

**Statement on behalf of Fray Juan de Larios Human Rights Center,
Tom Lantos Human Rights Commission. United States Congress. October 5th, 2017.**

delivered by Michael W. Chamberlin.

Dear members of the Human Rights Commission.

My name is Michael Chamberlin, I'm the deputy director for the Fray Juan de Larios Human Rights Center, in Coahuila, advisor and legal representative of more than one hundred families of disappeared persons in Mexico. Together with my colleagues at this briefing, we have been studying the phenomenon of forced and involuntary disappearances in the country.

At the end of 2016, Mexico completed the first decade of the so call "war on drugs". The "Security Strategy" of president Calderon, supported by the Merida Initiative and continued by Enrique Peña, increased the number of armed forces involved in public security tasks, from 45 thousand 850 effectives in early 2007, to 96 thousand 261 in 2011¹.

According to official figures², in 10 years more than 200 thousand people have been murdered and at least 33,482 persons have been disappeared. As the United Nations High Commissioner for Human Rights stated at the end of his visit to Mexico in 2015: "for a country that is not in the middle of a conflict, the calculated figures are simply shocking"³.

The reason behind this violence was observed in 2006 by the National Conference of Governors⁴, when the Security Strategy was designed:

"The phenomenon of drug trafficking has been transformed in recent years; it is no longer just a problem of drug production and trafficking, but has become a network of supra-state organized groups that fight each other to take over regions, cities or plazas. Its purpose is to ensure narcotics trafficking and control in wholesale and retail; organize other criminal

¹Informe sobre el estado del marco normativo y la práctica de la tortura en México. Instituto para la Seguridad y la Democracia, A.C. (INSYDE), CMDPDH, CCDH, México 2014. Disponible en <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-informe-sobre-tortura-relator-onu-abril-2014.pdf> (Oct 4, 2017).

² Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, en <http://secretariadoejecutivo.gob.mx/incidencia-delictiva/incidencia-delictiva-datos-abiertos.php> (Oct 4, 2017); El Registro Nacional de Personas Desaparecidas y No localizadas (RNPED), es consultable en <https://rnped.segob.gob.mx/> (Oct 4, 2015).

³ http://www.hchr.org.mx/index.php?option=com_k2&view=item&id=767:declaracion-del-alto-comisionado-de-la-onu-para-los-derechos-humanos-zeid-ra-ad-al-hussein-con-motivo-de-su-visita-a-mexico&Itemid=265 (Oct 4, 2017).

⁴ Hacia un nuevo sistema integral de combate al crimen organizado. Estrategia y plan de acción. <https://www.conago.org.mx/Comisiones/Actuales/SeguridadYJusticia/> (Oct 4, 2017)

*activities such as smuggling, theft of goods, vehicles; take over black market activity and money laundering ... **This has led to the formation of a kind of anti-state or anti-government, which results in a population that operates on a territory and exercises its power through money, the management of physical violence and the threat of using it (...).***"

Judging by the increasing number of victims during this 10 years, the strategy has failed. Cartels are still operating; entire regions in Mexico are living under terror without rule of law and lacking protection from authorities.

Coahuila has been an example of this governing terror, when the Zetas between 2009 and 2012 consolidated territorial control in much of the areas where they operated and maintained territorial control and expansion through terror. Its military methods coupled with the indiscriminate use of violence as a means of control, strengthened the cartel's ability to carry out an attack on the civilian population, consisting of torture, executions, forced displacements and forced disappearances.⁵ This cruel criminal model has been extended to other territories and to other cartels.

Congresspersons,

The "Security Strategy" has failed in Mexico mainly because of impunity and corruption. Moreover, impunity and corruption have fueled the human rights crisis and the dismantling of our justice institutions.

In Mexico, although there are more than 32 thousand disappeared persons, they are investigated as isolated cases; authorities in many places of Mexico are still reluctant to undertake an investigation before the first 72 hours after the report, the most important hours to find the missing person; moreover, most cases are not even considered as committed by organized crime, only 5% of the cases are under federal jurisdiction⁶.

Government officials have said that such situation will change with the approval of the General Law on Enforced Disappearances and Disappearances Committed by Non-State

⁵ Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes against Humanity" Communication to the ICC, International Federation for Human Rights (FIDH), July 6th, 2017. <https://www.fidh.org/en/region/americas/mexico/mexico-murders-disappearances-and-torture-in-coahuila-de-zaragoza-are> (Oct 4, 2017)

⁶ See the July 2017 report of the National Registry on Missing and Disappeared persons. <https://rnped.segob.gob.mx/> (Oct 4, 2015).

