



Gross Human Rights Abuses

The Legal and Illegal Gun Trade to Mexico



Stop US Arms to Mexico



CMDPDH
Comisión Mexicana de Defensa y
Promoción de los Derechos Humanos



Gross Human Rights Abuses

The legal and Illegal Gun Trade to Mexico

August 2018



Mexican Commission for the Defense and Promotion of Human Rights
Stop us Arms to Mexico

Editor

José Antonio Guevara Bermúdez

Authors

Natalia Paulina Báez Zamudio
Lucía Guadalupe Chávez Vargas
John Lindsay-Poland
Montserrat Martínez Téllez

Publication Design

El Recipiente

Cover Design

Karina Álvarez Medrano

Photography

Sentinel Mexico
Erick Almeida
Luis María Barranco Soto

August, 2018

Some rights reserved

**The financial support of the Appleton Foundation, Charity Pot, Reis Family Foundation,
and individual donors made the realization of this report possible.**

GROSS HUMAN RIGHTS ABUSES: THE LEGAL AND ILLEGAL GUN TRADE TO MEXICO¹

Mexican Commission for the Defense and Promotion of Human Rights
and Stop us Arms to Mexico

Introduction

Mexico faces an acute crisis of human rights violations and violent crimes, most of which are committed with firearms. The country is experiencing the highest homicide rate in its recorded history, with two out of every three homicides committed with firearms.² Most guns recovered and traced at crime scenes in Mexico -70%- come from the United States.³ And after more than a decade of military deployment to fight crime, new military equipment and firearms, and U.S. military training for thousands of soldiers as part of the Merida Initiative, human rights violations by state forces remain much higher than before the Initiative began, with nearly complete impunity.⁴

It is time to make a decisive and substantial change of course. The change of leadership in Mexico provides a critical opportunity to heed the voices and analysis that have called for ending policies of warfare and instead focusing on development, fighting poverty, and community investment.

In December 2006, then-president of Mexico Felipe Calderón (2006-2012) implemented a security strategy, known as “the war on drugs,” which, among other things, included militarizing public security. This strategy continued in full force under President Enrique Peña Nieto (2012-2018). This strategy has provoked escalated violence in the country, where organized criminal groups, police officials at all levels of government, and soldiers have committed serious crimes, including murders, forced disappearances, and torture. In that context, criminal organizations and state agencies have committed crimes against humanity.⁵

1 The coordinators of this publication thank Sam Storr, Louis Epstein-Escobar and Paola Badani, volunteers of the CMDPDH, for their support provided in the development of this research.

2 Reports on 2017 and 2018 of Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, “Incidencia Delictiva del Fuero Común,” at: <http://secretariadoejecutivo.gob.mx/incidencia-delictiva/incidencia-delictiva-fuero-comun.php> (Accessed July 14, 2018).

3 U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Mexico: January 1, 2011 – December 31, 2016* (U.S. Department of Justice, 2017), at: <https://www.atf.gov/rearms/docs/report/rearms-trace-data-mexico-cy-11-16pdf/download>.

4 *Overlooking Justice*, Washington Office on Latin America and Centro Prodh, November 2017.

5 Cfr. Open Society Justice Initiative (2016) *Undeniable Atrocities. Confronting Crimes Against Humanity in Mexico*, New York, at: <https://www.opensocietyfoundations.org/sites/default/files/undenialble-atrocities-2nd-edition-20160808.pdf>; International Federation for Human Rights (FIDH), et. al. (2017) “Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes against Humanity,” at: <https://www.fidh.org/en/region/americas/mexico/mexico-murders-disappearances-and-torture-in-coahuila-de-zaragoza-are>; *Comunicación de acuerdo con el artículo 15 del Estatuto de Roma de la Corte*

The violence in Mexico⁶ has led to severe and growing consequences, including massive displacement and forced migration, psychic trauma, broken justice, economic losses, and damage to freedom of expression and journalism. Waging war and trading in its weapons have made these problems worse. From December 2006 through June 2018, at least 37,435 people are known to have been forcibly disappeared in Mexico and 121,035 murdered with firearms - with 16,898 gun homicides in 2017 alone. The large majority of these serious crimes remain in impunity - with no judicial investigation or sentencing and no reparations to victims.

Recent official data from Mexico and the United States shows that the legal export of weapons and explosives from the United States to Mexico is at its highest in years, reaching nearly \$122 million between 2015 and 2017, according to trade records of the U.S. Census Bureau, more than 12 times the amount of those exports in 2002-2004.⁷ This growth coincides with an increase in Mexico's own production of weapons for military use.

In June 2018, twelve members of the U.S. Congress stated in a letter to the U.S. Secretaries of State and Defense that "The use of Mexican military forces in the war on drugs has resulted in a dramatic increase in human rights violations, including torture, forced disappearances, and extrajudicial executions." They called for "a full and public evaluation of the Merida Initiative, U.S. security aid and arms sales to Mexico."⁸ Other members of Congress have also requested a General Accounting Office report on the Merida Initiative.⁹

It is well past time to change the course of security strategies in Mexico and cease depending on the acquisition of weapons to achieve reductions in violence. The election of a new government in Mexico provides opportunities for both the United States and Mexico to focus on stopping the sources of violence, including the gun trade, money laundering, lack of economic equity, and on ending support for government entities that are implicated in human rights violations and collusion with organized crime.

The data shows that the United States plays a primary role as the principal source of arms flowing legally to Mexico, while other studies suggest the same about the illegal flow of weapons.

Yet the Trump administration has indicated it will facilitate the growth of the already-overwhelming transfer of U.S. weapons to Mexico, in part through its Arms Transfer Initiative, aimed at promoting U.S. arms sales globally. The Trump administration followed this initiative with a proposed new policy designed to facilitate the export of firearms and munitions by transferring responsibility for overseeing export licenses to the Department of Commerce, instead of the State Department. This

Penal Internacional sobre la presunta comisión de crímenes de lesa humanidad en México entre 2006 y 2012. México, at: <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-comunicacion-coahuila.pdf>; FIDH, et al. (2018), "Comunicación de acuerdo con el artículo 15 del Estatuto de Roma de la Corte Penal Internacional sobre la presunta comisión de crímenes de lesa humanidad en Chihuahua, México entre 2008 y 2010," at: <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-comunicacion-cpi-chihuahua-esp-2018.pdf> (Accessed July 14, 2018).

6 Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (2018). Data base of the National Registry of Missing or Disappeared Persons, available at: <http://www.secretariadosejecutivo.gob.mx/rnped/datos-abiertos.php>, (Accessed: June 5, 2018). Statistics are up to April 30, 2018. Lindsay-Poland. "How U.S. Guns Sold to Mexico". *The Intercept*. op. cit.

7 Lindsay-Poland. "How U.S. Guns Sold to Mexico". *The Intercept*. op. cit.

8 Letter to Mike Pompeo and James Mattis from Rep. Keith Ellison et. al., June 18, 2018, at: <http://stopusarmstomexico.org/wp-content/uploads/2018/06/Letter-Re-Security-Assistance-to-Mexico.pdf>.

9 "Cook, Sires, McCaul, Castro Request GAO Review of Mérida Initiative," press release, May 29, 2018, at: <https://cook.house.gov/media-center/press-releases/cook-sires-mccaul-castro-request-gao-review-of-m-rida-initiative>.

could have a devastating impact with respect to the number and frequency of gun homicides and other violence in Mexico.¹⁰

The United States seeks to implement these measures despite the disastrous results of the current security policy and war on drug trafficking.

Unfortunately, the exponential growth in the number of weapons entering Mexico has not been accompanied by controls to effectively and transparently register, control, and track the end uses of these guns to ensure that they do not land in the hands of police or military units that are credibly alleged to have committed gross human rights abuses or have colluded with criminal groups – the very groups that security forces are being armed to combat.

As a result, U.S. firearms exported to Mexico with the rationale of combating crime and establishing security have been used in serious crimes, including extrajudicial executions, massacres, and forced disappearances by military and police forces, including security forces that collude with criminal groups in Mexico.¹¹ The forced disappearance of 43 students from Ayotzinapa and extrajudicial execution of 15 persons in Tlatlaya are among the most representative of excessive uses of force and gross human rights violations by the security forces.¹²

During the last two years, alleged extrajudicial killings by Mexican security forces have received widespread media attention. Such is the case of the extrajudicial execution in Palmarito, Puebla, after a battle between alleged oil thieves and army soldiers.¹³ Similarly, during a reported shootout in Nayarit state, captured on video, a Navy helicopter can be observed firing onto the roof of a construction area, an incident in which eight civilians were killed, presumably members of an organized criminal group.¹⁴

10 William Hartung, "Trump's arms export rules will undermine US security and risk human rights abuses," *The Hill*, July 15, 2018, at: <http://thehill.com/opinion/international/397096-trumps-arms-export-rules-will-undermine-us-security-promote-human>. On the Arms Transfer Initiative, see Jeff Abramson, "Trump Favors Arms Industry in Effort to Loosen Export Controls," Issue Brief, Arms Control Association, June 7, 2018, at: <https://www.armscontrol.org/issue-briefs/2018-06/trump-favors-arms-industry-effort-loosen-export-controls> (Accessed July 9, 2018).

11 For background, see: International Federation for Human Rights (FIDH), et. al. (2017) "Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes against Humanity," at: <https://www.fidh.org/en/region/americas/mexico/mexico-murders-disappearances-and-torture-in-coahuila-de-zaragoza-are>; FIDH (2012), "Mexico: Report on the alleged commission of crimes against humanity in Baja California between 2006 and 2012," at: <https://www.fidh.org/IMG/pdf/mexique642ang2014web.pdf>; and FIDH, et al. (2018), "Comunicación de acuerdo con el artículo 15 del Estatuto de Roma de la Corte Penal Internacional sobre la presunta comisión de crímenes de lesa humanidad en Chihuahua, México entre 2008 y 2010," at: <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-comunicacion-cpi-chihuahua-esp-2018.pdf>.

12 In a warehouse in the community of San Pedro Limón, in Tlatlaya in the State of Mexico, 22 people lost their lives. According to the investigation by Mexico's National Human Rights Commission, four of them were reportedly wounded during a confrontation with Mexican army soldiers, three were killed in cross-fire, and 12 were arbitrarily executed. During the firefight only some of those who were armed inside the warehouse shot at soldiers, and eight soldiers participated, one of whom was wounded. Afterward, some soldiers entered the warehouse, detained the people, and executed them, though they had surrendered and were disarmed. Among the victims was a 15-year-old girl; the rest were males, including three who were 17 years old. CNDH, Recommendation 51/2014, at: http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG_051.pdf (Accessed July 18, 2018).

