

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,