

Open Society Justice Initiative

CORRUPTION THAT KILLS



**WHY MEXICO NEEDS
AN INTERNATIONAL MECHANISM
TO COMBAT IMPUNITY**

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The Justice Initiative bears sole responsibility for any errors or misrepresentations.

ABBREVIATIONS

| | |
|---------------|--|
| CCDH | Citizens' Commission of Human Rights of the Northeast |
| CERESO | Center for Social Rehabilitation |
| CICIG | International Commission Against Impunity in Guatemala |
| CMDPDH | Mexican Commission for the Promotion and Defense of Human Rights |
| CNDH | National Human Rights Commission |
| COLMEX | The College of Mexico |
| DEA | Drug Enforcement Administration |
| FGR | Federal Attorney General's Office |
| FIDH | International Federation of Human Rights |
| GATE | Specialized Weapons and Tactics Group |
| GIEI | Interdisciplinary Group of Independent Experts |
| IACHR | Inter-American Court for Human Rights |
| ICC | International Criminal Court |
| INEGI | National Institute of Statistics and Geography |
| NGO | Non-Governmental Organizations |
| NSA | National Security Archive |
| PGE | The Coahuila Attorney General's Office |
| PGJEC | The State Attorney General's Office of Coahuila |
| PGR | Federal Attorney General's Office |
| PRI | Institutional Revolutionary Party |
| RNPED | National Registry of Information of Missing or Disappeared Persons |
| SNA | National Anti-Corruption System |
| SNSP | National System of Public Security |
| SPF | Ministry of Public Administration |
| SSP | Secretary of Public Safety |
| UDLAP | University of the Americas Puebla |
| UN | United Nations |
| UT HR | The Human Rights Clinic at The University of Texas School of Law |
| WOLA | Washington Office on Latin America |

MAP OF COAHUILA



EXECUTIVE SUMMARY

IN 2016, THE OPEN SOCIETY JUSTICE INITIATIVE, together with five Mexican human rights organizations, published *Undeniable Atrocities*, which found a reasonable basis to believe that Mexican federal forces and members of the Zetas cartel have perpetrated crimes against humanity. The report also examined why there has been such little accountability for these crimes, and concluded that political obstruction at multiple levels was the primary impediment.

Almost three years later, the situation in Mexico has deteriorated even further. In 2017, Mexico experienced its deadliest year in two decades, with homicides exceeding 25,000 (surpassing 2011's previous all-time high). Attacks on journalists and human rights defenders have increased sharply across the country in that same time period, while more than half of Mexico's disappeared were reported missing in the past six years alone. Meanwhile, torture remains a routine and "generalized" practice by Mexican public officials at both the state and federal level, a finding reaffirmed by the UN Special Rapporteur on Torture in early 2017, following his previous visit in 2015.

For all of the crimes that have been committed in Mexico, criminal accountability remains virtually absent. Indeed, impunity has been a deliberate part of the Mexican government's policy: atrocity crimes have flourished, in part, because of the failure to effectively investigate and prosecute the perpetrators, especially when the perpetrators are thought to be public officials.

Impunity has also festered because it has become increasingly apparent that crimes committed by drug cartels have been perpetrated in collusion with corrupt government officials. Corruption in Mexico has long been recognized as endemic and has steadily metastasized, inspiring in recent years a remarkable citizen-driven fight against it. Less attention, however, has been directed at how acts of corruption—some of which are described in this report—have contributed to atrocity crimes in particular. Indeed, over the course of the past two years, growing evidence of collusion by state and municipal officials in cartel-led crimes against humanity raises the question of whether there has been systemic collusion between public officials and organized crime groups across various parts of Mexico. These patterns of corruption are not only corrosive in the long term—limiting the realization of democratic governance, economic investment, and equitable development—but deadly. It is corruption that kills.

The extraordinary violence Mexico is experiencing, and the questions it raises about collusion between state actors and organized crime, demand a commensurate response. Mexico needs an international mechanism—based inside the country, but composed of national and international staff—that would have a mandate to independently investigate and, when necessary, prosecute atrocity crimes and the corruptive acts that enable them. This body would also complement and support credible domestic criminal proceedings at both the state and federal level by providing technical support and assistance that could help steer a path toward greater national-level accountability elsewhere in the country. If Mexico fails to undertake these steps, then other international bodies such as the International Criminal Court’s Office of the Prosecutor (to whom numerous NGO communications have already been made) may seek to intervene. But, consistent with the Rome Statute’s principle of complementarity, it remains the Mexican government’s primary responsibility to investigate and prosecute these crimes. International assistance and participation will be essential components in restoring both the independence of, and public confidence in, Mexico’s troubled justice system.

