

MEXICO: STATE OF NEGLECT

Los Zetas, the State, Society and the
Victims of San Fernando, Tamaulipas (2010)
and Allende, Coahuila (2011)

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EL COLEGIO DE MÉXICO

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Working paper of the Centro de Estudios Internacionales of
El Colegio de México, with the support of the Comisión Ejecutiva
de Atención a Víctimas (CEAV)

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First edition, 2016

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www.colmex.mx

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Acknowledgments

Such complex projects accumulate debts because they involve so many people. The project stems from an idea by Jacob Dayán Ashkenazi that was accepted by Jaime Rochín del Rincon and Miriam Morales Sanhueza (CEAV). At El Colegio de México the project had the enthusiastic backing of the president, Silvia Giorguli, the Secretary General, Gustavo Vega, and the Director of the Center for International Studies, Ana Covarrubias.

From there, institutions added their support. Luis Raúl González Pérez and Joaquín Narro at the CNDH; Rubén Moreira Valdez (governor of Coahuila) and Luis Efrén Rios Vega (Inter-American Academy of Human Rights at the Autonomous University of Coahuila).

Special mention goes to our Advisory Board, who supported us during the process: Mariclaire Acosta Urquidi, Rubén Aguilar Valenzuela, Javier Sicilia Zardain and Juan Villoro Ruiz.

Also crucial was the collaboration of the team at the Foundation for Justice and the Democratic Rule of Law (FJEDD): Ana Lorena Delgadillo, Rodolfo Córdova Alcazar, Alma García Guevara, Nayely Lara García and Willy Arturo Hernández; as well as that of Blanca Martínez and Michael Chamberlain at the Fray Juan de Larios Diocesan Center for Human Rights, and Ariana García of Families United in the Search for Disappeared Persons, Piedras Negras. Ina Zoon, at the Open Society Justice Initiative, shared her experience.

We also relied on the collaboration of Víctor Manuel Sánchez Valdez of the Inter-American Academy of Human Rights at the Autonomous University of Coahuila; Luis Daniel Vázquez and Karina Ansolabehere, from the Latin American Faculty of Social Sciences (FLACSO); Artemisa López Leon, from the College of the Northern Border in Matamoros; José Antonio Guevara Bermúdez, Javier Garza (Torreon, Coahuila) and Jorge Verástegui González (independent attorney in Coahuila).

Files were shared with us by Jason Buch (*San Antonio Express News*), Alfredo Corchado (*Dallas Morning News*), Guadalupe Correa-Cabrera (University of Texas), Michael Evans and Kate Doyle (National Security Archive, George Washington University).

The liaison between El Colegio de México and CEAV was guided by Jacobo Dayán and Luis Rosas Ramírez. Administration and finances were managed by Georgina Romero Fuentes, Gerardo Gutiérrez Cortés and Mónica Hernández Fuentes.

Gabriela Said, Director of Publications at El Colegio de México coordinated the preparation of the print and digital versions of this text. The design and typesetting was by Pablo Reyna. Copyediting and proofreading of texts was by Ulises Martínez and production was by Claudia Priani. The English translation was by Fionn Petch.

A. INTRODUCTION

Article 1 of the Mexican constitution clearly establishes that “the State must prevent, investigate, punish and remedy violations of human rights, in the terms established by law.” In the municipalities of San Fernando and Allende where two tragedies occurred, did the State fulfill its obligations? If it did not, focusing on the victims of violence, what lessons does the study of these paradigmatic cases teach us?

Enough information is available to assert that, in general terms, the State did not meet its obligations. This deepens and expands the fracture between state and society. It is a dangerous fissure because, in the areas of security and respect for dignity, convergence between those who govern and those who are governed is essential. One way of achieving understanding and empathy is by seeking the truth in paradigmatic cases that illustrate patterns and make it possible to issue recommendations.

In March 2016, El Colegio de México and the Executive Commission for Attention to Victims (Comisión Ejecutiva de Atención a Víctimas, CEAV) signed an agreement for the Colmex to undertake an independent investigation of the **treatment and reparations provided by the Mexican government—at federal, state and municipal level—to the victims** of the massacre of 72 migrants in San Fernando, Tamaulipas (August, 2010) and the disappearance of an undetermined number of residents of Allende, Coahuila (March, 2011). Both tragedies were ordered by the criminal organization known as Los Zetas.

This type of agreements are difficult to implement, but are signed because the humanitarian tragedy imposes an obligation to seek points of convergence between State and society. It is a convergence made easier by the fact that on these matters ideological differences tend to become diluted.

In this case, the initial delays were resolved insofar as understandings were reached and confidentiality agreements were signed. In the end, three public agencies shared their archives: the CEAV, the CNDH and the Coahuila State General Attorney (PG-JEC). The file on Allende was reviewed in the headquarters of the Inter-American Academy of Human Rights of the Autonomous University of Coahuila. The Coahuila State Executive Commission for Attention to Victims, the National Institute for Transparency, Access to Information and Data Protection (INAI), and the Coahuila State Human Rights Commission (CDHEC) all provided further information.

The project relied on the trust of the Foundation for Justice and the Democratic Rule of Law (FJEDD), the Fray Juan de Larios Diocesan Center for Human Rights in Saltillo, Coahuila, and the organization Families United in the Search for Disappeared Persons, Piedras Negras. These organizations have supported the victims of both tragedies.

Michael Evans, of the National Security Archive (George Washington University), Jason Buch, journalist at the *San Antonio Express-News*, and Guadalupe Correa-Cabrera, professor at the University of Texas, shared material useful to the investigation.

It is true that gaps remain, but this preliminary diagnosis has made progress in understanding the treatment of the victims of the two tragedies by government institutions. The starting point for undertaking the work was our conviction that the victims, their families, and society as a whole have the right to know what happened, and to receive fair treatment.

Accordingly, we can anticipate our main conclusion: it is urgent and indispensable that the State restructures and improves the functioning of the institutions responsible for attending to the victims of criminal violence. To date, the term that best describes the experience of the victims is abandonment. The study of these two tragedies brings us closer to a truth that is an indispensable step towards achieving priority for victims in Mexico.

This text is complemented with a series of appendices available in the electronic version, at <<http://stateofneglect.colmex.mx>>. They provide much more detailed information.

B. LOS ZETAS AND THE TWO TRAGEDIES

The tragedies of San Fernando and Allende were the result of multiple variables. There were three principal factors:

- a) The near total control by organized crime groups of some regions of Tamaulipas and Coahuila.
- b) The war between the Gulf Cartel and Los Zetas, which began in January 2010.
- c) The complicity of some State actors, complemented by the indifference, inefficacy and/or weakness of others.

B.1. SAN FERNANDO, TAMAULIPAS

San Fernando is an obligatory point of transit for those using the highways of the Gulf of Mexico to enter the United States via Reynosa and Matamoros. According to historian Carlos Flores, since the 1940s San Fernando “has been dominated by caciques linked to illegal activities.”¹ This domination became a resolute occupation when the war began between the Gulf Cartel and Los Zetas in January 2010.

Los Zetas had two priority objectives in San Fernando:

- a) Maintain control of a municipality strategic to communications and to extort migrants or use them as *sicarios*.

- b) Prevent reinforcements sent by the Familia Michoacana and the Sinaloa Cartel to support the Gulf Cartel in their war against Los Zetas from reaching them.

The first half of 2010 saw an increase in homicides and disappearances, but no observer could have anticipated the level of savagery represented by the execution in cold blood of 72 migrants on August 22, 2010. This act came to light because, unusually, in San Fernando there were two survivors (according to the then president of El Salvador, a citizen of his country also escaped).

One of them, an Ecuadorian, provided several conflicting witness statements (for a detailed review see the Appendices). The testimony offered by a Honduran to the Migratory Control and Verification Department of the National Migration Institute is more precise because it can be corroborated with other evidence:

[We migrants] were in two trailers; [the people traffickers] told us they would take us to Reynosa, Tamaulipas, [but] on the way they informed us there was a military roadblock. For this reason, they told us to get down from the trailers and continue on foot to bypass the site of the roadblock [...] we walked for an hour and twenty minutes [and] boarded the trailers again [...] after another twenty minutes travel we were intercepted by a group of people [who] were wearing denim and bulletproof vests, and cartridge belts. They carried 9mm handguns, some AK-47s and there was one sharpshooter who aimed at us with a kind of red laser.

