

# Investigating the Global Firearms Trade and Its Human Impacts in Mexico: International Delegation Report

## Introduction

From February 19 to 25, 2023, an International Delegation visited Mexico to investigate the flow of firearms, with the aim of strengthening the visibility, understanding and strategies to reduce and control the flow of firearms to Mexico from other countries, especially the United States, and demonstrate the interest and opposition of international civil society to the uncontrolled flow of firearms.

The visit occurred in the context of enormous violence: From 2010 through 2022, Mexico experienced more than 214,000 gun homicides, constituting more than two every three murders in the country.<sup>1</sup> This gun violence does not impact all equally or in the same way. Migrants traversing Mexico seeking safe haven are victims of forced disappearance. Mexicans who are indigenous or of African descent face oppression that can lead them to be victims of violent conflict, while those without material resources are harder hit when a breadwinner is murdered, displaced, or forcibly disappeared. Women experience gun violence more frequently at home, without a means to denounce it.

Nearly all of the weapons used in these crimes were produced in the United States and Europe. In addition, the delegation learned that criminal organizations in Mexico obtain weapons primarily from the United States, where military-grade rifles and pistols are easily purchased from any of thousands of gun dealers or gun shows, moved legally within the United States, and trafficked across the commercially busy border with Mexico.

Even as hundreds of thousands of firearms are trafficked illegally from the United States into Mexico each year,<sup>2</sup> Mexico has increasingly militarized its security policies, with assistance from the United States, especially since the declaration of the war on drugs in Mexico in 2006. Mexico is by far the largest purchaser of U.S. firearms in Latin America, with no controls on end uses of those exports.

The delegation undertook dialogues with survivors and family members of victims of gun violence in Guerrero and other parts of Mexico, human rights defenders, journalists, high-level officials from the Mexican government's executive branch, Mexican senators, and the Prosecutor General's Office. The

delegation also held public conversations to help identify joint international policies and campaigns to reduce and restrict the export and traffic of weapons



International Delegation to Investigate Firearms in Mexico

to Mexico. The delegation also participated in the binational Peace Summit, which brought together more than 300 community members and activists from Mexico and the United States to build a binational policy platform and a grassroots and intersectional movement, led by African-descendant, indigenous, displaced people, and others most impacted by gun violence.

An emblematic case is that of María Herrera, two of whose sons were disappeared in 2008. Another two were taken and disappeared in 2010. Fourteen years later, she knows that her four disappeared sons are, in all likelihood, dead. Mexico faces a forensics crisis, where the state's institutional capacity is overwhelmed by the number of human remains found in clandestine graves, with more than 52,000 unidentified bodies.<sup>3</sup> In this context, María will not stop searching, and fights on behalf of all disappeared through organized community-led searches for the remains of disappeared persons.

We prepared for and decided to visit Chilpancingo, Guerrero, in order to hear directly from survivors of gun violence, family members of victims, human rights defenders and journalists, after consultations with human rights organizations working in Guerrero, with national organizations hosting the delegation, and with the United States Embassy (who advised us not to travel to Guerrero). The delegation was deeply moved by the stories of horror and determination that we heard. Delegation members expressed solidarity, shared their indignation, and declared their profound admiration for the tireless struggle of those we met.

International delegation members were: Po Murray, president of the Newtown Action Alliance; Jonathan Lowy, Global Action on Gun Violence, who represents Mexico in its lawsuit against gun producers; Jorden Giger, co-founder of Black Lives Matter-South Bend; Manuel Oliver, director of Change the Ref and father of a student killed in the Parkland, Florida shooting; Laëtitia Sédou, director of the European Network Against the Arms Trade; Wolf Dieter Vogel, German journalist focused on firearms and human rights; Charlotte Kehne, expert on arms export control of weapons from Germany; Jonathan Hempel, co-founder Database on Israeli Military and Security Exports; Austrian documentarian Fernando Romero-Forsthuber; and John Lindsay-Poland, coordinator of the Stop US Arms to Mexico Project of Global Exchange.

The delegation was sponsored by Stop US Arms to Mexico, a project of Global Exchange, and in Mexico by the Mexican Commission for the Defense and Promotion of Human Rights, Center for Ecumenical Studies, Global Thought Mx, and the Tlachinollan Center for Human Rights.

