

How the fight against drugs is militarizing Latin America

The Internal War

THE INTERNAL WAR

How the fight against
drugs is militarizing
Latin America



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chapter 1

The impact of “new threats” on security policy

Why do some political actors sustain that the armed forces should intervene in affairs other than their primary mission of defending a country from military attack? Are there security threats that can be equated with outside threats and that justify the use of military might inside borders? In order to respond to these questions, we must examine how the notion of “new threats” was constructed, who is promoting it as doctrine, and what these supposed dangers are.

In the 1980s and 1990s, a process of democratization put an end to the military governments that had proliferated in Latin America during the twentieth century. The “national security doctrine,” pushed by the United States and adopted throughout the Americas, was also abandoned once the ghost of Communism could no longer be used to conjure internal enemies. At the same time, democracy weakened the existing tensions between the countries of the region. War with a neighboring country, which had been the main hypothesis of military conflict for most Latin American countries, began to disappear from the realm of possibility. With nuances depending on the situation and history of each country, the armed forces generally began to lose relevance as political actors in the wake of democracy.

In the same period, the issues of crime and citizen security became central themes on the political agenda throughout the region. This led many countries to favor military involvement in “combating crime.” To varying extents in each country, the persistence of economic disparities and the expansion of illegal markets such as arms and drug trafficking—underpinned by increased consumption in the United States—contributed to transforming Latin America into one of the most violent regions in the world.

In this context, some US government agencies—including the US Southern Command—and lobbyists for the armed forces of the region created and spread the doctrine of “new threats.” This doctrine sustains

that, in the absence of armed conflicts in the region, the principal threats to the stability of states now come from transnational organized crime, and in particular from activities linked to drug trafficking and phenomena such as poverty, migration and “populism.” In recent years, the United States has insisted on adding terrorism to this group. Viewed from this standpoint, the armed forces in each country should be re-trained to confront these heterogeneous issues that, in more than one case, are complex socioeconomic phenomena.

The reason why these problems should be met with a military response is not quite clear. In some cases, it is argued that these are transnational phenomena, as if this were synonymous with foreign military aggression. In other instances, it is posited that, in the absence of any potential scenario of military conflict, the armed forces should be turned into a sort of police force so as not to waste resources. In all cases, those seeking to convince the authorities and public opinion that there is no difference between citizen security and national defense use these “new threats” as their central argument. In that sense, this position represents continuity with the national security doctrine. Various factors explain the spread of this paradigm and the institutional and policy transformations that it has brought about in terms of security and defense.

The fight against drug trafficking has been at the center of many countries’ political and electoral agendas, and a string of security responses have been implemented, often including the internal use of military might. Even after proving ineffective and conducive to the intensification of violence, these policies usually have relatively solid social backing. This explains to a large extent why the drug trade has been one of the greatest social concerns associated with crime and violence. It awakens a social panic that is not unconnected to the prohibition of drugs and their historical conceptualization as a societal evil that must be “combated” at all costs.

The notion of “new threats” leads to the militarization of domestic security, the depiction of social issues such as poverty and migration as security matters, or both things at once.

In contrast, the terrorism agenda in the majority of countries is not associated with any widespread societal concern. Its presence in defense and security discourse and programs is more closely linked to the needs of hemispheric diplomatic agendas and bilateral relations with the United States. In some countries, anti-terrorism laws have used this agenda to persecute and stigmatize groups and social conflicts.

When incorporated into public policy, the notion of “new threats” leads to the militarization of domestic security, the depiction of social issues such as poverty and migration as security matters, or both things at once. This involves the expansion of the state’s capacity to carry out intelligence-related tasks or exchange information across different state agencies. The new threats, drug trafficking especially, are presented as justification for investigative techniques and forms of surveillance supposedly aimed at criminal groups, but which often are used against political opponents or other social actors and impact the rights of assembly, participation, protest and privacy. There has also been a backdrop of policy reforms involving the weakening of due process, whereby guarantees are reduced or eliminated for certain crimes that supposedly require exceptional responses.

The construction of “narco-terrorism”

The vague definition of “threats” and the lack of a serious diagnosis foster a scenario in which the issues encompassed by this agenda are constantly expanding, and the definitions and solutions shift from one problem to another. A good example is the category of “narco-terrorism” increasingly used by some US agencies and other regional actors.

The term “narco-terrorism,” used as an equivalent to “narco-guerrilla,” became common currency back in the 1980s in Peru to characterize the Shining Path. It was later adopted to describe the Revolutionary Armed Forces of Colombia (FARC). According to the US Department of Defense, “narco-terrorism” refers to acts of violence—murders, kidnappings, bombings—committed by drug traffickers to cause disruption and divert attention from their illegal operations. The US Drug Enforcement Agency (DEA) uses another definition: “narco-terrorism” is considered a sub-dimension of terrorism, where there is evidence of participation by individuals or terrorist groups in activities associated with the growing, manufacture, transportation and distribution of drugs.

After the September 2001 attacks on the United States, the idea of “narco-terrorism”¹ was used to broaden the scope of the definition of terrorism. For example, in 2004, the former executive director of the United Nations Office on Drugs and Crime (UNODC) affirmed that “fighting drug trafficking is the same as combating terrorism.” In this same vein, the US House Committee on Homeland Security proposed in 2012 that organizations devoted to drug trafficking be automatically classified as terrorist groups, arguing that this would generate greater capacity to counter their threat to national security.² In March 2017, more than 400 people from 14 countries attended a seminar on “Transnational Crime and International Terror Networks as Hybrid Threat Factors,” organized by the Colombian Ministry of Defense with support from the US Special Operations Command South. According to the director of Colombia’s School of War, hybrid threats are “the combination of conventional and non-conventional threats.” “In a conventional war or threat, we know who the enemy is... Something that is non-conventional acts in irregular ways, we do not know where to find them, we do not know who the enemy is,”³ he explained.

The term “narco-terrorism” suggests that there is a symbiotic relationship between two phenomena, a relationship that empirical evidence rarely confirms. At the same time, it overestimates the importance that drug money has on the financing of terrorism.⁴

At the regional and global levels, the conflation of drug trafficking, terrorism and other criminal networks

enables an agenda of militarization and restrictions on rights that in the United States and Europe is associated with the “war on terror,” and which is also promoted in countries where there is no scenario of terrorist threats.

Finally, the association drawn between both phenomena does not lead to developing better policies to address either of the two problems.

The demarcation between defense and security

Over the past 30 years in Latin America, two opposing tendencies have been at odds with each other when it comes to how state violence is exercised. The first is aimed at establishing a clear distinction between security and defense and taking power away from the armed forces as a political actor, as a condition for the democratization of the region. The second follows a recipe from the United States, according to which the armed forces must continue to intervene in security issues, because military threats have ceased.

In general terms, and with local nuances, it can be said that in the northern part of the region—Mexico, Central America, the Caribbean—the latter tendency has dominated. And in the Southern Cone, the distinction between security and defense has been an important aspect of recent political history, cemented in a broad consensus regarding the importance of limiting the armed forces’ significance as a political actor and restricting its scope of authority to its principal mission. In the Andean countries, the armed forces tend to be multifunctional since, in addition to their traditional role of defense and intervention in security matters, they fulfill other functions related to social issues, infrastructure and transportation, and even participate in administering state companies.

At the same time, an analysis of citizen security policies shows that even within the countries of the Southern Cone, there are tensions. On the one hand, there is a tendency toward police reform based on the notion that it is an armed civilian corps and on promoting a vision of police as workers and not soldiers. On the other, there is an opposing trend that, through the creation of heavily armed tactical teams used for urban patrols, is conducive to differential security strategies for poor neighborhoods that are subject to territorial occupation. One component of the pendulum effect between citizen security and hardline policies is this back and forth between demilitarization and remilitarization of the police corps and their deployment and intervention techniques.⁵

The geopolitical dimension

The issue of “new threats” and the militarization of internal security have to do with regional geopolitical matters. The adoption of this doctrine is linked to Latin American countries’ failure to discuss and develop a national and regional defense policy that is autonomous from the United States. In choosing this route, the defense dimension tends to disappear as it is subsumed under strategies of militarized security dependent on the directives and aims of the US military apparatus.

The conflation of drug trafficking, terrorism and other criminal networks enables an agenda of militarization and restrictions on rights.

This shift has intensified since some governments suspended their participation in the Union of South American Nations (UNASUR), a forum that, despite its problems and tensions, had functioned as a platform for posing the need for a regional defense policy and a departure from the doctrine of new threats. The governments that came to power in the past five years in countries such as Brazil, Argentina, Paraguay and Chile have chosen a new, more explicit alignment with US policy, instead of strengthening autonomous regional instruments. An important part of this realignment is the adoption of the “new threats” agenda and the “war on terrorism” promoted by the United States. Although the adoption of a drug policy based on a prohibitionist paradigm and warlike approach to supply is not the only problem associated with the militarization of security forces, it does constitute one of its core points of anchorage and development, along with the war on terrorism.

The toughening of security policies in Latin America

The doctrine of new threats has an impact on the security policies of Latin American countries in that it encourages a toughened state response to diverse criminal phenomena and even social problems unrelated to any crime-linked dynamics. This process consists of two trends. One, the militarization of security gets the military forces involved in police tasks. The second involves the reorientation of the traditional components of the criminal justice and security systems—the police, laws and criminal codes, the intelligence apparatus—to address problems redefined as matters of national security and to pursue internal enemies.

In some countries, both trends can be observed; in others where the role of the armed forces continues to be limited, the alignment with the doctrine of new threats is manifested primarily in how the police function and in regulatory changes.

The militarization of security

The police corps is based on the same premise as the military in the sense that they are the instruments that embody and implement the state’s monopoly on exercising legitimate violence. But the missions of security and defense are qualitatively distinct in terms of training, skills, equipment, and principles of action and use of force, among other matters.

In recent years, the emergence of citizen security paradigms and “community approaches” to police work has sought to further the conceptual difference between the security and defense spheres. But in the same period, the doctrine of new threats has functioned as an opposing force since it seeks to do away with the distinction between security and defense and promote the militarization of security.

A series of indicators⁶ can be used to assess the existence or the intensity of militarization processes in each national context.

1. Regulations

This refers to the existence or absence and, depending on the case, the weakening or strengthening of regulations that distinguish the roles of the police from those of the military. Thus, legislation that endorses the intervention of the armed forces in internal security entails more militarization, while the regulation and differentiation of the functions of national defense and domestic security is a step in the opposite direction.

It is essential to also assess whether mechanisms have been put in place to get around existing provisions. This can be observed, for example, in the use of lower-ranking or internal regulations aimed at exploiting the ambiguities in national legislation to involve the armed forces in security tasks.

2. Joint organization

The way security and defense systems are organized and function can be observed in specific institutional arrangements. For instance, the institutionalization of joint decision-making by the military, police and civilian entities or the exchange of intelligence between the police and the military indicate a move forward in terms of militarization. The same is true when there are joint operational groups made up of military and police forces with military training in security matters.

3. Military participation in anti-crime actions

The most advanced degree of militarization involves the direct participation of military forces in anti-crime operations.

The experience in Latin America with the militarization of drug policy allows for identifying three distinct scenarios of military intervention: in rural contexts, in the forced eradication of illegal crops, for example; in urban settings, to patrol high-crime areas, carry out raids and confront criminal gangs; and third, in operations to intercept land, air and sea or river traffic associated with illegal activities.⁷ In addition to these, there is military intervention in criminal intelligence work, especially after the incorporation of terrorism into the new threats agenda.

The justifications

A variety of arguments are usually enlisted to justify military intervention in security.

The basic justification—because it is the reason for being of the new threats doctrine—is the idea that wars between states no longer exist and that threats arise from drug trafficking, other crimes or socioeconomic problems. According to this viewpoint, Latin America's armed forces are idle and should be tasked with protecting internal security. This same approach served to involve the military in other functions further removed from security but equally outside its core missions, such as the safeguarding of geostrategic points or assisting in citizen aid during natural disasters.

At the same time, society's concern with violence and crime has been enlisted as an excuse for successive governments in the region to deploy the military as an anti-crime measure. These policies are often designed and executed in keeping with short-term political or electoral aims that resort to the armed forces as a way to reinforce the idea that the “war on crime” is being stepped up.⁹ In line with this, policies of militarization are usually grounded in the view that sustains that the police's operational capacities are too overwhelmed to confront the increasingly complex problems of security. The strategies for taking on drug trafficking and other “national security threats” are usually presented in warlike terms, in conjunction with pessimism about the state's capacity to address them. This contributes to the legitimization of all kinds of “combat” measures, such as the intervention of the armed forces in police tasks, in addition to the use of elite tactical groups for tasks formerly carried out by ordinary police. Police corruption and the notion that the armed forces are not “contaminated” are also arguments used to justify military intervention.

The insistence on “new threats” often works as a political communication strategy to distract attention from other salient phenomena such as state collusion (police, political, judicial and even military), without which the same illegal markets that are deemed to be state threats could not prosper.

The negative consequences

Military involvement in security tasks brings political and institutional problems.

First, this policy has a direct impact on the de-professionalization of the armed forces, whose members have been trained and equipped for complex issues related to national defense, not for resolving the problems of crime. And at the same time, recourse to the armed forces overshadows the structural problems of the police, both in terms of corruption as well as ineffectiveness. Thus, military participation becomes an excuse to avoid the deeper police reforms needed in the region.