They took us to a place I don't remember the name of, I could only see the word "RANCH" at the entrance [...] and they gave us tacos and sodas, and then they told us that they belonged to a group called **LOS ZETAS**, and that they were offering us work because they were fighting other people from the **GULF**, and against the **ARMY** [...] they would pay us a thousand dollars a week. Only three people accepted the offer: one from Honduras, one from El Salvador and one from Guatemala. [They also ordered us to take off our shirts] to see if we had tattoos and they [asked us] if we had belonged to a gang or guerilla group in our countries, and we all said no.

They put us back in the trailers which then parked up in front of a white house. [A *sicario*] told us to get out [...] they tied our hands behind our backs with plastic ties [...] they blindfolded us, and [...] then they lined us up in a U-shape, the women first, including a pregnant woman.

They told us to remain silent and not to shout because they were going to kill us. A few moments later [a *sicario*] began to shoot at the women; one migrant whose nationality I don't remember told them not to shoot them and I heard them shoot him and smash him against

the wall; at that moment I slipped away towards some bushes [...] later I heard the trucks drive off [...] twenty minutes later I heard a man get up [...] I approached him and realized that he was bleeding and I told him I was going to help him get out of there.

For ease of reading some adjustments were made to the text of this and other declarations, taking care not to alter the essence of the narratives.

In 2015, the reporter Marcela Turati revealed the statement made to the police by Edgar Huerta Montiel, alias *El Wache*, San Fernando plaza boss and the Zetas' second-in-command in the region. He explains the Zetas' motives:

In August 2010, the Ciudad Victoria boss reported to *El Coyote* that two double trailers full of people were on their way [and] when they reached San Fernando, we checked them out [...] *El Kilo* checked that they were undocumented migrants and reported this to *La Ardilla* [who answered] that we should check them out properly, because the Gulf Cartel was recruiting migrants to force them to work as *halcones* [scouts] or as slaves. *La Ardilla* gave the order for them to be killed and *EL ALACRÁN*, *EL CHAMACO* and *EL SANIDAD* killed them with a coup de grace with a 9mm pistol. When the migrants had all been killed we went to a ranch in San Fernando [...] there we slept normally and spent about 15 days [...] since it was night, they weren't buried at the time, but the next day *EL CHAMACO* was going to bury them, but it didn't happen because the marines arrived first.²

Although this massacre has been fairly thoroughly investigated, doubts and uncertainties remain that we will leave to one side for the moment; some of these are detailed in the Appendices. Just one example is the gender of the victims:

- a) Ministry of the Navy: "22 kilometers north-east of San Fernando, Tamaulipas, the dead bodies of 72 people were found (**58 men and 14 women**)";³
- b) Tamaulipas State Justice Department: "seventy-two dead bodies, **13 women and 59 men**, which were blindfolded and had their hands tied with white cable ties."⁴

Before discussing San Fernando from other perspectives, it can be asserted that the Tamaulipas municipality was a veritable killing field in 2010. The statistics on homicides and disappearances back this up:

- *Homicides*. In 2009 there were 12.93 homicides per 100,000 inhabitants; in 2010 this figure rocketed to 100.95. In 2011, 196 bodies were recovered from clandestine graves without the circumstances of their deaths being clarified.

- *Disappearances.* According to the figures from the National Register of Missing or Disappeared Persons, between 2005 and 2009 no disappearances were reported in the region centered on San Fernando. In 2010 the figure was 39.5 disappearances per 100,000 inhabitants.

The mass killing put the experience of migrants crossing Mexico on the national and international agenda.

B.2. ALLENDE, COAHUILA

Los Zetas reached the north of Coahuila between 2004 and 2005. They arrived to reinforce the Gulf Cartel. As the importance of Piedras Negras to drugs traffickers grew, Los Zetas increased their autonomy. Armando Luna, Secretary of State for Coahuila, offers a good explanation of how they consolidated their power in this region: “first they eliminated the competition and monopolized illegal activities; to achieve this they subdued the municipal police forces and local authorities.” The case of Allende matches this sequence of events, and in 2009 Los Zetas had the municipal police forces at their service.⁵

A widely spread version is that 300 people disappeared in Allende. This is possible, but the PGJEC file only includes information about 42 disappearances from Allende over a 14-month period.

Disappearances from Allende between January 2011 and August 2012

Disappearances between January and February 2011	4
Disappearances during the weekend of 18-20 March 2011	26
Later disappearances up to August 2012	12
Total number of disappearances in the file	42

The following narrative concentrates on the 26 people who disappeared over the 49 hours beginning on Friday, March 18 at 7 p.m. and ended on Sunday, 20 March at 8 p.m.

First of all it is necessary to understand the motive behind the operation:

- a) The brothers Miguel Ángel Treviño Morales (Z40) and Omar Treviño Morales (Z42) controlled Allende from Piedras Negras.⁶ They believed there were three traitors within their organization. The principal suspect was Alfonso *Poncho* Cuéllar, whose subordinates were Héctor Moreno Villanueva, alias *El Negro*, and Luis Garza Gaytán, alias *La Güiche* or *La Güichina*.

- b) As stated by Cuéllar and Moreno in trials in the United States, the Treviño brothers believed that the traitors were collaborating with the U.S. authorities; they handed over evidence of operations, such as the money laundering with thoroughbred horses run by José Treviño, the older brother of Z40 and Z42. They also blamed them for having skimmed off between 5 and 10 million dollars of the earnings from drugs trafficking to the United States through Piedras Negras. The three are now in the United States where at least Cuéllar and Moreno are protected witnesses of the Drug Enforcement Administration (DEA).
- c) Garza lived in Allende and Los Zetas occupied the town on the weekend beginning March 18. To punish his disloyalty they disappeared 26 people: 20 family members and associates of Garza, three friends of *Poncho* Cuéllar and two people who worked for Héctor Moreno. They also destroyed 32 houses and two ranches, “Los Garza” and “Los Tres Hermanos”.

We talk of disappearances because, even though the files describe executions, witness testimony should not be the only evidence. More decisive evidence of their deaths is required.

According to testimonies, the operation had four phases:

- a) *Preparation*. The *sicarios* received the order that “we were to go check on the homes of the Garza family [because] they were going to pick them and kill them.” The 20-strong municipal police force was instructed to:
- i. “Not go on patrol or respond to any calls for assistance,” and
 - ii. “Detain anyone with the Garza surname” to be handed over to Los Zetas.

The forces of order efficiently carried out the orders received.

- b) *Capture*. According to the investigation report, on March 18 in the afternoon at least 60 heavily armed *sicarios* arrived in Allende. “About 6.30 or 7.00 p.m.” a group of Zetas “used a pick-up to break down the main gate” to the Los Garza ranch and “entered firing, and taking all those present (between seven and ten people).” These included “four older women and two children.”

The search continued throughout the weekend. For example, on the Sunday, a contingent of *sicarios* and municipal police “arrived and forced our entry, firing our weapons” to the house of a member of the Garza family. They took him, his wife and a young son. Los Zetas put them “in a police car” to take them to one of the two ranches where they had collected their prisoners.

c) *The execution and destruction of homes.* According to the witnesses affidavits, on the Sunday evening at around 8.00 p.m. they marched the prisoners to the place of execution, “before killing them all by shooting them in the head.” The file identifies by name 26 people presumed to have been killed. During the weekend they also ransacked, vandalized and burned properties. Los Zetas encouraged neighbors to rob the homes before setting them alight and demolishing them with heavy machinery. The police who witnessed this looting “simply looked on.”

There are confusions and contradictions in the file about the number of properties destroyed. After careful verification, we believe the number is 32 homes and two ranches

d) *Handling the bodies.* The bodies were destroyed in two ranches using different methods.

