

Negras CERESO “was run by the military under the guidance of the President of the Republic, and not by the Governor of the State of Coahuila.”^{lxxiii}

A rather elementary question remains in the air: in 2010 and 2011, which government was responsible for the Piedras Negras prison? Was it the federal government of Felipe Calderón or the state government of Humberto Moreira and Jorge Torres?

In short, the Mexican State, at its various levels, was aware of the situation of self-government at the Piedras Negras CERESO. International organizations had advised it of the situation of self-government in a number of prisons around the country, and of the risks that this entailed. The CNDH itself evaluated the Piedras Negras CERESO and awarded it a qualification of zero. Despite this, the State took no measures to remedy the situation, and as a result it is responsible for the crimes and violations committed against the prisoners and third parties.

4. The Zeta vengeance in northern Coahuila

In order to understand the Zeta vengeance of 2011 it is first necessary to divide Coahuila into three regions. La Laguna was disputed between the Zetas and the Sinaloa Cartel, Saltillo was a relatively peaceful enclave which served as a refuge for the Zeta hierarchy, while the Zetas held firm control of the north of the state.

The Zetas had already arrived in northern Coahuila by 2003. They were originally the hitmen of the Gulf Cartel. As the Zetas became more independent, the importance of Piedras Negras to drugs trafficking grew. Coahuila Secretary of State Armando Luna (2008-2011 and 2012-2015)^{lxxiv} offered a good explanation of the method pursued to consolidate their power in the region: first they submitted or eliminated local criminals while gradually bringing local police and authorities under their sway. Building on this foundation, they came to control many different economic activities.

We also need to take into account the role played by the US government. On February 15, 2011 the Zetas executed the ICE agent Jaime Jorge Zapata in San Luis Potosí. Washington demanded the end of the impunity enjoyed by the Zetas and the governments of Felipe Calderón and Barack Obama launched a joint operation that in 12 days led to the detention of hundreds of people. The Zetas felt betrayed by the attack and Saltillo underwent a very difficult period, one we will examine on another occasion.

Simultaneously, the DEA pressured a Zeta member in the United States to provide information that would enable the capture of Z-40 and Z-42, the cartel bosses in northern Coahuila. They obtained the information, and on Friday March 11, 2011 a senior DEA official sent to the Federal Police’s Sensitive Investigations Unit the traceable identification numbers of the cell phones of Miguel Ángel Treviño and his brother Omar (Z-40 and Z-42).

Within a few hours, someone in this Federal Police Unit informed the Treviño

brothers, who immediately knew that the information had come from someone around their “closest lieutenant in Coahuila, Mario Alfonso ‘*Poncho*’ Cuellar.” Ginger Thompson established that Cuellar was responsible for obtaining “new cell phones every three or four weeks” for his bosses. And Cuellar had assigned this task to “his right-hand man,” Héctor Moreno Villanueva “*El Negro*.”

One of the witnesses in the US trials was with Z-40 when he found out about the betrayal of “*Poncho*” Cuellar, who had already deceived him by fleeing to the United States when he owed Z-40 10 million dollars. Furious, Z-40 ordered that “everybody and everything that **smelled** of Poncho Cuellar was to be picked up.”^{lxxv} The death sentence covered all those close to Cuellar, Moreno and another associate, José Luis Gaytán Garza; men, women, children and the elderly whether or not they were involved in the drugs trade.

Cuellar, Moreno and Garza fled to the United States, where the first two became part of the DEA’s Witness Protection Program. Before leaving, Cuellar advised those who worked for him to escape. We still don’t know whether he also alerted his family.^{lxxvi}

The Zetas began an operation in northern Coahuila that included Allende, Piedras Negras, Ciudad Acuña, Morelos, Nava, Zaragoza and Villa Unión. The files allow us to reconstruct in detail what happened in Allende, and present a general overview of what took place in Piedras Negras.

