

International Observatory on Mexico: The Decision of Mexico's Supreme Court on the Internal Security Law Will Set a Fundamental Precedent on Militarization in the Country and in the Region

In the month of November, the Plenary of the Mexican Supreme Court (*Suprema Corte de Justicia de la Nación*) will consider the constitutionality of the [Internal Security Law](#) (*Ley de Seguridad Interior*), which was published on December 21, 2017. Troublingly, while the Supreme Court's [draft resolution](#) on the issue—which was recently made public—finds that some articles of the law are unconstitutional, it concludes that the concept of “internal security” is valid in Mexico. The International Observatory on Mexico reiterates our objection to the Internal Security Law, joining numerous voices that have also rejected this law due to the serious implications it has for Mexico.

The Internal Security Law goes against Mexico's international obligations, as it perpetuates the military's presence in the streets and assigns them security tasks that are incompatible with the nature of their institutional mandate. Concerningly, the law submits civilian institutions to military authority, and lacks effective control and accountability mechanisms that are necessary in a democratic regime. Additionally, it infringes upon the right to justice for victims of military abuses, as well as society's right to truth.

Among the most concerning aspects of the Internal Security Law is that it places civilian authorities under the instruction of military authorities in the name of “national security”: it gives the military the power to gather intelligence and information from civilian institutions. The law includes vague concepts that allow the armed forces to decide what issues affect domestic security or constitute a threat or risk to the country (and when and how to react to them). Finally, it deems any information related to the implementation of the Internal Security Law a matter of “national security”, and therefore confidential.

We are also concerned that the Internal Security Law gives military authorities initial control over evidence linked to crimes. Paired with the absence of effective controls and accountability mechanisms to oversee those actions, this will limit the power of authorities within the civilian justice system, resulting in impunity.

Respectful of judicial independence, and in addition to what has previously been mentioned, we urge the ministers of the Mexican Supreme Court to consider in their analysis of the Internal Security Law the consequences of the military's presence in the streets over the past 12 years: the violence and human rights violations it has generated, a lack of attention to necessary police reforms, and a lack of transparency

and accountability for the actions of military officers. If the Mexican Supreme Court were to approve the Internal Security Law, it would represent a serious setback for the country, given the grave risks the law poses to the Mexican people's most fundamental rights, and given evidence that civilian authorities do not have the will to establish proper control mechanisms over the military, or to hold them accountable for their actions.

Additionally, it concerns the International Observatory on Mexico that a law permitting the participation of the military in tasks meant for civilian forces is considered an acceptable solution for combating violence and crime. Such policies have had disastrous results in Mexico and Latin America. It is also troubling that the Mexican government continues to focus on searching for legal means to maintain the presence of soldiers in the streets at any cost, and to militarize the country's security policies. As such, we insist on the importance of strengthening civilian institutions and committing to gradually withdraw the armed forces from public security tasks.

As the International Observatory, we have called attention to a concerning trend in Latin America, including in countries whose transitions to democracy were closely linked to fights for human rights, like Argentina: the resurgence of hybrid security concepts that blur the line between the spheres of national security and public security. This opens the door to vague concepts of "security" that lead to abuses and expand de facto the power of the armed forces. The [Inter-American Commission on Human Rights](#) (IACHR) has warned of the dangers of this trend. Mexico is a country that maintains an important presence and political weight in Latin America. Mexico's Supreme Court has the opportunity to send a message to other nations about the importance of strengthening civilian security institutions and establishing efficient mechanisms for overseeing the actions of the armed forces, making an important contribution to other countries in the region.

Signing organizations:

Acción de los Cristianos para la Abolición de la Tortura (ACAT)—France
Coordinación Alemana por los Derechos Humanos en México—Germany
Center for Justice and International Law (CEJIL)—Costa Rica
Due Process of Law Foundation (DPLF)—United States
Latin American Working Group (LAWG)—United States
Washington Office on Latin America (WOLA)—United States
Robert F. Kennedy Human Rights—United States
World Organisation against Torture (OMCT)—Switzerland

About the Observatory: The International Observatory on Mexico was created in December 2017, spurred by the passage of the Internal Security Law. The Observatory is made up of 10 international human rights and justice groups and works to monitor the situation of human rights in the country and to support national civil society organizations in the face of growing violence and insecurity, especially in the context of the militarization of security policy in Mexico.

The founding members of the Observatory include Amnesty International, Center for Justice and International Law (CEJIL), la Coordinación Alemana por los Derechos Humanos en México, Due Process of Law Foundation (DPLF), Latin America Working Group (LAWG), Washington Office on Latin America (WOLA), Open Society Justice Initiative (OSJI), Peace Brigades International (PBI-USA), World Organisation against Torture (OMCT), and Robert F. Kennedy Human Rights