They brought a truck to the Los Garza ranch carrying “large metal drums with diesel or gasoline.” They distributed the liquid throughout the house and in the storeroom where the bodies had been piled. They finished off those who showed signs of life. A *sicario* recalled years later that “I had to kill a person with a shot to the head.” Then they lit the fire, which lasted all night “until the bodies were *cooked*.”

In the Los Tres Hermanos ranch (in the municipality of Zaragoza) they also killed and *cooked* people, using another procedure: they took metal drums and “we all made holes in the bottom and the sides.” Then they put “one body in each drum and poured diesel on the bodies before setting them alight. After five or six hours the bodies had been *cooked* [...] leaving nothing but fat. [They threw the remains into a ditch and a well so that] nothing was left to be seen.”

There were two survivors in Allende: a five-year-old girl and a three-year-old boy. A police officer associated with Los Zetas took them and left them at a house in Piedras Negras. From there they were collected by their relatives, with whom they have lived since then.

The file provided to us by the State Prosecutor has the usual virtues and defects of the Mexican judicial system. Their principal source of evidence are statements, and those carrying out the interrogation are not interested in understanding the context and cause of the events. The only thing that matters is finding statements of guilt. There is very little investigation to validate the truth or falsehood of what is said. This makes it impossible to establish the facts with any precision, assign responsibility and deliver justice and reparations.

This is important because what happened during those 49 hours in Allende is one episode in a wave of violence that affected the whole region for far longer. We found evidence that supports this hypothesis:

- a) The Garza family was punished in Allende. We are unaware of the kind of reprisals launched against the families of Cuéllar and Moreno in Piedras Negras and other municipalities.
- b) The operation lasted a long time. For example, a year later (March 2012), a group of *sicarios* and police officials detained and disappeared in Allende four further members of the Garza family: a couple and their two children aged six and less than one year old.
- c) It is possible there were victims not recorded by the Attorney. To verify this the names of those who appear in the file would have to be cross-checked against those held by victims' organizations.
- d) The journalistic work of Jason Buch and Guillermo Contreras, of the *San Antonio Express News*, and Alfredo Corchado, of the *Dallas Morning News*, among others, point to a much larger tragedy both in terms of geography and duration. In fact, the file mentions in passing possible acts of violence in other municipalities (Múzquiz, Nava, Piedras Negras and Zaragoza). We did not have time in this investigation to pursue these theories.

The confidentiality agreement we signed prevents us from revealing the identities of victims and executioners, save where these have been made public by other means.

As long as we are unable to establish with greater precision what happened here and in other parts of the state, we will not know the human costs of these reprisals that are currently associated only with Allende. This ambiguity feeds the notion that there were up to 300 disappearances in Allende.

In fact, the first time the figure of 300 victims in Allende was mentioned was in a 2013 statement made by Héctor Moreno Villanueva, alias *El Negro*, in a court in the United States in the trial against José Treviño (older brother of Z40 and Z42). The motivation of Moreno for giving this figure is unknown. As a DEA protected witness, we do not know what he knows.

This fact opens up a little-explored avenue. The lack of transparency in the United States is an obstacle to finding out the truth. They hold important information for understanding what happens in Mexico. The current governor of Coahuila, Rubén Moreira, has stated that leading figures in the massacre are now in the United States and that the Coahuila State Attorney has been unable to extradite them or obtain information about these individuals.⁷

As we will argue below, we are facing criminal violence of a bi-national character.

With the support of the National Security Archive, we are asking the DEA to provide access to the statements of protected witnesses.

C. THE STATE AND THE VICTIMS OF TWO TRAGEDIES

It is important to recall that the State has the obligation to prevent violations of human rights and, when these occur, to establish the facts in order to ensure that justice is done and reparations made. To fulfill these duties—and for the victims and society as a whole to see this done—a key aspect is a rigorous approach to truth.

There is a major obstacle to this: the Mexican institutional and judicial framework was not designed to seek truth, and it finds it very difficult to incorporate this approach. This is one of the most frequent causes for the tensions with those sectors of society that believe that access to information and to the truth is a right for victims, their families, and society in general.

For this research there were state agencies—including the PGR and the Foreign Ministry—that failed to deliver information. Those that did so—CEAV, CNDH and the Coahuila state government, among others—provided archives that present weaknesses, omissions and errors that we will incorporate into the analysis with a view to change the public policies used to aid the victims.

C.1. MUNICIPALITIES

It is essential to understand the role played by local governments, since this is the terrain where organized crime and the State are in daily contact. In this investigation we focused only on the municipal police forces of two municipalities. Our main conclusion was:

In 2010 and 2011, Los Zetas were in control of the 36 police officials in San Fernando and the 20 officials in Allende. However, agents were involved with the criminals in different ways. Some were enthusiastic accomplices; others established a distance, avoiding confrontation or combat with the criminals.

Below, we explain how this control was exercised, clarifying that there are differences in both the quantity and quality of information available in each case.

C.1.1. SAN FERNANDO, TAMAULIPAS

The CNDH undertook a three-year investigation into the massacre, but did not seek to understand the role played by the municipal police and government. Despite this,

there are a number of official Mexican and U.S. documents that confirm the complicity between criminals and police forces. The clearest evidence emerged when the army discovered, in April 2011, between 193 and 196 bodies in clandestine graves near San Fernando (the figure varies according to the source).

The U.S. consul in Matamoros took an interest in the clandestine graves because it was rumored there were two U.S. citizens among the dead. In its reports to the State Department it included a very important claim: 17 members of Los Zetas and 16 police officers were arrested in San Fernando. The latter were accused of “protecting the members of Los Zetas responsible for kidnapping and murdering bus passengers.”⁸ If we take the figure of 16 as indicative, this means at least 44% of the 36 agents were at the service of Los Zetas. It is likely that the others did not resist them.

Documentary evidence of similar importance is a brief informative note from the Deputy Attorney Specialized in Investigation of Organized Crime (SEIDO), part of the PGR, obtained by Michael Evans from the National Security Archive in Washington. This document paraphrases police statements made by members of Los Zetas and police officers. According to one of those involved, “police and traffic officers from San Fernando helped the Los Zetas organization.”

The same note mentions three of the functions carried out by the police in the service of organized crime:

- a) “Omission in their duty to observe crimes committed” by Los Zetas.
- b) “*Halconeo* [scouting] functions.”
- c) Detention of persons who were handed over to Los Zetas.⁹

The SEIDO informative note refers to the burial pits found in 2011, but among those involved mentions the police officer Álvaro Alva Terrazas, alias *El Junior*. According to statements made by Edgar Huerta Montiel, alias *El Wache*, reported by Marcela Turati, Álvaro Alva also took part in the massacre of August 2010. It may be inferred that the police officer was at the service of Los Zetas since at least 2010.

The SEIDO document also refers to the criminal organization making payments to the police, without specifying figures. When the low salaries of police officers are seen, the ease of corrupting or coopting them may be understood.

	Amount
Average monthly wage of municipal police officers in the region.*	MX\$5,187.00 (US\$269 as of 10/08/2016)

*This figure is based on data available for municipal police forces in Matamoros, Reynosa and Valle Hermoso in 2010.¹⁰

C.1.2. ALLENDE, COAHUILA

The file prepared by the Coahuila State Attorney for Allende reveals much more detail on the relationship between organized crime and the municipal police force.

One of the clearest statements in this file is that made by a fire officer. He remarks that, in mid-2009, he realized that the municipal police department in Allende was “already involved in organized crime.” Other testimonies affirm that by 2010 the control was total.

The testimonies of police who made statements confirmed that “we all received money from Los Zetas, some under duress and others freely.” If we cross-reference the available statements, 11 of the 20 municipal police officers actively collaborated with Los Zetas (including the chief and the commander) and the rest accepted without participating or complaining.