The Zeta operation in Allende had four phases:

- a) *The preparations.* The hitmen received the order to “check all the addresses belonging to the Garza family [because] they were going to be picked up and killed.”^{lxxvii} The 20-strong municipal police force in Allende were instructed that they were “not to go out on patrol, and not to [respond] to any calls for assistance” and also to “detain anyone with the surname Garza”^{lxxviii} to be handed over to the Zetas. The Allende police chief held a meeting at which he remarked that things “were going to get hot” and that they weren’t to do anything to help citizens, and if they didn’t obey they and their families “would be screwed.”^{lxxix}
- b) *The abductions.* On the afternoon of March 18 at least 60 heavily-armed hitmen arrived in Allende, according to the dossier. “At about 6.30 or 7.00 pm,” a group of Zetas “used a pickup to break down the main gate” of the Garza family ranch, and “[we] all entered shooting and captured the people who were inside (7-10 people).”^{lxxx} These included “four women, elderly ladies... two children... and several young people.” This ranch is located midway between Allende and Villa Unión on highway 15. Journalistic sources report that the operation was larger: a large number of pickups (between 40 and 50)^{lxxxii} took over the site.

Considering that each pick-up usually carries four people, the total could be as high as 160 to 200 heavily armed hitmen. They came to the town hall to check the land ownership records for family members of Luis Garza and Héctor Moreno.^{lxxxiii} The search continued over the weekend. For example,

on the Sunday, a contingent of hitmen and municipal police “arrived and [we] broke in by force, firing our weapons” at the home of a Garza family member. They captured him, his wife and a young child. The Zetas forced them “into a patrol car”^{lxxxiii} to take them to one of the two ranches where they were assembling their victims.

- c) *Executions and destruction of homes.* According to the reports, the victims were transported to the places of execution, “for them all to be killed by shots to the head.”^{lxxxiv} During the weekend, they ransacked, vandalized and set fire to their victims’ properties. The Zetas incited their neighbors to rob the homes before setting them alight and demolishing them with heavy machinery. The police officers who witnessed the plunder “just watched and said nothing.”^{lxxxv} A total of 32 homes were destroyed and some set on fire.

The police account states that they heard multiple gunshots, followed by reports of burning houses. The fires spread throughout the town because the Allende fire crews had also received threats: “two new pickups approached the base with people in civilian clothing and armed people and [we were told] they were going to kill us with our families”^{lxxxvi} if they put out any fires, a firefighter stated.^{lxxxvii}

- d) *Handling the bodies* The bodies were destroyed in two ranches using different methods. A truck brought “large barrels” and “diesel or gasoline”^{lxxxviii} to the Garza family ranch. The liquid was splashed all over the house and the storeroom where the bodies were piled. Those who showed signs of life were given the coup de grace. One hitman recalled years later that “I had to kill one person with a shot in the head.”^{lxxxix} Then the fire was lit that lasted all night, “until the bodies were *cooked*.”^{xc}

On the Los Tres Hermanos ranch (Zaragoza municipality) people were also killed and *cooked*, using a different procedure: barrels were brought and “we all made holes in the sides and bottom of the barrels.” Then they threw “one dead body in each barrel. [Then] they splashed the bodies with diesel before setting them on fire [...] After five or six hours during which the bodies *cooked* [...] they threw the remains in a ditch and a well so nothing could be seen.”^{xci}

Families of the disappeared advised the military stationed at the kilometer 53 lookout post that something strange was occurring at the Garza ranch. A group of soldiers drove there, and examined the site, “but found no one.”^{xcii}

The number of deaths remains a mystery despite the fact that Allende is the city that has been most closely studied. According to the state government there were 28 victims, the study we carried out counted 42, and Ginger Thompson produced a total of 60 dead and disappeared.^{xciii}

As we advanced with this investigation, we came to conclusion that Piedras Negras was the most severely punished city. Two witnesses in the US trials claimed that during the most violent weekend, a total of 40 people in Piedras Negras were forced to kneel and were

shot dead.^{xciv}

In the dossier of the Coahuila State Attorney there appears a sentence mentioned in passing by an employee: “when Allende happened [...] there was a lot of movement [...] inside the CERESO”. These words took on greater meaning when we reviewed the emergency calls made by inhabitants of Allende and Piedras Negras to the Coahuila Center for Communications, Computing, Control and Command (C4) between 18 and 22 March 2011.