13 Known colloquially as *huachicoleros*, these persons steal fuel by clandestinely siphoning pipelines owned by the state oil company, Pemex. Díaz, L. (2017) *AI confirma ejecución extrajudicial por parte de militares en Palmarito; pide investigación civil "urgente"*. Proceso. At: <http://www.proceso.com.mx/488056/ai-confirma-ejecucion-extrajudicial-parte-militares-en-palmarito-pide-investigacion-civil-urgente> (Accessed July 18, 2018).

14 "Balacera desde helicóptero en Nayarit," *Aristegui Noticias*, February 9, 2017, at: <https://aristeginoticias.com/0902/mexico/nayarit-se-registra-balacera-desde-helicoptero-video/> (Accessed July 18, 2018).

Studies have shown that deployment of Mexican military forces in law enforcement has led to increases in homicides.¹⁵ One of the factors contributing to the deteriorating violence in Mexico is the diversion of legally obtained firearms. More than 20,000 firearms purchased by state and federal police have gone missing or been stolen since 2006, according to official sources. Approximately 7,000 of these weapons were reported missing in Mexico City and Mexico State alone.¹⁶

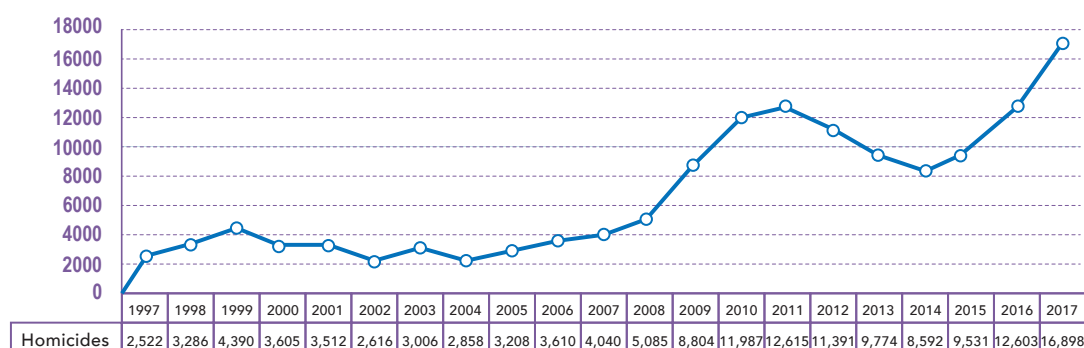
In this report we analyze the influx of both legal and illegal firearms into Mexico, focusing particularly on legal imports because of the availability of information and its importance to policies of gun exports and imports. In addition, we will address the impact of this gun trade on human rights and increases in violence. One of the most violent areas in Mexico is the northern border state of Tamaulipas, and we examine gun violence in that state as a case study for our analysis. Finally, we also consider the proposal in the United States to transfer regulation of firearms exports from the Department of State to the Commerce Department, and its potential impact in Mexico.

We have obtained the data presented here from official information accessed through public records requests to the National Transparency Platform and interpreted from a human rights perspective. We also drew from other governmental documents and media reports.

Why this study on the legal and illegal arms trade to Mexico?

One reason for undertaking this study is the increase in gun homicides since the beginning of the war on drugs. Figure 1 shows that since 1997, when Mexico began to formally register homicides committed with firearms, the number of such killings decreased from 2000 to 2006, at which point they began to increase dramatically. In a 20-year span, gun homicides increased by 570% in Mexico.

Figure 1: *Intentional Homicides with Firearms in Mexico (1997-2017)*



Graph: By the authors, with data from the Executive Secretariat of the National System for Public Security (SESNSP).

15 Laura Atesta and Aldo F. Ponce, *Cómo las intervenciones de las fuerzas públicas de seguridad alteran la violencia. Evidencia del caso mexicano*, CIDE, 2016.

16 SEDENA, responses to public records requests, folio numbers: 0000700119913; 0000700149117. *Reforma*. "Desaparecen dos armas cada día... a la ¡Policía!", January 14, 2018, at: <http://www.abc-noticias.com.mx/vernoticiasseguridad.php?recordID=1385> (Accessed June 14, 2018). *Animal Político*, "Las bajas en las armas de los policías en México: pierden 6 al día", May 8, 2015, at: <http://www.animalpolitico.com/2015/05/policias-en-mexico-pierden-seis-armas-de-fuego-al-dia-ya-van-15-mil-robadas-o-extraviadas/> (Accessed: June 14, 2018).

In 2017, approximately 46 people were murdered with guns every day in Mexico. The majority of these homicides were never investigated, with no trial and no one held accountable. The serious problem of violence, together with access to large numbers of military-grade weapons and generalized impunity in Mexico, contribute to a spiral of violence. On the one hand, those who commit murders face no significant risk that the legal system will investigate or punish their crimes. On the other hand, state forces in the police and military have no incentive to respect the principles of legality, necessity, and proportionality in the use of force, and to only use lethal force as a last resort to protect one's own life or the lives of others.

How Do Weapons Come into Mexico?

National Legal Framework

Article 10 of Mexico's Constitution recognizes the right of residents to keep firearms in the home for their security and legitimate defense, with the exception of weapons prohibited by law or reserved exclusively for use by the military.¹⁷ Nevertheless, the majority of firearms legally sold in Mexico are purchased by state and federal law enforcement agencies. Weapons reserved for the exclusive use by the armed forces are those arms, munitions and materials destined only for warfare, with few exceptions.¹⁸

In Mexico, the army (National Defense Secretariat, known as SEDENA) is the only entity empowered to legally distribute firearms in the country. SEDENA functions as an intermediary between sellers and buyers; that is, it does not buy and sell weaponry as such, but is responsible for buying and distributing arms to local governments, companies, and individuals that seek to acquire them.¹⁹

Military Budget

Beginning in 2006, military operations to combat drug trafficking and organized crime increased, together with a clear rise of serious human rights violations. With the frequency of military operations, the military budget also grew, especially for the army's purchase, maintenance, and production of weapons.

17 Weapons for exclusive use by the armed forces, according to Article 11 of the Federal Law on Firearms and Explosives, are: a).- Revolvers caliber .357 Magnum and those larger than a .38 Special. b).- 9 mm pistols; Parabellum, Luger and similar arms; .38 Super and Comando, and larger calibers. c).- Rifles, carabins, carbines and mausers with calibers of .223, 7 mm, 7.62 mm, and .30 caliber carbines of all models. d).- Pistols, carbines and rifles that issue fire bursts, sub-machine guns and machine guns of all calibers. e).- Shotguns with barrels less than 635 mm. (25), with calibers more than 12 (.729 or 18.5 mm) and flamethrowers except those for industrial use. f).- Munitions for the above firearms and cartridges with special features such as tracers, incendiaries, cartridges with special mechanisms such as tracers, incendiaries, perforants, fumigants, expansive gases and those loaded with relays greater than 00 (.84 cms. diameter) for a shotgun. g).- Cannons, artillery pieces, mortars and combat vehicles with respective adjuncts, accessories, projectiles, and munitions. h).- Projectiles: rockets, torpedos, grenades, bombs, mines, depth charges, flame-throwers and similar weapons, as well as the apparatus, mechanism and machines for their launch. i).- Bayonets, sabres and lances. j).- Ships, submarines, boats and hydro-aircraft for naval warfare and their armament. k).- War planes and their armament. l).- Artifacts of war, gases and chemical substances with only military applications, and the different machinery for their use by the armed forces.

18 The use of these weapons can be authorized for people with positions in federal, state or local government based on a justified necessity.

19 SEDENA, response to public records request, folio number: 00007000024618.

As a result of militarized strategies that are part of the war on drugs, the Mexican armed forces budget has increased exponentially during the last twelve years (two presidential terms), as has the country's domestic capacity for weapons production. Mexico's national security budget increased by 18.8% between 2017 and 2018, from \$4.4 billion in 2017 to \$5.2 billion dollars in 2018 - an increase of some \$826 million.²⁰ The army was the budget's biggest beneficiary. The 2018 budget for security forces was allocated to the Interior Ministry (\$152.2 million), the army (\$3.6 billion), and the navy (\$1.4 billion).²¹

Weapons for the Army

From 2010 to 2016, SEDENA stated that it spent US\$16,086,620 and 29,698,203 Euros on weapons imports, mostly long guns, for its own use.²² (See Figure 2) During this period SEDENA imported 10,149 arms for military use only (6,622 long guns and 4,571 handguns), including more than two thousand rifles from Nammo Talley, headquartered in Mesa Arizona.²³ These amounts do not include national production of weapons used by the military, nor the importation of weapons parts. They also do not include some specialized imported weapons, such as multiple-grenade launchers used by Mexican Army Special Forces and produced by Milkor USA, based in Tucson, Arizona,²⁴ or the \$8.3 million in military explosives exported from an undetermined company in Arizona in 2017.²⁵

In addition to the army, the Mexican Navy also imports weapons. In 2015, the U.S. State Department approved a license for New Hampshire-based gun producer Sig Sauer, Inc. to export to the Mexican Navy up to \$265 million worth of assembly kits for semi-automatic pistols and submachine guns from the U.S. gun producer Sig Sauer, up to 2024. The license permits the Mexican navy to assemble Sig Sauer MPX submachine guns,²⁶ capable of firing 850 rounds a minute, from "kits" made of parts produced by the company.²⁷ As of May 2018, \$26.7 million in gun parts and \$4.3 million in complete guns had been exported from Sig Sauer and other New Hampshire manufacturers to Mexico since April 2015, according to U.S. Census Bureau trade records. This means that Sig Sauer has at least \$234 million left in sales to make before its license expires in 2024. If the license is completely fulfilled, the Navy's weapons purchases from Sig Sauer alone would nearly double the already elevated U.S. exports of guns and gun parts to Mexico.

20 Cámara de Diputados, "Proyecto del Presupuesto Público Federal para la función seguridad nacional, 2017-2018," available at: <http://www.diputados.gob.mx/sedia/sia/se/SAE-ISS-23-17.pdf> (Accessed July 12, 2018).

21 Ibid.

22 SEDENA, response to public records request, folio number: 0000700075417

23 Nammo Talley web site, <https://www.nammo.com/who-we-are/locations/usa/nammo-talley--mesa/> (Accessed July 26, 2018).

24 Sentinel Mexico Facebook, photo and text in January 31, 2018 post, at <https://www.facebook.com/SentinelMexico1/posts/1142849252485393> (Accessed July 26, 2018).

25 U.S. Census Bureau data, accessed at: www.usatrade.census.gov.

26 Assistant Secretary of State Julia Frifield, letter to Senator Patrick Leahy, January 18, 2017, at: <https://www.afsc.org/sites/default/files/documents/State%20Dept%20End%20Use%20Controls%20Mexico%2018%20Jan%202017.pdf> (Accessed July 9, 2018).