The police were expected to fulfill the following functions:

- a) Ignore “reports and complaints from residents.”
- b) The commander positioned “the police at different points in the city in order to pass on news, that is, they were expected to act as *halcones* [scouts].” They were instructed to inform when the Army, Marines or GATES (Grupo de Armas y Tácticas Especiales, created by governor Humberto Moreira in 2009) arrived or passed by. They also had to report the arrival of vehicles with plates from other states since, according to a municipal police officer, “Los Zetas feared the arrival of another criminal group to compete with them.”
- c) Allow members of Los Zetas to enter the local prison to take people away or beat them inside their cells. One former officer recalled that the plaza boss would visit the prison “as if he was in his own house, without anyone saying anything.”
- d) Collect protection money (*derecho de piso*) on behalf of Los Zetas. The police chief gave his subordinates a list of cantinas to shake down. They also collected the “prostitute’s quota.” Between them all they would collect 14,000 pesos (it is not stated whether this amount is daily, weekly, or monthly).
- e) Take active part in *levantones* (detentions) and in handing over people to the criminal group.

Part of the resources obtained by Los Zetas in Allende was spent on buying the complicity of the police force. It is surprising how cheap it is to have a police force at one’s disposal. Around three thousand dollars:

Monthly payments by Los Zetas to municipal police in Allende, 2011

Average monthly wage of a municipal police officer in the region*	MX\$6,324.33
Monthly payments by Los Zetas	Amount
Chief of police	MX\$20,000
Police commander	MX\$10,000
Four station chiefs, MX\$3,000 each	MX\$12,000
7 officers who were ready and willing, MX\$2,000 each	MX\$14,000
4 officers who were unwilling, MX\$1,000 each	MX\$4,000
3 officers who refused, MX\$500 each	MX\$1,500
Monthly expenditure by Los Zetas on police	MX\$61,500

* This figure is based on data available for municipal police forces in Acuña, Piedras Negras and San Pedro in 2011.¹¹

For the most part the municipal authorities were merely decorative figures. The individual who was mayor in March 2011 declared in writing to the State Attorney that “I was not witness to the events,” that “I heard about it from comments from people who had not been witness to the events either,” that “I never received any notification, complaint or allegation from persons or victims of the violent events.” The commander of the Department of Public Security revealed that he had not received any allegation or information from any person or other source and that, since the municipality is not empowered to open an investigation, he did nothing.

To repeat what has been stated above: these are considered cases of forced disappearance because the police file includes statements about detentions or executions without solid evidence being presented about the victims’ deaths. The Coahuila State Attorney has classified 26 of the disappearances as cases of kidnapping.

Taking these statements as a basis, it may be affirmed that:

- a) In these two municipalities, the criminal organization controlled the local security apparatus and some of the police officers were an integral part of Los Zetas.
- b) There are similarities in the methods used by Los Zetas to control the police.
- c) Municipal governments were ineffective and their officials violated multiple Mexican and international laws. For example, they failed to meet their obligation to “immediately” report cases of forced disappearance.

- d) If the prevailing situation in San Fernando and Allende also holds in other municipalities—and there is much evidence to suggest this is the case—local governments are the weakest flank of the Mexican State.
- e) Taking these points together, we may affirm that the two municipalities abandoned the victims.

A question remains to be addressed in the following sections: What role did the state and federal governments, and the autonomous human rights bodies, play?

C.2. THE STATE GOVERNMENTS OF TAMAULIPAS AND COAHUILA

The three state governors of Tamaulipas and Coahuila we shall analyze engaged in significantly different behaviors.

Egidio Torre Cantú, from Tamaulipas, and the interim governor of Coahuila, Jorge Juan Torres López (January-December 2011), did all they could to avoid any responsibility being imputed to their administrations, denying or minimizing the events in question.

Rubén Moreira, meanwhile, has changed language, laws, and public policies. These are steps in the right direction which do not, however, offer a comprehensive solution to the problems raised by the victims.

We will justify these assertions below.

C.2.1 TAMAULIPAS

The administration of Torre Cantú was distinguished by denials and ineffectiveness:

- a) *Denials*. In April 2011 between 193 and 196 bodies were discovered in pits in San Fernando. The U.S. consul in Matamoros described the reaction of the Tamaulipas government in a few words: “Officials from the Tamaulipas government are attempting to minimize the discoveries and the responsibility of the state.” He added that they excuse themselves saying that “organized crime is a federal issue and the state lacks the resources to confront it.”¹²

We encountered the same attitude when we requested information in 2016 from the Tamaulipas State Human Rights Commission (CODHET). Their response was brief and evasive. They excused themselves claiming that the CNDH had opened an investigation and issued a *Recommendation*. It is true that the federal body had taken over responsibility for the case, but the CODHET could clearly have done much more for the migrants.

- b) *Ineffectiveness*. Recommendation 80/2013 of the CNDH clearly documents the lack of professionalism on the part of the Tamaulipas State Justice De-

partment (PFJET). This is the case, for example, with the handling of the bodies of the 72 migrants. This aspect is discussed in depth in the Appendixes. What lies at the origin of the behavior of the Tamaulipas government? Is it incompetence or was there complicity with organized crime? If this is the case, what was the level and depth of the links between the government of Torre Cantú and Los Zetas or the Gulf Cartel? We cannot give a clear answer, in part because the CNDH did not assign responsibilities nor did it go into depth on the actions of the municipal and state governments, either in the *Recommendation* or the supporting dossier. It also did not explain the background and context, even when in the files there are elements that might contribute to understanding the events.¹³

C.2.2. COAHUILA

Neither the PGR nor the CNDH took over responsibility for the Allende case, which was left in the hands of the Coahuila state government. The way in which it was handled by two different governors reveals very differing attitudes.

The interim administration of Jorge Juan Torres López (January 4-December 1, 2011) was defined by denial. Evasion was possible because the victims and population were terrified and the matter was initially ignored by the media. The State Attorney only received one complaint and made a visit to Allende, which is characterized by its ambitious instructions and meager results. This explains a remark made by Governor Rubén Moreira (December 1, 2011-present) during a conversation for this investigation: on the issue of disappearances, in “Coahuila nothing had been done.”

The administration of Rubén Moreira did recognize the seriousness of the events and did take an interest in the tragedy without having achieved, to date, either a comprehensive response or adequate attention.

A) THE POSITIVES OF THE COAHUILA GOVERNMENT

Ever since his campaign Rubén Moreira acknowledged that Coahuila had a serious security and human rights problem. As governor, he has dedicated attention to disappearances. The most important activities include:

- Regular meetings with civil organizations that represent families of the disappeared. They acknowledge the gesture and the policies adopted, but point to the lack of concrete results and a number of unacceptable conditions.
- The creation in May 2014 of the Coahuila State Executive Commission for Attention to Victims (CEEAV).
- Reform to the State Attorney's fundamental law to create the Search Unit specializing in disappearances.

- Inviting the International Red Cross to carry out a program of exhumations and identification of bodies in burial pits.
- Responding in writing—even if briefly—to the report *Undeniable Atrocities. Confronting Crimes Against Humanity in Mexico* by the Open Society Justice Initiative.
- More transparency, which is reflected in the access to the file given to the CEAV and the team of independent researchers that worked on this report.¹⁴

B) DEFICIENCIES AND OMISSIONS OF THE RUBÉN MOREIRA ADMINISTRATION

Michael Chamberlain, of the Fray Juan de Larios Diocesan Center for Human Rights, asserts that the “worst handicap of the Rubén Moreira Administration is that the investigation does not give priority to the right to truth.” He is right, and his diagnosis is confirmed by analysis of the judicial dossier and the work carried out by two public bodies in Coahuila state.

The file includes the statements of 61 people who identified 31 members of Los Zetas and five police officers as active participants in the operations of March 2011 and March 2012. The other members of the police force acted as *halcones* (scouts) or stayed in their stations.

Persons who made statements in the Coahuila State Attorney file

Family members of victims	11
Municipal police officers	18
Public officials	2
Fire officers	4
Local residents	16
Family members of perpetrators	4
Members of Los Zetas	6
Total	61

As may be seen in the following table, the type of activities and the dates on which they were carried out confirm:

- The disproportionate weight given to the statements. 56 witness declarations in contrast to four expert visits, including taking samples almost three years after the event.
- The extreme tardiness of an issue that, given its severity, should have received more attention. In fact, the case was ignored between 2011 and 2013.
- It received greater priority from January 2014, as the result of greater media attention. It was not until November 2014 that the State Attorney sent expert in-

investigators to the Los Garza ranch. Helped by two dogs 66 bone and 68 dental fragments were recovered. We do not know if DNA was extracted.