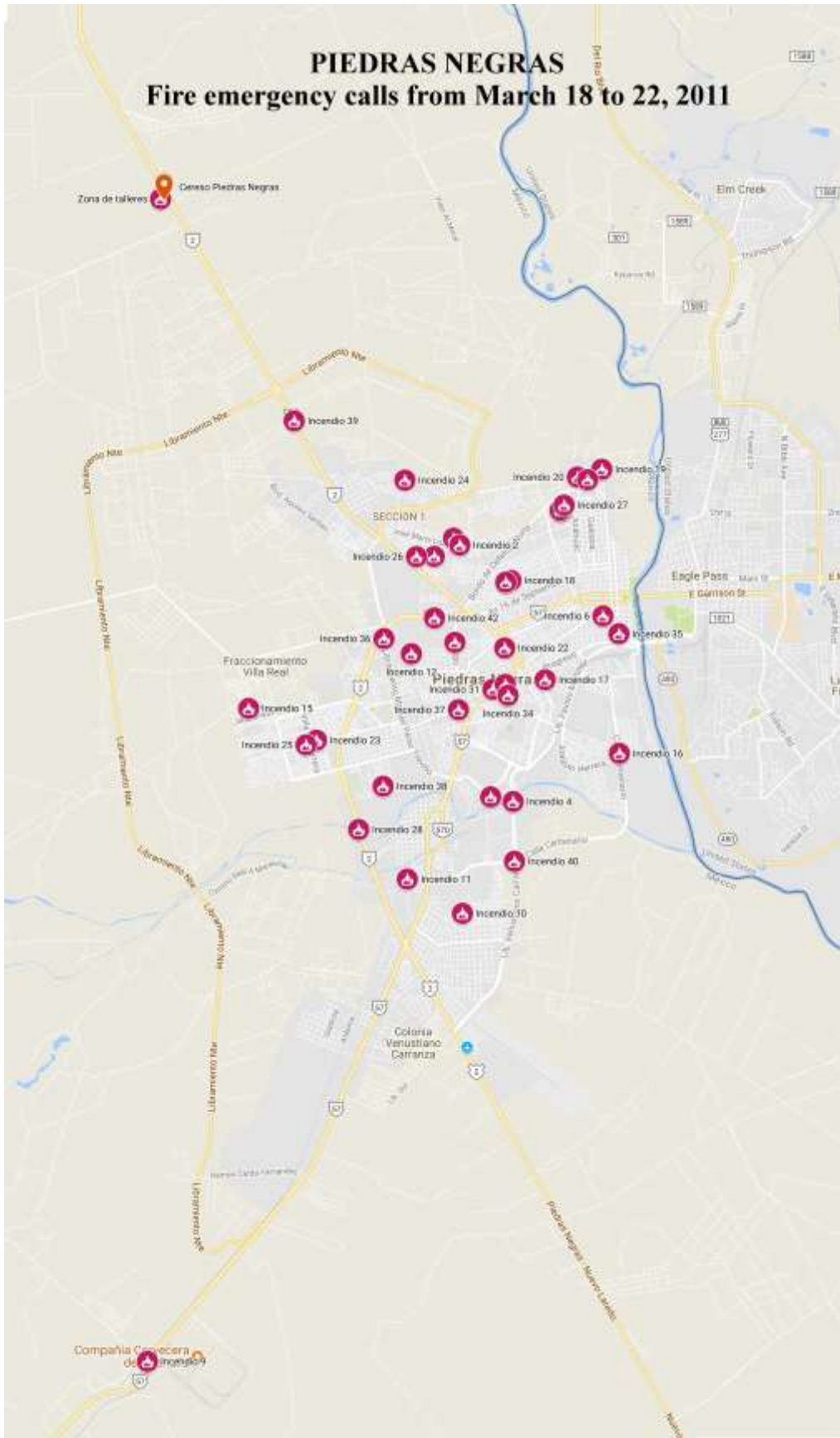
The story of these calls is as follows. The CNDH’s First Visitor asked the C4 for the calls from Allende and Piedras Negras, and this public body provided them to us. The disparity is notable. From Allende, with its 22,000 inhabitants, 26 reports were made. From Piedras Negras, with 152,000 inhabitants, there were 1,425 calls. A proportion of 55 to 1. Something very serious happened in Piedras Negras.