27 Sig MPX brochure, at: http://www.birlesikltd.com/docs/SIGMPX-Brochure_.pdf (Accessed July 9, 2018).

Figure 2:

Firearms Imported to Mexico for Exclusive Use by the Army						
Year	Quantity	Type of gun	Manufacturer	Provider	Cost	Currency
2010	30	Long Gun	COLT DEFENSE	COLT DEFENSE, LLC	58,899.60	USD
2011	150	Long Gun	NAMMO TALLEY	MLM INTERNATIONAL CORPORATION	626,250.00	USD
	874	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	7,651,210.12	EUROS
2013	16	Long Gun	DILLON AERO M134D/H	DILLON AERO, INC	1,081,536.00	USD
	129	Long Gun	ABRAMS AIRBONE	ABRAMS AIRBONE MANUFACTURING, INC	1,086,825.00	USD
	56	Long Gun	RM EQUIPMENT	RIVI EQUIPMENT, INC	77,840.00	USD
	180	Long Gun	COMBINED SYSTEMS	COMBINED SYSTEMS, INC	143,100.00	USD
2014	200	Long Gun	BARRET	BARRET FIREARMS MANUFACTURING, INC	2,804,000.00	USD
	54	Long Gun	KNIGHT'S ARMAMENT COMPANY	KNIGHT'S ARMAMENT COMPANY, LLC	900,547.00	USD
	18	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	1,517,281.35	EUROS
	700	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	7,361,025.00	EUROS
	72	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	2,060,642.06	EUROS
	175	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	780,187.40	EUROS
2015	546	Corta	SIG SAUER	SIG SAUER, INC	210,210.00	USD
	770	Handgun	FABARM	FABARM-FABRIC BRESCIANA ARMI S.P.A.	74,690.00	USD
	60	Handgun	SIG SAUER	SIG SAUER, INC	24,000.00	USD
	214	Long Gun	SIG SAUER	SIG SAUER, INC	317,790.00	USD
	2204	Handgun	IWI	ISRAEL WEAPON INDUSTRIES (IWI) LTD	870,580.00	EUROS
2016	777	Handgun	SIG SAUER	SIG SAUER, INC	299,145.00	USD
	69	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	749,632.09	EUROS
	729	Long Gun	FN HERSTAL	FN HERSTAL, S.A.	7,707,645.42	EUROS
	97	Long Gun	O.F. MOSSBERG & SONS, INC	ESSEX INTERNATIONAL TRADING, INC	80,420.00	USD
	2029	Long Gun	NAMMO TALLEY	NAMMO TALLEY, INC	8,301,368.00	USD

Table: Authors, from SEDENA response to public records request.²⁸²⁸ SEDENA, response to public records request, folio number: 0000700000518.

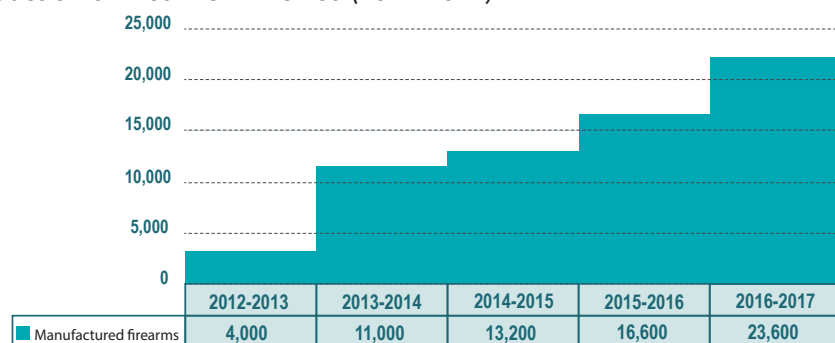
In addition to the army, the Mexican Navy also imports weapons. In 2015, the U.S. State Department approved a license for New Hampshire-based gun producer Sig Sauer, Inc. to export to the Mexican Navy up to \$265 million worth of assembly kits for semi-automatic pistols and submachine guns from the U.S. gun producer Sig Sauer, up to 2024. The license permits the Mexican navy to assemble Sig Sauer MPX submachine guns,²⁹ capable of firing 850 rounds a minute, from “kits” made of parts produced by the company.³⁰ As of May 2018, \$26.7 million in gun parts and \$4.3 million in complete guns had been exported from Sig Sauer and other New Hampshire manufacturers to Mexico since April 2015, according to U.S. Census Bureau trade records. This means that Sig Sauer has at least \$234 million left in sales to make before its license expires in 2024. If the license is completely fulfilled, the Navy’s weapons purchases from Sig Sauer alone would nearly double the already elevated U.S. exports of guns and gun parts to Mexico.

It is important to note that firearm *components* like those exported by Sig Sauer to the Mexican Navy and assembled within Mexico into firearms are not included in the military’s reports of weapons acquired, Mexico’s reports to the ATT, or in the documents SEDENA has disclosed in response to public records requests, but they have become an important part of the Mexican military’s acquisition of armament.

Weapons Production in Mexico

SEDENA produces firearms for Mexican soldiers (not for police or private parties). According to its annual reports, such production has risen to 23,600 rifles in 2016-2017. In 2015, SEDENA produced 3,200 FX-05 assault rifles, 11,570 40-mm grenades, more than 29 million bullets of different calibers, and maintained or repaired 13,508 firearms. In 2017, SEDENA had revenues of \$67.2 million, which were used to acquire new machinery from the United States and Germany and increase production of 40-mm grenades and high-caliber ammunition.³¹ In all, SEDENA’s expenditures for weapons production amounted to more than \$1.4 billion between 2007 and 2017.

Figure 3: *Production of firearms in México (2012-2017)*



Graph: By the authors with statistics from SEDENA annual reports.³²

29 Assistant Secretary of State Julia Frifield, letter to Senator Patrick Leahy, January 18, 2017, at: <https://www.afsc.org/sites/default/files/documents/State%20Dept%20End%20Use%20Controls%20Mexico%2018%20Jan%202017.pdf> (Accessed July 9, 2018).

30 Sig MPX brochure, at: http://www.birlesikltd.com/docs/SIGMPX-Brochure_.pdf (Accessed July 9, 2018).

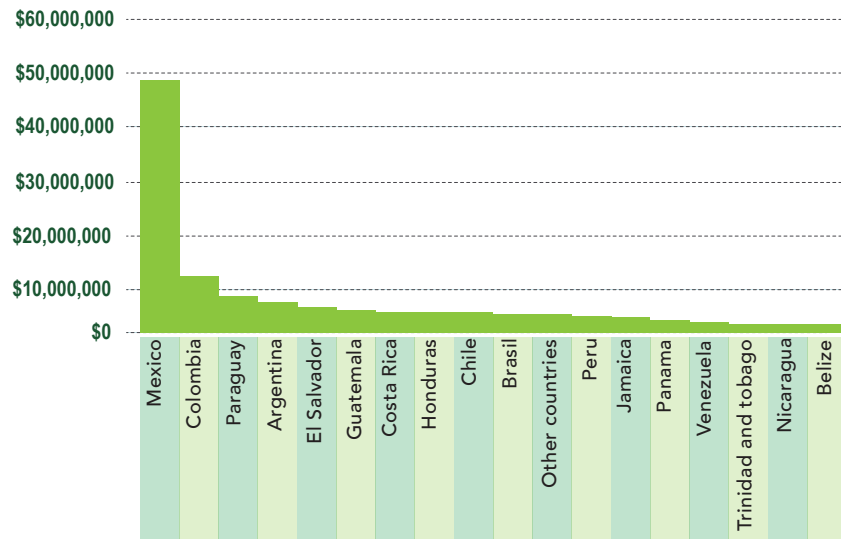
31 Jorge Medellín, “Se va a Puebla la Industria Militar,” *Estado Mayor*, August 30, 2017, at: <http://www.estadomayor.mx/76454> (Accessed July 9, 2018).

32 SEDENA, Informes de labores de la SEDENA, at: http://www.sedena.gob.mx/pdf/informes/5to_informe_de_labores.pdf (Accessed July 18, 2018).

Firearms Exported to Mexico from the United States

In Latin America, Mexico imports more firearms from the United States than any other country does, as seen in Figure 4.³³

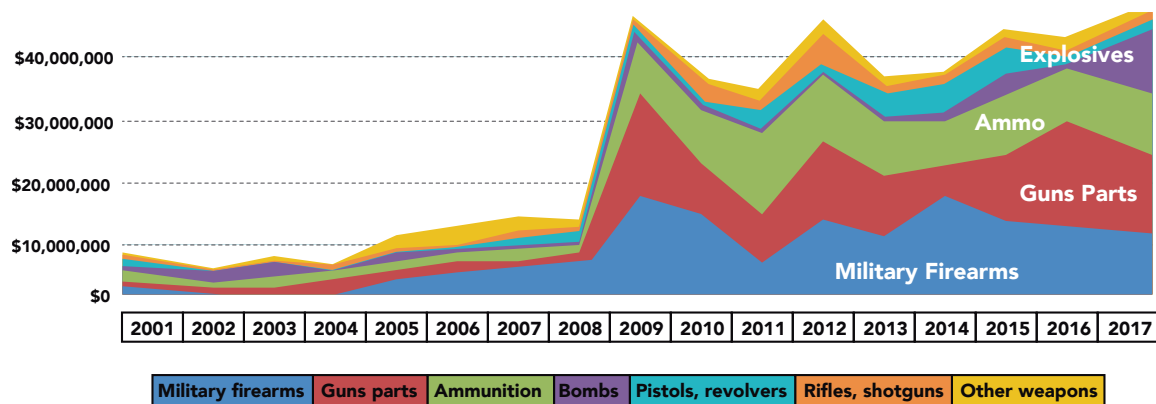
Figure 4. *U.S. Firearms and Explosives Exports to Latin America, 2017*



Graph: By the authors, with data from the U.S. Census Bureau.

The United States exports a significant number of firearms, ammunition, explosives, and gun parts to Mexico - averaging more than \$40 million annually in firearms and components exports from 2015 through 2017. Those exports have grown enormously since 2008, the first year of the Merida Initiative (see Figure 5).

Figure 5: *Guns, ammunition, parts, explosives exported by U.S. to Mexico 2001-2017.*



Graph: By the authors, with data from the U.S. Census Bureau.

³³ Data from U.S. Census Bureau, accessed at: www.usatrade.census.gov.

Firearms Sales to Police and Private Parties

The firearms acquired by SEDENA for sale referenced above have been legally transferred to Mexican state governments, to public buyers, to private security companies, and the Bank of Mexico. The chart in Figure 6 shows the percentage of legally imported firearms in Mexico from 2010 to 2016, by the type of end user.