Actions by the Coahuila State Attorney between 2011 and 2016

Year	Actions							
	Accusations	Witness statements	Visual inspections	Interviews with local population	Visits by experts	Sampling for analysis	Detentions	Visits to implement legal actions
2011	1	1	1	1	-	-	-	-
2012	1	3	-	1	-	-	-	-
2013	-	-	1	2	-	-	-	-
2014	8	37	-	3	4	2	6	1
2015	1	15	-	-	-	-	1	1
2016	-	-	-	-	-	-	-	-
Total	11	56	2	7	4	2	7	2

Note. As of early August 2016 (when we consulted the file), no other judicial work had been carried out on this case, despite the fact that testimonies had been emerging from courts in Texas. More details are given in the Appendices on the actions undertaken by the State Attorney's Office.

The file gives the impression that Allende is an independent republic. There is almost no mention of other state or federal agencies and there is no analysis of the context in which disappearances occur, or systematic patterns. These are essential requirements for carrying out an investigation with due diligence.

They also do not show any interest in linking Allende with other municipalities. The file is focused on the reprisals against the Garza family without mentioning what Los Zetas undoubtedly did in neighboring municipalities to punish Cuéllar and Moreno.

This lack of interest in the truth and the desire to treat the matter as closed perhaps influence the insistence of the Coahuila state government to the families and their representatives—in this and other cases—that the disappeared are dead and the perpetrators are also either dead or in prison. One unresolved contradiction is that in the State Attorney's file they are given the status of "aggravated kidnapping."

An additional problem is the lack of work carried out by the CEEAV and the Coahuila Human Rights Commission. The work of both institutions is inadequate, given the scale of the problem. These criticisms are treated in greater detail in the Appendices.

The deep dissatisfaction of the families of the disappeared is thus understandable, who are denied a precise version of what happened, and who are also witness to the slowness and inefficiency of judicial processes.

As such, it may be concluded that the victims of San Fernando and, to a lesser degree, those of Allende, did not receive appropriate treatment from the state governments. To establish the possible responsibilities of the Tamaulipas government, we would need to have access to their archives, since the case was taken over by federal institutions. In Coahuila, Rubén Moreira has established the foundations for a better policy, and since he will remain in post until the end of 2017, he may have the time to accelerate the work and consolidate a better policy.

C.3. FEDERAL GOVERNMENT, THE NATIONAL HUMAN RIGHTS COMMISSION (CNDH) AND THE EXECUTIVE COMMISSION FOR ATTENTION TO VICTIMS (CEAV)

Municipal governments were complicit in serious human rights violations, the government of Tamaulipas was indifferent, and that of Coahuila was lacking. In this light, what did the federal agencies and autonomous bodies do or fail to do?

The information we have is insufficient to understand the actions and omissions of the Federal Executive and we hope to close this gap during Phase 2 of this research. It seems that the PGR took over some of the investigations into Allende, while the Army and/or Marines had bases close to the municipal centers of San Fernando and Allende. We may suppose that the National Investigation and Security Center (CISEN) had agents deployed in these areas, and that the National Migration Institute played a role in the issue of the migrants.

Thus, we know that they were aware of what was happening, but we don't know how they processed this knowledge, and above all, what was the reason for the passive response to the control wielded by Los Zetas over the two municipalities. In the case of Allende, a fire officer asserted that "the Army never intervened in any confrontation."

In any case, we will place the emphasis on the CNDH and the CEAV, the public bodies that allowed access to their archives.

C.3.1. THE NATIONAL HUMAN RIGHTS COMMISSION

The CNDH did not meet its obligation to prevent human rights violations and to investigate them to achieve justice and reparations. While it is true it immediately took an interest in the San Fernando massacre, it was almost three years before it issued *Recommendation* 80/2013. Access to the 12,182 numbered pages that supported this *Recommendation* enabled us to better understand its working methods and how it established its own limits.

This analysis focuses above all on the period Raúl Plascencia was president of the CNDH: November 2009 – November 2014. Analysis of the period in office of Luis Raúl González is incomplete.

a) *San Fernando*. The *Recommendation* has positive aspects. For example, it produces an accurate description of the errors committed by the Tamaulipas State Attorney. In addition, it assigns responsibility to the judicial agents for failing to properly carry out the identification, handling and preservation of the bodies, failing to comply with procedures for handling the chain of custody, preservation of the crime scene, and releasing remains without being sure of the identities (they sent the body of a Brazilian victim to Honduras).¹⁵

The positives are overshadowed by the lack of follow up and by omissions. This, together with the excessive length of time taken, made it irrelevant to the protection of the victims.

In fact, the greatest failing of the CNDH in San Fernando is the lack of empathy shown towards the victims. Independently of the declarations made to the media by the head of the Commission, examination of the dossier that supported the *Recommendation*—agreements, circumstantial records, medical reports, preliminary inquiries, press releases, news stories, etc.—make it clear that the CNDH did not enter into contact with the families of the 72 people who lost their lives.

The CNDH made a number of recommendations to the PGR and the government of Tamaulipas. These were public admonishments of no consequence whatsoever, but they reveal the distance between what the CNDH requested and what occurred. For example, the CNDH made seven recommendations to the governor of Tamaulipas. The first five of these begin in the same way: that such-and-such an authority “should be instructed to ...”; the sixth requests that “instructions be given to the Department of Public Security” and the seventh orders that it “extensively cooperate” with the CNDH.

It is notable how easily the CNDH considered its recommendations to have been met. It was enough for the governor of Tamaulipas to send an official letter “instructing” such-and-such a government body to do what the CNDH asked for it to receive a remark of partial or total “fulfillment.” There was no follow-up to verify if it was actually being done or if this improved the situation of victims. There are indications that in fact, all the government of Tamaulipas did was send letters, which, in Mexico, is the equivalent of doing nothing.

The CNDH also failed to investigate the role played by the municipal police and other state agencies. This is a notable omission given that in its *Special Report* for 2009 on the kidnapping of migrants, it asserted that “in some cases [there is] evidence to

suggest the participation or collusion of authorities from the three levels of government.”¹⁶ This lack of concern is such that the *Recommendation* does not even cite its own *Report*. Indeed, it set aside the witness statements at its disposal; our impression is that it censured itself.

The CNDH of Raúl Plascencia failed to intervene in the Allende case despite the fact that in September 2014 the agency head declared that they had been investigating it for months, had gathered witness statements and traveled to the crime scene.¹⁷ According to Juan Alberto Cedillo of the magazine *Proceso* (June 30, 2014), an official letter from the CNDH had answered a complaint about Allende stating that the case “had been turned over to the Coahuila State Human Rights Commission.”¹⁸ The *Proceso* reporter interviewed the mayor of Allende, Reynaldo Tapia, who contradicted Plascencia, saying that the CNDH had turned up in Allende just a few days before the press conference.¹⁹

During the leadership of Luis Raúl González, the CNDH carried on its investigation into Allende, but with little continuity. In fact, there was a period of inactivity between June 2015 and August 2016, when work began again. It is true that it faced obstacles to gaining access to information, but it could have taken other actions to continue its investigation.

The constitutional reform of 2011 granted the CNDH the capacity to describe a violation as “serious,” which allocates more resources to the victims and to society to demand the truth and secure reparations. During his term in office, Raúl Plascencia only defined two human rights violations as serious: Chilpancingo, Guerrero, and Ocoyucan, Puebla.²⁰ We do not believe it is correct to measure severity by counting the number of dead, but it seems illogical that neither Raúl Plascencia nor Luis Raúl González qualified San Fernando and Allende as “serious.” The acts of Los Zetas raised the bar for barbarity. The State neither prevented them nor acted with the speed demanded by both cases.

C.3.2. THE EXECUTIVE COMMISSION FOR ATTENTION TO VICTIMS

During the administration of President Felipe Calderón, the Movement for Peace with Justice and Dignity appeared, together with other organizations that demanded support for victims. They put the issue on the national and international stage. The State responded by approving laws, creating institutions and allocating budgets. However, the victims, the organizations that represent them, and observers of the issue agree that the results are unsatisfactory.