## **Voices of Victims and Survivors**

The delegation visited Chilpancingo, the capital of the state of Guerrero to hear first-hand from victims and survivors of gun violence. Guerrero is one of Mexico's economically poorest states, and has a long history of armed violence, including a "dirty war" waged by the military against social movements and an armed insurgency in the 1970s. The state has significant natural resources, including gold and water, which have led to conflicts in response to extractivist projects opposed by local communities. The state is also an important region for growing poppies for heroin and for narcotics trans-shipments,

especially through the port in Acapulco. In response to these conflicts and the failure of state forces to protect communities, armed groups have proliferated in Guerrero, with 32 now operating in different parts of the state.

Many of the people we heard from were families of people who were forcibly “disappeared.” The “disappeared” are people who have been forcibly taken away, mainly by state forces or organized criminal groups, and not been found. Many are presumed to have been killed. Over 111,000 people in Mexico have been forcibly disappeared.<sup>4</sup>

We heard from community leaders and numerous families of disappeared people. Their stories were uniquely personal, but similar.

One leader told us that the violence in Guerrero is dire, and deteriorating. He described the state as an “exemplar of impunity,” in which violence arises from state and local government as well as criminal organizations, with police and the military often seen to be accomplices to or perpetrators of criminal violence.

Individual victims and survivors supported this account through their individual testimonies. A woman told of how her parents vanished one day, forcibly taken from their car. Their bodies were never found, but the evidence indicates they were burned. She searches for them still.

A woman told of how her husband vanished, forcibly taken. His body was never recovered. She searches for him still.

We heard more stories of disappeared. They told us that the cartels were responsible. Many family members told that the state or local police were complicit. Some described people in uniform abducting their loved ones. Many said that they had nowhere to turn – that there was no one they could trust, there was no one who would take action to find their loved ones.

The tragedy of losing their loved ones was compounded by the fact that they could not put their loss to rest, because they were never found, and their fate was uncertain. Every person we heard from had their lives consumed by their search for their loved ones. When asked what could be done to prevent more disappearances, all agreed that stopping the flow of guns into Guerrero was critically important.

Journalists told us how the cartels used abductions, torture and intimidation to silence reporting on their crimes. They told how reporting has virtually been eliminated in Guerrero, and there is not a single journalist operating in the Guerrero mountain area.

“The cocaine from Colombia comes to Guerrero – to its coasts, its beaches and ports. And that’s where they use the guns. Those who have guns in their hands have the power here in Guerrero. Here it’s not [President] López Obrador who governs, it’s not [Governor] Evelyn Salgado. In Acapulco, Mayor Abelina López doesn’t govern. It’s 32 organized crime groups that have taken power in our states. Our lives are in their hands. To defend human rights today is really to stir up death, to invite them to kill you.”

- Marco Antonio Suástegui

One journalist told how his brother was disappeared by a criminal group, tortured for 12 days, then returned. The group signaled that his mother would be next to be taken if he continued reporting. They made clear that they knew where he lived, and where his family lived. In response, he lives in seclusion, without



contacting his family. His brother travels with bodyguards. They have “panic buttons” at all times to contact law enforcement if needed in an emergency, but have little confidence in such devices. One man told of how he was tortured, and had his toenails removed.

Some families were displaced, rather than disappeared. They were forcibly removed from their homes, and literally run out of town. One man told of how he led his family walking for days away from their home to find safety and shelter. Internal displacement in Guerrero, as well as many other states in Mexico, is mainly due to violence perpetrated by armed organized groups, political violence, territorial conflicts and gross human rights violations. In 2021, 42 massive displacement episodes were registered, in which 90.48% of the cases firearms were involved.<sup>5</sup>

Members of the Gender-Based Violence Observatory in Guerrero noted that women are in the middle of armed violence in Mexico and become territory to be conquered. Often their aggressors are members of criminal organizations, complicating any possible judicial process or complaint. They are often re-victimized as a result.

“More journalists have fled from Guerrero than any other state – 36 reporters forcibly displaced. Three reporters disappeared. In the last 20 years they have killed 20 colleagues.”

“While one group tells you not to publish, the other pressures you to publish. But if you publish, soon the opposing group writes you and says ‘you son of a whatever, we know where your family is, take it down or tomorrow morning you’ll have no head’, and they say you are working for the opposing group.”

“It’s no exaggeration: there are zones of silence. In Guerrero, in the mountain region, for example, we don’t know what’s happening there. There isn’t a single reporter there, not one media outlet.”