Figure 6: Firearms acquisitions by SEDENA for sale, by type of end user, 2010-2016

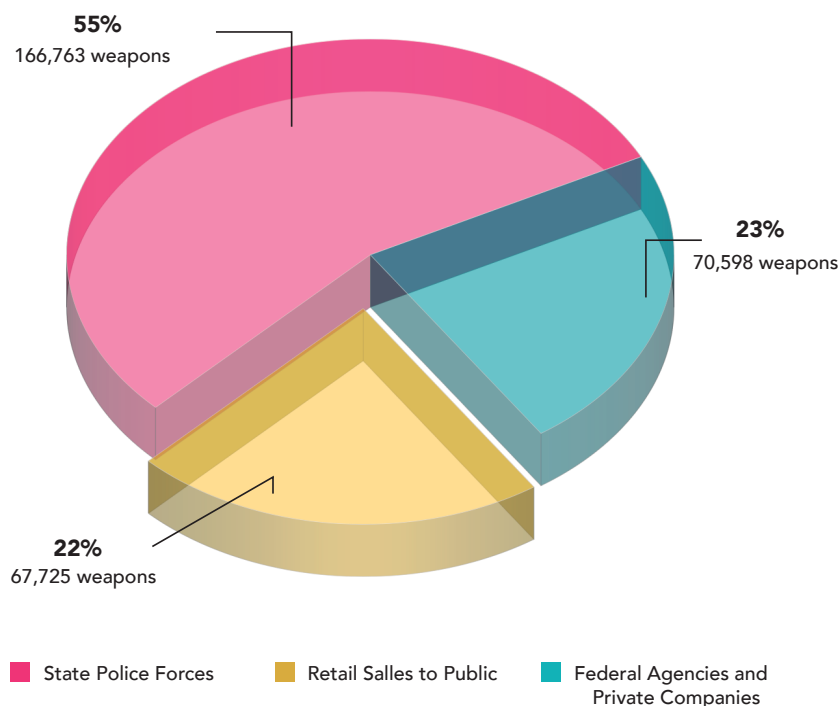


Chart: By the authors, based on SEDENA response to public records request.³⁴

According to SEDENA, of the 166,763 firearms sold to state police agencies in Mexico from 2010 to 2016, the State of Mexico received the largest number of weapons (22,020), followed by Michoacán (11,805), Mexico City (11,398), Chihuahua (10,094), and Jalisco (10,015). It is worth noting that the states that have purchased the largest number of legal firearms are also among those with the largest number of armed confrontations and gun homicides occurring during the war on drugs.

Firearms sold by SEDENA for the most part end up in the hands of state police and private individuals. Between 2007 and 2017, the gun makes most sold were: Beretta (Italy and United States, 113,233 guns), Glock (Austria, 74,889), I.W.I (Israel, 30,376), Colt (United States, 19,804), Bushmaster (United States, 17,471), Mossberg (United States, 16,248) y Heckler & Koch (Germany, 17,109), as seen in Figure 7.

³⁴ SEDENA, response to public records request, folio number: 0000700075417.

Figure 7: Manufacturers and countries of origin of firearms acquired and sold by SEDENA

MANUFACTURER	COUNTRY OF ORIGIN	MANUFACTURER	COUNTRY OF ORIGIN
DPMS	United states	Walther	Germany
Remington	United states	Heckler & Koch	Germany
Marlin	United states	ISSC	Germany
Savage	United states	Morini	Germany
North American Arms	United states	GSG	Germany
Penn Arms	United states	Fabarm	Italy
Cobra	United states	Tangfoglio	Italy
Smith & Wesson	United states	Benelli	Italy
Winchester	United states	Stoeger	Italy
Barret	United states	Caesar Guerinni	Italy
Bushmaster	United states	Rossi	Italy
Colt	United states	Franchi	Italy
DS Arms	United states	Armsan	Turkey
Adams	United states	Khan	Turkey
Mossberg	United states	Hatsan	Turkey
Sig Sauer	United states	Ata	Turkey
I.W.I.	Israel	Tikka	Finland
Astra	Switzerland	Sako	Finland
Grand Power	Slovakia	Norinco	China
Ceska	Czech Republic	FN Herstal	Belgium

Source: SEDENA, response to public records request.³⁵

Data on firearm sales provided by SEDENA in response to public records requests has not been consistent. For example, in May 2017, SEDENA reported having acquired 305,086 firearms for sale to non-military buyers from 2010 to 2016.³⁶ Yet in February 2018, it stated to have imported 250,839 firearms (long guns and handguns) for sale during the same period.³⁷ In addition, in

³⁵ SEDENA, response to public records request, folio number: 0000700000518.

³⁶ SEDENA, response to public records request, folio number: 0000700075417.

³⁷ SEDENA, response to public records request, folio number: 0000700000518.

its annual reports for the Arms Trade Treaty, Mexico has reported on only a portion of firearms acquired from other countries and sold in Mexico. In its report on 2016, for example, it showed 21,977 firearms acquired for sale to police and private parties,³⁸ while SEDENA's responses to public records requests state that it sold between 35,268 and 42,356 firearms that year.³⁹

Human Rights Violations Committed with U.S. Exported Firearms

There is evidence that firearms legally imported from the United States have been used in some of the worst human rights violations in Mexico in recent years.

- The local police from Iguala, Guerrero who attacked the 43 Ayotzinapa students in September 2014 were armed with AR6530 rifles, a model variant of the AR-15, legally supplied through licensed shipments from Colt, according to documents in the judicial record.⁴⁰
- An investigation by Mexico's National Human Rights Commission found that Federal Police, who carried out the massacre of 22 persons in Tanhuato, Michoacán, in 2015, killed five of them with Dillon Aero guns mounted on Black Hawk helicopters. The Dillon guns fire some 125 rounds *per second*, and Mexico obtained 16 of them for the army in 2013, for just over \$1 million,⁴¹ and then another 28 in 2015 and 2016, according to Mexico's Arms Trade Treaty reports for those years.⁴²
- In another example, in Chihuahua state, two members of the Federal Police armed with a .450 caliber Bushmaster XM15 rifles approached the vehicle of the mayor's bodyguards, ordering them to identify themselves. When they did not answer, the police opened fire twice, killing them.⁴³
- In Veracruz, the police responsible for at least 15 death squad murders⁴⁴ purchased, since 2013, at least 674 firearms exported by three U.S. arms companies: Colt, Bushmaster, and Combined Systems, according to the Veracruz public security secretariat. Local police in Veracruz also obtained weapons from Sig Sauer and Connecticut-based Mossberg.⁴⁵
- In Tamaulipas in 2011, a man was arrested for belonging to a criminal organization and brought

38 Arms Trade Treaty Annual Reports, at: https://www.thearmstradetreaty.org/images/Annual_Reports_2016/Mexico_Annual_Report_2016P.pdf (Accessed July 14, 2018). Mexico's reports for the ATT also indicate 19,968 firearms acquired in 2016 for use by the military only, or 47.6% of the total acquired that year.

39 SEDENA, responses to public records requests, folio numbers: 0000700075417 and 0000700000518.

40 American Friends Service Committee, *Where the Guns Go: U.S. Policy and the Crisis of Violence in Mexico*, 2016, at: <https://www.afsc.org/resource/report-where-guns-go> (Accessed: June 18, 2018).

41 Gob.mx, Aeronaves, Armamento y Vehículos Adquiridos por la Secretaría de la Defensa Nacional en el periodo de 2006 a 2017, at: https://www.gob.mx/cms/uploads/attachment/file/285435/ADQS._DE_AERONAVES_ARMAMENTO_Y_VEHICULOS_DIC._17.pdf (Accessed June 18, 2018).

42 Arms Trade Treaty Annual Reports, at: <http://www.thearmstradetreaty.org/index.php/en/2017-01-18-12-27-42/reports> (Accessed July 14, 2018).

43 Criminal sentence, Chihuahua State, Sixth District Court, criminal case 14/2011-III, July 13, 2012.

44 Associated Press, "Mexican police allegedly used near death-squad tactics," February 28, 2018, at: <http://www.nydailynews.com/newswires/news/world/mexican-police-allegedly-death-squad-tactics-article-1.3846863> (Accessed July 14, 2018).

45 Public Security Secretariat, State of Veracruz, response to public records request, folio number: 989417.

to a military installation. While in custody, a navy lieutenant responsible for the detainee killed with him with a shot to the head, according to the court sentence. The firearm used was a 5.56 Colt M16 rifle.⁴⁶

- At the federal level, from December 1, 2006 to December 31, 2016, the Federal Judicial Council registered 38 convictions for intentional homicides committed by public officials, 13 of them committed by army or navy personnel.⁴⁷ Sentencing documents identify firearms - some for military use only - involved in the commission of these crimes, including pistols and rifles of diverse calibers exported by U.S. gun producers Colt, Smith & Wesson, High Standard, and Bushmaster.⁴⁸

Another example - but of German firearms - is the sale of 9,652 G36 assault rifles to SEDENA by Heckler & Koch. Of these, 4,796 were sold to police in four states (Chihuahua, Jalisco, Guerrero and Chiapas) that the German government had prohibited as end users for this type of military weaponry because of human rights abuses and violent conflict in those states. A criminal trial for these exports is before the Stuttgart Provincial Court in Germany.⁴⁹



©Erick Almeida, "Antonio Tizapa, father of one of 43 disappeared students of the Ayotzinapa teacher school, calls for end to sale of U.S. arms to Mexico."

46 Fifth Criminal Court, Nuevo Leon State, Monterrey, Nuevo León, sentence, criminal case 263/2012-II, October 10, 2016.

47 Consejo de la Judicatura Federal (CJF), response to public records request, folio: 0320000407817. The list disclosed by CJF shows 48 verdicts, of which 12 exonerated the accused. Two additional convictions were disclosed in public digital versions (147/2012 and 90/2006).

48 These include: 7.62 G3 rifle; 5.56 rifle; .45 caliber pistol; Smith & Wesson Parabellum semi-automatic 9mm pistol; 5.56 Colt M16 rifle; 5.56 High Standard NATO HSA-15 rifle; 7.62 Romarm/Cugir WASR-10 rifle; 5.56 Bushmaster XM15E2s rifle.

49 Artemis Morales, "Armas alemanas en México," *La Jornada*, May 13, 2018, at: <http://www.jornada.com.mx/2018/05/13/opinion/012a1pol>. (Accessed June 11, 2018).