One of the first actions of President Enrique Peña Nieto was to introduce a General Law on Victims and establish a National System for Attention to Victims, which is the highest body for coordinating, formulating and evaluating public policies inten-

ded to provide protection, attention, support, assistance, access to justice, truth and comprehensive reparations for victims.

The CEAV is the operational agency of this National System. This research allowed us to state that the Commission has been unable to provide appropriate attention to the victims of San Fernando (it has no file open on the Allende case). In the Appendices we provide more detail on the CEAV and present specific recommendations. This document simply states the key ideas.

The CEAV's mandate provides it with a vast potential capacity to support, protect, and provide reparations to victims. However, it has distinguished itself more by what it has failed to do than by its achievements. To a great extent, this is due to the deficient original design and bureaucratic disorder caused in part by a fracture between the four commissioners (there should be seven), its timid interpretation of its capacities, the exaggerated emphasis on individual compensation while forgetting integral reparation, its distance from organizations that deal directly with victims, and the way in which it allocates resources from the victims' fund.

This damning diagnosis is shared by several public bodies and is even the opinion of members of the Commission itself. As we deliver this Report, an effort is underway on the part of the Federal Executive and the Congress to fully restructure this organization, key to victim support. We hope to have contributed to collective reflection with this investigation.

In summary, neither the CNDH nor the CEAV dealt adequately with the victims of San Fernando and of Allende. This view—shared by Mexican and international organizations and analysts alike—has given rise to a methodical and sometimes destructive criticism that should give way to a more fruitful discussion: how to strengthen public bodies? This is the subject of the following sections.

D. VICTIMS, CIVIL SOCIETY ORGANIZATIONS AND THE STATE

Despite the adverse conditions, victims have been able to defend their rights because they have enjoyed the support of civil organizations, the media, and academics from both Mexico and other countries. This is a web of interactions that we cannot at present reconstruct or describe in the necessary detail. We shall present an overview that is expanded on the Appendices, and which we shall complete in Phase 2 of this investigation.

Generally speaking, these actors cover complementary tasks. The media call attention to tragedies, often giving them a human face. As they gain visibility, the victims feel recognized and sometimes seek the support of civil organizations that, once involved, accompany them for the time they require. Simultaneously, academics gather information and interpret events to generate knowledge to support the work of acti-

vists and journalists. These social actors commence, by themselves or in alliances, an interaction with State bodies that sometimes leads to the approval of laws, the creation of institutions, and the approval of budgets.

D.1. THE VICTIMS

We spoke with some families of those murdered at San Fernando and with NGOs representing those who disappeared in Allende. Observing up close the consequences of violence on individuals and families is deeply unsettling due to the level of suffering they display, and because it reminds us of the vulnerability of everyone living in Mexico. For this reason it is so important to be able to rely on State institutions that have a judicial framework that is committed to those whose rights have been violated.

The mother of a Salvadorean migrant murdered at San Fernando summed up in four sentences the desires of those affected and their feeling of abandonment:

- a) I live in doubt, not knowing for sure who is buried in the cemetery in El Salvador.
- b) We have a right to truth, to justice, and to medicine, to education and many other things we need.
- c) The government promised us this, but to date nothing has happened.
- d) They play games with our dignity.

A Guatemalan mother expresses the pain and impotence felt by the families: “They left us moribund, with our pain [...] we were left with pain, anguish, desperation, because we feel useless, we can’t do anything.”

In short, the victims seek truth, justice and reparations. They also want to be treated with dignity. To date, the institutions of the Mexican State have been unable to fulfill these expectations.

D.2. CIVIL ORGANIZATIONS

Civil organizations have been key to supporting the victims of both San Fernando and Allende, as well as demanding a response from the government. For this investigation we worked above all with the Foundation for Justice and the Democratic Rule of Law, based in the capital, and with the Fray Juan de Larios Diocesan Center for Human Rights in Saltillo, Coahuila.

The Foundation is one of the civil society organizations that has most closely supported the families of the victims of San Fernando. Its role has been key to the case continuing to advance through the intricacies of the Mexican justice system. This persistent work has influenced the emergence of national and international awareness of

the issues faced by migrants crossing Mexican territory, which in turn has led to the establishment of a regional organization.²¹

The Fray Juan de Larios Diocesan Center for Human Rights in Saltillo, Coahuila was promoted by Bishop Raúl Vera López, a central figure in the promotion of human rights. The Center is a pioneer in the issue of disappearances in the State of Coahuila (it commenced its work in 2009). Its presence is one of the factors that explains why the government of Rubén Moreira made the issue one of its priorities.

In Coahuila there are other organizations that—although more recent—support the families of the disappeared. These include the collective Fuerzas Unidas por Nuestros Desaparecidos en Coahuila (FUUNDEC), which has reported more than 380 cases and is supported by the Fray Juan de Larios Diocesan Center. Others include Families United in the Search for Disappeared Persons, Piedras Negras, Alas de Esperanza and Grupo VIDA.

These short references in no way exhaust the involvement of civil society in the defense of human rights in Tamaulipas and Coahuila. Although we will examine this aspect in greater detail, we can anticipate a key hypothesis: the social fabric of a city, region, or state is strongly conditioned by the context. If the Allende tragedy has been taken up by civil organizations in Coahuila, it is largely due to the stronger social fabric in this state, compared to Tamaulipas. With fewer inhabitants, Coahuila is home to almost three times more civil organizations than Tamaulipas.

**Civil Society Organizations (CSOs)
in Tamaulipas and Coahuila, 2012-2016**

	Coahuila		Tamaulipas		National	
Population according to 2010 census	2,748,391		3,268,554		112,336,538	
-	Total	Rate*	Total	Rate *	Total	Rate *
2012	367	13.3	188	5.8	15,019	13.4
2013	414	15.06	203	6.2	16,255	14.5
2015	-	-	225	6.9	22,918	20.4
2016	414	15.1	234	7.2	21,122	18.8

* Rates calculated per 100,000 inhabitants. Only CSOs described as “active” were considered. The calculations were made in different months for each year.

Source: Joint responsibility of RFOSC, Indesol-SEDESOL and INEGI for population calculated according to 2010 census.

This analysis must be supplemented by a peculiarity arising from the conditions of Tamaulipas. As described by Lucía Calderón in a doctoral thesis of 2016, the intensity of the violence in Tamaulipas led to the appearance of clandestine and informal civil organizations that established networks of resistance in light of the absence of the State.²²

D.3. THE MEDIA

Journalists, media and social networks have played a central role in the evolution undergone by the tragedies of San Fernando and Allende. This is the case because the victims, Los Zetas and some governors do care about what is reported about them.

The following is a list of some of the newspapers and journalists that have played key roles in the cases described here. The media that provide regular information about the issues are *Proceso*, *Grupo Reforma*, *La Jornada*, *Sin embargo* and *Animal Político*, *Mañana* in Matamoros, Nuevo Laredo and Reynosa, *La Vanguardia* in Coahuila and *El Siglo de Torreón*.

On San Fernando, a significant figure is Marcela Turati of *Periodistas de a Pie*, an organization that created the investigative website “+de 72” to address the massacres of migrants in Mexico.²³ Alma Guillermprieto and Gary Moore have made efforts to report what happened in San Fernando to a global audience.²⁴ In the case of Allende, of particular note is the work of Juan Antonio Cedillo (*Proceso*), Diego Enrique Osorno (*Vice*), Jason Buch and Guillermo Contreras (*San Antonio Express News*) and Alfredo Corchado (*Dallas Morning News*).

Reporting on organized crime is more risky in Tamaulipas than in Coahuila, in part, we believe, due to the different densities of positive social capital. The organization Article 19 has documented these variations in the attacks on freedom of expression (confirmed by studies undertaken by Freedom House, among other organizations).

Journalists murdered (2000-2016): Tamaulipas 13; Coahuila 3.