“I don’t want to sound alarmist, but it is becoming impossible to report.”

“The problem is there is information and they don’t want it to get out. But the information is a public asset that all of us have to defend. Not just journalists.”

Journalists in Guerrero, who requested not to reveal their names to protect their safety

## Voices of Officials

The delegation met with numerous government officials and staff, including several high-ranking officials of Mexico's Foreign Relations Ministry (Secretaria de Relaciones Exteriores -SRE-, the equivalent of the U.S. State Department). The meeting lasted over two hours, and was frank and wide-ranging. Alejandro Celerio and Maria de Haas explained the Government's strategy to stop gun violence through its lawsuits against the gun industry and other measures. Delegation members asked officials probing questions and engaged in responses.

The delegation met with a high-ranking official of the Office of the Attorney General of Mexico (Fiscalía General de la República), who provided background information on the threats posed by guns in Mexico, and the types of guns and ammunition used. The official explained that most of the guns used in homicides in Mexico – more than 80% -- are rifles, and noted that in recent years .50 caliber sniper rifles have become more commonly used by criminal groups. He said it is difficult for police to match the firepower of the cartels.

Several delegation members met with commanders in the Guerrero state police, former Navy intelligence officers, who said their agency had confiscated 265 firearms in the state in 2022. They emphasized that while organized crime has access to high-powered weapons, including .50 caliber rifles and grenade launchers. Referring to the easy purchase of .50 caliber firearms in the United States, one commander asked, "What would you use a .50 caliber rifle for?" Guerrero police are not permitted to own .50 caliber firearms (which they must purchase through the Mexican army). One reason? Army documents indicate that Guerrero state police had 1,447 firearms stolen between 2006 and 2017, more than any other state. The commanders noted that police don't face sanctions if they lose a firearm, though they also admitted that the current Guerrero government could impose such sanctions, but has not. A delegation member noted that in some parts of Guerrero, police or National Guard are stationed very close to roadblocks established by criminal organizations. After an exchange of glances, one of the commanders responded, "Either they are there, or there is no one. It calms things a bit."

Some members of the delegation attended a forum on gun trafficking issues, at which one member spoke. Mexican Government officials discussed the Government's pending



Delegation meeting with Mexico Foreign Relations Ministry

lawsuits against the gun industry, and other gun violence prevention strategies. The Ambassador of Belize spoke about the problems posed by gun trafficking from the United States to the Caribbean and Latin America.

The delegation met with a senior analyst of violence for the federal Government, who provided an overview of what crime gun data is available, and gaps in that data. Asked how much of the violence in Mexico is a result of U.S. policies, he replied: 90%.

Some members of the delegation requested meetings with embassies of their respective countries to discuss their perspectives.

- Belgian embassy officials said that arms exports licensing is a regional authority, while they represent and inform the federal government. They said they have neither the resources nor the authority to trace weapons, which they believe should be the responsibility of companies.
- The EU delegation said that authorizing arms exports is a national responsibility and their role is limited to sharing information that EU countries can use to evaluate the risks of weapons diversion. Regarding arms trafficking, the EU funded a UN project involving Mexico, and will provide technical assistance to the Mexican government.
- U.S. Embassy officials met with us, but requested that the exchanges not be shared.
- A meeting with the German Embassy was not possible.
- Israel's embassy did not respond to a request to meet.

The delegation also met with six members of the Mexican Senate, from various political parties. They all expressed deep concern over the gun violence in Mexico. Several pointed out that most of the guns used in crime in Mexico come from the United States. As one Senator put it, "our neighbor brings the guns, we bring the dead people. This is not fair," though one recognized that there are also victims of gun violence in the United States. One senator called the gun violence in Mexico a "social cancer." Another senator complained that there are big financial interests in firearms on both sides of the border. Several noted that the United States is not doing enough to regulate guns to prevent their trafficking to Mexico.

Mexican civil society organizations called out the urgent need to reform Mexico's federal Firearms and Explosives Law, which was established more than 50 years ago. They also described human rights violations committed with firearms by state forces and the lack of transparency on information on the flow of firearms. There was agreement to open a shared public debate on the issue between legislators and civil society of both Mexico and the United States.