Of these calls, 100 are to report 42 different fires in Piedras Negras, and nine calls from Allende about four fires. Too many fires for so few days. Above all because in some sites more than one fire was reported the same day or on consecutive days, even after the fire had been extinguished. We located these fires on maps, shown in an appendix to this report (available in the Seminar’s website), cross-referenced with the list of calls, and we found that several of them are in places that, according to several witnesses, were used to kill and burn people. For example, in Allende a fire was reported in the area of Rancho de los Garza, which according to the dossier is where the victims were burned.

From another perspective, while the Zetas were attacking everything that “smelled of Cuellar,” the population was reporting the incidents they observed. This is one of the reasons why we think that the largest number of victims was in Piedras Negras, followed by Allende and other municipalities. In other words, the investigation into this act of vengeance has not been concluded, and it would be more correct to speak of the “*Tragedy of northern Coahuila*.” There is a possibility that the number of dead and disappeared exceeds 100, and it is even possible that it amounts to as many as 300.^{xcv}

Two further considerations:

1. The events in northern Coahuila involve a large number of locations, criminals and victims over a longer time period than one weekend. The vengeance lasted for weeks or months. It is a huge jigsaw.
2. Another clue is that between 2010 and 2012 there were several cases of abandoned children who were taken to the Coahuila official shelters (DIF). It would appear that after killing their parents, the Zetas decided to spare the children and leave them near to the facilities of this government agency. The instructions given to the staff were to hand over the children to whoever came to collect them and claimed to be their family members, without corroborating the relationship in depth, due to the prevailing situation of violence.





5. The Mexican state's response to the vengeance

It is worth emphasizing what should be obvious: the Mexican State has an obligation to prevent human rights violations and, when these occur, it must establish the facts, deliver justice and repair the damage. To fulfill these tasks—and for victims and society to be able to verify this—a key element is to establish the truth.

One of the greatest obstacles to achieving this ideal is that the judicial and institutional framework in Mexico was not designed to seek the truth and has enormous problems with incorporating this perspective. This leads to frequent clashes with those of

us who believe that access to information and to the truth is a right of victims, their families, and society.

For this project there were bodies—such as the Attorney General’s Office (PGR)—that failed to provide any information. Those who did—CEAV, CNDH and the Coahuila State Government, among others—provided El Colegio de México with very important files that we reviewed with complete independence. This is a model that makes it possible to carry out investigations that establish how the State contributed to, and reacted to, the acts of vengeance.

2.1. Municipality

Organized crime and the State interact on a daily basis at municipal level. In this investigation we found that in 2010 and 2011, the Zetas had the 20 police from Allende and other municipalities at their service. However, the police officers got involved in different ways with the criminal group. Some were enthusiastic accomplices; others established a distance without confronting or combating the criminals.

The officers acknowledge that “we all received money from the Zetas, some grudgingly and others willingly.”^{xcvi} If we compare the accounts in these declarations, 11 of the 20 municipal police actively collaborated with the Zetas (including the police chief and commander) and the rest accepted them passively.

The police were assigned the following functions by the Zetas:

- a) Ignore complaints and “reports by citizens.”^{xcvii}
- b) The commander positioned the “police in different points around the city in order to pass on information, that is, the police acted as lookouts.”^{xcviii} They had instructions to report on the arrival of the Army, Marines or the GATES (Special Tactical Armed Group created by the Humberto Moreira administration in 2009). They also had to report the entry of vehicles with plates from other states since, according to one municipal police officer, “the Zetas feared the entry of another criminal group to compete with them.”^{xcix}
- c) Allow the Zetas to enter the local prison to bring people out or to beat them in their cells. One officer recalls that the plaza boss visited the prison “as if he were in his own house, without anyone saying anything.”^c
- d) Claim protection fees to hand over to the Zetas. The police chief gave his subordinates a list of cantinas “for charging protection fees.”^{ci} They also collected the “prostitute’s fees”.^{cii} Altogether, they collected 14,000 pesos (1,117 USD) from the various establishments (it is not clear if this is daily, weekly or monthly).
- e) Actively participate in *levantones* (detentions) and in handing people over to the criminal gang.

