Rights (Comisión Nacional de Derechos Humanos, CNDH) blamed members of the Military Police attached to the 17th Military Police Battalion in the state of Puebla for events that resulted in the killing of two people in Palmarito, Tochapán.²⁶ The killings were recorded in a video that was made public and which Amnesty International analysed, verified and reported on at the time, as an example of the flawed and violent federal security strategy.²⁷

In addition, complaints of human rights violations specifically against Military Police personnel rose when the number of Military Police officers increased after 2013.²⁸

FACT NO. 4: ALTHOUGH LÓPEZ OBRADOR’S PLAN SAYS THAT THE NATIONAL GUARD WILL HAVE DIFFERENT TRAINING, IT IS BY NO MEANS CERTAIN THAT THE TRAINING OF THE NATIONAL GUARD WILL BE DIFFERENT FROM WHAT WAS PREVIOUSLY PROVIDED TO THE MILITARY; THEY HAVE HAD

²² See, for example: Belisario Domínguez Institute, “Seguridad Interior, Elementos para el debate” [Internal Security: Elements for debate] January 2017, available at:

http://bibliodigitalibd.senado.gob.mx/bitstream/handle/123456789/3344/Reporte39_SeguridadInterior_DistDigital.pdf?sequence=1&isAllowed=y (Spanish only).

²³ Laura Atuesta, “Las cuentas de la militarización” [The cost of militarization], *Nexos*, 1 March 2017, available at: : <https://www.nexos.com.mx/?p=31552> (Spanish only).

²⁴ Madrazo, Alejandro, Calzada and Romero (CIDE): “La guerra contra las drogas: Análisis de los combates de las fuerzas públicas” [The war on drugs: Analysis of clashes involving government law enforcement agencies] 2006-2011, available at: <http://www.politicaygobierno.cide.edu/index.php/pyg/article/view/1161> (Spanish only).

²⁵ Catalina Pérez Correa, Carlos Silva Forné and Rodrigo Gutiérrez Rivas, “Índice de letalidad. Menos enfrentamientos, más opacidad” [Fatality rates: Fewer clashes, more secrecy] *Nexos*, 1 July 2015.

²⁶ National Human Rights Commission (CNDH), recommendation No. 12VG/2018, available at: http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG_012.pdf (Spanish only).

²⁷ Amnesty International, “Mexico: Fresh evidence of execution by military highlights flawed security strategy”.

²⁸ Ministry of Defence, response to a request for information made through the National Transparency Platform, folio no. 0000700072817, 30 May 2017. Complaints to the CNDH about the Military Police: 13 in total; none between 2004 and 2007; two in 2008; one in 2009; none in 2010; one in 2011; one in 2012; six in 2013 and two in 2014.

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THOUSANDS OF HUMAN RIGHTS TRAINING SESSIONS, BUT THIS HAS NOT IMPROVED PEOPLE’S SECURITY.

The Plan for Peace and Security 2018-2024 expressly recognizes that a military unit’s ultimate purpose is to confront, neutralize and destroy an enemy force. Nevertheless, it blames the training for the mistakes made by the armed forces and promises to change this by providing the National Guard with human rights training.

In fact, the armed forces have already had a great deal of human rights training. During the administration of Enrique Peña Nieto, more than a million members of SEDENA received human rights training.²⁹ However, this has not stopped the military committing serious human rights violations because what is really needed are adequate evaluation mechanisms and a reframing of the approach to security to focus on strengthening the police. Amnesty International believes that if states cannot guarantee that the necessary requirements will be met, then the armed forces should not be deployed to carry out public order operations.

During the presentation of the Plan for Peace and Security 2018-2024, it was stated that the training and coaching of the National Guard would be carried out in military establishments. While the Ministries of the Interior and Public Security will participate in developing the syllabus, alongside SEDENA and the Navy, there is nothing to indicate that this will alter the military focus of the training.

FACT NO. 5: ACCORDING TO A NATIONAL SURVEY, THE ARMY AND THE NAVY COMMIT MORE ACTS OF TORTURE AND OTHER ILL-TREATMENT DURING ARRESTS THAN THE FEDERAL POLICE, AND IN GENERAL THE ARMED FORCES ARE NOT TRAINED TO PROTECT THE POPULATION.

According to the Plan for Peace and Security 2018-2024, “the Federal Police is a body which lacks discipline, training and professionalism”. However, the Federal Police told Amnesty International, that, as an example of the training they receive, between 2012 and January 2016, the force delivered 2,654 courses in 70 academies in which the rights of women and a gender perspective were expressly addressed.³⁰ Although the Federal Police have also been implicated in serious human rights violations, the 2018-2024 Plan for Peace and Security does not contain measures to strengthen civilian institutions such as the Federal Police, but rather integrates them into a military approach, as if this were a solution.

Both the armed forces and the Federal Police have received training in human rights. However, according to an analysis by the National Institute of Statistics and Geography (INEGI) based on a survey of prisoners, those who said they had been arrested by the armed forces indicated that the Navy and the Army committed acts of torture and other ill-treatment more frequently during arrest than all the other law enforcement bodies in the country (that is, federal, ministerial, state and municipal police).³¹

The lack of independent control over the actions of the armed forces is of grave concern given the notoriously secretive nature of the armed forces and the obstacles to independence and impartiality when they investigate the actions of their own members.³²

²⁹ Report of the Ministry of Defence submitted to the Office of the UN High Commissioner, “Human Rights in Action, 2012 to 2017.”

³⁰ Amnesty International, Mexico: Surviving death: Police and military torture of women in Mexico, June 2016, available at: <https://www.amnesty.org/en/documents/amr41/4237/2016/en/>

³¹ Prepared by World Justice Project with INEGI data, National Survey of the People Deprived of the Liberty (ENPOL) 2016. According to the analysis of this survey of 58,000 prisoners, the Navy had the highest percentage of reports of torture during arrest (88%), followed by the Army (86%), the Federal Police (81%), the State Police (75%), the Ministerial or Judicial Police (73%) and the Preventive or Municipal Police (69%). Summary available at: <https://www.animalpolitico.com/blogueros-blog-invitado/2018/11/15/ejercito-y-marina-bajo-la-lupa/> (Spanish only). Dr Carlos Silva of the Institute for Legal Research of the National Autonomous University of Mexico also presented data on 29 November at the Public Forum “Seguridad Pública y Militarización: Mesa de Análisis” [Public Security and Militarization: Roundtable Analysis]. Dr Silva Forné’s data has yet to be published, but based on the ENPOL information, it shows that the highest rates of sexual torture also involve the Navy (41%) and the Army (19.4%).

³² See also, *mutatis mutandis*, Inter-American Court of Human Rights, *Case of Durand and Ugarte v. Peru*, (Merits), Judgment of 16 August 2000, Series C No. 68, paras 125 and 126; and *Case of Osorio Rivera and family members v. Peru*, op. cit., para. 188.

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TO ONE PERSON, IT
MATTERS TO US ALL.**

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One of the central aspects of the security strategy proposed by the new president Andrés Manuel López Obrador is the creation of a National Guard made up of between 50,000 and 60,000 members of the Military Police, the Naval Police, and the Federal Police, in addition to members of the General Staff and “troops”.

In the proposal it is clear that it would pursue a strategy very similar to that of previous governments, and that in reality the National Guard poses a threat to the security and human rights of people living in Mexico.