Journalists disappeared (as of January 2015): Tamaulipas 17; Coahuila 4.

For the press to be effective, their counterparts in dialogue must be officials who care—for whatever reason—about what is said about them in the media. The governor of Tamaulipas didn't care; that of Coahuila did.

With regard to the media attention on San Fernando and Allende, the massacre of the migrants was a national and international scandal from the outset. This was not the case in Allende. The level of interest has grown over the years, as the case is understood to act as a gateway to the violence afflicting a whole region and state.

D.4. ACADEMIA

The violence that troubles Mexico has altered the attitudes of several different actors. There have always been scholars interested in organized crime and its impact on human rights. A verifiable change is that an increasing number of academic institutions, both public and private, Mexican and foreign, are creating research programs into the many aspects of war and of peace. Of note among these, indeed, is the Morelos State Autonomous University. If to this we add the appearance of specialized research centers, the increase in the quality of knowledge on these issues may be understood, together with the ever better-grounded demand for public policies that meet the seriousness of the situation.

E. LESSONS OF SAN FERNANDO AND ALLENDE

Review of the events of San Fernando and Allende allows us to present a number of conclusions, lines of research and working hypotheses that are founded on the following assumptions:

- a) The Mexican State's system for attending to victims requires a thorough restructuring that reflects the severity of the challenge arising from the exponential increase in victims.
- b) This requires, among other things, improving empathy and the channels of communication between State and society.
- c) This returns us to the guiding thread of this research. Seeking the truth is an effective way of generating agreements on public policies. When understanding of the phenomenon and of the "others" improves, it will become a relatively easier task to achieve consensus among victims, society and State over how to bring human rights into line with security.

This argument leads us to enumerate a number of gaps that must be covered if we are to fully understand the lessons of San Fernando and Allende.

E.1. LOS ZETAS AND SOCIETY

The writings of Primo Levi, Robert Antelme, Christopher Browning and Hanna Arendt are characterized by an effort to understand the logic of the perpetrators.²⁵ When we understand men of violence and the support they find among society, it will be possible to reduce the number of victims.

That is to say, individuals and groups contribute to the dominance of positive or negative social capital. In the municipalities studied, there were those who supported

the rule of law and those who shared the beliefs and the absence of values of the organized crime groups. Two stories from Allende offer examples of this.

Control over the municipal police force in this Coahuila town was not total. We know, from the file, that nine of the 20 police officers did not actively collaborate with Los Zetas, and that the fire brigade refused to collaborate and to accept their money. This is the statement of a fire officer on the relationship established by his brigade with Los Zetas (**unverified**):

The plaza boss “showed a wad of cash” to the chief fire officer of Allende and said “here’s something to keep you off our backs” and the chief fire officer replied saying no, that it was fine, that “there was no problem.” So Los Zetas “got out of their vehicles and told us all to ‘get the fuck out the back,’” and round the back they took our pants down and smacked all of us on the backside with a plank, for having refused to take the money. After beating us with the piece of wood they left, warning us that if [we continued to refuse] things would go badly for us. Later, the chief fire officer “spoke to them and [we did] not accept anything from them, in order not to be in debt to them.”

We don’t know how many residents of Allende rejected the criminals. We know that there were some who justified the events and even welcomed the disappearances.

An Allende resident stated to the state attorney that “they sold drugs at the house of XXXX Garza, people were always going there to buy, and the whole town knew this.” Another person acknowledged having posted to Facebook photographs of demolished houses together with a disturbing comment: “everything is paid for ... how does it feel?” According to the file drawn up by the Coahuila State Attorney, this individual’s comment reflected the fact the Garza family had wrested control of the plaza from their father.

In other words, what is the size of the social base enjoyed by the rule of law and by organized crime in San Fernando, Allende, and other parts of the country? How do we respond to those sectors of the population who chose to grant their loyalty to criminals? Can the same responsibility be imputed to the *sicario* who murders as to the young men who protect him because they want to follow in his path?

Why did the state and federal governments permit such a wide margin of autonomy to Los Zetas? It is not enough to speculate about their motives. We must be certain, which requires interviews, fieldwork, and designing methodologies suited to each region.

E.2. THE STATE

To carry out more detailed analyses it is necessary to break down the State into its component parts. For example, it is striking how the mayors of San Fernando and

Allende enjoyed apparent autonomy from their respective governors in their submission to Los Zetas. How widespread was and is this control in other municipalities of Tamaulipas, Coahuila and other Mexican states? The documents we have reviewed gives an idea of how this domination takes root. Is theirs a model for achieving emancipation?

The same could be said for the relationship between state governors and the federal government. The governor of Tamaulipas ignored the massacre at San Fernando and delegated the problem wholesale to the Federation. Rubén Moreira took the opposite approach because, as he stated in the interview we held with him, in his inaugural speech he declared “I will take care of security in Coahuila.” Does this mean that the key variable is the will of the governor? We know that pressure from civil society has an influence, but we don’t know how.

In the federal executive, how many knew what was going on in San Fernando and Allende, and in the state capitals (Saltillo and Ciudad Victoria)? Were they aware, but considered it to be collateral damage that society had to pay as part of the strategy to break up the cartels?

Our point is that **there are differences among government officials** and as such it is possible that society and its component parts establish agreements with officials who express greater sensitivity. However, a prior requirement for this understanding is that different components of the State stop denying the human cost of the criminal violence. There are millions of victims waiting to be addressed.

E.3. THE INTERNATIONAL VARIABLE

Much more attention needs to be dedicated to the role played by other countries, and the United States in particular. The 72 migrants were seeking to enter the United States and at least two of those involved in the attack on Allende are now protected witnesses of the DEA, despite the arrest warrant against them in Coahuila. Then there is the Salvadorean who, according to the then president of El Salvador, survived the massacre and is now in the United States, apparently as a protected witness.²⁶ If we add in other factors, we believe that, as a working hypothesis, San Fernando and Allende should be analyzed as expressions of a bi-national and regional violence. The fact that some criminals have dual nationality reinforces the idea that we are facing an internationalized violence.

E.4. THE ECONOMIC VARIABLE

Finally, there is the economic impact of the actions of Los Zetas. Does the fact that the areas where these two massacres occurred are rich in gas and/or oil hold any sig-

nificance? This is one of the arguments of University of Texas professor Guadalupe Correa-Cabrera, who made her forthcoming book available to us as this report was being completed.²⁷

These are some of the thoughts and questions left by this examination of two tragedies occurred in municipalities close to Mexico's northern border. What to do?

In the Appendices we have included a number of ideas on what the CNDH and CEAV could do. However, given the magnitude of the humanitarian tragedy, the CNDH, CEAV and the INAI (the Institute in charge of government transparency) should seek to reach an understanding. The agreements they could make would include selecting a dozen paradigmatic cases in order to review them in depth with a view to establishing a Mexican model for providing attention to the victims of violence.

In parallel, civil organizations, the media and academics interested in the victims should explore common agendas oriented towards designing joint strategies to improve public policies.

The Seminar on Violence and Peace of El Colegio de México would like to thank the CEAV, the CNDH, and the Coahuila state government, among other institutions, for their readiness to collaborate with this independent academic investigation into the two tragedies.

From our perspective, the model of seeking the truth by means of agreements between the State and an academic institution is a fruitful one, and can contribute to improving the interpretation of violence and of peace. State and society alike are obliged to come together for a purpose clearly set out in Article 1 of the Mexican constitution: "the State must prevent, investigate, punish and remedy violations of human rights, in the terms established by law." And society must demand that it does so.

Endnotes

¹ Email exchange with Carlos Flores, September 11, 2016. Carlos Antonio Flores Pérez, *Historias de polvo y sangre. Génesis y evolución del tráfico de drogas en el estado de Tamaulipas*, México, Centro de Investigaciones y Estudios Superiores en Antropología Social (Publicaciones de la Casa Chata), 2013.

² “Declaración ministerial de Édgar Huerta Montiel ante la Procuraduría General de la República,” recogido de Marcela Turati, “La matanza de San Fernando: inconsistencias y falsedades,” *Proceso*, May 23, 2015. Available at <<http://www.proceso.com.mx/405140/405140-la-matanza-de-san-fernando-inconsistencias-y-falsedades>>; consulted September 15, 2016.