We may compare the accounts of the Zetas in the prison of Piedras Negras and with the Allende police force. In Piedras Negras they spent 1,500,000 pesos (120,675 USD) on bribes to staff in 2011, and collected a similar amount from the prisoners. In 2011, they

paid 738,000 pesos (59,372 USD) in bribes in Allende, but we don't know how much they earned (the breakdown of monthly payments appears in the statistical appendix). In any case, it is striking how little it cost them to have the municipal police at their service.

The significance of this subjugation was observed during the weekend of the vengeance campaign. The municipal authorities were warned days in advance of the violence that was to be unleashed, and even took part in it. The 20 municipal police officers were instructed not “to circulate in any patrol cars... and not to attend any calls for assistance,” and to “detain anyone with the surname Garza”^{ciii} to be handed over to the Zetas.

In the course of the operation a contingent of hitmen and municipal police “arrived and [we] broke in by force, firing our weapons” to the home of a Garza family member. They captured him, his wife and a young child. The Zetas forced them “into a patrol car”^{civ} to take them to one of the two ranches where they were assembling their victims.

During the weekend, they ransacked, vandalized and set fire to their victims' properties. The Zetas incited their neighbors to rob the homes before setting them alight and demolishing them with heavy machinery. The police officers who witnessed the plunder “just watched and said nothing.”^{cv}

The municipal authorities became accomplices or passive witnesses. Their presence was purely decorative. The person who was mayor of Allende in March 2011 declared in writing to the Attorney General that “I was not an eyewitness to the events,” that “I learned from isolated comments from people who had not witnessed the events either,” that “I never received any notification, complaint or police report from people or victims of the violent events.” The commander of the Public Security Directorate revealed that he had not received any complaint or information from any person or via any other means and that, since it is not within the municipality's powers to undertake an investigation, he did nothing. Some testimonies refer to the participation of the municipal police in the looting of the destroyed houses.

The City Council Act number 31 for Allende dated March 30, 2011, the first one subsequent to the events, makes no mention of the violence. The mayor's office maintains no record of the enormous violence suffered in Allende in March 2011: for them, it is as if nothing happened.

In summary:

- a) The criminal organization controlled the local security apparatus, and some of the police officers were an integral part of the Zetas.
- b) The municipal government was non-existent and its officials violated multiple Mexican and international laws. For example, they failed to meet the obligation to “immediately” report cases of forced disappearance.
- c) If the findings from Allende and Piedras Negras are repeated in other municipalities—and there is evidence that this is the case—then it would appear that local government is the weakest flank of the Mexican State.

2.2. The Coahuila State Government

The interim administration of Jorge Juan Torres López (January 4 to December 1, 2011) is marked by denial. This evasion was made possible by the fact the Piedras Negras prison was not in the news, and because the Zeta vengeance was initially ignored by the media. The Attorney General's Office received just one complaint, and made one visit to Allende.

A key figure in 2010-2011 is the Attorney General designated by governor Humberto Moreira Valdés in May 2009. After several administrative reforms, the Attorney General was in charge of the Attorney General's Office, the Department of Public Security, and the "organization, oversight and control of the Centers for Social Reinsertion," that is, prisons like Piedras Negras.^{cv} This powerful Attorney General held the post until 2011.^{cvii} He was in charge during the events of Allende, Piedras Negras, and other municipalities.

In the dossier on Allende handed over to us by the Coahuila State Government there appears one single emergency call to the Center for Communications, Computing, Control and Command (C4). It was made on March 22, 2011 at 15:09. Given its importance, we reproduce it here in its entirety.