In the second place, experience has shown that using the armed forces for police work usually leads to the erosion of the military as an institution. This occurs because the military gets involved in the same processes of corruption affecting the police, under different modalities: collusion with the members of criminal networks, development of para-state groups associated with members of the military, or direct implication of military



officials in illegal markets. For example, former members of the special unit of the Guatemalan Army known as the Kaibiles were recruited by the Mexican cartel the Zetas to instruct them in the specific techniques and knowledge acquired during their military training.⁹

Third, assigning non-primary missions to the armed forces implies an expansion of military presence in the political system and in society. This is particularly risky in countries with relatively new and unstable democracies, and where the military forces retain multiple duties in internal security matters after the restoration of democracy. In many cases, the military continues to hold weight with a broad capacity to impact political and social life and shape how conflict management strategies are defined. Militarization tends to grant more autonomy to the military forces and upset civic-military relations, reducing the political stewardship of civilian power as a result.

Finally, involving the military in internal security serves to weaken the very defense capabilities for which it was trained. Hence, the strategy of militarizing security may jeopardize the strengthening, modernization and sovereignty of policies designed to define national defense strategy and the survival of the state. This situation enshrines the hegemony of the United States in the region, given that it reinforces its influence on Latin American countries. At the same time, the militarization of security has negative impacts on human rights, as analyzed in Chapter 3 of this publication.

The reorientation of the criminal justice system and security policies

Juan Gabriel Tokatlian observes that the evolution of drug policies since the instatement of the international prohibitionist regime at the beginning of the twentieth century entailed, among other things, “securitization” —converting a health problem into a security problem— and, going a step further, militarization or involvement of the armed forces as a tool of the prohibitionist paradigm.¹⁰ If the “securitization” of the drug problem is a long-standing phenomenon in the region, the inclusion of this problem in the doctrine of new threats constituted a fresh push for tougher policy that can be seen not only in the militarization of security but also the reorientation of the security and criminal justice systems. The latter implies a shift away from the notion of citizen security, as understood from the standpoint of the Inter-American Commission on Human Rights (IACHR), for instance, which defines it as “an approach that focuses on building a stronger democratic citizenry, while making clear that the central objective of the policies established is the human person, and not the security of the State or a given political system.”¹¹

According to the doctrine of new threats, the state and a certain public order are subject to protection. With the restoration of national security as a priority, even in countries where the armed forces have not intervened in internal security, phenomena of police militarization occur as well as regulatory modifications that open the door to labeling certain groups or actors as internal enemies or threats to state sovereignty. At the same time, the opaqueness and secrecy that typify the military and defense have spread to the security forces and criminal intelligence routines, which cease to be accountable, as if revealing any information, or any assessment of their modes of operation, could constitute disclosure to an unknown “enemy.”

The application of military patterns and ideas to the organization of the internal security system mainly affects police institutions. The processing of crime through a military lens influences how the police and other crime-control agents think about their strategic functions, the institutional structure they adopt, the decisions they make and other organizational elements that lead the police to act in accordance with patterns in keeping with the military model.

One indicator of police militarization¹² is the creation of special units or tactical or elite groups for routine tasks like detentions, raids, confiscations or other operations, and the expansion of their functions within the security forces.

Assigning non-primary missions to the armed forces implies an expansion of military presence in the political system and in society.

The equipment and technology the forces use are also indicative, especially when related to the expanded use of military weapons in internal security contexts. Military equipment has greater firepower than the police’s and the training it requires is much more complex and specific. Its high levels of harmfulness and lethality make such equipment inappropriate for engagement with citizens.

Finally, interventions involving the territorial occupation of poor neighborhoods have been on the rise in recent years as a priority security strategy in different countries. With important differences, these occupations are presented as operations to “recuperate” areas supposedly lost to drug trafficking and crime. The absence of any serious assessment of these policies ensures that they continue to be applied and recommended, despite their negative impact on the population in these areas.

The exponential growth of the prison population in the region and critical situations of overcrowding are also in good measure a result of the toughening of anti-drug policies. If the doctrine of new threats illustrates the geopolitical dimension of this phenomenon, the diverse “wars on small-scale drug dealing” and even the criminalization of drug users seen all over the Americas have a troubling impact on neighborhoods, streets and prisons. This impact combines extreme prohibition, the construction of internal enemies, high-profile communications campaigns and an approach to crime as a matter of national security—all of which constitutes a risk to the entire region.

The deployment of “combat” strategies has proven to be ineffective when it comes to reducing drug trafficking or the violence associated with criminal behavior. On the contrary, these measures tend to reproduce the dynamics of social and institutional violence that characterize the region. Without disregard for the potential seriousness of security problems like drug trafficking or terrorism, these phenomena cannot be addressed with the same strategy, because they are not manifested in the same way in every country. The result of these interventions is, in all cases where it has been attempted, the failure to solve the problem that prompted the decision to promote “war” tactics in the first place. Despite the fact that the effects of these policies are very hard to reverse in the short or medium term, their toughening and militarization persist and are on the rise, underpinned by a series of regional processes, although with national specificities

ARGENTINA

DANGEROUS HEADWAY MADE BY THE PROHIBITIONIST COALITION

Argentina is one of the few countries that have sustained a clear policy separation between national defense and domestic security.

The Cristina Fernández de Kirchner administration opted for military intervention to protect the country's northern border, enlisting the *Fortín I and II* and *Escudo Norte* operations to reinforce air and land surveillance as a strategy in the fight against drug trafficking. This decision was related to another to reassign the National Gendarmerie—the federal security force in charge of border control—to patrol urban centers and poor neighborhoods. That intervention was de facto, without a legal framework. During the government of Mauricio Macri, the trend to authorize military intervention in internal security has deepened and been framed in an explicit policy agenda aligned with the “new threats” doctrine and a prohibitionist and punitive perspective. The current government has put the war on drugs and combating terrorism at the center of its agenda. This discourse is a political break with the principle of demarcation between defense and security that legitimizes military intervention in security and renounces the development of a national defense policy and professionalization of the armed forces.

This shift has been reflected in various measures. Right after taking power, the government declared a security emergency to be able to intervene in these new threats, which included a decree authorizing the downing of aircraft. In 2018, the administration amended Decree 727/06 regulating the National Defense Law: it eliminated the reference to military aggression by other states as the sole cause for military retaliation, expanded its intervention under the modality of “logistical support,” and authorized

the possibility of the armed forces safeguarding “strategic objectives” such as nuclear facilities or natural resources. In the same vein, the government repealed the military directives in force and replaced them with a plan related to the “new threats” and placed Venezuela at the center of regional instability.

This transformation reinforced the influence of the United States that, in drug trafficking matters, has been channeled through the DEA¹³ since the 1990s. The prioritization of the US agenda was made explicit in meetings and high-level visits to increase cooperation, in particular with the State Department and the Southern Command, and in exchanges on training and arms deals, mainly with Israel. But this agenda is not entirely an external imposition since it also incorporates the worldview of local elites. It is this local prohibitionist coalition that sustains, without any data to corroborate it, that Argentina is in a situation of emergency caused by the drug market and the influence of terrorism that requires measures that go beyond the capacity of the security apparatus.

This approach has not translated into military deployment in the country, both because of social and political resistance—in good measure resulting from the military's actions during the last dictatorship—as well as from the armed forces themselves, which are hesitant to assume this new policing role without a budget or real modernization plan.

This “gestural militarization”¹⁴ has limited operational scope but does create a scenario conducive to the militarization of security and tougher policing. In Argentina, what happens in practice is a transfer of resources from the defense apparatus to security.

The “war” on drugs and terrorism is used as justification for blowing the security apparatus out of proportion and expanding punitive policies and actions.

Now the armed forces are part of the country's security apparatus in that, whether they actively intervene or not, they will be taken to the border to replace the police forces deployed in urban centers. This type of patrol duty is presented as utterly harmless. However, it opens many questions, such as its relationship to military intelligence, a practice that is prohibited by law.

Prohibitionist, militaristic tendencies are expressed through policy and extremely punitive, security-focused rhetoric in the face of social issues such as migration, land disputes and social protest.

Thus, the “war” on drugs and terrorism is used as justification for blowing the security apparatus out of proportion and expanding punitive policies and actions. Argentina has a per capita police presence nearly triple that recommended by the United Nations—300, compared to nearly 900 per 100,000 inhabitants in Argentina—but the prohibitionist coalition insists this is still not enough. At the same time, based on the never-substantiated idea that the police are overwhelmed in their duties, the intervention of elite police units is sanctioned. Furthermore, the intelligence agenda has been expanded in the name of national security, incorporating new procedural tools for surveillance, cooperation and exchange of intelligence information between countries, along with the expansion of the logic of secrecy. All of this is already having an impact on a sustained increase in incarceration rates (especially for minor drug-related offenses such as small-scale dealing), on greater state surveillance and on reports of illegal intelligence.

the toughening and militarization
of security policies in Latin America

2



chapter 2

The toughening and militarization of security policies in Latin America

The processes involved in the toughening of security in Latin America are varied but have certain features in common that make for a regional trend. The policies implemented indicate direct influence by the United States in this agenda, but there are also any number of local military and civilian stakeholders whose political agendas are aligned with these prohibitionist and punitive militarized strategies.

Washington encourages Latin American states to improve their defense capabilities in the face of phenomena characterized as threats to the region and, above all, to the United States. In other words, it seeks to reinforce and broaden its own security and military apparatus through joint conjuring of these hypothetical conflicts in the name of greater stability in the region.

This influence is not merely rhetorical, but is a reality in terms of cross-border information flows, reforms and concrete institutional practices that are repeated across different countries.

A clear example is bi- and multilateral cooperation in terms of financial aid for security matters, training of police and military personnel, and weapons acquisition. These processes involve the expansion of the weapons industry in countries with violent military and security forces and with large illegal firearms markets. The main justification for these exchanges has been to “fight drug trafficking” from a perspective of controlling supply, but the issue of terrorism also forms part of the exchange agenda. In recent years, countries like Colombia have been the centerpiece of such exchanges, in a sort of outsourcing of the training of armed forces, police and officials. When it comes to training, there have been soldiers training police, as well as armed forces involvement in internal security matters. These dynamics of socialization and training are key aspects of the militarization process, because they blur the line between the duties of one force and the other.

Another relevant aspect is the string of regulatory changes that broaden or authorize military intervention in aspects of internal security. Depending on the country,

the laws can either back or limit the use of the armed forces in security tasks. Countries that already had a military tradition have readily adopted prohibitionist thinking with regard to toughening the state’s response. In others, the military was given a new role.

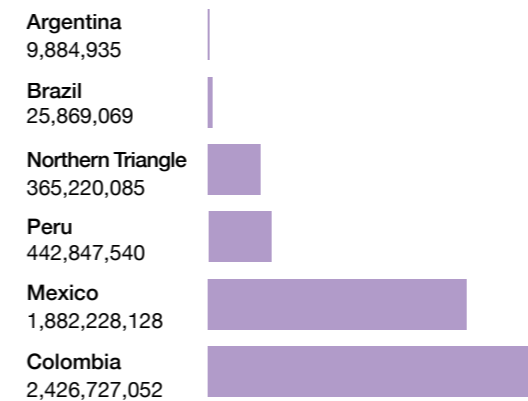
In recent years, treating crime-related problems as sovereign or state security threats has resulted in a series of reforms that give the armed forces a more significant role in the domestic setting. Nearly throughout the region, anti-terrorism laws were passed, some authorizing military force in security tasks and the downing of planes, as well as rules aimed at giving immunity to the military and police for possible human rights violations.

In some countries, these processes were deepened to the extent that they ended in military deployments for anti-drug and anti-terror operations, and to a lesser degree for urban patrol tasks, anti-crime programs or border operations. In countries where this deployment reached a significant scale, participation by the armed forces in these tasks was institutionalized in settings for joint decision-making with civilian authorities (police, judicial and migration) or in mixed operations groups and joint task forces.

At the same time, other processes have evolved in the region that do not entail direct participation by the military in the pursuit of crime, but that transform the design and implementation of security policies and law enforcement.

Adopting the ideology of national security, the notion of a “war” on drugs or “combating” terrorism all serve to reorient the security, prison and intelligence systems. This is manifested for instance in the training of local police in theories and practices patterned on the military, which in turn have an impact on the use of excessively violent and aggressive police tactics.

US financial aid for security, cumulative by country 2010-2018 (in USD)



Source: Author’s compilation based on data from Security Assistance Monitor.

Cooperation with the United States

Aid programs and flows

The funds flowing from the United States to the region increased steadily between 2001 and 2007, and then diminished consistently. In part, this was the result of general budget cuts for foreign aid from the United States after the Barack Obama government tried to reduce the deficit from the 2008 financial crisis. There were two exceptions to this reduction: Central America, which had a financing peak in 2016 that tripled the funding received in 2015, and the Andean region, which maintained a stable level of financing between 2011 and 2017. This financing varies at the sub-regional level according to US strategy and the regional geopolitical order.

The first foreign aid budget under the government of Donald Trump, submitted for congressional approval in May 2017, requested an abrupt cut in State Department financing and development aid for Latin America and, to a lesser extent, also in military and security-related aid. With respect to the previous year, it requested cutting a third of expenditures for Mexico, Colombia and Central America. However, in March 2018 Congress rejected the budget and kept the financing levels similar to those from 2017. For 2019, the White House again asked for cuts in aid to Latin America.

The money is channeled through an array of financial aid programs to diverse initiatives in each country. In the last three decades, the majority of these programs focus on or have some drug-related component, always from a prohibitionist perspective aimed at controlling supply.