³ Ministry of the Navy, press release 216/2010. Available at <<http://2006-2012.semargob.mx/sala-prensa/comunicados-2010/1436-comunicado-de-prensa-216-2010.html>>; consulted October 3, 2016.

⁴ “Diligencia de inspección ministerial y levantamiento de cadáveres” of August 24, 2010, drawn up by the Tamaulipas State Investigative Police. Manuscript. CNDH file on San Fernando.

⁵ Jan Martínez Ahrens, “Silencio, aquí se mata,” *El País*, July 5, 2014. Available at <http://internacional.elpais.com/internacional/2014/07/05/actualidad/1404594964_269006.html>; consulted September 30, 2016.

⁶ A detail that illustrates the culture of violence is the leap from Z40 to Z42. This may be due to the fact that amongst gangs the number 41 is not used, since it is a number associated with homosexuals in Mexico.

⁷ Conversation with Rubén Moreira, Governor of Coahuila, July 28, 2016.

⁸ Consul of Matamoros, “Tamaulipas’ Mass Graves: Body Count Reaches 145,” diplomatic cable to the State Department, April 15 2011. Available at <<http://nsarchive.gwu.edu/mexico/SF-20110415.pdf>>; consulted September 30, 2016.

⁹ SEIDO, “Tarjeta Informativa. Asunto: Policías relacionados con el hallazgo de Cadáveres en las Fosas clandestinas en San Fernando, Tamaulipas,” fecha testada. Desclasificado y publicado por el National Security Archive. Available at <<http://nsarchive.gwu.edu/NSAEBB/NSAEBB499/TarjetaInformativa.pdf>>; consulted September 28, 2010.

¹⁰ Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, “Sueldos de policías estatales y municipales 2010- 2011,” p. 14.

¹¹ Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, “Sueldos de policías estatales y municipales 2011,” p. 9.

¹² Matamoros Consul, “Tamaulipas’ Mass Graves: Body Count Reaches 145,” *op. cit.*

¹³ The *Recomendación* is spare. In the section “Events,” it dedicates a paragraph (para. 3) to state how it learned of the events, through a press report in *El Universal*, and what it said. In the section “Evidence,” it describes the press release of the Ministry of the Navy (para. 5), the *El Universal* report (para. 6) on the discovery of the bodies and a report from *La Jornada* entitled “Undocumented migrants, recruited by Los Zetas since last year” (para. 24). In the section “Le-

gal Situation,” there is a paragraph on how the migrants were traveling in two trucks and were kidnapped by Los Zetas (para. 101), together with a paragraph referring to the transfer of the group of migrants to a ranch, the shootings, and the narration of a survivor to the Ministry of the Navy, who was repatriated on August 29 (para. 102). Finally, in the section “Observations,” there are a few very short paragraphs (paras. 116, 117, 118, 119, 120 and 121) that refer to the narration of one of the survivors.

¹⁴ Conversation with Rubén Moreira, Governor of Coahuila, July 28, 2016.

¹⁵ CNDH, *Recomendación 80/2013. Caso de privación de la vida de 72 personas migrantes y atentados a la vida de los extranjeros V73 y V74, en el municipio de San Fernando, Tamaulipas*, December 23, 2013.

¹⁶ CNDH, *Informe especial sobre los casos de secuestro en contra de migrantes*, June 15, 2009, p. 11. Available at <http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/2009_migra.pdf>.

¹⁷ See “CNDH investiga caso de Allende,” *El Siglo Coahuila*, September 12, 2014. Available at <<https://www.siglo.mx/coahuila/noticia/18599.cndh-investiga-caso-de-allende.html>>.

¹⁸ Juan Alberto Cedillo, “Tres años después, la CNDH comienza a investigar la masacre de Allende,” *Proceso*, September 17, 2014. Available at <<http://hemeroteca.proceso.com.mx/?p=382282>>.

¹⁹ *Ibid.*

²⁰ *Recomendación 1VG/2012. Sobre la investigación de violaciones graves a los derechos humanos relacionada con los hechos ocurridos el 12 de diciembre de 2011 en Chilpancingo, Guerrero*; the recommendation was published on March 27, 2012, that is, just over three months after the events. *Recomendación 2VG/2014. Sobre la investigación de violaciones graves a los derechos humanos iniciada con motivo de los hechos ocurridos el 9 de julio de 2014, en el Municipio de Ocoyucan, Puebla*; the recommendation was published two months after the events, on September 11, 2014. *Recomendación 3VG/2015. Sobre la investigación de violaciones graves a los derechos humanos, por el uso excesivo de la fuerza que derivó en la privación de la vida de V44, V45, V46, V47 y V52, así como la ejecución extrajudicial de V49, atribuida a la Policía Federal, con motivo de los hechos ocurridos el 6 de enero de 2015 en Apatzingán, Michoacán*; the recommendation was published on November 24, 2015, ten months after the events. *Recomendación 4VG/2016. Sobre la investigación de violaciones graves a los derechos humanos, por el uso excesivo de la fuerza que derivó en la ejecución arbitraria de 24 civiles y la privación de la vida de un civil; la tortura de dos personas detenidas; el trato cruel, inhumano y degradante en perjuicio de una persona detenida y la manipulación del lugar de los hechos, atribuida a la Policía Federal, con motivo de los hechos ocurridos el 22 de mayo de 2015 en el “Rancho del Sol,” Municipio de Tanhuato, Michoacán*; the recommendation was published on August 18, 2016, that is one year and three months after the events (15 months). Available at <http://www.cndh.org.mx/Recomendaciones_Violaciones_Graves>.

²¹ The principal objectives of the Red Regional Verdad y Justicia para las Personas Migrantes (Regional Truth and Justice for Migrants Network) are to: support the local and regional consolidation of families of migrants who have been victims of human rights violations “with the aim that the family members are leaders in the quest for their right to truth and access to justice,” establish regional mechanisms for finding disappeared migrants; creating protocols for identifying and finding migrants; and implementing a regional legal framework that reveals all the agents involved in

access to justice and the right to truth. See FJEDD, *Red regional verdad y justicia para personas migrantes*. Available at <<http://fundacionjusticia.org/red-regionalverdad-y-justicia/>>.

²² Lucía Calderón Santos, *Tamaulipas, un estado emblemático en la lucha contra la violencia. Prácticas comunicativas en un ambiente de excepción*. Doctoral thesis, Universidad Nacional Autónoma de México, México, 2016.

²³ See <<http://www.masde72.periodistasdeapie.org.mx/>>.

²⁴ Of particular use was the text by Gary Moore, “Lost Piece of the Massacre Puzzle”. Available at <<https://garymoore22.wordpress.com/2011/09/12/lost-piece-of-the-massacre-puzzle/>>; consulted September 28, 2016. **The text was also published in *Insight Crime*.**

²⁵ Primo Levi, “The Gray Zone,” in *The Drowned and the Saved*, New York, Vintage Books, 1989; Robert Antelme, *La especie humana*, México, Era, 1996; Christopher Browning, *Ordinary Men. Reserve Police Battalion 101 and the Final Solution in Poland*, London, Penguin, 1992; Hannah Arendt, *Eichman en Jerusalén. Un estudio sobre la banalidad del mal*, Barcelona, Lumen, 1999.

²⁶ “El testimonio de los tres sobrevivientes ayudará a la investigación, porque sabemos de un ecuatoriano, de un hondureño y ahora de un salvadoreño que se encuentra en Estados Unidos,” statement by the President of El Salvador, Mauricio Funes (*La Jornada*, September 6, 2010). According to *Periodistas de a Pie*, on the website “+de 72,” the Salvadorean witness may be a protected witness in the United States justice system. If this is true, there are opportunities for finding out more about what happened on August 22, 2010 in San Fernando, Tamaulipas.

²⁷ Guadalupe Correa-Cabrera, *Los Zetas Inc.: Criminal Corporations, Energy and Civil War in Mexico*, Austin, University of Texas Press (forthcoming in Spring 2017).