Case Study: Tamaulipas State

The northern Mexico border state of Tamaulipas exemplifies the deadly cocktail of gun trafficking, militarization, impunity and corruption that is devastating many Mexican communities. Some 6,128 people have been forcibly disappeared in Tamaulipas (out of 37,186 nationally),⁵⁰ according to the National Registry of Missing Persons (RNPED), while others estimate even larger numbers, since many migrants kidnapped and disappeared in Tamaulipas are not counted in official records.⁵¹

From 2000 to 2015, more than 30,000 illegal firearms were recovered in Tamaulipas, according to the Mexican military - more than in any other state. Of these, more than three quarters were long guns, the highest proportion of long guns recovered in any Mexican state, a reflection of criminal organizations' preference for rifles, especially assault rifles. Crime gun recovery in Tamaulipas peaked in 2011, with 10,544 guns.⁵² In the largest seizure of crime guns during the Peña Nieto administration, authorities recovered 220 high-powered rifles and 185,000 cartridges in Nuevo Laredo, Tamaulipas in April 2018.⁵³ During a 320-day period in 2016-2017, the military recovered 601 firearms in Tamaulipas, again more than in any other state.⁵⁴ This is no accident: Tamaulipas sits across the border from the most active corridor of gun trafficking from the United States. Texas was the source of 41% of all crime guns traced to the United States from 2008 to 2014,⁵⁵ and Houston - with over 300 licensed gun dealers⁵⁶ - has long served as a large source of weapons trafficked to Mexico.⁵⁷

Tamaulipas has been the destination for a large amount of legally exported weaponry as well. From 2010 through 2016, the Mexican military sold 2,828 firearms to police forces in the state, according to official figures.⁵⁸ Of these, 508 were exported by Sig Sauer, Inc., the New Hampshire-based gun producer.⁵⁹ These firearms do not include those of military forces deployed in the state.

50 RNPED, Registro Nacional de Datos de Personas Extraviadas o Desaparecidas, April 30, 2018, at: <https://www.gob.mx/sesnspp/acciones-y-programas/registro-nacional-de-datos-de-personas-extraviadas-o-desaparecidas-rnped> (Accessed July 16, 2018).

51 "Familias rotas y morgues llenas," *Expansión en Alianza con CNN*, February 27, 2018, at: <https://expansion.mx/nacional/2018/02/27/familias-rotas-y-morgues-llenas-el-saldo-de-las-desapariciones-en-tamaulipas> (Accessed June 11, 2018).

52 SEDENA, response to public records request, folio number: 0000700121115.

53 Arestegui Noticias, "Incauta Sedena 220 armas de alto poder y lanzacohetes en Nuevo Laredo," April 30, 2018, at: <https://aristeginoticias.com/3004/mexico/incauta-sedena-220-armas-de-alto-poder-y-lanzacohetes-en-nuevo-laredo-video/> (Accessed June 11, 2018).

54 SEDENA, response to public records request, folio number: 0000700079717.

55 U.S. General Accounting Office, "Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain," 2016.

56 Bureau of Alcohol, Tobacco and Firearms, <https://www.atf.gov/firearms/listing-federal-firearms-licensees-ffls-2017>.

57 James V. Grimaldi and Sari Horwitz, "As Mexico drug violence runs rampant, U.S. guns tied to crime south of border," *The Washington Post*, December 15, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/12/AR2010121202663.html?sid=ST2010121203267>; Dane Schiller, "Seven Houstonians convicted in running guns to Mexico," *Houston Chronicle*, April 21, 2014, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Seven-Houstonians-convicted-in-running-guns-to-5418890.php> (Accessed July 24, 2018).

58 SEDENA, response to public records request, folio number: 0000700075417.

59 SEDENA, response to public records request, folio number: 0000700016317.

A large number of weapons sold to Tamaulipas police were lost or stolen: 463 between 2006 and August 2017, according to SEDENA.⁶⁰ Moreover, more than \$41 million dollars worth of ammunition exported from the United States through the Laredo, Texas port between 2012 and 2017 were transported by rail cars through Tamaulipas state.⁶¹ Hundreds of U.S.-exported HUMVEES were also transported by rail in Tamaulipas in 2015.⁶² In a state with strong organized criminal networks interested in weaponry and ammunition, this appears to be a hazardous means of transport.

The state has been the object of the largest number of armed confrontations by state forces with other groups: 43% of such confrontations in the entire country between 2007 and 2017.⁶³ Four hundred additional Mexican Navy soldiers arrived in Tamaulipas in 2016; the Navy is the primary state security force present in Nuevo Laredo. The state's governor was secretary of the Mexican Senate's Navy Committee from 2012 to 2015.⁶⁴

The Mexican Navy has also developed a close relationship with the U.S. military. From 2010 through 2016, the United States trained nearly 10,000 Navy soldiers.⁶⁵ Although the army legally imports firearms for Mexican police and private gun buyers in Mexico, the Mexican Navy in 2015 obtained a license to import up to \$265 million worth of firearms from the United States.⁶⁶

On May 30, 2018, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein "called on the Mexican authorities to take urgent steps to end a wave of disappearances in and around the city of Nuevo Laredo, amid strong indications that these crimes have been committed by federal security forces."⁶⁷

The Mexican Navy has been denounced as responsible for the largest number of these forced disappearances in Nuevo Laredo: 44 forced disappearances were attributed to the Navy between January and May 2018, according to the Nuevo Laredo Human Rights Committee. After Navy special forces soldiers were removed from Tamaulipas in June 2018 for an investigation of alleged Navy violations,⁶⁸ reports of forced disappearances in Nuevo Laredo ceased, according to human rights defenders in the city.⁶⁹

60 SEDENA, responses to public records requests, folio numbers: 0000700119913 and 0000700149117.

61 Data from U.S. Census Bureau, downloaded from usatrade.census.gov.

62 "Cruzan cientos de vehículos militares de EU a México," *El Mañana* (video), April 3, 2015, at: <https://www.youtube.com/watch?v=Z5hPJOaWn3Y> (Accessed July 14, 2018).

63 SEDENA, response to public records request, folio 0000700059817, April 24, 2017.

64 "Perfil del legislador," (Francisco Javier García Cabeza de Vaca), at: http://sil.gobernacion.gob.mx/Librerias/pp_PerfilLegislador.php?Referencia=9215945 (Accessed June 19, 2018).

65 U.S. Department of State, Foreign Military Training Report, Joint Report to Congress, for successive Fiscal Years 2010 to 2016, at: <https://www.state.gov/t/pm/rls/rpt/fmtrpt/index.htm> (Accessed June 19, 2018).

66 Assistant Secretary of State Julia Frifield, letter to Senator Patrick Leahy, 18 January 2017, at: <https://www.afsc.org/document/state-department-response-to-senator-leahy-jan-18-2017> (Accessed July 14, 2018).

67 United Nations Office of the High Commissioner on Human Rights, "Zeid urges Mexico to act to end wave of disappearances in Nuevo Laredo," May 30, 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23157&LangID=E> (Accessed June 19, 2018).

68 Jorge Medellín, "Permite la Marina a la CNDH inspeccionar sus cuarteles en busca de civiles desaparecidos," *Estado Mayor.mx*, June 19, 2018, at: <https://www.estadomayor.mx/83462> (Accessed July 14, 2018).

69 Testimony of Jessica Molina, spouse of forcibly disappeared victim, July 12, 2018.

Impact of Military Confrontations on Homicide Rates

We have been able to confirm that in the states where the Mexican army participates in armed confrontations, gun homicide rates increase. The result, at least in the states analyzed, has been increased violence. In addition, while the number of armed confrontations in these states has decreased, this has not led to a reduction in gun homicides to the levels occurring before the military's deployment to those states.

Figure 8: Mexican States with the highest number of Military confrontations

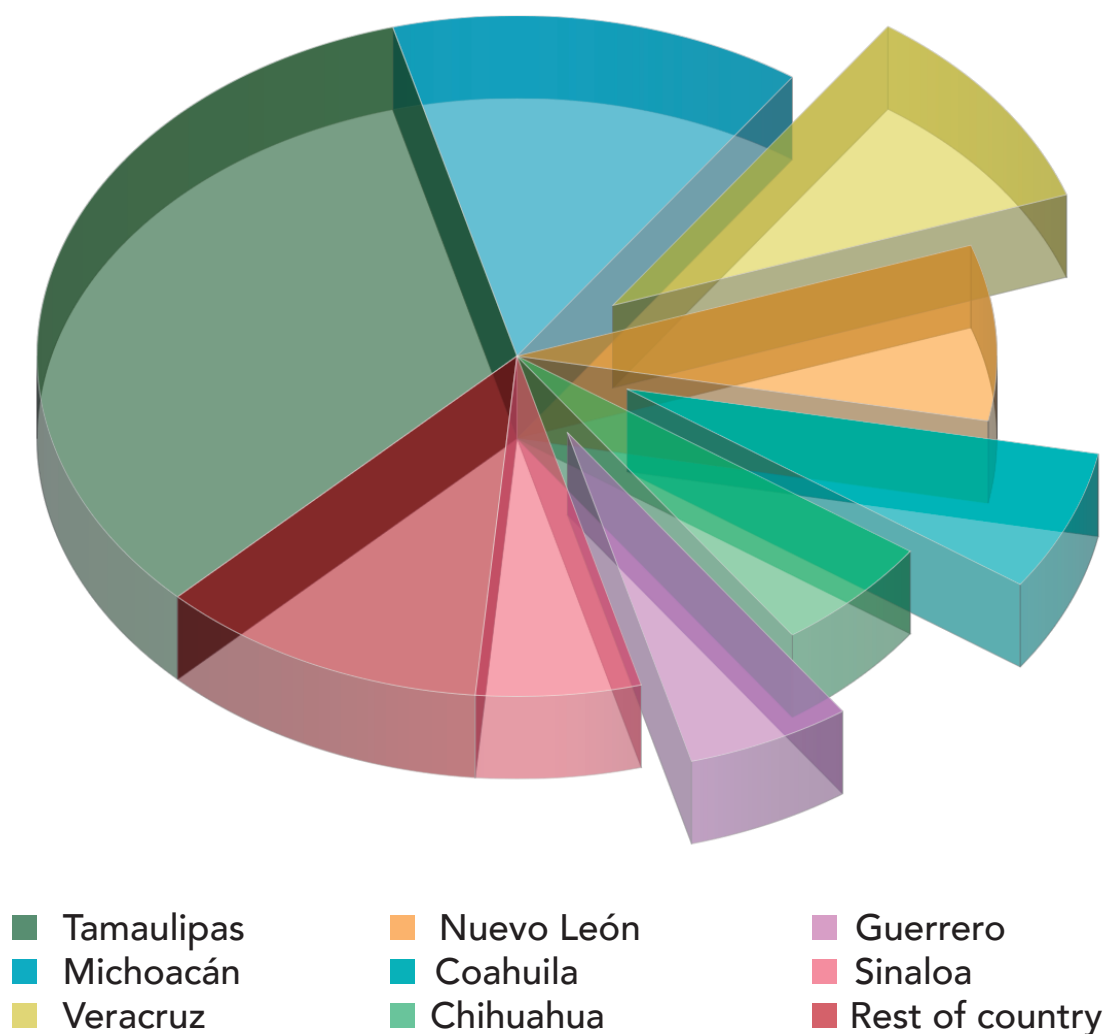
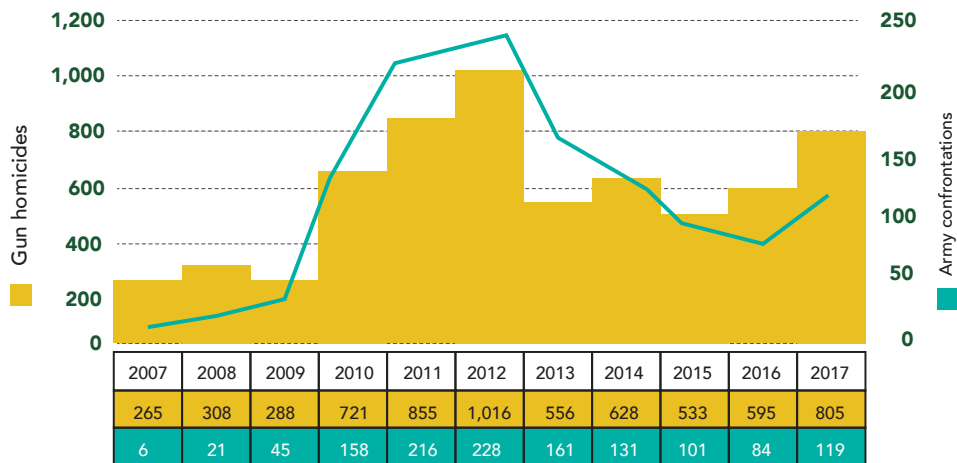


Chart: By the authors, with data from SEDENA.⁷⁰

⁷⁰ SEDENA response to public records request, folio number: 0000700059817.