US-Latin America aid programs

Program	Start	Authority	Activities financed	Recipients	Amounts (USD)
Foreign Military Financing (FMF)	1961	State Dept. and Defense Security Cooperation Agency (DSCA)	Purchase of articles and defense services from the United States. Weapons training. Funds cover purchases through Foreign Military Sales (between states) and Direct Commercial Sales (between states and businesses).	Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru.	82,665,000 (2017)
International Narcotics Control and Law Enforcement (INCLE)	1961	State Dept.	Equipment, training and services to counter drugs, crime and money laundering. Cybersecurity, police and judicial reform. Financed military equipment for Plan Colombia and the Merida Initiative and aerial fumigation in Colombia.	Bolivia, Brazil, Colombia, Ecuador, Guatemala, Haiti, Mexico, Panama, Paraguay, Peru.	302,775,000 (2018)
International Military Education and Training (IMET)	1961	State Dept.	Military and police education and training. Promotes joint work between foreign and US armed forces and those of NATO countries. The IMET finances courses on defense resource management, military justice and human rights, civilian oversight of the military and military-police cooperation in anti-drug operations.	Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay, Venezuela.	106,325,000 (2018)
Section 1004 Counter-Drug and Counter-Transnational Organized Crime	1991	Defense Dept.	Military and civilian training in anti-narcotics operations and to counter crime networks. Transport, infrastructure, detection of substance trafficking, air and/or land reconnaissance, intelligence and information analysis.	Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay.	185,411,000 (2017)
Combating Terrorism Fellowship Program (CTFP)	2002	Defense Dept.	Training of foreign military and defense and security officials in US military institutions on lethal and non-lethal techniques. Seeks to standardize a vision of terrorism and counter-insurgency and create a global network of professional experts to support US actions.	Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay.	2,911,000 (2016)

Source: Author's compilation based on data from Security Assistance Monitor.

Aid to Colombia, Mexico and Central America select programs

	2000	2008	2016
Andean Counterdrug Initiative - Colombia	US\$ 832,000,000	US\$ 245,000,000	N/A
Merida Initiative	N/A	US\$ 400,000,000	US\$ 139,000,000
CARSI	N/A	US\$ 60,000,000	US\$ 348,500,000

Source: Author's compilation based on data from the Central America Monitor of the Washington Office on Latin America (WOLA) and the Congressional Research Service.

Some programs provide aid to countries or specific sub-regions, such as Plan Colombia, which began in 2000 to reduce the production and export of illegal drugs and to strengthen the counter-insurgency campaign against the FARC. But a good portion of the funds for Plan Colombia were channeled through the Andean Counterdrug Initiative (ACI). As of 2009, the United States began financing Colombia through other programs. At least since the turn of the twenty-first century, it is the Latin American country that has received the most US funding, regardless of the political orientation of the US government. As for its impact on reducing supply, the effectiveness of these actions is dubious: according to data from the United Nations Office on Drugs and Crime (UNODC), between 2016 and 2017 the area of coca cultivation expanded by 17%, reaching a record 171,000 hectares.

Other programs focused on specific regions are the Merida Initiative, which supports the purchase of military equipment from US corporations as well as training and funds for the Mexican police and armed forces, and the Central American Regional Security Initiative (CARSI), which finances equipment, training and technical assistance for operations to combat a variety of criminal phenomena in Guatemala, Honduras and El Salvador (Northern Triangle). In recent years, these countries were the recipients of more funding, in US response to high levels of crime and violence and the migration crisis that displaced thousands of people who headed toward the southern border of Mexico. At the same time, cooperation with Mexico has declined.

US financial aid is regulated by the Leahy Law, which prohibits the training of any foreign security forces or units implicated in human rights violations and which is incorporated into the national defense laws. However, financing channels exist that are not covered by the law and are often used to elude it. The State Department and Defense Department apply this provision to most forms of training, but not to all forms of cooperation, such as technical assistance, intelligence sharing or joint military exercises. Arms sales made within the Foreign Military Sales program are also not subject to these restrictions.

The aid programs do not have outcome indicators or standardized evaluation mechanisms to measure whether they are effective at meeting their objectives. US embassies function as interlocutors on the local situation and have great decision-making power over what is considered priority in each country, the evolution of programs and the power to decide what works. In general, the formal requirements for disbursing funds are not well defined and low standards of compliance are common. This is combined with reduced transparency in aid and military operations. Between 2010 and 2018, more than US\$1.3 million were allocated to countries without specification through a general budget allowance for the "Western hemisphere." In 2010, these unspecified funds represented 5.5% of the total budget allotted to Latin America. Under the requested amount for 2019, this percentage would ascend to 42.4%. In parallel, the Defense Department's budget for foreign military assistance tripled between 2008 and 2015, in comparison to 23% for the State Department. It is clear that the real amount of financing sent to the region is not available to the public.

Training and education

The training of military and police is central to any analysis of militarization processes, in particular with regard to police training by the military, on the one hand, and military forces being trained in internal security matters, on the other, because the distinction between the functions of one force and the other is blurred.

This is a fundamental component of US foreign policy for Latin America, which receives a fifth of all training supplied by the United States to foreign officials. Between 2000 and 2017, more than 255,000 officials (civilian and military) were trained with US financing.

Between 2011 and 2016, the number of Latin American security and military officials trained grew by nearly 67%. This increase is not uniform across all countries: since 2000, Colombia has received the greatest portion of this training, followed by Mexico and, much further behind, Peru. In 2017, training fell in nearly all countries except Brazil. The majority is financed through the Section 1004 program, which is mainly focused on counter-narcotics initiatives: in 2016, more than half of Latin American officials trained were instructed in this area.

Other training is done through the Western Hemisphere Institute for Security Cooperation (WHINSEC), the name given since 2001 to the School of the Americas, which trained agents in counter-insurgency techniques, sharp-shooter skills, military intelligence and interrogation techniques in the framework of the doctrine of national security. Graduates from this academy committed human rights violations during the Latin American dictatorial regimes. Currently, WHINSEC is the US Department of Defense's main combat academy in the Spanish-speaking world. In addition to traditional military training, the institute incorporates courses on democratic sustainability, peace operations and human rights, in line with the principles of the Organization of American States. Between 2009 and 2015, more than 900 civilian and military officials from Peru, Brazil, Mexico and Argentina were trained there.

2000 - 2017



255,000
civilian and military
officials trained with
US financing

The majority of
the funds were for
Colombia, Mexico
and Peru.

Training of officials from Colombia, Peru, Brazil, Mexico and Argentina at WHINSEC, 2009-2015

	Programs that financed the courses	Type of training
Colombia	Foreign Military Financing, INCLE, IMET	Combating transnational threats, analysis of intelligence and narco-terrorism information, joint operations and anti-narcotics, peace operations.
Peru	Section 1004, IMET, INCLE, Foreign Military Financing	Anti-narcotics operations, intelligence, combating narco-terrorism and transnational threats.
Brazil	Section 1004, IMET, Regional Centers for Security Studies	Analysis of narco-terrorism information, anti-narcotics operations, joint operations and engineering, medical aid.
Mexico	Section 1004, IMET, INCLE	Transnational threats, anti-narcotics operations, information analysis, human rights, medical aid, joint operations and engineering.
Argentina	Section 1004	Analysis of narco-terrorism information, medical aid, anti-narcotics operations.

Source: Author's compilation based on data from Security Assistance Monitor.

The Colombian police and military have also provided training to other countries. These officials were trained in US cooperation programs and are currently used to outsource training. This policy of "exporting security" has become a fundamental component of Colombian foreign policy, although it in large part abides by a US strategy, the primary effect of which is to confer new roles on countries with a certain degree of affinity.¹ Much of this training is part of the US-Colombia Action Plan on Regional Security (USCAP), signed in 2012 with the specific purpose of "exporting" the capacities built in Colombia, especially on policies to counter crime, drug trafficking and terrorism, but also on human rights and institutional strengthening, despite the human rights violations committed by the Colombian forces in the context of their interventions against crime. Since 2013, USCAP has trained 5,600 military and police officials from Panama, Honduras, El Salvador, Guatemala, Costa Rica and the Dominican Republic in matters such as river operations, naval intelligence and infantry tactics.

These trainings pose problems of transparency and accountability with regard to their specific content, the participants in them and the mechanisms through which the budget is allocated to avoid having to submit it for US congressional approval. Nor is the impact of "skills exportation" on the local reality evaluated.

Outsourcing is a way of eluding the restriction established under the Leahy Law that prohibits cooperation with security forces that have committed human rights violations. The current chief of staff under Trump admitted this in 2014 before Congress when he said "the beauty of having a Colombia" to train the Central Americans was being able to elude "restrictions on working with them for 'past sins'".²

The armed forces of many countries participated in joint training exercises with each other on internal security matters, generally on anti-drug trafficking actions, or to foster civil-military cooperation. One of these exercises is Operation Hammer, led by the Southern Command as part of a US strategy to contribute to multinational operations of detection, monitoring and confiscation of drugs and weapons in Central America. This operation created in 2012 involves the US Navy and Coast Guard and other police and military agencies from 14 participating countries.

Other military exercises that train Latin American armed forces in internal security tasks are UNITAS, PANAMAX, Teamwork South, RIMPAC, Bold Alligator and *Fuerzas Comando*.



- **Bold Alligator** began in 2011 and involved military training for amphibious marine operations against “new threats.” According to the Department of Defense, “the fight today is a mixture of threats on a non-linear battlefield (...). We are fighting in a domain made up of the marine, air, land and cyber spheres.”³ This training was done in 2017 in the state of North Carolina, with participation by Mexico, Peru, Brazil, France, Germany, Canada, Spain and the United Kingdom.

- **Fuerzas Comando** is sponsored by the Southern Command under Special Operations Command South (SOCSOUTH). Around 700 military, civilian and security officials participate. It is composed of two blocks: a technical and practical skills competition, and a Distinguished Guests Program provided through the Combating Terrorism Fellowship Program (CTFP) focused on “combating terrorism, organized crime and drug trafficking.” In 2018, it was held in Panama with participation by Argentina, Paraguay, Brazil, Chile, Colombia, Peru and the countries of the Northern Triangle, among others.

- **Teamwork South** is a biannual naval exercise created by the Chilean Army in 1995 jointly with the United States, which has expanded the range of operational exercises. Its current objective is to train Chilean and foreign forces and to standardize the approach to terrorism, drug, contraband and human trafficking. In 2017, it was held between the areas of Talcahuano and Coquimbo, Chile.

- **UNITAS** is the longest-running US Navy maritime exercise, in which Argentina, Mexico, Colombia, El Salvador, Guatemala, Brazil, Honduras and Peru participate, among others. It has been held every year since 1960. In 2017, it was carried out on the Ancón military base in Peru, with participation by 17 countries and included exercises in military war scenarios by air, land and sea and in cyberspace. The different fleets were trained in naval operations combined with the “fight against organized crime,” the “digital war,” and air, amphibious and communications operations. Vice Admiral Manuel Vascones Morey, of the Peruvian Navy, said that the objective was to train the military forces “to be able to combat any common threat in our countries, such as drug trafficking, contraband, pirating; the type of scourges we currently have.”⁴

- The **PANAMAX** exercise is an annual program organized by the Southern Command focused on training for possible conflict scenarios around the Panama Canal, especially terrorism, but also illegal substance trafficking and natural disasters. It has land, maritime, air and special forces components. It began in 2003 with

participation by the United States, Panama and Chile. In 2016 and 2017, Brazil, Chile, Colombia and Peru had crucial roles, either because it was their first time participating or they led or carried out some aspect of its components. These new roles were highlighted by the United States as a significant achievement.

- **Rim of the Pacific (RIMPAC)** is one of the biggest maritime exercises in the world. It is organized biannually off the coast of Hawaii. Begun in 1971 with the objective of impeding Soviet bloc expansion, only four countries participated. Today it is aimed at training the armed forces of 20 countries in a wide array of security situations, including the trafficking of goods and persons, and operations to counter the proliferation of arms of mass destruction. In 2018, it was led by Chile, marking the first time in the history of this exercise that a Spanish-speaking country was in charge of the training. Brazil participated for the first time in RIMPAC.

Latin American countries are assuming a greater leadership role in these exercises, promoting the involvement and training of their armed forces in security tasks. There is little information in general on the specific content of these events, other than what the states themselves make public.

Arms and equipment

The United States and other countries have sold equipment and weapons to Latin America to supply its military and police forces. In the majority of cases, the purchase and sale is justified in the name of “combating” drug trafficking and other forms of crime. Between 2000 and 2016, the countries of Latin America spent nearly US\$9 billion on purchases of this kind from the United States. The biggest buyers were Colombia and Mexico, and to a lesser extent Brazil and Chile.

- **Mexico:** During 2015, the State Department approved the purchase of three Blackhawk helicopters, used by the US Army in Iraq and Afghanistan, to support the Mexican military. Another 18 helicopters of the same model equipped with GPS and machine guns had been acquired in 2014. In the official communication from the Defense Security Cooperation Agency, an agency of the Department of Defense, this transaction was justified as a contribution to the security of a strategic ally in the “combating of organized crime and drug trafficking.” In May 2015, these helicopters were used in a federal police operation that left 42 civilians dead in Michoacán.

• **Peru:** The modernization of its armed forces in 2011 sought to “improve the efforts of Peru in interdiction operations, its capacities for executing anti-narcotics and anti-terrorism operations, and to ensure the maintenance of border security.”⁵ In 2016, the United States sold infantry vehicles, machine guns and grenade-launchers to Peru, because “it is in the interest of US national security for Peru to provide its security forces with multipurpose equipment for border security, disaster response and to confront destabilizing internal threats, such as the Shining Path terrorist group.”⁶

• **Brazil:** In 2014, Brazil acquired 20 Harpoon Block II missiles for its armed forces to use “for the purpose of encouraging its efforts to counter transnational organized crime.”⁷ That same year, it also bought Blackhawk helicopters. In June 2018, seven people died as the result of an operation led by the Civil Police in the Complexo da Maré, where a helicopter belonging to that force flew over the favela and fired from above into the population.

