

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on
Enforced Disappearance in Mexico

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Statement of Ariel Dulitzky

Clinical Professor and Director, Human Rights Clinic at the University of Texas at Austin School of Law and Former Member of the U.N. Working Group on Enforced or Involuntary Disappearances

Thank you, Mr. Chairman. I wanted to thank you and the Commission for organizing this important briefing on enforced disappearance in Mexico and for the invitation to make these remarks. My name is Ariel Dulitzky, and I am the director of the Human Rights Clinic at the University of Texas at Austin School of Law. I am also a former member and chair-rapporteur of the United Nations Working Group on Enforced or Involuntary Disappearances.

I wanted to start by expressing my deepest solidarity with the Mexican people confronting the consequences of catastrophic natural events. I also want to recognize last week's third anniversary of the disappearance of the 43 students from Ayotzinapa. As you may know, 43 students were forcibly disappeared by local law enforcement on September 26 and 27 of 2014 in the city of Iguala. Their case has garnered international attention and solidarity, and has highlighted the crisis of enforced disappearance in Mexico. Like the relatives of the more than 32,000 victims of disappearance in the country, the parents of these students continue to search for their sons and to demand justice and truth in this case.

My fellow panelists have spoken about the crisis of disappearances in Mexico. I would like to share my analysis of this crisis based on my experience with the Working Group and the Human Rights Clinic at UT. First, I will focus my testimony on the Mexican government's response to the recommendations of the Working Group. The second half of my remarks will highlight some of the key findings from a report put together by students in the Human Rights Clinic on the relationship between organized crime and the state in Coahuila, Mexico as well as the human rights violations, including disappearances, that have been committed there.

In 2011, I traveled to Mexico with colleagues from the Working Group on the invitation of the Mexican State. The purpose of this visit was to learn about what Mexico was doing to deal with enforced disappearances. As you know, enforced disappearances are disappearances perpetrated directly by the State or by individuals with the support or acquiescence of the State. During this visit, we also

sought to assess the progress made on efforts to investigate, prevent, and eradicate disappearances. In addition, the Working Group was concerned with issues of truth, justice, and reparations to victims.

During this visit, we witnessed firsthand the crisis of disappearance in the country, many of which constitute enforced disappearances. We were particularly concerned that the Mexican state did not recognize the serious nature of the problem of disappearance. We also saw the complicated security context as a result of violence associated with the so-called Drug War. Particularly, we were troubled by the use of the military in the public safety sphere. We acknowledged that organized criminal groups carry out a large number of kidnappings and disappearances. However, we also highlighted that in some cases the State had actively participated in kidnappings by criminal groups, which means that these were enforced disappearances. The Working Group also documented an alarming number of disappearances perpetrated directly by the Mexican State, including the armed forces.

Some of the issues that we reported in 2011 continue to be present. Widespread and systematic impunity is one of the most important concerns in terms of enforced disappearance. Furthermore, there is a lack of clear and accurate data documenting the number of cases of enforced disappearances. Of particular concern was—and still is—the lack of a national and effective search plan for the disappeared. Violence and disappearances of particular groups such as women, journalists and migrants continues to be a concern.

In 2015, the Working Group drafted a follow up report to our recommendations where we assessed the actions taken by the Mexican state to address the issues that we documented in 2011. Sadly, we had to highlight the lack of progress in the implementation of our recommendations. Even more worrisome, we documented a deterioration of the situation since we had visited the country. In that follow up report, we echoed the findings from the Committee on Enforced Disappearances in saying that there was a “context of generalized disappearances in a large part of the country, many of which could be considered enforced disappearances.” Just to give an example, when we visited Mexico in 2011 we talked about 3,000 disappearances. Today, the official number is more than 32,000.

Now, I would like to turn to the most recent work I have undertaken with my students in the Human Rights Clinic at the University of Texas School of Law. In cooperation with the Centro Diocesano de Derechos Humanos Fray de Larios from Coahuila, Mexico, we have written a report which analyzes the most important and impactful information arising out of witness testimonies from three U.S. federal trials. Between 2013 and 2016, Zeta members were put on trial in three cities in Texas—Austin, San Antonio, and Del Rio—for crimes of homicide, conspiracy to import drugs and weapons, and money laundering. Witnesses at these three trials, many of whom were Zetas themselves, spoke at length about various aspects of the Zeta’s operations.

In writing the report, our purpose was threefold: 1) to understand and map out the Zeta's complex hierarchical structure; 2) to document the links between the Zetas and Coahuila state authorities; and 3) to identify human rights abuses described in the testimonies.