## Voices of civil society, experts and activists

### Meeting with civil society organizations

The delegation met with members of numerous civil society organizations from Mexico. The participants discussed plans for potential actions, what are the most effective measures civil society organizations can take to prevent gun violence, and how organizations in our countries can work together to achieve results. The meeting concluded with plans to establish transnational working groups on specific areas of interest, and to continue communication and work together.



Delegates meet Afro-descendant Mexican leaders

### Peace Summit

The delegation joined more than 300 community leaders, victims of violence and activists from across the Americas for a two-day international Peace Summit, organized by Global Exchange, that addressed solutions to several societal problems, including gun violence.

The Summit was inspired by the conviction that North America's problems cannot be solved without joint action by the societies of the three countries in the region. Grassroots organizations, communities that have suffered the impacts of violence, inequality, discrimination and racism from Canada, the United States and Mexico came together in the Peace Summit to build an agenda for peace that reflects a common reality and charts a path of actions and solutions in favor of the region.

The Peace Summit was organized in 4 themed panel discussions (justice a no violence; human rights beyond borders and identities, development with respect for land and the environment and equal labor rights) and in 5 strategic sessions for affinity groups, including migrants, afro descendants, victims and survivors of gun violence, indigenous peoples and journalists.

During these sessions, delegation members helped craft policy recommendations that were then presented to Mexican federal government officials, including representatives of President López Obrador's press secretary, Jesús Ramírez, and that will be used to promote a binational agenda for peace, justice and human rights in the lead up to the 2024 presidential elections both in Mexico and the United States.

## Conclusions and Common Themes

- a) Gun violence survivors, victims and their families lack justice for the suffering produced by violence committed with U.S., European and Israeli firearms, whether those firearms were trafficked illegally into Mexico or exported legally and used or diverted by state forces.
- b) Mexico – U.S. cooperation, in addition to Mexico’s cooperation with the rest of the international community, should prioritize the prevention and control of weapons flows that cause so much human damage in Mexico, and identify and support best practices.
- c) U.S.-trafficked guns. One dominant concern that was raised repeatedly in delegation meetings was the role played by United States guns that are trafficked to Mexico. Researchers and government officials observed that the vast majority of guns used to commit crimes and human rights violations in Mexico come from the United States, and that the U.S. has a responsibility to stop that irresponsible flow of guns.
- d) Assault weapons. Mexican officials and civil society groups raised specific concerns about military-grade weapons used in violence in Mexico, including assault rifles, .50 caliber sniper rifles, and high-capacity magazines for ammunition.

Assault weapons are the weapons of choice for drug cartels and armed groups in Mexico, and also were used in the 2019 mass shooting by a white supremacist in El Paso, Texas that killed 22 people, including eight Mexican citizens. Firearms tracing data indicates that thousands of assault weapons, primarily trafficked from the United States, have been used in crimes in Mexico.

The United States banned sales of assault weapons and high-capacity ammunition magazines to civilians from 1994 to 2004. However, Congress allowed the ban to expire in 2004, which has led to more mass shootings, and more high-powered guns trafficked to the cartels in Mexico. In July 2022, the U.S. House of Representatives passed a new assault weapons ban, with bipartisan support, but the Senate did not vote on the bill. Currently, HR698 and S25 would ban the sale of assault rifles, including .50 caliber sniper rifles. President Joe Biden has repeatedly urged Congress to pass the ban and deliver it to his desk.

- e) Many applauded the Government of Mexico’s lawsuits against the U.S. gun industry, which they saw as a ray of hope that could lead to a reduction of crime and violence in Mexico. A U.S. law - the Protection of Lawful Commerce in Arms Act - has led to the dismissal of the Government of Mexico’s lawsuit against gun manufacturers; the case is on appeal.)
- f) Due diligence on gun exports / imports. A major concern regarding European arms in Mexico is that European Union (EU) countries - although all have ratified the Arms Trade Treaty - do not seem to feel responsible at all for the use of European firearms in violence in Mexico. European rules can be circumvented by European



makes of guns being either manufactured in US-based plants, or sold through the US retail market and trafficked into Mexico.

Regarding guns directly exported from the EU, most exporting countries lack the capacity and/or political will to trace those firearms. Instead, they blame the Mexican government for their diversion or misuse. EU countries should not license such firearms exports in the first place, as they contradict the criteria of the EU Common Position on arms exports.

European nations are currently in negotiations for an EU law on corporate sustainability and due diligence by private companies. In this context, EU countries are pushing to exclude arms companies from the scope of this due diligence draft law for arms that are sold with an export license. This would legalize the current de facto accountability gap, and runs counter to the Mexican government's view of the arms industry as a risk industry.