The United States is not the only country providing arms to the region. According to its latest arms exports report, the European Union issued licenses for arms sales in 2015 of some 5.89 billion euros to Brazil, 2.75 billion to Mexico, 1.14 billion to Peru, 478 million to Colombia, 440 million to Argentina, and 13 million to the countries of the Northern Triangle. Israel, Russia and Taiwan also traded arms and equipment with the region. In the case of Argentina, following an official visit by its security minister to Israel in 2017, the country acquired four Shaldag vessels and surveillance systems for land-border crossings for more than US\$80 million. The equipment is supposedly for fluvial border patrol and potentially for anti-narcotics operations. However, these are vessels of war. Israel, for example, uses them in combat zones like the Gaza Strip. Their use in places where there is no conflict of this type, such as the shores of the Paraná River, puts populations residing in these areas at risk. In October 2017, Argentina purchased four Texan II aircraft for the “logistical support” that the Air Force provides to border security forces in the northern part of the country to “combat drug trafficking.”

Military equipment purchases in the context of these measures against “new threats,” especially in the case of drug trafficking, run the risk of worsening social and institutional violence. First, the acquisition of this equipment by historically violent police forces increases the use of lethal force and risks of police executions

and abuses. Moreover, this is a flow of potentially highly violent arms coming into a region with a significant illegal market. This proliferation of weapons translates into one of the highest firearm homicide rates, surpassing the world average. Illegal arms trafficking in border zones—for instance in the Tri-Border Area between Argentina, Paraguay and Brazil, or among the countries of the Northern Triangle—is just one of the problems. There is a huge quantity of arms that, once they come into the country through legal channels, are easily filtered into illegal markets.

Recent regulatory reforms

The armed forces in Latin America intervened in security matters for many years, and in many cases they still hold political weight. In various countries, they maintained internal security functions after the restoration of democracy.⁸ In the Southern Cone, after the civil-military dictatorships there, this role was more minor than in other countries. This may be attributed to the unique characteristics of those dictatorships and especially to how the subsequent transitions to democracy played out in these countries. For instance, more than a decade ago, the countries of the Andean region upheld that the armed forces played a very important role in the “war on drugs,” while in the Southern Cone it was sustained that this task lay with the police.⁹ This scenario began to change, however, in conjunction with the realignment of various countries with the “new threats” agenda. Thus, in 2012, more than 20 nations in the region declared to the Organization of American States that they regularly engaged their armed forces in security activities, using different procedures.¹⁰

Most Latin American countries do not establish a clear division between security and defense functions in their legal framework.

Armed forces intervention in internal security permitted by Constitutions

Brazil and Colombia

The national Constitutions of Brazil and Colombia establish that the armed forces are for the purpose of “homeland defense” but also incorporate maintaining the public order and guaranteeing law and order among their missions. In both cases, they stipulate that the country’s president holds the power to use the armed forces during a set timeframe if public security were to be compromised and the capacities of the civilian forces exceeded. In Brazil, this legal framework enabled military intervention in the state of Rio de Janeiro in February 2018.

Peru and Bolivia

The Constitutions of these countries allow military intervention in the social and economic development of the country. This definition authorizes the involvement of the military in the operational functions of security, either temporarily or permanently, if the tasks are framed within attacks on national security or sovereignty.

Guatemala

Its Political Constitution states that the Army’s functions include maintaining “internal and external security.”

Honduras

Its Constitution specifies that the armed forces “shall provide logistical support of technical advice in communications and transportation in the fight against drug trafficking” and “shall cooperate with public security institutions, at the request of the Secretariat of Security, to combat terrorism, arms trafficking and organized crime,” among other functions.

Armed forces intervention in internal security permitted by legislation

Ecuador and Venezuela

In Ecuador, the armed forces have the fundamental mission of “defending sovereignty and territorial integrity,” but the Organic Law of National Defense establishes that they may collaborate “on the economic and social development of the country.” Something similar occurs in Venezuela, where under its organic law, one of the armed forces’ missions is “cooperation in maintaining internal order and active participation in national development.”

Mexico

The organic laws governing its armed forces stipulate that its missions include “guaranteeing internal security and external defense” and “undertaking civic actions and social works aimed at the country’s progress; and in the case of disaster, helping maintain public order.”

Paraguay

The armed forces may be called upon to undertake security tasks when ordered by a Crisis Committee or in the face of situations in which police capabilities prove inadequate, as provided under its Law of National Defense and Internal Security.

Countries with a clear distinction between security and defense

Argentina, Chile and Uruguay have a clear distinction between the functions of internal security performed by the police and other security forces, and those of national defense in the hands of the armed forces. This demarcation is laid out in the regulatory plexus of these three countries, with some exceptions provided by law and by the express authority of the presidency in specific cases of crisis or national upheaval.

The United States

Within its national territory, the United States sustains a strict separation between the functions of the police and the armed forces. This principle does not arise from the Constitution but is enshrined in the Posse Comitatus Act, in force since 1878. This law, conceived to prevent the interference of the military in political-electoral affairs and in the repression of protests, has remained largely unchanged ever since. Its text provides for exceptional cases in which, with the authorization of the president or Congress, the armed forces could be deployed for internal use. Since the beginning of the 1990s, the military can participate in anti-narcotics operations to carry out activities of detection and monitoring, but not in seizures or detentions.

The division between military and police powers is rooted in US political culture, and attempts to substantially modify the law have not won consensus. As is evident, this is in contrast to its foreign policy whereby the country promotes strategies that would be prohibited in its own territory.¹¹

Based on these diverse regulatory structures, the militarization of security over the past two decades has produced significant changes in local laws and institutions. This phenomenon is manifested in a variety of ways:

- Regulations have been adopted permitting the shooting down of aircraft suspected of having ties to illegal drug trafficking. This has occurred in Colombia, Peru, Brazil, Bolivia, Venezuela, Honduras, Paraguay and Argentina. The armed forces are in charge of shooting them down, since any aircraft determined to be “hostile” is considered an attack on national sovereignty.
- Anti-terrorism laws have been passed throughout the region.
- Regulations have been created to authorize greater involvement of the armed forces in security tasks along with others that increase impunity for human rights violations committed by the military and police in the pursuit of crime.

The consequences of these reforms are vast. For example, according to specialists, after decades of these policies in Mexico and Colombia, three outcomes can be seen: “the restriction of fundamental rights; the militarization of public authority; [and] the emergence and consolidation of the exception in criminal justice.”¹²

In parallel to these reforms, ambiguities are also exploited—through legal loopholes and other informal mechanisms—so that the armed forces can carry out tasks that, by law, are under the purview of the police or other agencies. In general, this is achieved by giving them a complementary role to the one played by the security forces. In El Salvador, for instance, eight decrees were issued between October 2009 and March 2014, authorizing the participation of military agents in different tasks and functions related to public security. This militarization by decree, which led to an unprecedented increase of soldiers on security detail and an expansion of the armed forces’ authority in this setting, was justified in the context of increased crime.¹³ Various countries in the region are introducing reforms to their current regulatory frameworks regarding the functions of the military forces and their accountability within the scope of these functions, both new and old. At the same time, many countries have ongoing situations of military deployment that national laws only allow as an exception.

In other words, there is a clear tendency in the region to legally guarantee the enabling conditions for and continued use of the military as an instrument to address security problems or other social phenomena. This trend has rapidly grown over the last decade.

After decades of these policies in Mexico and Colombia, three outcomes can be seen: the restriction of fundamental rights; the militarization of public authority; and the emergence and consolidation of the exception in criminal justice

Laws and regulations that permit shooting down planes

Brazil (2004)

In Brazil, the *Lei do Abate* was passed in 1998 and its detailed regulations issued in 2004. This law provides for the possibility of firing at aircraft “in clandestine flights” without approved flight routes and which are linked to illegal drug trafficking, including any proceeding from areas of drug production or supply, any following routes typically used by drug traffickers, or that omit information or refuse to respond to requests from the control tower.

Venezuela (2012)

The Integral Airspace Defense Law was passed in 2012 by the National Assembly and regulated in 2013. It was conceived as one more element in the “fight against drug trafficking” and has been invoked on various occasions against aircraft suspected of transporting drugs. Venezuela is one of the countries in the region that has used its law on downing planes the most.

Bolivia (2014)

Law 521 on the Security and Defense of Bolivian Airspace established “the procedures for interdiction of civil aircraft and the use of force against aircraft declared in violation, illegal or hostile” for the purpose of “identification, providing aid, requiring it to return to its route or to land.” The law stipulates that any physical aggression against aircraft in these circumstances is deemed rightful in legitimate defense of the state.

Peru (2015)

Law 30.339 on Control, Surveillance and Defense of National Airspace authorizes the downing of “hostile” aircraft suspected of transporting illegal items (drugs, arms, explosives) and any that disobey military orders. Peru previously had a similar law in force between 1990 and 2001, which was suspended after the death of a woman and her seven-month-old baby when their plane was mistakenly shot down.

Argentina (2016)

Decree 228/2016 declared a Public Security Emergency for a year, establishing the Rules of Airspace Protection and stipulating that, for the purpose of “reverting the situation of collective danger created by complex crime and organized crime,” the Air Force is empowered to intercept aircraft when they are suspected of transporting illegal substances and, if necessary, to employ firepower to take them down. This regulation was extended in January 2017 for another year.

Mexico’s Internal Security Law

For years, the growing military presence on the streets of Mexico developed without a specific legal framework to regulate the internal security tasks performed by the armed forces. In 2017, the government of Enrique Peña Nieto promoted an Internal Security Law that was passed by Congress, despite widespread opposition from an array of civil society sectors.

The law stated that “the armed forces may intervene in threats to internal security when the latter compromise or exceed the capacities of the authorities, and when there are threats arising from a lack of or inadequate collaboration by entities and municipalities in the preservation of national security.” The law thus legalizes a situation that had been the exception until then: military intervention in tasks traditionally reserved for the police. The ambiguous wording was criticized as enabling arbitrary application of the law.

The negative consequences of this law include the growing de-professionalization of the police, the expansion of intelligence tasks carried out by the military without public oversight mechanisms, increased violence, lack of accountability for actions by the armed forces, the expansion of military jurisdiction over civil legal matters upon giving the armed forces the power to participate in civil criminal investigations, the insufficient regulation of the use of force, and an imbalance in civil-military relations.

In July 2018, Andrés Manuel López Obrador won the presidential election with more than 50% of the vote. During the campaign, Alfonso Durazo, nominated for secretary of security, assured that López Obrador would not order the immediate withdrawal of the military from security duties but would do so gradually. After winning the election, more than 300 social organizations asked the future president to repeal the law. The incoming government sustained that it would await a Supreme Court ruling on claims of unconstitutionality. The interior minister, Olga Sánchez Cordero, affirmed that the government will implement a peace strategy in conjunction with the United Nations and will seek to decriminalize the cultivation of marijuana and poppies.

Anti-terrorism laws and the construction of internal enemies

Hand in hand with the “new threats” paradigm and international pressure to join the “fight against terrorism,” many countries of the region in recent years have passed or amended anti-terrorism laws. Some of them, like Chile and Peru, already had legislation on this matter, but in most cases the laws and reforms occurred from 2010 onward. Some countries that passed or amended anti-terror legislation in this period are:

Chile	Law 18.314 from 1984, last amended in 2015
El Salvador	Legislative Decree 108 from 2006
Paraguay	Law 4.024 from 2010
Argentina	Law 26.734 from 2011
Venezuela	Published in Official Bulletin No. 39.912 from 2012
Mexico	Reform of Federal Code in 2014
Ecuador	Entry into force of Comprehensive Organic Criminal Code in 2014
Brazil	Law 13.260 from 2016
Honduras	Reform of Criminal Code in 2017

These laws may entail limitations on the exercise of the right to protest, freedom of association and expression, among other civil and political rights. The ambiguity of the criminal offenses included in them enables their use for criminalizing social conflicts. For instance, the Paraguayan law criminalizes as terrorist acts any efforts intended to “obligate or coerce (...) constitutional bodies or their members to act or to abstain from doing so in the exercise of their duties.” These definitions can be applied to social protests. One of the most worrisome aspects of these regulations is that they distinguish between legal and illegal protests, and authorize repressive state intervention when demonstrations do not comply with established criteria. Sometimes this occurs explicitly, because the law authorizes such repression, while in other cases it happens indirectly.¹⁴

Anti-terrorism legislation is invoked in some countries to criminalize members of indigenous peoples, like the Mapuche in Chile and Argentina, and rural communities in Colombia and Peru. Something similar occurs in Central America with members of gangs or *maras*. The

vagueness of anti-terrorism legislation has permitted its discretionary application against members of these groups, whom it labels as dangerous. In a number of countries, this has led to selective police practices, greater levels of institutional violence, and illegal intelligence practices and surveillance aimed specifically at these groups. These regulations overlap with the fact that military and police forces and other public officials depict them as “enemies” of state security or national sovereignty. Thus, state interventions and security policies against them are framed in terms of “war” and authorize the use of military techniques, resources, equipment and personnel for “combat” purposes.

Regulations expanding the powers of the armed forces

Regulatory reforms have often involved reducing legal restrictions on police and armed forces’ activities.

Peru: Law 30.151 from 2014 modified the Criminal Code by exempting from all criminal liability any armed forces or police officials who, “cause injury or death in carrying out their duty and using their weapons or other means of defense.” In practice, this legalizes extrajudicial killings.

Honduras: Crimes committed in the line of duty by the Military Police for Public Order, created in 2013, can only be investigated by prosecutors and tried by judges assigned by the National Council of Defense and Security, a body under the purview of the armed forces.¹⁵

Colombia: In 2013, Law 1689 was passed creating the System of Technical and Specialized Defense of Members of the Public Forces. This system guarantees and finances the legal representation of police and military, on duty and retired, who are being tried in disciplinary proceedings or ordinary criminal proceedings. In 2015, Colombia’s Congress passed Law 1765 expanding the scope of the military justice system. Under that law, crimes such as homicide committed by police or the military, when considered related to the line of duty, will be tried by military justice.