"Female caller provides the following information: states that 'Allende is a lawless town, they are burning houses, detaining people, many people have disappeared, the Zetas took them, I think one group betrayed another because there is a brutal, terrible disorder [...] So many people have disappeared, they are ransacking homes. This has been going on since Friday afternoon and it's the same every night.' No further details are given and the caller hangs up."^{cviii}

This implies that on March 22 a state authority in Saltillo knew what was happening in Allende. Was this message passed on to their superiors? Did it reach the Attorney General? Did the Attorney advise the Governor? We don't know.

The Rubén Moreira administration did acknowledge the gravity of the events, but reacted differently to the events in the jail and the vengeance. In the case of the Piedras Negras prison they acted in 2012 at the beginning of his administration. Allende was ignored until 2013. They began to treat it as a higher priority from January 2014, as media attention grew.

The files focus on the reprisals against the Garza family without mentioning acts undoubtedly carried out by the Zetas in neighboring municipalities to punish Cuellar and Moreno. This lack of concern for the truth and the desire to put an end to the matter may have influenced the Coahuila State Government's insistence to the families and their representatives (in this and other cases) that the disappeared were dead and that the perpetrators were also either dead or in prison. However, there is a contradiction because in the dossier prepared by the Attorney General's Office the victims are described as "qualified kidnapping" and not as "forced disappearance."

Another example of the lack of interest in the truth is the testimony on July 19, 2016 of the powerful former Attorney General. He was only asked seven questions. The first and last of these were key. We combine them here and place the most important words in bold. “The declarant will state... whether prior to the presentation of the police report for the crime of kidnapping (May 2011) he received information from a victim or **any related person**” about what had happened in Allende and whether “the then mayor [of Allende] requested his support... or whether **any other authority** informed him or requested support in relation to these events.”

The former State Attorney General declared under oath that the “first report **from a victim** was when the police report was filed in the group of kidnappings” (May 2011) and that “as far as I remember at no time did **the mayor** request support from me.”

If the reader compares the questions and answers, the former Attorney General only speaks of “**victim**” and “**the mayor**” but does not clarify if he received information from “**any related person**” or “**any other authority**.” In other words, we do not know if he was aware of the call for help received by the C4 or anyone else, but this exchange suggests deceitful replies and softball questions from legal officials who have no desire to find out what really happened.

An additional problem is the meager work undertaken by the CEEAV and the Coahuila Human Rights Commission. The work of both institutions is inadequate given the scale of the problem. The deep dissatisfaction of the families of the disappeared is thus understandable, when they fail to receive an exact account of what happened, and only bear witness to the slowness and ineffectiveness of the judicial proceedings.

2.3 Federal government, the National Human Rights Commission (CNDH) and the Executive Commission for Attention to Victims (CEAV)

In a clear example of the delay in the investigations, the Scientific Division of the Federal Police delivered its forensic genetic analysis a year and a half after it was requested. It reports that of “794 fragments presumably of bone remains... none of these samples contained biological material suitable for analysis.” The recovery of remains was carried out in April 2014, three years after the events, and the federal response came 18 months later: meaning the results were presented 4.5 years after the events. On top of the specific failings and lack of will, the capacities of the Mexican State are overwhelmed.

There are indications that, as in Piedras Negras, there were also federal officials who learned of the acts of vengeance in northern Coahuila. The most specific clue was given by the former Attorney General, as mentioned above. When in May 2011 he learned about the events of Allende, he made this known to Patricia Bugarín, then head of the SIEDO of the PGR. As far as we know, this official has not been investigated by the PGR or by the authorities of Coahuila. At the end of 2017, the PGR has still not taken over jurisdiction for the case.

The Army and/or the Navy have bases close to the municipalities in the north of Coahuila. We may suppose that the Center for Investigation and National Security (CISEN)

had agents working in these sites. The roles, reports and memorandums they may hold are unknown. It is possible that these contain the names of those who learned of the acts of vengeance. The person who knew this and did not report it or take action concealed a tragedy.

2.3.1 National Human Rights Commission

The CNDH has not fulfilled its obligation to prevent violations of human rights and to investigate them in order to ensure that justice is delivered, reparations are made, and guarantees are put in place so it does not happen again.