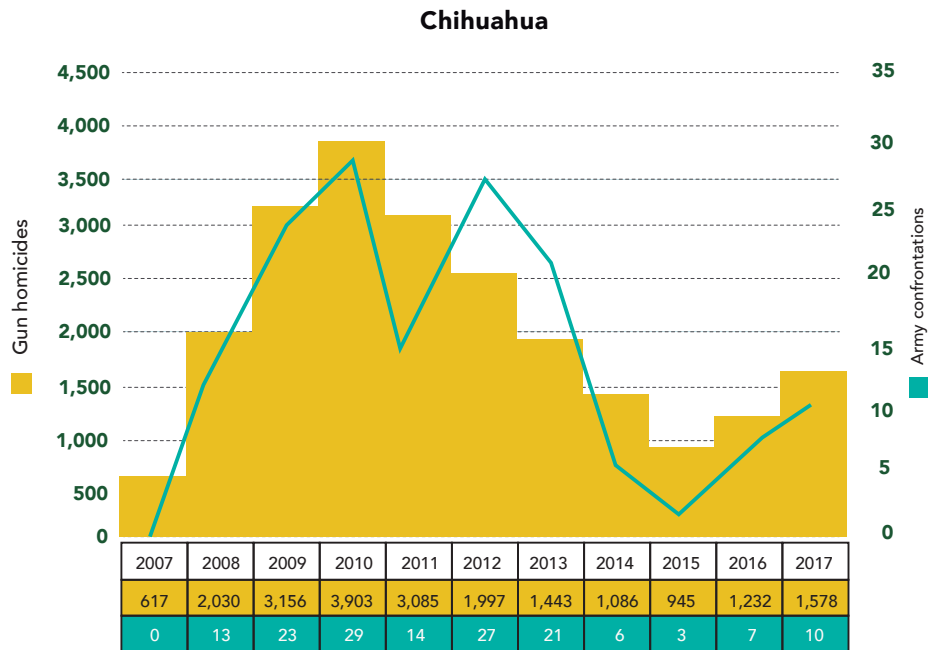
Here we offer two examples of this phenomenon:

Figure 9: *Relationship of army confrontations with gun homicides in Tamaulipas*
Tamaulipas



Graph: By the authors, based on data from SESNSP and SEDENA.⁷¹

Figure 10: *Relationship of army confrontations with gun homicides in Chihuahua*



Graph: By the authors, based on data from SESNSP and SEDENA.⁷²

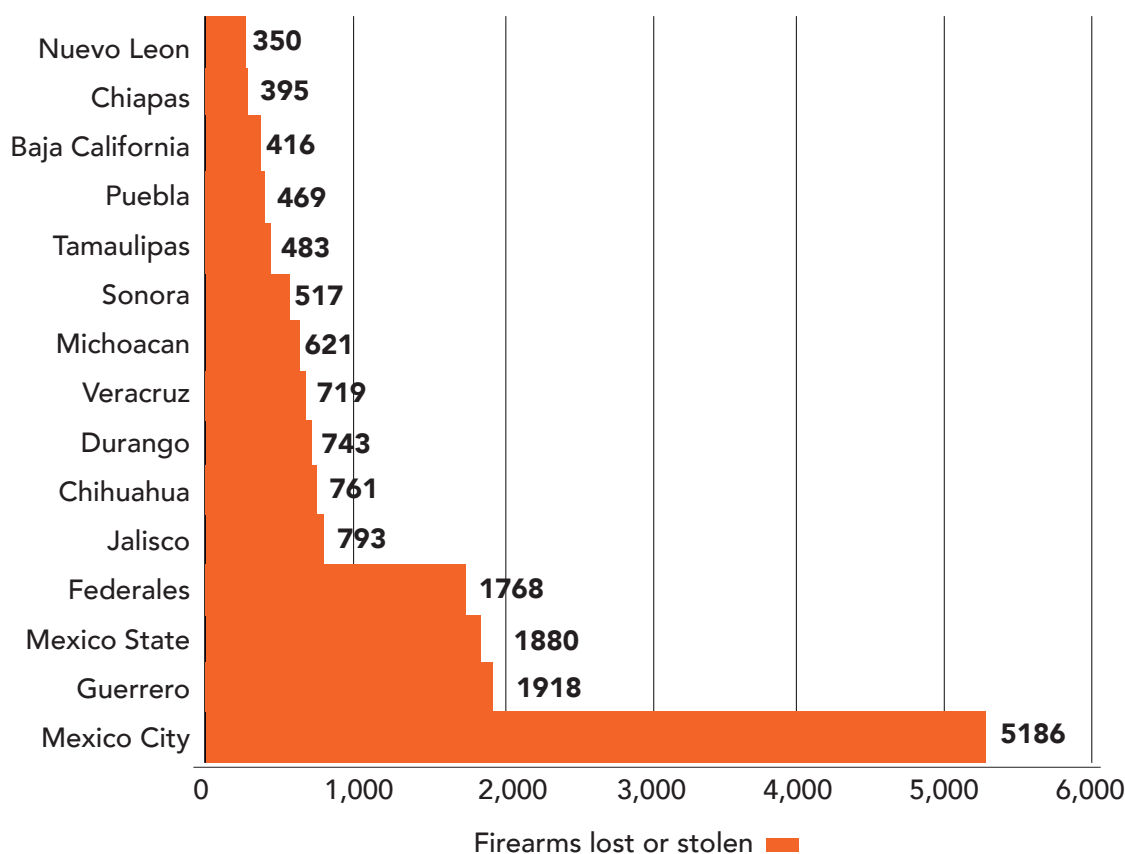
⁷¹ SEDENA, response to public records request, folio number: 0000700059817.

⁷² SEDENA, response to public records request, folio number: 0000700059817.

The Weapons That Go Missing

Official information indicates that from 2006 to August 2017, a total of 20,066 firearms that had been sold to state and federal police agencies were reported to SEDENA as lost or stolen. State agencies include state police and judicial law enforcement, while federal agencies include Federal Police, the Office of the Attorney General (Procuraduría General de la República, equivalent to FBI), the Center for Investigation and National Security (the federal intelligence agency, CISEN), and the Federal Protective Service. Figure 11 shows the states that reported the largest number of weapons missing or stolen.

Figure 11: Weapons Reported as Missing or Stolen from Police (2006-August 2017)

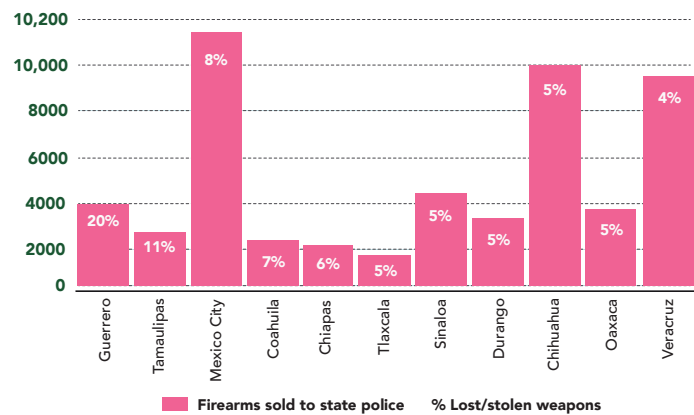


Source: SEDENA responses to public records requests.⁷³

In addition, from 2010 to 2016, some states reported an alarming percentage of lost or stolen weapons, in comparison to the number of weapons sold by SEDENA to state and federal police forces. For example, Guerrero police reported 20% of the firearms that it acquired as stolen or lost weapons in that period; Tamaulipas police 11%. On average, 4% of the weapons sold to state police were lost or stolen during 2010-2016 (See Figure 12).

⁷³ SEDENA, responses to public records request, folio numbers: 119913 and 149117.

Figure 12: Percentage of weapons acquired by police that were lost or stolen (2010-2016)

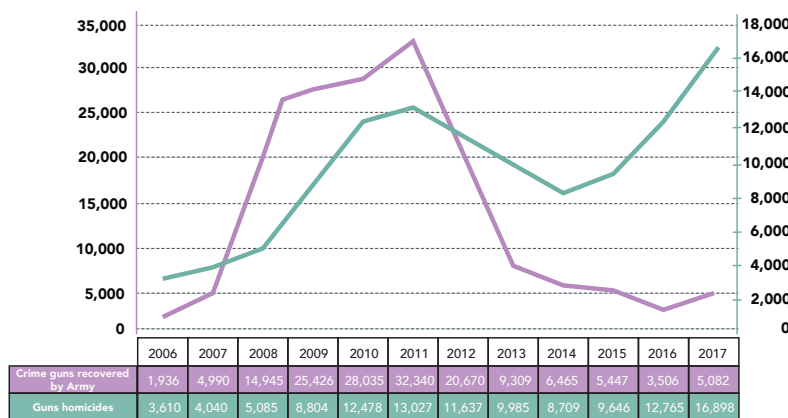


Source: SEDENA responses to public records requests.⁷⁴

What Do We Know about Illegal Trafficking of Guns to Mexico?