Mexico: In 2008, the government of Felipe Calderón initiated a special criminal justice regime for offenses committed in the “organized crime” modality, restricting the rights of anyone charged with this type of crime. These changes were incorporated at the constitutional level and led to a series of reforms that criminalized diverse forms of collective action, accentuated discretionary action by police, and increased impunity in cases of human rights violations committed by members of the military and police.



Operational deployment of the armed forces in security tasks

The deployment of the armed forces in operational tasks to “fight crime” is a critical aspect for analyzing the evolution of militarization processes in Latin America.

Mexico is perhaps the most extreme case. In the context of an armed approach to drug trafficking, the military is currently carrying out detentions, patrols, inspections, raids and seizures in 27 states in the country, or three-quarters of Mexican territory. Between September 2016 and June 2017, on record there were 182 operations bases with 4,706 military troops assigned to public security tasks, with support from 468 vehicles. This represents an increase of 150% in five years. The budget allotted to the Secretariat of the Navy (SEMAR) and the Secretariat of National Defense (SEDENA) has doubled in the last ten years.¹⁶ In its 2015-2016 report, SEDENA informed having detained 3,808 persons in “operations to reduce violence indicators” and eradicated 7,500 hectares of marijuana crops and 35,000 of poppy.¹⁷ The anti-narcotics operations it participates in also grew exponentially.

In Colombia, the “counter-insurgency” agenda aimed at the armed groups leading the internal conflict explicitly

overlaps with the anti-narcotics agenda. In a context that remains uncertain with regard to implementation of the peace agreements, some research contends that the armed forces not only will not be reduced in size or equipment, despite the fact that their growth was justified in response to that of armed groups, but that their tasks could possibly be expanded. For instance, they may be tasked with carrying out peace missions or providing training in other countries. The military was left in charge of safeguarding the areas of FARC influence during the demobilization process, especially in rural areas with low police presence.¹⁸ However, episodes of violence by paramilitary groups continue to occur.

Similarly, in Peru, the river valley area of Apurímac, Ene and Mantero (known as VRAEM) is still occupied by the military. In October 2016, former Peruvian President Pedro Pablo Kuczynski gave the armed forces principal jurisdictional authority in that area, declared an “emergency zone.” He appointed an Army general to lead the VRAEM Special Command, and a Navy admiral to lead the VRAEM Joint Special Operations and Operational Intelligence Command (CIOEC), to jointly carry out land, air and river operations. The former stated that Army members were “proud to be the strong arm of the state in its comprehensive fight against terrorism and drug

trafficking in this part of the country.”¹⁹ The Peruvian government has justified its activities in the VRAEM as “anti-narcoterrorist” operations.

In addition to direct interventions via the military occupation of territories, the armed forces perform internal security actions in coordination with police institutions or other civilian agencies. In countries where this is more established as public policy, such as the Northern Triangle, there is evidence that military intervention has become more institutionalized through the creation of specific programs and special bodies made up of civilian and military personnel. In Guatemala, the Law on Support for Civilian Security Forces prevails, which stipulates that civilian police can also be “supported in their duties to combat organized and common crime by units of the Guatemalan Army, as deemed necessary.” There are also various inter-agency task forces on the borders with Mexico (Tecún Umán Inter-Agency Task Force), with Honduras (Maya Chortí Inter-Agency Task Force) and with El Salvador (Xinca Inter-Agency Task Force). These forces were established between 2013 and 2016 to confiscate illegal drugs in border zones and combat other forms of organized crime, and they joined forces with the Kaminal Task Force created in 2012, combining police and military personnel for patrol work in public spaces. Many of these forces are composed of members of the Army, National Police and Attorney General’s Office as well as personnel from Customs and Migrations. Its members were trained by the US Army.

With a similar function to the Guatemalan task forces, Honduras created the Inter-Institutional National Security Force (FUSINA) in 2014 to “fight organized and common crime.” Led by the Honduran Army and also made up of members of the police, the Attorney General’s Office and intelligence agencies, this force goes on patrol to identify and capture gang members.²⁰ El Salvador established the Cuscatlán Joint Group (GCC) in 2012, made up of the armed forces and the anti-narcotics division of the National Civil Police, in addition to customs authorities. The GCC, which acts in collaboration with the National Attorney General’s Office, is tasked with “combating transnational organized crime,” especially drug trafficking, and was trained by various US agencies. Under the Sumpul Operations Plan, some 700 armed forces troops are deployed, in coordination with the General Office of Migrations and Aliens, to control 130 unauthorized border crossings for the purpose of combating the contraband of goods and persons, illegal drugs and arms trafficking.²¹ Despite their purported exceptional nature, these military interventions have been extended until today.

The impact of “new threats” on security forces

In addition to using the armed forces in internal security operations, there are other pertinent aspects that explain how the doctrine of “new threats” affects security policies. These include the adoption of training, equipment and military-type tactics by the police and other security forces, military training received by police officials, the creation of new military police forces, the proliferation of tactical groups within the police force, and the use of military-like tactics in their deployment.²²

Structural and functional modifications of security forces

Some countries have created or strengthened military police corps in recent years, many of which cooperate actively with the armed forces on internal security tasks.

Honduras: The Military Police for Public Order is a prime example of this. One of its functions is “to cooperate in the framework of national defense and security strategy in the recovery of areas, neighborhoods, *colonias*, human settlements or public spaces where organized crime proliferates, putting people’s lives in danger.”²³ This force has trained, along with other units of the Honduran Army, members of the Honduran National Police. In the two years after its creation, it was involved in more than 30 cases of violent raids without a court order, beatings, arbitrary detentions and murders.²⁴

Colombia: The Army’s Military Police Battalions were reactivated in 2010 “in the face of the onslaught of crime in the country,” according to the Army’s explanation on its website. In areas like Barranquilla, the military police carry out patrol tasks, and the Army has initiated coordinated operations with the police to patrol the city perimeter, as well as entry and exit routes. This same initiative was applied in other Colombian cities, such as Medellín and Cali.

In other countries, new elite corps have been created within civilian security forces, which receive training or equipment from military forces.

Guatemala: The Anti-narcotics and Anti-terrorism Aerial Interdiction Task Force (FIAAT) was created in 2014 under the purview of the National Civil Police. It was created for a term of five years to combat and eradicate the production, manufacture, use, possession, trafficking and sale of drugs. Later, an elite unit was formed within that same force called Los Halcones. This group of police agents trained in 2015 with special forces of the US Army in air and ground operations against criminal groups.

Honduras: In 2014, the National Police created an elite special forces unit, the Intelligence Troop and Special Security Response Groups (TIGRES). They received training from both the US special forces as well as Colombia’s Jungle Command (an elite unit under the Anti-narcotics Office of the Colombian National Police). Because it was prepped for intervening in the most violent areas of the country, this training included techniques for “countering common and organized crime,” criminal investigation, patrol and urban operations. In recent years, the government of Honduras deployed this elite group and the Special Tactical Operations Group (GOET) to prevent the emigration of minors escaping violence. This operation, which presented a migration control procedure and border militarization as acts of childhood protection, has resulted in increased vulnerability of children since they are intercepted at border crossings by armed agents who have not received the proper training to ensure their correct care during transit.²⁵

Chile: Based on the Colombian model, in June 2018 the Carabineros Special Forces Unit on Criminal Organizations and Terrorists, also known as the Jungle Command, was created. This unit is composed of troops from the Carabineros Special Police Operations Group (GOPE), trained in Colombia and the United States, as part of a state response to the territorial claims of the Mapuche people in the Araucanía region, despite the fact that this scenario of social conflict is in no way like Colombia’s internal conflict.²⁶

The United States: A process of militarization of the police can be observed in the United States. The American Civil Liberties Union (ACLU), the largest rights and liberties organization in the country, points out in its 2014 report *War Comes Home* that the country has used federal aid programs (particularly the Section 1033 Program created in the 1990s at the height of the “war on drugs”) to transfer to state and local police military weapons and training in war tactics, practically without oversight. The cases studied in the report show the use of highly aggressive equipment and tactics for making raids to search for small quantities of drugs. In most cases, SWAT teams are deployed. This has affected vulnerable groups and caused physical injury on repeated occasions, as well as deaths. The use of military equipment was also seen in operations to repress social demonstrations, resulting in increased police violence in these situations.²⁷

Argentina: Elite groups have been used in operations with lethal results. This was the case in the death of Alan Tapia in a raid by the Argentine Federal Police’s Special Federal Operations Group (GEOF) in a poor neighborhood of Buenos Aires in 2013. It was a routine operation in which an elite corps intervened because, according to police authorities, his home was in a “dangerous area.” In November 2017, Rafael Nahuel died during an eviction of the Lafken Winkul Mapu Mapuche community carried out by the Albatross Group, a special unit of the Naval Prefecture. He died from a gunshot wound inflicted by one of the unit members. That episode was surrounded by warlike statements by the National Ministry of Security, which issued a statement justifying the action by the Albatross Group during what it understood to be an “armed confrontation.” The statement depicted the members of the Mapuche community as using “a methodology of armed violence inadmissible in a democracy.” Forces like the GEOF and Albatross are specially trained to employ the most violent tactics and therefore should not be used in scenarios of low complexity or of social conflict.



MILITARY INTERVENTION IN RIO DE JANEIRO

In South America, the current situation in Brazil is a turning point for processes of militarization. President Michel Temer issued a decree for military intervention in the security operations of Rio de Janeiro state through December 2018 and appointed Army General Walter Braga Netto to oversee it. This means the armed forces have assumed the command of the civilian police and the state military police, as well as the police firefighting squad, the penitentiary system and the area of intelligence. And although the military has intervened in domestic security in Rio numerous times in the past decade, it has always done so jointly with the civilian security forces rather than taking command of them, as in this case.

The Brazilian legal system permits the use of military resources for security operations only for a set period of time and at a specific location. This is guaranteed under the missions set forth in the Guarantee of Law and Order (GLO), regulatory instruments governed by the Constitution and other complementary laws. These operations, which should be used only temporarily, were invoked by the president's office more than 130 times between 1992 and 2018, according to data from the Brazilian Ministry of Defense.²⁸ The GLO decree in the

state of Rio de Janeiro was fast-tracked through the Chamber of Deputies and Senate and passed in a week.

In his speech presenting the measure, Temer indicated that the reason for adopting this measure lay in the high levels of violence related to drug trafficking and organized crime. Generic arguments were put forth to justify this intervention that could be used to legitimize perpetual militarization. In that speech, Temer sustained that the intervention is aimed at “putting an end to the grave compromising of public order in the state.”

Numerous specialists and human rights activists spoke out against the military intervention, sustaining that it is far from being a valid solution to the country's long-standing security problems.²⁹ Since the sanctioning of this measure, the armed forces have acquired a social and political magnitude that they had not had since the end of the dictatorship.

In the six months since the intervention began, shootings and deaths at the hands of police have been on the rise in various districts, in some cases accompanied by an increase in intentional homicides, and what was touted as a decrease in robberies was actually the displacement of crime dynamics to other municipalities.³⁰

Security forces trained in study centers reporting to the US Department of Defense. Argentina, Mexico, Brazil and Peru (2009-2015)

Security forces trained	Place	Subjects
Argentina Federal, Airport Security and Buenos Aires Province police forces	Center for Hemispheric Defense Studies (CHDS)	Border security, inter-agency coordination and combating terrorism.
	William J. Perry Center for Hemispheric Defense Studies	Terrorism and counter-insurgency.
	WHINSEC	Defense strategy and policy, combating transnational organized crime.
Mexico Federal Police, Secretariat of Public Security, Attorney General's Office	Center for Hemispheric Defense Studies (CHDS)	Intelligence and surveillance.
	Inter-American Air Forces Academy	Inter-agency coordination and combating terrorism.
		Terrorism and counter-insurgency. Search and rescue.
Brazil Federal and Maritime police forces; Civil Police from the states of Bahia, Amazonas, Goias, Pernambuco, the Federal District, Rio de Janeiro, Sao Paulo and Par�	National Defense University	Anti-narcotics operations.
	Center for Hemispheric Defense Studies (CHDS)	Narco-terrorism information analysis.
	WHINSEC	Inter-agency coordination and combating terrorism.
	On-site training in Brazil given by US Navy	Tactics and vehicle inspection. Terrorism prevention at large events. Maritime crisis management, response to incidents, emergency operations.
Peru National Police of Peru (PNP), PNP Police Aviation Division and Anti-drug Division, Attorney General's Office, National Customs Superintendency, National Intelligence Office	Center for Hemispheric Defense Studies (CHDS)	Analysis of operations and narco-terrorism information.
	Inter-American Air Forces Academy	Joint/civil-military operations.
	WHINSEC	Anti-narcotics operations.
	National Defense University	Combating organized crime.
		Inter-agency coordination and combating terrorism. Medical assistance. Search and rescue. Defense strategy and policy.

Source: Author's compilation based on data from Security Assistance Monitor.



Military training of police

Much of the impact of regional trends on the security forces revolves around the training that police officers receive from the armed forces, both in techniques as well as in military theory and defense. The training of police implies the re-defining of crime as “insurgency” and the conception of social conflict as “civil disobedience.” Therefore, these are deemed spaces to convey military know-how that is later applied by the security forces in territorial interventions with an excessive use of force and characterization of the population as an “enemy.”

The Joint Combined Exchange Training (JCET) program sends US agents to different countries to train local forces. Through these missions, the local forces are trained in military tactics, urban combat and other skills such as pistol and rifle marksmanship, riot control or information gathering, while the Special Forces become familiar with the culture of the recipient country, its language and geography. Although there was a policy of reducing the size of the armed forces under the Obama administration, the Special Forces actually expanded their presence in Latin America. The JCET is one of the principal lines of work in the region. The number of training missions carried out by the US Special Forces in Latin America tripled between 2007 and 2014, while in the same period military aid to the region was on the decline. According to the Southern Command, in 2016 these missions provided content on anti-terrorism, “narco-terrorism insurgencies” and illicit trafficking networks.