### **What's Next: Commitments for Delegation Work**

The purpose of the delegation was three-fold: 1) to listen and learn; 2) to inform and contribute; and 3) to act. The members of the delegation were united in our commitment to convert our experiences into action to prevent gun violence in Mexico. That commitment is focused on carrying the stories we heard to policymakers and people who have the power to stop the flow of guns used in violence, to prevent future violence, and demand concrete effective actions. Delegation members plan to carry the stories we heard to political leaders in our countries to seek change. The delegation is considering returning to Mexico in 2024 to continue and follow up on its mission.



## Recommendations

The delegation urges the governments of the United States, Mexico and Europe not to turn their backs on the victims and take immediate and long-term actions to ensure their protection and the adequate, effective and prompt repair of harms to them.

The key policies the delegation recommends that the **United States Government** implement to help stop the flow of guns used in violence in Mexico are:

1. A ban on the commercial sale in the United States of assault weapons and high-capacity ammunition magazines.
  - Until such an assault weapon ban is instituted, the executive branch should use its authority under the Gun Control Act of 1968 to ban the importation into the United States of foreign-produced assault weapons.
  - State or federal legislation to reduce, control or prohibit the export of assault weapons to other nations.
2. Congress should pass the ARMAS Act, introduced by Rep. Joaquin Castro. The ARMAS Act focuses initially on U.S.-sourced firearms in Mexico, Central America and three Caribbean countries, and requires:
  - the development of a comprehensive interagency strategy, led by the State and Commerce Departments, to disrupt illicit trafficking and the diversion of firearms exported from the United States;
  - Congressional notification and blocking of high-risk firearms arms exports;
  - the submission of a report that will allow Congress to understand the challenges and successes of current efforts to address illegal arms trafficking and inform future strategies; and
  - a report by the Commerce Department with more detailed information on export licenses, giving Congress greater data to understand the effect of current regulations.

All countries, including the United States, Germany, Belgium, Israel, Austria, and Italy, should exercise greater controls on firearms exports, including post-shipment inspections and compliance with existing export guidance, to prevent their downstream use in human rights abuses or in collusion with criminal organizations.

- EU member states should enforce the EU Common Position that prohibits export of small arms to nations where there is a clear risk of prolonging violent conflict or use in human rights violations. The risk of diversion to criminal organizations must also be considered.
- The EU Directive on Due Diligence currently under negotiation should define the arms industry as a high-risk sector that should fall within the scope of this law in all circumstances, including for authorized exports.

In addition to the above key recommendations, International Delegation members support the following:

1. Firearms exporting countries should establish and implement criteria for end users of legally exported firearms that exclude exports to all police and military units for which there is information of members of those units having colluded with criminal organizations or committed serious human rights abuses.
2. Ensure that applications for gun export licenses correctly identify end users for exported weapons. Establish a proper tracking system for legal firearms exports to Mexico which includes vital information that transparently registers, controls, and inspects the end uses of exported guns, including all prospective end user units, not only central distribution units.

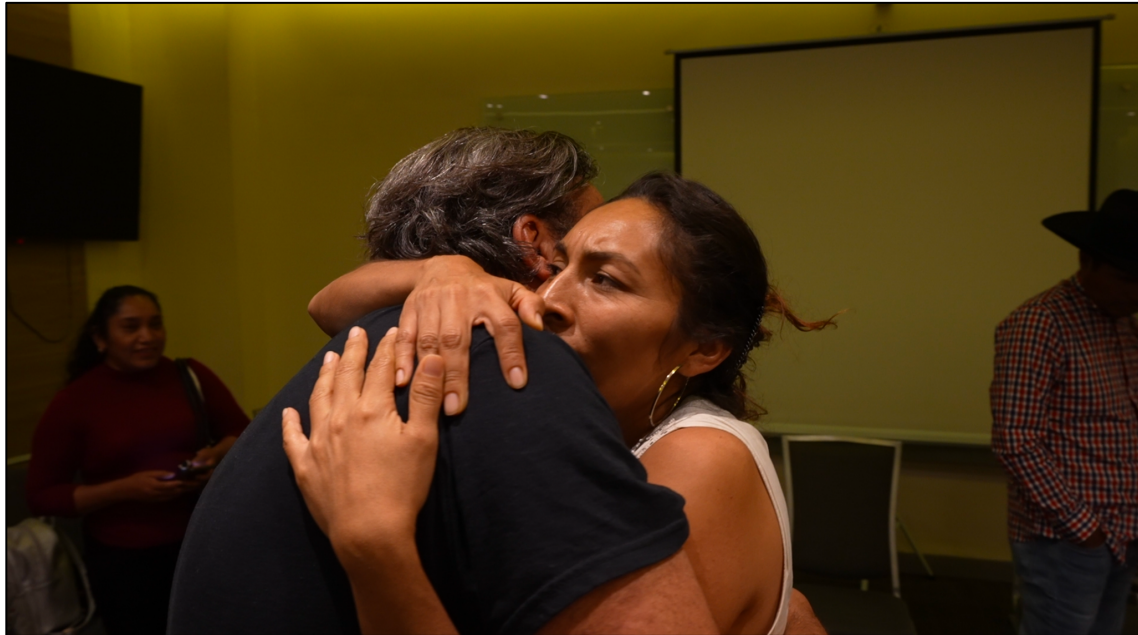
In the case of the United States, we additionally recommend that the U.S. Government:

1. Ratify the Arms Trade Treaty, as a minimal commitment to U.S. transparency for firearms exports and imports.
2. Reduce legal firearms exports to Mexico to levels below their amount before the “war on drugs” was declared and the Merida Initiative began in 2007.
3. Repeal the federal Protection of Lawful Commerce in Arms Act and state laws that restrict accountability and liability on gun companies that facilitate trafficking and violence.
4. The U.S. Congress should repeal the Tiahrt Amendment from future spending bills in order to permit the ATF and other U.S. federal agencies to compile, keep and disclose electronic records of gun production, distribution, purchases, trafficking, and theft of firearms.
5. Increase enforcement of gun laws against gun industry actors who facilitate trafficking, with a focus on the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) taking actions against gun dealers, manufacturers and distributors, and encouraging safer sales practices.
6. Approve legislation to require universal background checks for all firearms sales, to prevent gun trafficking and sales in the criminal gun market.
7. The U.S. Department of Justice (DOJ) should increase access to and sharing of international gun trafficking data. Specifically, DOJ should revise the Memorandum of Understanding with Mexico’s Prosecutor General’s Office (Fiscalía General de la República) for using eTrace data on firearms recovered in Mexico and traced to the United States to exclude unnecessary restrictions on use of such data.
8. Return oversight of U.S. firearms exports from the Commerce Department to the State Department and the U.S. Munitions List, and ensure that the State Department has the authority and resources to implement rigorous firearms export controls.

## Stop US Arms to Mexico – A Project of Global Exchange

For further information, contact:

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### Notes

<sup>1</sup> Data from the Executive Secretariat of the National Public Security System (SESNSP) and the National Institute of Statistics and Geography (INEGI); and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos. *La Guerra interiorizada: de los crímenes internacionales a la vida pública de México (2006-2021)*, January 2023, p. 4. Available at: <https://cmdpdh.org/wp-content/uploads/2023/01/Informe-Guerra-Interiorizada.pdf>

<sup>2</sup> Topher MacDougal, et.al., Trans-Border InstitUniversity of San Diego. *The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border*, 2013. Available at: [http://catcher.sandiego.edu/items/peacestudies/way\\_of\\_the\\_gun.pdf](http://catcher.sandiego.edu/items/peacestudies/way_of_the_gun.pdf)

<sup>3</sup> Ruiz A, Benumea I. (2022). *Presupuesto y crisis forense en México. Opacidad e insuficiencia del presupuesto en materia de identificación forense*. Colección PPEF 2023. Fundar, Centro de Análisis e Investigación, Ciudad de México. Available at: [https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense\\_PEF2023.pdf](https://fundar.org.mx/wp-content/uploads/2022/12/CrisisForense_PEF2023.pdf)

<sup>4</sup> Registro Nacional de Personas Desaparecidas y No Localizadas, Comisión Nacional de Búsqueda, at: <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>

<sup>5</sup> Mexican Commission for the Defense and Promotion of Human Rights, *Episodios de desplazamiento interno forzado en México 2021*, December, 2022. Available at: <https://cmdpdh.org/2023/01/24/presentacion-informe-episodios-de-desplazamiento-interno-forzado-en-mexico-2021/>