Under the direction of Raúl Plascencia, the CNDH abstained from intervening in the Allende case despite the fact that in September 2014 he declared that it had been under investigation for months and that witness statements had been gathered and the location of the events had been examined.^{cx} According to Juan Alberto Cedillo from *Proceso* (June 30, 2014), an official letter from the CNDH responded to a complaint about Allende stating that “the matter was handed over to the Coahuila State Commission for Human Rights.”^{cx} The same *Proceso* reporter interviewed the mayor of Allende, Reynaldo Tapia, who refuted Plascencia stating that the CNDH had turned up in Allende just a few days before the press conference.^{cx}

Since Luis Raúl González has been head of the CNDH, it has carried out investigations into Allende, though lacking in continuity. Indeed, there is a period of inactivity between June 2015 and August 2016, when work began again. It is true that there were obstacles to obtaining the information, but other actions could have been taken to continue the investigation. As of early 2018, no recommendation has been issued.

2.3.2 The Executive Commission for Attention to Victims

During the administration of President Felipe Calderón the Movement for Peace with Justice and Dignity emerged, together with other victim support organizations. They and their supporters placed the issue firmly on the domestic and international agenda. The State responded by approving laws, creating institutions and allocating budgets. However, the victims, the organizations representing them and those who observe these issues all agree on the unsatisfactory character of the results.

One of the first public acts of President Enrique Peña Nieto was the signing into law of the General Victims Act and the creation of a National Attention to Victims System, which is the highest body for coordination, formulation and evaluation of the public policies dedicated to providing protection, care, support, assistance, access to justice, truth and reparations for victims.

The CEAV is the operational body of this National System. The documentation provided to us and the access made available to us enabled us to confirm that the Commission has not been able to provide timely and quality attention to the victims of Allende. It was only months after the publication of our report *State of Neglect* that the

CEAV brought the case to the federal level. Below, we will make more specific recommendations for Mexican State institutions.

6. The Responsibility of the United States

The Zetas are a criminal organization whose origin, power and operation has been connected to the United States by multiple routes. The elite troops who set up this cartel were trained in this country, the country where the addicts live who buy the drugs and who fill the criminals' coffers. It is US businesspeople who sell and smuggle the weapons with which they kill each other and terrorize and murder innocents.

In short, the United States is jointly responsible for the violence in Mexico, even though it has found ways of evading its responsibility. One of these has to do with the peculiar character of the security agreements between the two countries, as noted in the research done by Ginger Thompson. To confront the chronic corruption of corporations, the DEA has created Sensitive Investigative Units in 13 countries. In essence, the DEA selects the agents and investigates, trains and supervises them.

A leading figure in the DEA—whose identity has been concealed by this body—sent highly sensitive information on the Zeta bosses to a member of this Unit in the Mexican Federal Police. According to one witness, he claimed he had “a friend he could trust.” He was wrong. A high-ranking officer in the Federal Police informed the Zetas of the risks they were facing. The Treviño Morales responded by ordering the acts of revenge.

The indifference and informality with which such sensitive information was transmitted is normal in security relations between Mexico and the United States, which are characterized by: a) the absence of, or indifference to, the protocols for sharing information that the United States does apply to countries like Colombia; b) the lack of accountability—neither the DEA nor the Federal Police investigated a leak that cost the lives of hundreds of people; and, c) the two governments conceal information and evade their responsibility. Thompson reports that the DEA spokesperson denied that his agency had its “hands stained with blood.”

It is an opinion subject to demonstration. This research points in the opposite direction and confirms two related facts. The opacity on the part of the United States makes it difficult to find the truth. They hold important information for understanding what is happening in Mexico, because of the way they handle the Witness Protection Program. This status was granted to Alfonso Cuellar and Hector Moreno and the government of Coahuila has not been authorized to interview them.

It is essential to establish the potential responsibility of the DEA and other US bodies in relation to the Zeta violence, and to examine with greater care how the Witness Protection Program can affect the lives of Mexican citizens.

At bottom, there is a simple fact: a cross-border criminal violence is occurring that is so obvious that the best way of understanding it is to pursue a cross-border investigation. The victims and both societies deserve a comprehensive explanation.