While these trainings are of a military nature, in numerous cases the units being trained are police forces: in 2009, Argentina received a mission from the US Army Special Operations Command that trained agents from the Special Federal Operations Group (GEOF) of the Argentine Federal Police in special operations and sharp-shooting, spatial-cultural reconnaissance, infiltration techniques, rescue and other counter-terrorism skills. This training was repeated in 2018 at the request of the Argentine Ministry of Security, as part of the preparation for the G20 Leaders Summit, which will be held in November in Buenos Aires. The training provided to 40 GEOF agents was given by eight officers from the Southern Special Operations Command (COESUR), a unit under the Southern Command.

While these trainings are of a military nature, in numerous cases the units being trained are police forces.

There is a similar scenario in the training sessions that the US Army South (ARSOUTH) provides on Countering Transnational Organized Crime (CTOC). These sessions are carried out in centers reporting to the Department of Defense, although their intended audience is generally from civilian agencies in the recipient countries: both the police and members of other security agencies, as well as ministry and even some judicial officials.

Occupation of poor neighborhoods or areas of social conflict

Other actions that indicate an excessively violent approach to conflicts, but without the participation of the armed forces, include police deployments that are conceived and executed according to the logic of territorial occupation, a euphemism for population control and police saturation in poor neighborhoods or areas of heightened social conflict.

The framework for this type of deployment goes back to the military operations of “pacification” in Vietnam in the 1960s, and more recently in Iraq and Afghanistan. According to this logic, certain zones are controlled by an “enemy” and therefore must be militarily invaded, re-taken and put under control in order to then carry out the tasks of “reconstruction”.³¹ In the case of security operations under this logic, such as the Police Pacification Units (UPP) in Rio de Janeiro, the Safe Neighborhoods plan in Buenos Aires or the Operation Liberation and Protection of the People (OLP) in Venezuela, the “enemy” is organized crime. Once the invading military forces or police tactical units evict the criminals, new police corps trained for proximity work would then have ongoing presence in these neighborhoods.

Chile’s Jungle Command is currently intervening in the Araucanía region to “pacify” the area in which the Mapuche community is defending its ancestral territories. Meanwhile, a month after beginning the intervention, Chilean Interior Minister Andrés Chadwick acknowledged that violent incidents had been on the rise since the deployment of the Carabineros special unit in the territory.³²

Argentina has also involved intermediate security forces like the National Gendarmerie and the Naval Prefecture in carrying out tasks of occupying poor neighborhoods. These new uses of intermediate forces for police functions include everything from urban patrol in poor areas with high levels of social conflict, to vehicle checks and identification of persons, to providing safe custody for women who are victims of gender violence, to neighborhood intelligence tasks or interventions in family and neighbor disputes. Tactical groups belonging to the Naval Prefecture were deployed in Patagonia in the context of social conflicts with indigenous groups claiming rights of access to land. These forces were not created specifically to fulfill these functions, and in fact pre-exist the emergence of drug trafficking as a problem on the public agenda, but nevertheless are placed at the service of strategies to counter this and other phenomena.



JOINT COMBINED EXCHANGE TRAINING MISSIONS IN LATIN AMERICA



Source: Author’s compilation based on data from Security Assistance Monitor and official documents from the US Southern Command.

TRAINING IN COUNTERING TRANSNATIONAL ORGANIZED CRIME (CTOC)

	Who was trained	Who provided training	Financed under what program
Mexico	SEDENA, SEMAR, Jalisco state government, among others	All courses provided by the Center for Hemispheric Defense Studies (CHDS) and the William J. Perry Center for Hemispheric Defense Studies. Both report to the US Defense Department	1. Combating Terrorism Fellowship Program (CTFP) 2. Regional Centers for Security Studies Both report to the US Defense Department
Argentina	National Ministries of the Interior, Justice and Human Rights; Ministries of Security for provinces of Buenos Aires and Santa Fe, Federal Police, among others		
Brazil	Superior School of War, Federal Police, Ministry of Defense, among others		
Peru	Air Force, National Intelligence Office, Judiciary, Ministry of the Interior, Attorney General’s Office, among others		

Source: Author’s compilation based on data from Security Assistance Monitor.

the impact of “new threats”
on human rights

3



chapter 3

The impact of “new threats” on human rights

Countries that have adopted strategies of militarization, meaning the widespread, long-term participation of the armed forces in internal security duties, have the most serious violations of human rights, including executions, torture and enforced disappearances. Grave human rights violations have also been reported where “wartime” strategies were employed, such as the militarization of the police or police tactics or deployment based on territorial occupation. These negative effects should serve as a warning to those governments that, disregarding them, choose to move forward with militarization processes.

Executions, disappearances, torture

Colombia, Mexico, Honduras, El Salvador and Guatemala are the countries in the region that systematically use or have used the armed forces for internal security tasks in recent decades. These are also the countries with the worst human rights violations perpetrated by military personnel in Latin America since the downfall of dictatorships in the region.

Extrajudicial executions at the hands of military personnel occur when members of the armed forces operationally intervene against organized crime, and their victims may be people involved in illegal networks and also farmers, human rights activists, or members of the political opposition. In Colombia, more than 3,000 cases of executions carried out by the Army in operations against guerrilla forces and organized crime were investigated between 2002 and 2008. In some cases, the victims were individuals with no connection whatsoever to these activities and, after they were murdered, they were dressed up as guerrilla fighters or planted with weapons and presented as combat casualties. In other cases, common criminals were murdered. During this period, the number of common criminals allegedly killed in clashes with the Army increased from 27 in

2004 to 325 in 2007. This should have been alarming to the authorities since, in contrast to interventions against guerrilla forces, the use of lethal force in fighting crime is authorized only under very specific circumstances. When the scandal became public in 2009 (under the name of “false positives”) and the authorities began to take steps, the estimated number of alleged criminals killed by the Colombian armed forces dropped to an average of nine per year.¹

In Honduras, where the Special Forces of the armed forces intervene in operations to combat drug trafficking, it has been reported that they were responsible for dozens of executions occurring in the Bajo Aguán region. Between 2010 and 2013, at least 88 farmers from that region were killed. A large number of testimonies indicated that these murders were committed by “death squads” made up of military personnel from the Special Forces, police and private security agents that work for palm oil production companies involved in a conflict with peasant communities over land ownership. The Special Forces suspected of executing farmers were trained by military personnel from the United States and Israel and also receive material assistance from those countries. The Honduran government tried to justify the actions of the armed forces, maintaining that armed revolutionary groups operate in the area and characterizing the farmers’ fight for access to the land as terrorism and organized crime. These cases were documented by various human rights and farmers’ organizations. A report by the organization Rights Action analyzed at least 34 cases of grave human rights violations by Honduran Special Forces personnel in the area.²

In 2012, during a nighttime raid in the town of Ahuas, the Honduran National Police killed four people after firing on a boat they suspected of trafficking illegal substances. It was later shown that the people killed had no connection to drug trafficking. The Honduran forces were accompanied by DEA agents as part of a special unit known as FAST (Foreign Advisory Support Team).

This raid was part of Operation Anvil, an anti-drug trafficking program in Honduras for which the United States provided surveillance and detection services, as well as armed aerial support. When the matter became public, the DEA ceased the joint operations between FAST and the Honduran National Police.

The participation of the military in combating drug trafficking in Mexico dates back to the 1960s but increased after 2006, when the national government decided to implement mass involvement of the armed forces. After that deployment, there was a sharp increase in reports of human rights violations committed by the military forces coordinated by the Secretariat of National Defense. This is clear in reports prepared by the National Human Rights Commission of Mexico; the UN Special Rapporteur on Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment; the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions; and the Inter-American Commission on Human Rights (IACHR). Summary executions are one of the gravest types of incidents reported. Some of them were presented as alleged errors by military personnel who later tried to cover them up by faking armed confrontations. This is what occurred in Nuevo León in March 2010 when a group of military personnel supposedly mistook two *Instituto Tecnológico de Estudios Superiores de Monterrey* students for hit men and executed them outside the university, then planted weapons with the bodies.³ A month later in Nuevo Laredo, nine-year-old Martín Almanza Salazar and five-year-old Brayan Almanza Salazar were killed by military personnel who opened fired and threw grenades at the car in which their family was traveling, which allegedly did not stop at a vehicle checkpoint.⁴ There have also been mass executions like the one that took place in June 2014 in Tlatlaya. The Army reported that “combat” there left 22 criminals dead and one soldier wounded. A subsequent investigation by the National Human Rights Commission showed that at least 15 people were executed and that the scene had been altered

to fake an armed confrontation.⁵ No punishment has been ordered in the case, although a judge recently ruled that the investigation carried out by the National Attorney General’s Office was not comprehensive and ordered that the probe be reactivated.⁶ In May 2017, during an Army operation in Puebla, images were taken that show soldiers shooting a person to death. Amnesty International verified the authenticity of these images and demanded an investigation.⁷

In Rio de Janeiro, Brazil, in the few months between the decision to hand city security over to the military in February 2018 and the writing of this report, executions at the hands of soldiers have already been reported. In late August, citizens residing in the Complexo da Penha favela told officials from the public defender’s office that military intervention in their neighborhood was characterized by searches without a warrant, abuse and torture; they also reported the execution of several youths whose bodies were allegedly hidden in the jungle abutting the slum.⁸

Disappearances are another grave occurrence associated with military intervention in security matters as they may often cover up executions or enforced disappearances. There is concern over the situation in Mexico, where actions by criminal groups and illegal interventions by the armed forces feed into each other. According to the National Register of Information on Missing and Disappeared People, more than 34,000 disappearances were reported between 2007 and 2017.⁹ In 2006, before large-scale military intervention began, the National Human Rights Commission received four reports of enforced disappearance. By 2010, during military intervention, that number had increased to 77 per year. According to civil society organizations, at least 3,000 enforced disappearances occurred between 2006 and 2010.

Different recommendations made by the National Human Rights Commission to the Defense Secretariat between 2006 and 2015 show that participation in disappearances by members of the armed forces is a fact



that has been established by the Mexican government itself.¹⁰ It is unclear what role was played by the military in the enforced disappearance of the 43 students from Ayotzinapa in September 2014, which, in principle, was perpetrated by the municipal police of Iguala. According to the Interdisciplinary Group of Independent Experts (known as the GIEI), which investigated the case, the Army was continually aware of what was happening, there were soldiers and military intelligence agents present at different scenes linked to the disappearances, and they did nothing to prevent them.¹¹

Disappearances have also been a mass phenomenon in Colombia in recent decades and have been carried out both by the armed forces and by revolutionaries and criminal organizations. The Single Registry of Victims of the Colombian government states that between 1985 and 2018, at least 47,259 people were direct victims of enforced disappearance and another 123,113 were indirectly affected.¹²

Torture and other types of abuse have also been reported in countries where the armed forces intervene in internal security. These human rights violations are reported both in the context of alleged criminal investigations, with

the goal of extracting information, as well in cases of extortion and military participation in illegal networks. In Apaneca, El Salvador in 2016, a group of soldiers was sent by their superiors to capture and torture two youths who had recently robbed the home of an Army colonel. As a result of this incident, eight soldiers were sentenced to 14 years in prison, and three senior Army commanders face charges for having given the order and later attempting to bribe and threaten the court.¹³ Also in El Salvador, in early 2018, three military servicepeople and five police officers were arrested for torturing a young woman after stopping her at a vehicle checkpoint.¹⁴ In Honduras, military presence in the management of prisons has also given rise to multiple reports of torture and abuse.¹⁵ In Mexico, the Claudia Medina Tamariz case illustrates the use of torture as an investigative “method.” In August 2012, Medina Tamariz was arrested along with her husband by members of the Navy in Veracruz during an illegal search. They were transported to a naval base where they were tortured for 36 hours and then left with the National Attorney General’s Office, which forced them to sign a statement without knowing its content. Medina Tamariz was accused of leading a drug cartel and was released on bail in 2014.

The atrocities committed by military personnel in charge of combating crime seem to go unpunished in the vast majority of cases. This is due in part to the weakness of judicial systems but fundamentally to a series of mechanisms that the armed forces and political authorities have set in motion to cover up crimes and guarantee impunity. One of these mechanisms consists of trying crimes committed by military personnel in a specific tribunal or jurisdiction. This means that military personnel are tried by their fellow servicepeople. It has generally been observed that these tribunals act in a corporatist manner and without autonomy.

The Inter-American Commission on Human Rights has observed that when a state “permits investigations to be conducted by the entities with possible involvement, independence and impartiality are clearly compromised.”¹⁶ Regardless, Mexico in 2016 and Brazil in 2017 extended military jurisdiction over crimes committed against civilians. The IACHR and the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights (OHCHR) rejected this initiative, emphasizing that it was “incompatible with international obligations assumed by Brazil in the area

of human rights” (OAS, 2017). In Peru, Law 30.151 and Legislative Decree 982 of 2014 modified Article 20 of the Criminal Code, declaring immunity for any member of the armed forces and the National Police who “cause injury or death in carrying out their duty and using their weapons or other means of defense.” Special laws passed to perpetuate the militarization of security, such as the Internal Security Law passed in Mexico in December 2017, have the same thrust. As military personnel ensure accountability only to themselves, interventions by the armed forces operate within a framework of a state of exception in which special laws and regulations suspend the application of ordinary legislation and individual guarantees.

