

## MEXICO: A FAILED STATE OR A CRIMINAL STATE? THE NESTORA SALGADO CASE

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*ABSTRACT. For decades, the people in the Mexican state of Guerrero have been immersed in poverty, insecurity, and militarization. Accordingly in 1995, almost a year after the Zapatista National Liberation Army (EZLN) uprising, a community police corporation was formed with members of indigenous communities, in order not only to protect the population against organized and regular crime but also to administer justice with the legal grounds provided by the International Labour Organization Convention 169. Since then, many members of the Guerrero community police have been incarcerated for political reasons. One of them is Nestora Salgado, who was illegally detained by the Mexican army and incarcerated in a high security prison in Nayarit for almost 20 months. In December 2015, the United Nations Working Group on Arbitrary Detention deemed the detention of Nestora Salgado as illegal and arbitrary, and requested her immediate release.*

*KEY WORDS: United Nations, human rights, Guerrero, Mexico, human rights defenders, community police.*

*RESUMEN. Por décadas, el pueblo del Estado Mexicano de Guerrero ha estado sumergido en la pobreza, inseguridad y militarización. Por esa razón en 1995, casi un año después del alzamiento del Ejército Zapatista de Liberación Nacional, se fundó la policía comunitaria compuesta por las comunidades indígenas,*

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*con el objetivo no solo de proteger a la población frente al crimen organizado y el crimen en general sino, también, para administrar justicia con la base legal que otorga el Convenio 169 de la Organización Internacional del Trabajo. Desde esa época hasta la fecha, muchos integrantes de la policía comunitaria de Guerrero han sido encarcelados por motivos políticos, una de ellos es Nestora Salgado García, quien fue detenida ilegalmente por el ejército mexicano y llevada a un penal de máxima seguridad en Nayarit por aproximadamente 20 meses. En diciembre de 2015 el Grupo de Trabajo de Naciones Unidas sobre Detención Arbitraria determinó que México detuvo de manera ilegal y arbitraria a Nestora Salgado y solicitó su liberación inmediata.*

PALABRAS CLAVE: *Naciones Unidas, Derechos Humanos, Guerrero, México, Defensores de Derechos Humanos, policía comunitaria.*

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### I. INTRODUCTION

Even though Mexico has ratified almost 210 human rights treaties,<sup>1</sup> and has recently enacted a constitutional reform (2011), violations of human rights are getting worse. This social and political crisis was documented and reported by the Inter-American Commission on Human Rights in the special report on Mexico<sup>2</sup> as a result of an *in locu* visit that took place in September-October 2015,<sup>3</sup> and by the United Nations High Commissioner for Human Rights.<sup>4</sup>

At the end of his on-site visit to Mexico, the High Commissioner for Human Rights reported alarming rates of violence occurring since 2006,<sup>5</sup>

<sup>1</sup> National Supreme Court of Mexico. <http://www2.scjn.gob.mx/red/constitucion/TI.html>

<sup>2</sup> Special Report of the Inter-American Commission of Human Rights <http://www.oas.org/es/cidh/informes/pdfs/Mexico2016-es.pdf>. [Fecha de consulta: 31 de marzo de 2016].

<sup>3</sup> *Visita in locu* of the Inter-American Commission of Human Rights <http://www.oas.org/es/cidh/actividades/visitas/mexico2015.asp>. [Fecha de consulta: 31 de marzo de 2016].

<sup>4</sup> Statement of the United Nations High Commissioner for Human Rights on his visit to Mexico, October, 2015, [http://www.hchr.org.mx/index.php?option=com\\_k2&view=item&id=767:declaracion-del-alto-comisionado-de-la-onu-para-los-derechos-humanos-zeid-ra-ad-al-husseini-con-motivo-de-su-visita-a-mexico&Itemid=265](http://www.hchr.org.mx/index.php?option=com_k2&view=item&id=767:declaracion-del-alto-comisionado-de-la-onu-para-los-derechos-humanos-zeid-ra-ad-al-husseini-con-motivo-de-su-visita-a-mexico&Itemid=265). [Fecha de consulta: 31 de marzo de 2016].

<sup>5</sup> *Id.*

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