The testimonies confirmed the already known Zeta leadership structure. The structure revolves around different cities, or *plazas*, and that a plaza boss governs every plaza. A network of sicarios and drug traffickers operate under the plaza boss, to maintain control of the territory, traffic drugs, and sow terror in the community.

The analyzed trials highlighted the transnational nature of drug trafficking and the violence associated with it—in particular, the flow of weapons from the United States to Mexico and the sale of drugs here in the U.S. Zeta operations extend to various cities in the United States, including San Antonio, Houston, Austin, Eagle Pass, Chicago and Atlanta, as well as in other States such as New Mexico, California, and Oklahoma. At its founding, the Zetas existed as an enforcement arm of the Gulf Cartel, and consisted mostly of ex-Mexican army and deserters from Guatemalan special forces. In 2010, the Zetas split from the Gulf Cartel under the authority to become an independent criminal organization.

The second portion of the report focuses on information from the testimonies confirming Zeta influence over state and municipal officials and institutions. One witness described how the Zetas maintained control over the local police, and explained how police officers were directly paid and integrated into the Zeta hierarchy, to prevent them from interfering with Zeta operations. The same witness testified that the police chiefs in each city answered directly to the plaza boss.

Former Zetas members testified on how they conducted their operations throughout Coahuila with impunity, or with direct assistance from police officers. A witness and former Zeta recounted an instance in which he was apprehended by police, and was released after he directed the arresting officer to take him to the plaza boss.

Aside from control over the police, witnesses described how the Zeta's influence extended to prisons, federal and state prosecutors, and state level politicians.

The Zetas control a large network of businesses, which they use to launder money and fuel their operations in the trafficking of people, guns, and weapons. Witnesses explained how the Zetas paid bribes and contributed to the campaigns of governors and political candidates to secure the free continuation of the Zetas illegal operations and that Zeta-owned companies received government contracts and building permits. According to one witness, a former accountant for the Zetas, about 10-16 percent of each government contract would be paid to government officials in bribes. The testimonies directly implicated the former and current governors of

Coahuila, Humberto and Ruben Moreira, in receiving large sums of money from the Zetas.

Our report also documents human rights abuses perpetrated by Zeta operatives, based on witness testimonies. Witnesses spoke of the large-scale disappearances and killings in March and April of 2011, during what is known as the Piedras Negras and Allende Massacres. These crimes were perpetrated in response to information that three former Zeta operatives had begun to cooperate with U.S. authorities, including the DEA. In retaliation, the Zetas kidnapped, killed, and disappeared over 300 people who they believed to be associated with the former Zeta operatives turned DEA informants.

According to witnesses, this brutality was not unique to these massacres. Our report documents a pattern of kidnappings, killings, torture and disappearance of anyone who the Zetas perceived to pose a threat to their illicit operations. One witness spoke about how the San Antonio defendant, Marciano Millan Vasquez, had bragged to him about torturing and killing a Zeta for cooperating with the DEA. Yet another witness spoke about how a Zeta and his entire family were disappeared as retaliation for working with a rival cartel. In order to exercise control, Zetas also targeted innocent civilians with not involvement at all with the cartel. The testimonies described how the Zetas maintained a tight grip on Coahuila through violence and intimidation tactics such as death threats and through the forced recruitment of Coahuila residents.

From the testimonies, it is clear that the Zetas were able to perpetrate grave human rights abuses with impunity due to the support and acquiescence of Coahuila state officials, including the former and current governors.

Efforts to address, prevent, investigate, and punish enforced disappearances in Mexico will require political will and pressure from the international community. Most importantly, the Mexican Congress should immediately pass the pending General Law on Enforced Disappearance and Disappearances Committed by Private Citizens and ensure adequate funding and access to resources for its implementation. Second, the U.S. must withhold conditioned aid to Mexico—principally through the Merida Initiative. The U.S. must also expand the human rights requirements for financial assistance to Mexico to include the search for victims of enforced disappearance and credible investigations of these crimes. Furthermore, the Department of Justice should direct prosecutors in the United States to pay closer attention to the suffering of innocent civilians' victims by investigating human rights abuses, including enforced disappearances, as part of criminal investigations against members of Mexican drug cartels. Finally, the information regarding human rights abuses perpetrated in Mexico that arises from those criminal investigations should be more widely published, so that journalists, human rights groups, and advocates may have access to this information.