MEXICO 2008-2013

Ratio of civilians killed to police or soldiers killed in operations against organized crime

Year	Federal Police	Mexican Army
2008	1.1	5.1
2009	2.6	17.6
2010	3.5	15.6
2011	9.4	32.4
2012	10.4	23.5
2013	6.7	20.1

Source: Forné, Corre & Rivas, 2017.¹⁷

BRAZIL

RIO DE JANEIRO

People killed by state forces



236

2013
1st half

895

2018
1st half

279%
increase

Increase in lethality and escalation of violence

In addition to illegal practices such as torture, summary executions and disappearances, military intervention in internal security is associated with an escalation of violence in general. First, it has been observed that military intervention tends to be accompanied by an increase in the lethality of police forces. Second, experiences such as those of Mexico and Brazil demonstrate that, faced with greater firepower, organized criminal groups acquire other weapons, and their tactics become even more violent. The intense circulation of war materials and personnel trained by the armed forces and/or criminal groups, as in the case of the Zetas in Mexico or the Kaibiles in Guatemala, is another phenomenon that leads to an escalation of violence.

The mass participation of military personnel in internal security duties in Mexico correlated with an enormous increase in the homicide rate in general and the lethality of state forces in particular. In the past ten years, the number of intentional homicides increased by 250%, from 8,867 homicides reported in 2007 (the first year of military intervention) to more than 29,000 in 2017. This represents a jump from 8 to 24 homicides per 100,000 inhabitants. In total, intentional homicides account for at least 250,000 deaths.¹⁸ Lethality can be measured as the ratio of civilian deaths to the number of police and/or military personnel killed, or as the ratio of civilian deaths to the number of civilians injured in police and/or military interventions. In interventions by the Mexican Army, an average of eight deaths were reported for each individual injured, and in the Navy, 30 deaths per individual injured. This is an extremely high lethality rate given that organizations like the Red Cross state that in wartime contexts generally, an average of one death is reported for every four individuals injured.¹⁹ An annual comparative breakdown of lethality rates of the Army and the Federal Police between 2008 and 2013 not only shows the extremely high lethality rate of the Army, but also that there was an alarming increase in the lethality rate of the Federal Police after military personnel became involved in operations against organized crime.

Between 2008 and 2014, the officially reported number of people killed by state forces in operations against organized crime was: Army, 1,755; Navy, 320; Federal Police, 523. Other sources indicate that between 2007 and 2012, the Army alone killed 3,000 people and that 158 soldiers were killed,²⁰ a ratio of nearly 20 to 1. According to information from the Center for Research and Teaching in Economics (CIDE), between 2006 and 2011, 86.1% of civilian deaths resulted from clashes with "perfect lethality," that is, with no wounded, only dead. This tends to be an indicator of summary executions.

Two security plans were implemented in Venezuela in recent years. The Safe Homeland Plan (2013-2015) and Operation Liberation and Protection of the People (2015-2017) incorporated armed forces personnel into regular saturation patrols of poor neighborhoods. These saturation patrols entail military and police occupation, often with aerial support, of a specific area in which arrests and searches are carried out. The authorities considered the number of people killed to be an indicator of the success of these patrols, an approach that incentivizes state violence. According to judicial sources, in the period in which these joint patrols began, the number of civilians killed at the hands of state forces increased by more than 100%, from 837 in 2013 to 1,052 in 2014 and 1,777 in 2015.²¹ Other figures compiled by the Venezuelan Observatory of Violence indicate that 5,281 deaths were reported in 2016 due to "resisting authority" (that is, killed by police or military forces), and in 2017 this number grew to 5,535. In 2012, deaths at the hands of state forces accounted for 4% of total homicides over the course of the year; in 2013, 5%; in 2014, 7%; and in 2015, 10%.²² This exponential increase in state violence does not appear to have contributed to the pacification of the country. On the contrary, state violence increases violence in general: the rate of violent deaths rose from 73 per 100,000 in 2012 to 91.8 in 2016.²³

The process of militarization in Rio de Janeiro underwent a qualitative change in February 2018 when management of city security was handed over to military commanders, who assumed operational control of the police and also deployed troops in the favelas. This is a typical case in which an increase in violence is presented as justification for military intervention. Rio de Janeiro is a state with historically high homicide rates and extremely high levels of police lethality. Between 2008 and 2012, the homicide rate trended downward such that in 2012 the lowest homicide rate in recent decades was reported (28 per 100,000). But as of 2013, the number of homicides began to increase again, and in 2017 the rate was nearly 40 per 100,000. Police homicides accounted for nearly 10% of violent deaths annually. In this context, in six months of intervention (between February and July of 2018), 738 deaths were caused by the action of state forces. The period from January to July 2018 was the most violent in the last five years: during the same period in 2013, police killed 236 people, compared with 895 in 2018. This is equivalent to a 279% increase in deaths caused by state forces over five years.²⁴

Figures from these countries show that the authorities use high levels of violence as a justification for military intervention, but rather than decreasing violence, that intervention feeds back into it. The supposed solution becomes a central part of a much larger problem.

Militarization of social conflicts and repression of protests

Various countries in the region have mobilized military forces to suppress social conflicts. The reason presented for using the armed forces or for sanctioning legislation that allows for this possibility is the supposed existence of "violent groups" that aim to destabilize the state. In Colombia, despite the fact that the Constitution differentiates between police and military functions, the armed conflict has been used to justify participation of the armed forces in protests, particularly when the executive branch has accused them of being "motivated" or "infiltrated" by guerrilla forces. In Peru between 2006 and 2016, there were at least 15 interventions by the armed forces that arose from social conflicts.²⁵ In 2010, a presidential decree granted the armed forces the authority to support police forces and consider mobilized social groups as "hostile groups." The protection of "strategic facilities" also served as a justification for sending military personnel to control social conflicts. These facilities tend to be the very source of the conflicts, for example those associated with extractive industries. Therefore, many social demonstrations tend to be directed against them. In 2012, in the context of a protest in Cajamarca against the establishment of a mining megaproject, a joint operation by the police and the armed forces caused five firearm-related deaths, along with dozens of injuries.

A legislative reform in Paraguay in 2013 allowed the country's president to utilize the armed forces in "cases of threats or violent actions against legitimately constituted authorities that impede the free exercise of their constitutional and legal functions" – an abstract description that could allow use of the armed forces in protests. Military personnel were also involved in controlling and repressing public demonstrations in Honduras, Guatemala and Mexico. According to the Committee of Relatives of the Detained and Disappeared in Honduras,²⁶ the Honduran military has been involved in human rights violations against activists, community leaders, indigenous people and human rights defenders, as well as participating in evictions and violent raids without a warrant. In Guatemala, soldiers and police were used to break up an educational protest in October 2012. They opened fire on the demonstrators, killing eight and wounding dozens.

In Venezuela, the intensification of social conflict seen in recent years was addressed by the government through a 2015 decree that authorizes greater involvement of the military in the maintenance of "public order" and "social peace" in "public assemblies and demonstrations." Violence at public demonstrations has only increased since then. The IACHR expressed its concern over the

"militarization of public security operations to dissuade and, in some cases, impede the exercise of the right to peacefully protest" and noted that "the militarization of citizen security produces violations of other human rights, in addition to the right to peaceful social protest and to freedom of expression."²⁷

Violence against migrants and forced displacement

The vague definition of "new threats" allows for socio-economic problems such as migration to become part of national security agendas. When associated with issues such as drug trafficking or terrorism, migration stops being a human right and becomes a potential crime. The use of military forces to control borders exacerbates the already vulnerable situation of migrants, who are nearly always poor people trying to escape hardship and violence. In some countries, this phenomenon is also seen internally, with hundreds of thousands of people displaced by armed conflicts.

The militarization of border control can lead to incidents like the one reported on the border between the Dominican Republic and Haiti in July 2000. The Dominican Republic had militarized its border with Haiti ostensibly to prevent the trafficking of drugs or weapons. A truck carrying 30 Haitians, including a minor and a pregnant woman, failed to stop at a military checkpoint in Dominican territory. Soldiers chased the truck and riddled it with bullets, killing seven people. Another ten were injured. The survivors were arbitrarily detained in military facilities and deported to Haiti without initiation of a formal procedure. An investigation was carried out by Dominican military justice, which absolved all military personnel involved. The Dominican Republic was condemned for this incident by the Inter-American Court of Human Rights in October 2012.²⁸

In recent years, the Venezuelan economic crisis has led to a significant increase in emigration. The response of neighboring countries Colombia and Brazil has been to militarize border control and also, in the case of Brazil, to delegate the task of receiving migrants to the Ministry of Defense and the armed forces. Human rights organizations reported that the Army's plan for receiving migrants entails violating the human right to migrate, as it involves building shelters in areas far from cities, creating a system of permits to move from place to place, and establishing a medical barrier that, with the excuse of preventing health problems, serves as an obstacle to free movement. As this report was being finalized, social



organizations were demanding transfer of management of these mechanisms to civilian public bodies in the social and health areas.²⁹

With regard to forced displacements within a country, the most violent conflicts that have had massive armed forces involvement are those of Colombia and Mexico, and the most serious problems of forced displacement have also occurred in these countries. In the case of Colombia, this is a long-standing problem arising as a direct consequence of the country's internal armed conflicts and its strategies to "combat drug trafficking" whereby military intervention increased the degree of violence inflicted on rural populations. The Colombian government acknowledged that between 1997 and 2012, some 4.9 million people were the victims of forced displacement. According to the Consultancy for Human Rights and Displacement (CODHES), the number of people displaced between 1985 and 2012 was 5.5 million, and the situation persists: in the first half of 2018, more than 35,000 forced displacements were reported.³⁰ Since the beginning of military intervention in Mexico, from 2006 through 2017, there were a reported 330,000 victims of internal forced displacement to avoid the effects of armed conflict, situations of widespread violence and human rights violations, according to the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH).³¹

The consequences of constructing internal enemies

The introduction of the issue of terrorism on the agenda of Latin American governments has implications that go beyond geopolitical matters. The rhetorical construction of a link between specific groups and terrorist activities is one strategy for identifying those groups as internal enemies or threats to the state. Exceptional measures are thereby deployed, on the basis of special criminal procedures or antiterrorism laws that were sanctioned or modified in many of the region's countries in recent years. This can also provide justification for the use of heavily armed elite tactical police units against groups that have been identified as dangerous. In El Salvador, the antiterrorism law of 2006 allows for gangs, or *maras*, to be defined as terrorist organizations. In Guatemala, the Law Against Terrorist Acts that began to be debated in late 2017 has a similar thrust and could even classify practices such as social protest and roadblocks as terrorist acts. Antiterrorist legislation in Chile, which includes very severe penalties, has been used to charge and place under pre-trial detention Mapuche leaders accused of various acts of violence. In the *Norín Catrimán v. Chile* case, the Inter-American Court of Human Rights condemned the Chilean government for using the antiterrorism law in a discriminatory manner against the Mapuche people. In 2014, the same court ordered Chile to overturn guilty verdicts rendered and revoke prison terms, releasing the victims and paying them reparation. In August 2018, the UN Committee

Against Torture expressed its concern over abusive application of the antiterrorism law against Mapuche activists and requested that Chile review this legislation and further specify its definition of acts of terrorism.³² Despite these precedents, human rights defender Francisca Linconao and ten other members of the Mapuche people are still being prosecuted for crimes of terrorism in a judicial process investigating the deaths of Werner Luchsinger and Vivianne Mackay in 2013 resulting from a fire at their home, which was located in ancestral indigenous territory.

In its strategy against the Mapuche people, the Chilean government has undertaken practices of illegal intelligence and manipulation of evidence in order to incriminate activists as part of an illicit terrorist organization. Operation Hurricane was carried out by a special division of the police, the Special Operational Intelligence Unit, which had been specifically created to handle the Mapuche issue. The discovery that evidence incriminating the Mapuches had been fabricated led to the prosecution of three police chiefs, a computer engineer and two expert witnesses,³³ as well as the resignation of the force's general director, Bruno Villalobos. In Argentina, the government that took office in 2015 adopted a similar position regarding the claims of Mapuche groups in the Patagonian provinces of Chubut and Rio Negro. Various executive branch officials at the provincial and national levels have publicly associated the members of this Mapuche community with terrorism, groundlessly accusing them of wanting to "impose an autonomous Mapuche republic in the middle of Argentina" or characterizing them as "criminals" and "violent people who do not respect laws, our nation, or the flag."³⁴ Federal forces were deployed in the area with orders to enter communities and capture activists discovered in alleged flagrant offense of the law. In this context, a tactical group of the Argentine Naval Prefecture killed the young Mapuche activist Rafael Nahuel, who was unarmed.

The practice of constantly patrolling neighborhoods, establishing checkpoints, carrying out procedures on public transportation, and detaining and repeatedly searching residents creates a landscape similar to that of a military occupation.

Discriminatory police deployment

Population control operations or territorial occupation of poor neighborhoods by police forces also entail various rights violations. These interventions tend to be justified as necessary measures to "flush out" drug trafficking and organized crime. The practice of constantly patrolling neighborhoods, establishing checkpoints, carrying out procedures on public transportation, and detaining and repeatedly searching residents creates a landscape similar to that of a military occupation. The same thing occurs with the de facto imposition of "curfews" by the police, even when there are no regulations ordering them. The idea that there is a prohibition imposed by the police to move around at night, directed especially at young people, exists in neighborhoods in Argentina and Brazil that have a heavy police presence.