There are many gaps in knowledge of the illegal gun trade to Mexico, since by its nature the availability of reliable and complete data is not extensive. However, the available information demonstrates that it is a critical factor in the violence that Mexico is experiencing. During the six-year period of 2011-2016, the U.S. Department of Justice reported tracing 74,515 firearms that were recovered at crime scenes in Mexico and were produced or sold in the United States. These weapons constituted 70% of all those firearms recovered and traced in Mexico during that period.⁷⁵ Yet the number of firearms recovered by Mexican authorities has fallen steeply since 2012 (see Figure 13), a reflection of the low priority placed on recovering weapons in relation to other law enforcement objectives.

Figure 13: Gun Homicides vs. Crime Guns Recovered in Mexico



Source: SESNSP and SEDENA response to public records request.⁷⁶

⁷⁴ SEDENA. Public records requests, folio numbers: 119913, 149117 and 0000700075417.

⁷⁵ Bureau of Alcohol, Tobacco, Firearms and Explosives, *Mexico: January 1, 2011 - December 31, 2016* (U.S. Department of Justice, 2017), <https://www.atf.gov/firearms/docs/report/firearms-trace-data-mexico-cy-11-16pdf/download>. (Accessed June 21, 2018).

⁷⁶ SEDENA, public records requests, folio number: 0000700097618.

According to a study by the University of San Diego's Trans-Border Institute, in 2010-2012 alone, approximately 253,000 firearms were sold annually in the United States with the purpose of trafficking them into Mexico. The most common means for trafficking firearms is through legal sales at gun shops or gun shows in the United States; "straw purchasers" then transfer the guns to third parties, who bring them across the border, converting them from legal to illegal guns.

To analyze illegal gun traffic from the United States to Mexico, we worked with a database created by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of firearms sold by gun dealers in the United States and recovered in Mexico. The database includes detailed records on each of 2,921 firearms sold and recovered between December 2006 and December 2010, representing a portion of the approximately 50,000 firearms recovered and traced by the United States during that period.

The majority of transactions in the ATF database occurred in Texas (1,470) and Arizona (852), with Tamaulipas and Sonora being the primary the Mexican states where the firearms purchased on those two states were recovered. Of the guns listed in the database purchased anywhere in the United States, most were recovered in Tamaulipas (639), Sonora (521), Nuevo Leon (206), Mexico City (163), Sinaloa (153), and Chihuahua (119). Nearly half (46.8%) were recovered in just three states that also have high rates of gun homicides. More than half of the weapons purchased legally and later trafficked illegally were rifles (1,705); 589 were pistols.⁷⁷

One study shows that the growth of homicides in northern Mexico states during 2004-2006 correlated with the expiration of the federal assault weapons ban in the United States in 2004. California maintained an assault weapons ban, and communities in Baja California were not as impacted by the sudden availability of assault weapons in Texas and Arizona as were communities in Tamaulipas, Nuevo León, Chihuahua, and Sonora.⁷⁸

Figure 14: *Firearms Purchased in the United States and Recovered in Mexico, 2007-2010 (partial)*

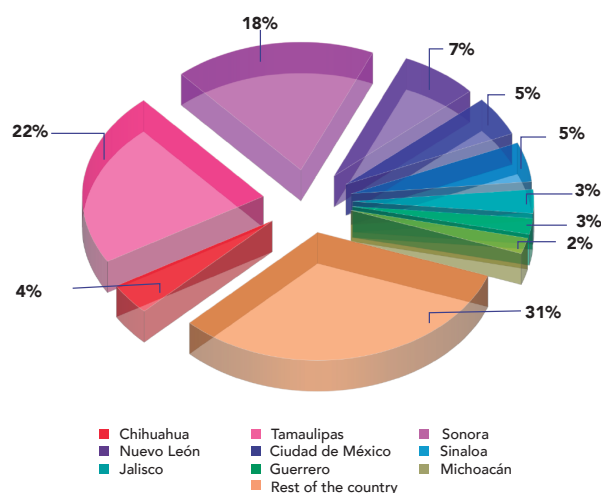


Chart: By the authors, based on data from leaked ATF database.

⁷⁷ It is important to note that this database was leaked and contains data representing only a fraction - between 5% and 6% - of firearms recovered and traced to the United States during that period.

⁷⁸ Arindrajit Dube, et. al., "Cross-Border Spillover: u.s. Gun Laws and Violence in Mexico," *American Political Science Review*, August 2013, Vol. 107, No. 3, pp. 397-417.

Figure 15: *Intentional Gun Homicides, 2006-2017*

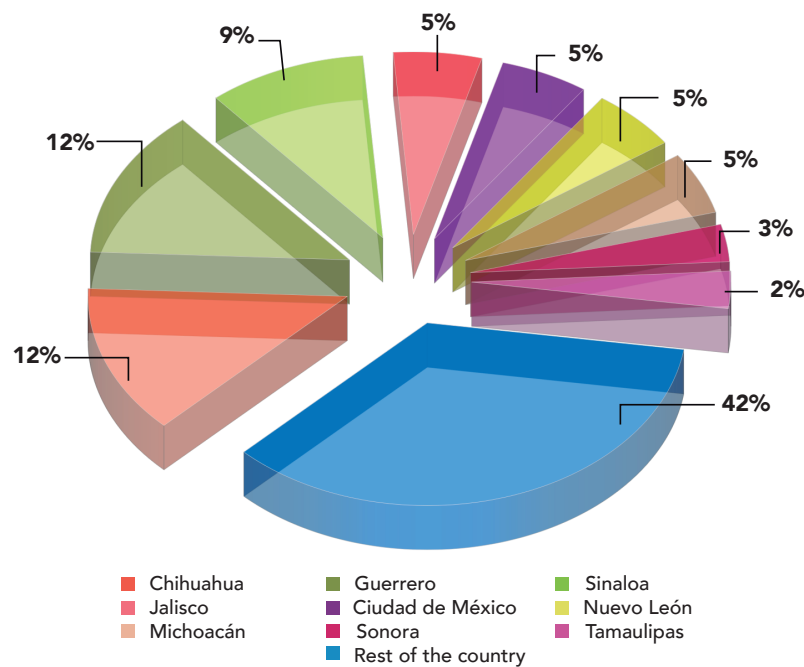
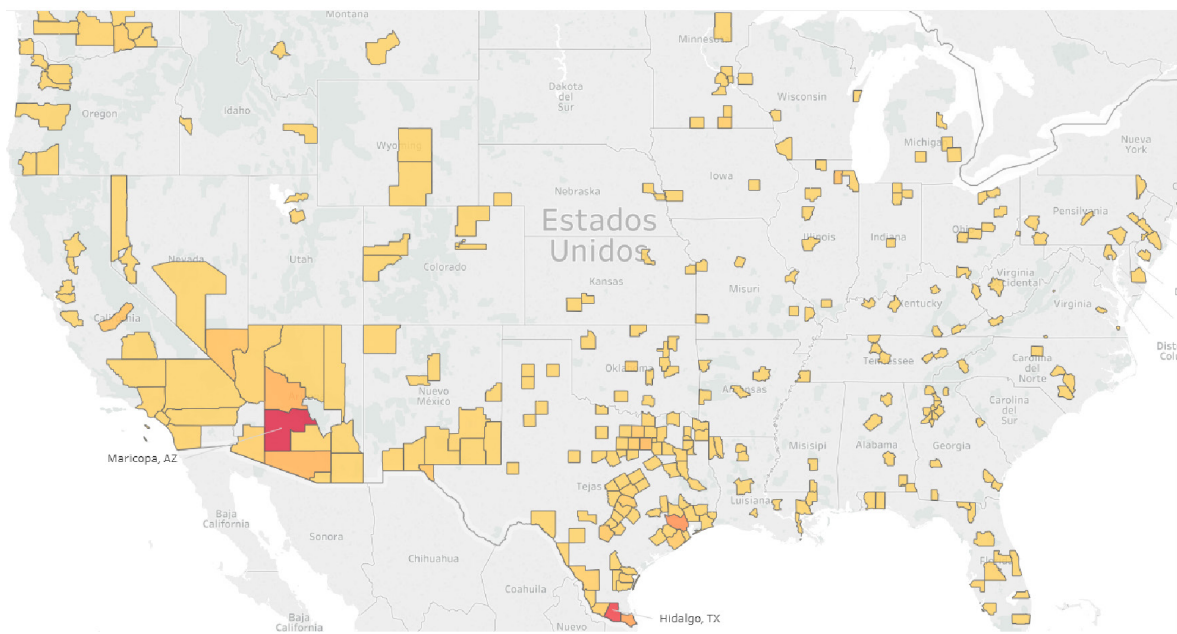


Chart: By the authors, with data from the Executive Secretariat of the National System for Public Security (SESNSP).

Figure 16: *Recovered Firearms by County of Purchase (2007-2010)*



Map: By the authors, based on partial database of ATF traces, 2007-2010.

International Legal Framework and the Importance of Transparency

Mexico has actively participated in international fora related to controls on conventional, nuclear, chemical, and biological weapons as well as landmines and cluster bombs, both in the regional system and globally.⁷⁹ One of the aims of the Arms Trade Treaty (ATT) is to regulate and make transparent international transfers of firearms with the goals of prohibiting the sales of arms if the exporting country has knowledge that the weapons would be used in war crimes, crimes against humanity, and human rights violations.⁸⁰ The United States has signed but not ratified the treaty.

Although the ATT allows each State Party to determine how it will organize its national system to prevent the diversion of conventional arms, it highlights the importance of national control mechanisms for the effective and transparent regulation of firearm transfers. Mexico thus has an obligation to keep a national registry of firearms transferred for end use in the country.

The issue of transparency is also relevant in the context of violence which confronts nations such as Mexico. We can assume that illegal weapons transfers are one of the causes of violence in Mexico, but weapons legally transferred to Mexico are also involved - particularly given the lack of clarity about their end users.

In this context, it is critical that the United States - as the largest exporter of firearms to the Mexican government - proactively strengthen transparency and improve systems for recording, monitoring and controlling the markets and flow of firearms in both countries. The United States can take these steps even without ratifying the ATT.

At the same time, Mexico's Internal Security Law, ratified in December 2017, allows the military to conduct law enforcement activities which do not correspond to their mission and training, and with no controls that would prevent or investigate human rights violations. If the Internal Security Law continues in force, it is likely that the Mexican military's activities will become even less transparent, based on the argument that the disclosure of information related to the manufacture, imports, transfers, and sale of weapons would represent a risk to national security. There is no evidence to support this argument.⁸¹ Efforts to promote more effective systems for registering and tracing weapons sold by the military are key to preventing their use in serious crimes and human rights violations. But reduced transparency will make such efforts more difficult.⁸²

It is critical to end the inadequate controls on the issuing of licenses for firearms exports. On one hand, the United States is seeking to expand its weapons market by transferring responsibility for such licenses to the Commerce Department. On the other hand, Mexico has a serious problem of weapons diversion and misuse, which could be addressed by means of effective oversight of

79 See the list of multilateral treaties related to disarmament to which Mexico is a party, in SRE, *Búsqueda de Tratados*, Government of Mexico, México, July 2018, at: https://aplicaciones.sre.gob.mx/tratados/consulta_nva.php (Accessed July 9, 2018).