Actors. The bill could be passed in Congress in the next few days. Although the new law will bring new tools for a better research, it will not change the will to investigate superior command responsibility or carry out exhaustive investigations on criminal enterprises; it will not reduce 93% of the cases that are never filed or the rate of impunity of 97%; nor will it end the high levels of corruption.

During our investigations we have learned, that these crimes are not only gang related but, as in the case of Coahuila, high government officials have been implied and profited from criminal activity⁷, we have also seen this trend in the Ayotzinapa case⁸. As today, there are currently 16 former governors imprisoned, fugitives or under investigation, linked to money laundering to embezzlement⁹. To this count we must add first level officials, such as prosecutors or secretaries, mayors, etc.¹⁰

Congresspersons,

Mexico needs the support of the international community. The United States should not only aid Mexico but demand the end of impunity and corruption, otherwise those millions of dollars through the Merida Initiative will be a waste and our regional problems will be enlarged by the existence of powerful mafia groups.

We believe that only an Extraordinary Mechanism able to process serious human rights violations, focused on dismantling criminal structures and the rebuilding of Mexican institutions, is the right answer.

⁷ University of Texas. "Control... over the entire state of Coahuila. A report on analyzed trial testimonies of Zetas members in San Antonio and Austin, Texas". The University of Texas School of Law Human Rights Clinic Spring 2017.

⁸ Independent Group of International Experts (GIEI). Informe Ayotzinapa II. InterAmerican Commission in Human Rights. <https://www.oas.org/es/cidh/actividades/giei/giei-informeayotzinapa2.pdf> (Oct 4, 2017.)

⁹ Javier Duarte from Veracruz (PRI), Mario Villanueva Madrid from Quintana Roo(PRI), Andrés Granier from Tabasco (PRI), Jesús Reyna from Michoacán(PRI), Flavino Ríos from Veracruz (PRI), and Guillermo Padrés (PAN) from Sonora; two free under process: Luis Armando Reynoso (PAN) from Aguascalientes y Rodrigo Medina (PRI) from Nuevo León; two fugitives, Tomás Yarrington, from Tamaulipas (PRI), Jorge Torres from Coahuila (PRI); four under investigation, César Duarte (PRI) from Chihuahua, Roberto Borge from Quintana Roo (PRI), Fidel Herrera from Veracruz (PRI), Gabino Cué from Oaxaca (PRD); Humberto Moreira from Coahuila (PRI) and Eugenio Hernández from Tamaulipas (PRI) have open files in the United States. See http://www.milenio.com/firmas/joaquin_lopez-doriga/presos-gobernadores-procesados-investigados-profugos_18_920487964.html (Oct 4, 2017).

¹⁰ For example, Nayarit state prosecutor Edgar Veytia was arrested on March 29, 2017 in the city of San Diego on charges of health crimes committed in the United States. See <http://www.animalpolitico.com/2017/03/fiscal-nayarit-detenido-eu/>; or the four former government officials of Javier Duarte in Veracruz detained for illicit enrichment, influence peddling or embezzlement. See http://www.milenio.com/firmas/joaquin_lopez-doriga/exgobernadores-presos-investigados-javier_duarte-miguel_mancera-lino_korrodi_18_995480477.html (Oct 4, 2017)

Aimed to the same goal, we encourage the US Congress to endorse and support the 14 recommendations to Mexico of the UN High Commissioner for Human Rights, which starts with the creation of an Advisory Council of renowned, independent, international experts, to diagnose and identify the avenues to end with impunity and corruption in Mexico.¹¹

Thank you,

Michael W. Chamberlin

¹¹ “1. Advisory Council: Establish an Advisory Council of renowned experts in the field of human rights and the fight against impunity to advise the Mexican State on strategies and reforms to foster the capacities to investigate and prosecute and to reverse the impunity rates prevailing in the country. The Council should elaborate and publicly present a national assessment on impunity and recommend a roadmap to address the issue, gage its effective implementation and present public periodic reports.”
http://www.hchr.org.mx/images/doc_pub/RecommendationsMX_HighCommissionerHR_EN.pdf