

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*.