In Brazil, during the period in which the Police Pacification Units were functioning in Rio de Janeiro, there were also reports of the police practice of prohibiting certain cultural activities, such as "funk dances."³⁵ The units' programs initially showed some success in reducing homicides, largely based on the temporary decline in police lethality itself. But very soon the coexistence of "proximity" police and people living in slums became highly problematic due to repeated abuse and the control exercised over all aspects of daily life in the communities.³⁶ In Venezuela since July 2015, there has been an increase in interventions within the framework of Operation Liberation and Protection of the People (OLP), with mass raids carried out in low-income communities by police and military forces. According to a report by PROVEA and Human Rights Watch, in the context of these raids there have been reports of "human rights violations including extrajudicial executions and other violent abuse, arbitrary detentions, forced removals, the destruction of homes, and the arbitrary deportation of Colombian citizens often accused without proof of having connections to 'the paramilitary.'"³⁷ In Argentina, the presence of militarized security forces like the National Gendarmerie or the Naval Prefecture carrying out patrol duties in poor neighborhoods has led to repeated cases of abuse, humiliation and torture of youths in these areas.³⁸

Operations like those of the Police Pacification Units in Rio, Operation Southern Belt and the Safe Neighborhoods program in Buenos Aires, or the OLP in Venezuela are presented as a step forward in the state's work to provide security for poor neighborhoods, and occasionally as

"community policing" initiatives in areas where security forces were only present to conduct illegal business or carry out violent searches. However, the absence of political oversight and the inclusion of this permanent presence in population control programs, rather than in proximity policing, make these operations a breeding ground for problematic interactions between security forces and people living in poor neighborhoods,³⁹ who suffer racial and class discrimination by the police. These territorial occupations constitute a type of police deployment that would not be tolerated in middle- and high-income areas of the city. They thereby entail discriminatory treatment toward a wide sector of the population targeted for continual control.



INCREASE IN THE NUMBER OF PEOPLE DETAINED AND/OR INCARCERATED

The "war" against drug trafficking and other quasi-warlike approaches to other crimes produced a huge increase in detentions.

250% BRAZIL
1992-2014

242% PERU
1992-2015

212% COLOMBIA
1992-2015

182% URUGUAY
1992-2014

177% PARAGUAY
1997-2014

163% ARGENTINA
1996-2016

123% ECUADOR
1992-2014

Mass incarceration

Since the "war on drugs" and other quasi-warlike approaches to different criminal phenomena, there has been a massive increase in the number of people detained and/or incarcerated all across the Americas, including in the United States.

Since 1950, in seven countries of the region (Argentina, Brazil, Bolivia, Colombia, Ecuador, Mexico and Peru) the number of criminal offenses that punish drug-related conduct increased tenfold, and the total number of penalized conducts related to illicit substances increased from 67 to 344. The criminal codes in a large number of Latin American countries disproportionately punish conduct related to illicit drugs. The implementation of hardline legislation has led to an overload of courts and prisons, and to tens of thousands of people being deprived of their liberty for minor drug-related offenses, or for simple possession. The weight of this legislation has mainly fallen on the most vulnerable sectors of society.⁴⁰

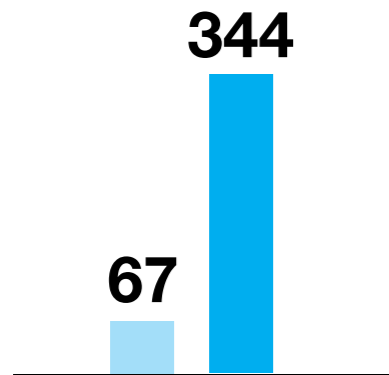
There has been an exponential increase in incarceration rates over the last two decades in Latin America, though with local variations. Brazil shows the greatest growth with a 250% increase between 1992 and 2014, followed by Peru (242% between 1992 and 2015), Colombia (212% between 1992 and 2015), Uruguay (182% between 1992 and 2014), Paraguay (177% between 1997 and 2014), Argentina (163% between 1996 and 2016), and Ecuador (123% between 1992 and 2014).⁴¹ In El Salvador, there are nearly 500 people detained per 100,000 inhabitants, a rate exceeded only by the United States, and prison overpopulation is reported at 300%.⁴²

All across the region, the period in which the prison population has sharply risen coincides with the increase in depriving people of their liberty for drug offenses. The Americas has the highest rate of people incarcerated for drug-related crimes: approximately 51 people per 100,000 inhabitants, compared with 28 per 100,000 inhabitants worldwide.⁴³

The conditions of overcrowding affecting the majority of detainees constitute violations of basic human rights. In the case of women, mass incarceration for drug-related crimes leads to grave violations. The percentage of women in prison for this reason is higher than the percentage of men. Furthermore, that proportion has increased in recent years: between 75% and 80% in Ecuador; 64% in Costa Rica; 60% in Brazil; 66% in Peru; and between 65% and 80% in Argentina. These climbing numbers have no impact on the operation of drug trafficking.

**CONDUCT PROHIBITED
IN LATIN AMERICA**

1950-2018



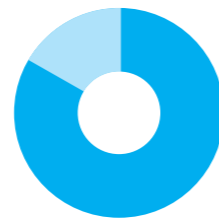
Argentina, Brazil, Bolivia,
Colombia, Ecuador, Mexico y Peru

The number of penalized conducts related to illicit substances went from 67 to 344.

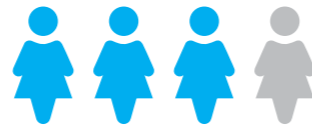
**INCARCERATED WOMEN
IN ARGENTINA**

1990-2017

205%
increase



85%
of women are detained
for drug-related cases



3 out of 4
have no conviction

Data from the Federal
Penitentiary Service

According to official data regarding the Federal Penitentiary Service, between 1990 and 2017 the female inmate population grew 205%. In 2017, 85% of the women detained in this service had infringed Law 23.737 on narcotics. Of those, only one out of every four had been convicted. In the case of women, prison terms entail a brutal severance of family or emotional ties.⁴⁴

The exponential increase in the prison population is fed by police practices of mass drug-related arrests, generally focused on users or small dealers apprehended on the street and not as a result of prior investigation. In Chile between 2012 and 2016, the police detained more than 130,000 people for alleged drug-related crimes, 68.8% of them for use, possession or micro-trafficking.⁴⁵ In Mexico, the Attorney General's Office of Mexico City verified that the majority of people arrested by police were detained in flagrante. Less than 2% of arrests involved three or more people, indicating a focus on street dealers who are easily replaced and on users found in possession of drugs. There has also been an increase in the proportion of crimes for possession, which federal authorities classified as use (grouping, or confusing, users with small-scale traffickers), and which increased from 31.5% in 2010, to 41.6% in 2011, and to 47.9% in the first months of 2012.

In Argentina, the government declared a "war on small-scale trafficking" in 2015 which led to an increase in arrests. In the province of Buenos Aires, the government announced that between December 2015 and May 2018, 57,000 raids against small-scale trafficking were carried out, resulting in the arrest of 80,500 people.⁴⁶ Information on the number of court cases initiated and later brought to trial suggests that a huge proportion of those police detentions did not later lead to criminal proceedings, meaning that they were either very minor cases, cases of detention without solid evidence, or staged arrests. This assumption is reinforced, in the case of federal forces, by the fact that between 80% and 85% of arrests made by these forces involve in flagrante cases that entail no prior investigation. The war on small-scale trafficking seems to be an excuse for broadening the scope of discretion for police action on the streets, as well as a policy of mass detention and incarceration of users and small-scale dealers—in other words, of population control in low-income sectors.

The war on small-scale trafficking seems to be an excuse for broadening the scope of discretion for police action on the streets, as well as a policy of mass detention and incarceration of users and small-scale dealers—in other words, of population control in low-income sectors.

Militarization: An increase in state violence that precludes real solutions

During the last three decades, the doctrine of “new threats” has been the backdrop and justification for toughening security policies and involving the armed forces in operations against crime in Latin America. The issue of drug trafficking occupies a central role in this doctrine.

While the “war on drugs” and prohibitionism have been challenged in the international debate by different actors proposing new paradigms for dealing with the issue of drugs—centered on state regulation of markets, decriminalization and harm reduction—the idea of “new threats” seeks to perpetuate the status quo of prohibition and punishment, promoting the construction of internal enemies and the expansion of military power and of US influence in the region. The evidence shows the negative consequences of these processes of “toughening” and militarization, which have not proven effective in containing criminal phenomena or reducing levels of violence.

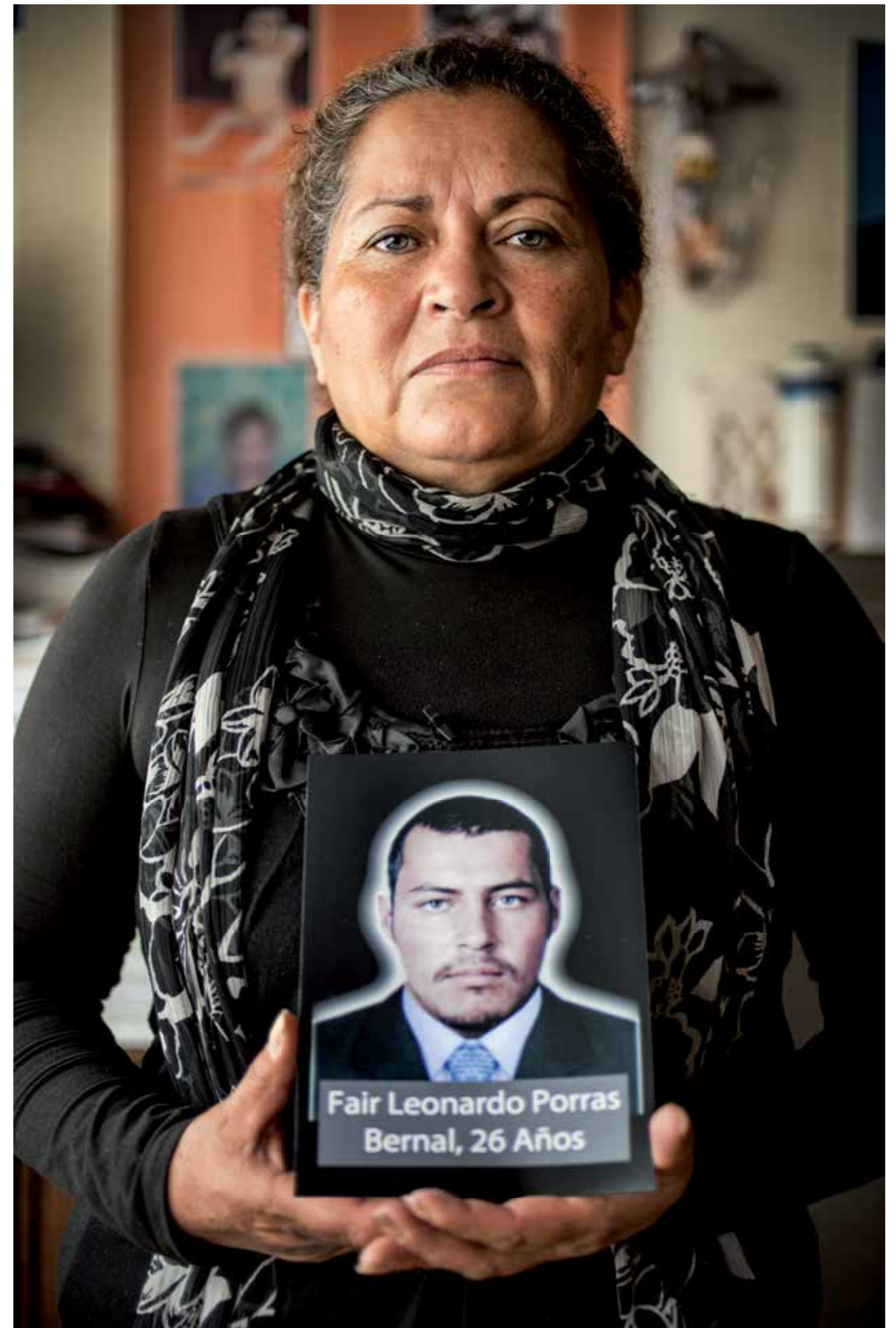
These negative consequences were described earlier as the political and institutional risks of de-professionalization of the armed forces and security forces, the spread of corruption among military personnel, and the increased weight of the military vis-à-vis civilian authorities. Multiple serious effects on human rights have also been reported: violations that range from compromising the right to life, freedom and physical integrity of thousands of people to alarming limitations on fundamental political and social rights such as the right to protest, to freedom of expression, and to migrate. Governments that use these policies increase violence levels in their societies, sometimes exponentially, and reinforce mentalities of population control that particularly affect the poorest sectors of society.

In recent years, human rights protection systems have focused attention on denouncing these violations. The various human rights impacts of the “war on drugs” are being flagged by the UN Office of the High Commissioner for Human Rights (OHCHR). This office prepared a report at the request of the UN Human Rights Council, which will be presented in March 2019 to the organization responsible for designing the global strategy against drugs: the Commission on Narcotic Drugs in Vienna. The report by the Office of the High Commissioner includes a special section on security policies and their impact on human rights, acknowledging that there is an alarming trend of militarized state reactions, made possible in many cases by institutional and legislative reforms that alter the legal frameworks in force. The

human rights violations that occur as a result particularly affect vulnerable social groups.⁴⁷ The report includes recommendations to states, which must align their security interventions with human rights principles and end the punitive criminal justice policies that have fostered prosecution of marginalized populations and prison overcrowding.⁴⁸

Militarization, then, does not solve the problems of crime or violence and serves as an obstacle to finding real solutions. The hardline measures typical of punitive demagoguery are justified by supposed citizen demands for a “crackdown,” but rather than translating these demands into democratic and inclusive policies, they feed into a cycle of violence and hatred. They are presented as an apparently easy way out that indefinitely postpones the fundamental changes truly important for social issues like health and migration and the deep reform of police forces in the region in a democratic and transparent way. They also avert any serious discussion about the characteristics, dimensions and strategic orientations of defense systems in the region.

The idea of “new threats” seeks to perpetuate the status quo of prohibition and punishment, promoting the construction of internal enemies and the expansion of military power and of US influence in the region.



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