

**Statement on behalf of the International Federation for Human Rights (FIDH),  
Tom Lantos Human Rights Commission. United States Congress. October 5<sup>th</sup>,  
2017.**

Delivered by Jimena Reyes, Director for the Americas.

Last July, my organization, the FIDH, together with over 100 human rights NGOs from Mexico, presented to the Office of the Prosecutor of the International Criminal Court a report based on an analysis of a database of over 500 victims. Victims of, among other crimes, enforced disappearance, severe deprivation of liberty, and torture.

All those crimes were committed in Coahuila, a northern state of Mexico bordering Texas. These crimes occurred between 2009 and 2016.

Within those 500 victims' cases, we analyzed in great detail 32 judicial files corresponding to 73 victims, and interviewed some victims or their families. We also looked into the facts of the Allende Massacre, and the use of the Piedras Negras prisons by the Zetas drug cartel.

Our main conclusions were:

1. The situation in Coahuila is not one of sporadic violence, nor is the violence solely due to drug cartels.
2. We are beyond organized crimes, we are clearly into the commission of crimes against Humanity

A conjunction of elements led us to consider that, from 2009 to 2011/2012, under the mandate of Humberto Moreira and the interim of Jorge Torres as governors, the whole chain of state security authorities colluded with the Zetas to commit crimes against Humanity.

Furthermore, we consider that from 2011/2012 to 2016, State security authorities, especially through Special Forces units, directly committed crimes against Humanity.

I would like to present here:

1. What we mean by crimes against Humanity
2. What elements we took into account to reach that conclusion
3. What our main recommendations are

What do we mean by crimes against Humanity?

As you know, the Rome Statute of the International Criminal Court (ICC) entered into force on 1 July 2002. It represented a historic step in the fight against impunity for

perpetrators of the most serious crimes. It has been ratified by two-third of the world's States (124 States), including Mexico. since 2009, the US has sent observer delegations to the ICC's Assembly of States Parties. They are an active observer and many of the key staff from the International Criminal Court are US citizens.

Before an investigation can begin, the Office of the Prosecutor (OTP) conducts a preliminary examination to decide whether there are enough elements to open an investigation. During this examination, the OTP analyses whether the ICC has jurisdiction, whether a national court is not already investigating or prosecuting and whether an investigation would be in the interests of victims. Currently ten situations are under preliminary examination at the ICC.

Also, the countries that have ratified are integrating the definition of the Rome Statue crimes in their national legal systems. There are three international crimes for which the ICC has jurisdiction: genocide, war crimes, and crimes against humanity. The last is defined as eleven types of criminal actions among which murder, enforced disappearance, and torture, when committed as part of a widespread or systematic attack directed against any civilian population. There is no need of war for crimes to be qualified as crimes against humanity.

What led us to the conclusion that in Coahuila there had been a systematic attack, and a clear policy to attack the population, that could be considered crimes against Humanity?

First, the clear regular pattern in the cases we examined: it starts with arbitrary detentions by State forces, without any judicial order or warrant, leading to persons being handed to the Zetas (especially between 2009 and 2011/12) or directly detained and tortured, and in the worst cases disappeared. Also, in the cases of torture, we found the same techniques used over and over again, and a systematic denial of information to the families who were often intimidated by the police of (or?) the Special Forces.

Second, the goals and methods of the Zetas cartels, and the collusion with the authorities:

From 2009, the Zetas cartels consolidated their territorial control in Coahuila through the use of terror in the population. Eliminating the "enemy", with the enemy being a member of any other criminal organization attempting to control the territory, but also, anyone who either refused to collaborate with the group's activities, or whose disappearance would contribute to enhancing terror in the civilian population to increase submission to the group's control. They also oriented their strategy towards taking control of institutions, by co-opting police forces and political authorities.

The revelations about corruption, among others thanks to the testimonies in two trials in San Antonio and Austin, Texas, against members of the Zetas, have demonstrated that support was given by members of the state of Coahuila to this criminal group in exchange of money.

High level government officials profited from millions of dollars in order to let the Zetas commit their crimes without being prosecuted, and even lending them official vehicles and facilities for their crimes.

That was the case with the prison of Piedras Negras which, between 2009 and 2012, besides being a prison, became a center of operation for the Zetas, namely producing supplies. But the cartel also brought there at least 150 people (this is an official figure), cut them into pieces, and burned or dissolved them in steel tanks that today constitute key evidence. “Cocinar” they call it. This could not have happened without cooperation from the authorities.

Another emblematic case, that like Piedras Negras in itself could constitute a crime against Humanity, is what is known as the Allende Massacre. In 2011, between 60 to 300 persons were abducted and put into trucks in broad daylight, as retaliation, with the cooperation of the local authorities. A lengthy description of the facts through testimonies can be read in a recent Propublica article.

We also consider that the 2009 legal reforms in Coahuila that concentrated the functions of Attorney General, Head of the public forces, and prisons director in the hands of the same person, constituted further evidence of the organized character of those crimes.

After 2012, there was a reconfiguration of power and forces with the weakening of the Zeta. The cases we documented after that period are more circumvented geographically, and the alleged perpetrators of torture and forced disappearances are the Coahuila special security forces (Gate, Gatem, Grom).

The attack on the civilian population during this period is not coincidental, but part of a policy:

- The lack of requisite foundational documents for the creation of special units by the governor,
- The uncertainties about the mandate and those responsible for the Special Forces of Coahuila,
- The repetition of crimes with the same logic,
- The mobilization of the authorities to support and defend the legitimacy of the acts of the Special Forces.

All these are elements that for us, reveal the existence of a policy for committing such an attack.

Since the beginning of 2016, probably because of the many scandals, the members of these special security forces have been integrated into the “Fuerza Coahuila” (‘Coahuila Force’), but this appears to represent nothing more than a change of name for a new force that appears to continue committing the same crimes.

To conclude,

FIDH, my organization, and 100 Mexican human rights NGOs consider essential that the state of Mexico recognizes that crimes against humanity are being committed in Mexico and probably not only in Coahuila and acts upon it, especially through investigations and prosecutions. Thus we recommend the US Congress ask the Mexican State to recognize the existence of crimes against humanity in Mexico.

Because to recognize the probable existence of crimes against humanity is not only to recognize the gravity of the situation in Mexico, but also to recognize the necessity to investigate differently those crimes. Those crimes should not be investigated as individual and unrelated crimes. The judicial investigation should take into account the context and seek to identify patterns. All this will also facilitate the identification of the intellectual perpetrators of those crimes, those who planned and gave the orders.

We also request the Office of the Prosecutor of the International Criminal Court to open a preliminary examination into the Mexican situation.