80 According to Articles 6 and 7 of the Arms Trade Treaty on prohibitions, export, and export assessment. United Nations, *Arms Trade Treaty*, at: <https://disarmament.un.org/treaties/t/att/text> (Accessed July 17, 2018).

81 Natalia Báez, Sam Storr, John Lindsay-Poland. Desatinado, ocultar información sobre armas. *El Plumaje - Blog. Verdad, Justicia y Reparación. Animal Político*, April 02, 2018, at: <https://www.animalpolitico.com/blogueros-verdad-justicia-reparacion/2018/04/02/desatinado-ocultar-informacion-sobre-armas-de-fuerzas-policiales/> (Accessed July 18, 2018).

82 *Animal Político*, "Matar en México: Impunidad garantizada", at: <https://www.animalpolitico.com/muertos-mexico-homicidios-impunidad/> (Accessed July 18, 2018).

both legal arms flows and of end users of those arms. Therefore, the United States should monitor the contexts of violence in weapons-importing countries and, in the case of Mexico, prohibit the export of weapons to law enforcement agencies of those Mexican states that have committed serious human rights violations. End users that frequently lose weapons, alleging that they have been robbed, should also be excluded from u.s. arms exports, unless investigations determine who was responsible for the weapons' disappearance and they are held accountable.

Proposed Changes to u.s. Export Licensing Rules: Heightened Risks

In May 2018, the Trump administration proposed to make it easier to export u.s. guns and ammunition globally. The proposed rule treats semi-automatic assault rifles and other powerful firearms as "non-military," moving export licenses from the State Department to the Commerce Department and removing requirements for Congressional and public notification of licenses for gun exports of more than a million dollars.

The proposed rule states that the weapons that would remain under State Department regulation "are inherently for military end use," and that weapons to be moved to Commerce Department include "many items which are widely available in retail outlets in the United States and abroad."⁸³ One State Department official was quoted in a press report about the proposed rule: "We kind of refer to it as the Walmart rule. If it's like something you can buy at a Walmart, why should we have control?"⁸⁴ But the retail availability of firearms in the United States should not be a criterion for export controls, since this is not the market to which exports treated by the proposed rule will be directed. In Mexico, the retail availability of all firearms is substantially limited, with only one retail outlet in the entire country for the legal purchase of any kind of firearm.⁸⁵

Shortly after the period for public comment on the proposed rule ended in July 2018, the State Department disclosed that it settled litigation to allow Texas-based Defense Distributed to publish designs on the internet for producing AR-15 assault weapons and other firearms using 3D printers.⁸⁶ The weapons can even evade metal detectors.⁸⁷ This technological proliferation of semi-automatic rifles required a license under firearm export rules, and the State Department had prevented it from occurring since 2013. Now, organized criminal groups in Mexico are likely to have an inexpensive and nearly unlimited source of weapons, creating an even greater risk of gun violence.

83 U.S. Department of State, proposed rule, "International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III," at: https://www.regulations.gov/document?D=DOS_FRDOC_0001-4527 (Accessed July 14, 2018).

84 David Sherfinski, "Trump officials to roll back rules on some gun exports," *The Washington Times*, May 1, 2018, <https://www.washingtontimes.com/news/2018/may/1/trump-officials-to-roll-back-rules-on-some-gun-exp/>. Walmart does not operate in more than 100 nations (see: <https://corporate.walmart.com/our-story/our-locations>) In the United States Walmart does not sell semi-automatic assault rifles, high capacity magazines, or even (except in Alaska) handguns. See: <https://news.walmart.com/2018/02/28/walmart-statement-on-firearms-policy>.

85 Kate Linthicum, "There is only one gun store in all of Mexico. So why is gun violence soaring?" *The Los Angeles Times*, May 24, 2018, <https://www.latimes.com/world/la-fg-mexico-guns-20180524-story.html> (Accessed June 18, 2018).

86 Andy Greenberg, "A Landmark Legal Shift Opens Pandora's Box for DIY Guns," *Wired*, July 10, 2018, at: <https://www.wired.com/story/a-landmark-legal-shift-opens-pandoras-box-for-diy-guns/>.

87 Simon Murphy, "How Mail On Sunday 'printed' first plastic gun in UK using a 3D printer," *The Daily Mail*, May 11, 2013, at: <http://www.dailymail.co.uk/news/article-2323158/How-Mail-On-Sunday-printed-plastic-gun-UK--took-board-Eurostar-stopped-security-scandal.html#ixzz2TAN1XKSB> (Accessed June 18, 2018).

Mexico and other countries impose limitations on the retail availability, the types of firearms that may be legally purchased, and licensing processes for parties seeking to purchase a firearm because they recognize that guns are not like ordinary commercial items that can be purchased at a store. The potential and actual negative consequences of the ill use of such firearms are devastating, as the violence in Mexico has demonstrated. A coherent, ethical, and politically strategic approach to firearm exports would increase controls to help reduce violent harm by both state and non-state actors that will more easily acquire them under the proposed rules.

Recommendations

To the United States Government

1. Reduce legal firearms exports to Mexico to levels below their amount before the “war on drugs” was declared and the Merida Initiative began in 2007.
2. Establish and implement criteria for end users of legally exported firearms that exclude exports to all police and military units for which there is credible information of members of those units having colluded with criminal organizations or committed gross human rights abuses.
3. Ensure that applications for gun export licenses correctly identify end users for exported weapons, including firearms and other equipment, and establish efficient mechanisms for tracing such weapons from producer to end users.
4. Until U.S. policy excludes firearms end users that are credibly alleged to have colluded with organized crime or human rights violations, and has implemented systems to identify end users, the United States should suspend firearms exports to the Mexican military and police, including the license for the Mexican Navy to conduct assembly of up to \$265 million worth of military firearms parts produced by Sig Sauer, Inc.
5. Prohibit the sale of military-type assault weapons and high-capacity magazines, which are easily obtained by Mexican criminal organizations through retail purchases in the United States and trafficked over the border.
6. Continue to regulate export licenses for semi-automatic firearms (including designs for 3D printing of weapons) within the State Department, with Congressional oversight, rather than the Commerce Department.

To the Mexican Government

1. As part of Mexico’s overall change in security strategy, reduce legal firearms imports to levels below their amount before the “war on drugs” was declared and the Merida Initiative began in 2007 (approximately \$10 million annually).
2. Prioritize the enforcement of firearms prohibitions in national territory over drug enforcement, especially through performance incentives and resources, and applied analysis of firearms trafficking routes and modalities.
3. Increase transparency of legal weapons imports, in order to strengthen accountability and to counter weapons diversion.
4. Strengthen controls on the military’s weapons transfers to Mexican police forces, especially regarding investigations of lost and stolen weapons.

The Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) is a Mexican NGO founded in 1989, our mission is to contribute to the consolidation of a democratic rule of law, based on a culture of respect, protection and guarantee of human rights, from a comprehensive, multidisciplinary perspective that promotes structural changes. The CMDPDH has earned consultative status from the Organization of American States and the United Nations, and is member of various (international) human rights networks.
<http://cmdpdh.org/>

Stop U.S. Arms to Mexico is a project of the human rights organization Global Exchange and seeks to contribute to a substantial reduction of the legal and illegal U.S. weapons trade that contributes to growing violence in Mexico.
<http://stopusarmstomexico.org/>

The financial support of the Appleton Foundation, Charity Pot, Reis Family Foundation, and individual donors made the realization of this report possible.

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C.

Board of Directors

Ximena Andión Ibáñez
(President)
Alejandro Anaya Muñoz
Beatriz Solís Leere
Jacobo Dayán
José Luis Caballero Ochoa
Luis González Plascencia
Mariclaire Acosta Urquidi
Miguel Concha Malo
Paulina Vega González
Susana Erenberg Rotbar

Executive Director

José Antonio Guevara Bermúdez

Legal Defense Coordination

Nancy Jocelyn López Pérez
(Coordinator)
Anahí Adriana Ruelas Orozco
Carla Sofía Loyo Martínez
Carolina Hernández Nieto
Daniela Gutiérrez Escobedo
Federico Manuel Rodríguez Paniagua
Mariana Teresa Peguero Moreno

Research Coordination

Lucía Guadalupe Chávez Vargas
(Coordinator)
Ana Lucía Juárez Armenta
Jorge Luis Amaya Lule
Marion Jullie Rouillé
Montserrat Martínez Téllez
Natalia Paulina Báez Zamudio

Advocacy Coordination

Olga Guzmán Vergara
(Coordinator)

Jürgen Moritz
María Corina Muskus Toro

Communication Coordination

Luis María Barranco Soto
(Coordinator)
Daniela Michelle Caballero García
Efraín Tzuc Salinas
Karina Álvarez Medrano

Institutional Development Coordination

Rodolfo Franco Franco
(Coordinator)
Paulina Daniela Romero López

Administration Coordination

Eduardo Macías Sánchez
(Coordinator)
Ayari Hernández Cervantes
Héctor Adrián Avendaño Cortez
Lizbeth Montessoro Elías

Forced Internal Displacement Coordination

Brenda Gabriela Pérez Vázquez
(Coordinator)
Montserrat Castillo Portillo
Ligia De Aquino Barbosa Magalhães

Psychosocial Support Coordination

Valeria Patricia Moscoso Urzúa
(Coordinator)
Norma Isabel García Flores

International Justice Consultant

Paulina Vega González

Forced Internal Displacement Consultant

Laura Gabriela Rubio Díaz Lea



Stop us Arms to Mexico A project of Global Exchange

Coordinator

John Lindsay-Poland

Media and Research Assistant

Leslie Benavides

Advisory Committee

Abad Leyva (Filmmaker/Activist)

Arnie Alpert (American Friends Service Committee)

Carlos Pérez Ricart, Oxford University (Mexico via Berlin)

Eduardo García (School of the Americas Watch)

Eugeno Weigend (Center for American Progress)

Ivonne del Valle (UC Berkeley)

Janice Gallagher (Rutgers University)

José Luis Fuentes (National Lawyers Guild Task Force on the Americas)

Kristen Rand (Violence Policy Center)

Laura Carlsen (Americas Program)

Linda Sánchez (67 Sueños - American Friends Service Committee)

Lucía Chávez (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos)

Luis López Reséndiz (Frente Indígena de Organizaciones Binaciones)

Raed Jarrar (Amnesty International USA)

Sarah Kinosian (Freelance Journalist)

Ted Lewis (Global Exchange)

www.stopusarmstomexico.org



This publication was created
at www.elrecipiente.com,
Ilallali Hernandez was in
charge of revising the edition,
Emma Felizardo designed it.
The typefaces used in this
book are from Avenir family.
August 2018, Mexico City.

