

Invisible Weapons, Indelible Pain:

The Urgent Need for Transparency in the U.S. and Mexican Gun Trade

A report by the Mexican Commission for the Defense and Promotion of Human Rights, Stop US Arms to Mexico, and the Center for Ecumenical Studies

Executive Summary

This report seeks to show the difficulties of accessing information in Mexico and the United States regarding the firearms trade. We conducted research through hundreds of public records requests to the Mexican army and other agencies, by which we obtained receipts of firearms sales, as well as from public sources and our participation in an Open Government Partnership working group that focuses on the movement of firearms in Mexico. Based on this, we make a number of recommendations for Mexico and the United States to make progress on transparency and control of the flow of firearms, with the goal of forming policy based on well-founded and accurate evidence.

Gun violence in both countries has reached alarming levels. In Mexico, evidence indicates that military strategies have increased violence and the commission of serious human rights violations.¹ The United States also confronts a moment of gun violence committed by both police and private individuals; in 2020 the purchase of firearms in the U.S. increased by 40% over the previous year.² The data we obtained also show that in 2020 the United States exported 80% of small arms imported by Mexico.³ U.S.-sourced firearms also make up at least 70% of crime guns recovered in Mexico.⁴

In this context, transparency is indispensable for accountability, policies of prevention and access to justice. However, there continues to be international resistance to producing, sharing and publishing critical information regarding firearms transfers. In the case of Mexico, there are extensive discrepancies of data, excessive classification of information, or relevant information is simply not produced with the level of detail needed to assess problems or programs.

We found important omissions, for example, in information about end users of firearms imported into Mexico. The bulk of U.S. firearms exported to Mexico in 2020 were destined for the armed forces or police (96% of all such guns). Receipts we obtained show that, from 2006 to 2018, the Mexican army – SEDENA – sold U.S.-exported weapons to police, including state and local police in Tamaulipas, Guerrero, Chihuahua, and other states with extensive documented records of state violence and corruption.⁵ In end user certificates for more than 147,000 firearms exported by the United States from 2008 to 2019 for use by police in Mexico, however, the army declared itself as the end user.⁶

¹ Chávez Vargas, L. and Amaya Lule, J. (coords.). *Entre la brutalidad y la impunidad. Los crímenes atroces cometidos al amparo de la estrategia de seguridad militarizada, 2006-2018*. (Mexican Commission for the Defense and Promotion of Human Rights, Mexico City, 2020).

² Nass, D. *How Many Guns Did Americans Buy Last Month? We're Tracking the Sales Boom*. (The Trace. August 3, 2020).

³ Informe anual 2020 sobre las exportaciones y las importaciones de armas convencionales, según el artículo 13(3) del Tratado sobre el comercio de armas. (Arms Trade Treaty. May 19, 2021).

⁴ U.S. Department of Justice. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Mexico: Data: Source: Firearms Tracing System January 1, 2014 – December 31, 2019*. (U.S. Department of Justice. As of March 10, 2020)

⁵ Secretaría de la Defensa Nacional. Response to information request Folio 0000700176018, October 6, 2018.

⁶ Secretaría de la Defensa Nacional. Response to information request Folios 0000700337819 and 0000700033920.

For their part, U.S. companies exported 315,482 firearms around the world in 2019, mostly rifles and pistols, according to the Bureau of Alcohol, Tobacco and Firearms (ATF). However, the U.S. International Trade Commission reported 570,849 firearms exported by the United States in the same year. In addition, details about end user controls in firearms export licenses that may be required or approved by the U.S. government are unknown.⁷

The Mexican government has questioned the need for Mexico's National Transparency Institute (INAI) and reduced its budget.⁸ We believe that weakening the INAI would be a setback for guarantees to access to public information and accountability, which would also compromise other human rights. On the contrary, there should be greater visibility of the paths these weapons take from their purchase to their end user. The Open Government Partnership considers three types of transparency: reactive transparency, active transparency, and proactive transparency.

We make recommendations to the governments of both countries. First, the U.S. Senate should ratify the Arms Trade Treaty, and the U.S. Congress should repeal the Tiahrt Amendment from future spending legislation to allow U.S. federal agencies to compile, maintain and disclose digital registries for the production, distribution, purchase, trafficking and theft of firearms. We also urge the ATF to review the methods it uses for compiling the Annual Firearms Manufacturing and Export Report and Department of Justice to review the Memorandum of Understanding with Mexico's Prosecutor General, so that firearms E-Trace data on firearms recovered in Mexico and traced to the United States are not overly restricted. We also urge the United States to establish an adequate end user control system for firearms exports to Mexico.

We recommend that Mexico's Public Comptroller (*Secretaría de Función Pública*) and INAI make the dialogues about firearms between representatives of civil society, the Army, Navy and other federal agencies long-term and ongoing, and that this information be made publicly available. Federal, state and local government agencies should collect and proactively disseminate: data on the impacts of firearms, disaggregated intersectionally; data on ballistic prints and firearms used in violence, disaggregated by caliber, type, make of weapon, type of crime, and municipality, in addition to characteristics of the victim.

An undoubtedly important point for Mexico is that the army should identify and certify the true end users of firearms to exporting companies and authorities of their respective countries in the certificates issued before a license is issued or arms are shipped, and in complete, detailed and transparent registries on the process of importation, manufacture within the country, and distribution to end users of firearms, components and munitions. For these reasons, Mexico should establish an integrated registry overseen by civilian agencies, one that gathers together as much information as possible about firearms in Mexico. Congress should establish a National Unified Firearms Registry under civilian authority with oversight by Congress and the public

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⁷ AFMER. Bureau of Alcohol, Tobacco and Firearms, Firearms Commerce Report in the United States, Data & Statistics.

⁸ Press conference by Mexican President Andrés Manuel López Obrador. (December 4, 2018)