THIS REPORT HAS THREE OBJECTIVES. First, as the term of current President Enrique Peña Nieto draws to a close, it provides key indicators to show how violent crime overall in Mexico has continued to rise. Although Peña Nieto initially took office pledging to change the militarization strategy of his predecessor and tame Mexico’s escalating violence, his administration has maintained the same militarized approach to a deadly and ill-conceived “war on drugs,” while continuing to target cartel kingpins. As a result of these policies, the past six years have proven to be more lethal for Mexican civilians. Over the course of 2016 and 2017, homicides not only surpassed the previous all-time high of 2011, but spread throughout more areas of the country. The number of officially reported disappearances rose in this time as well, again exceeding 2011’s figures. Meanwhile, torture continues to be widely practiced by both organized crime groups as a tactic of terror and intimidation, and by police and other investigative authorities, to force “confessions,” extract information, or exact extrajudicial punishment. For all of these crimes, prosecutions and convictions have remained at a constant, low level.

Second, the report examines credible evidence that suggests collusion of certain public officials in the state of Coahuila in Zeta-led crimes against humanity. In particular, it examines in detail two of the most brutal episodes perpetrated by the Zetas in Coahuila during the height of that group’s power: the killing of approximately 300 men, women, and children in the northern municipality of Allende and nearby towns (including Piedras Negras) over a

three-day period in 2011; and the disappearance and murder of an estimated 150 persons within the walls of the CERESO Piedras Negras prison during the period 2009-2012, when the prison served as a de facto Zeta headquarters.

Located in the northern region of Mexico, directly south of the U.S. border, Coahuila is a quintessential “narco-state”: it has long been politically dominated by the Institutional Revolutionary Party (*Partido Revolucionario Institucional*) and became part of the Zetas’ northern stronghold in the 2000s, although they eventually developed hundreds of offshoots throughout the country. The Zetas initially moved into Coahuila to reinforce the authority in that area of the Gulf Cartel. Once in the area, however, they took over, acquiring properties and commercial activities, marrying into local families, monopolizing illegal activities, and killing those who tried to resist.

In Allende, the overwhelming violence visited upon Mexican civilians in March 2011 appears to have been a form of revenge for a perceived betrayal by former Zetas members; in Piedras Negras, after gaining effective control of the CERESO (*Centro de Reinserción Social*) prison, the cartel used it as a de facto extermination camp and a base of operations to further its reign of terror. The report focuses on these two incidents both because they are indicative of the scale and organization of crimes by the Zetas, and because of growing evidence that public officials may have colluded in their commission. It is now clear, for instance, that many of those charged with protecting the public from such violence, such as members of the local police force, instead may have facilitated the killings. Although some local police officers and prison employees have been arrested and prosecuted for these crimes, official complicity appears to extend beyond these lower-level officials. Indeed, there is evidence indicating that at least some higher-level elected officials knew about the crimes in advance and agreed not to intervene. Other officials appear to have learned about the crimes while they were ongoing and failed to intervene or to conduct adequate investigations after the fact. Regardless of the form, such corruption had the same deadly result. Further investigation is now required to answer the numerous questions raised about the apparent complicity of Coahuila public officials in these crimes, and to expose the networks of corruption that exist among them, their associates, and organized crime.

The report links the analysis of the attacks in Coahuila to increasing signs that corruption, and the violent crime it enables, are widespread across a number of states in Mexico—from Veracruz to Tamaulipas, from Guerrero to Chihuahua. Indeed, there are compelling reasons to believe that the complicity of corrupt public officials in cartel-led atrocity crimes may be a widespread, recurrent

pattern. The reasons for collusion (by state or federal-level actors) with cartels may vary, as may the modes of perpetration, but the collusion itself, if proven, would point to criminal liability for state and non-state actors alike.

Third, the report explains how a number of important, albeit faltering, domestic justice reforms in Mexico—in particular, the proposal for a new, autonomous *Fiscalía* and the establishment of a National Anti-Corruption System—do not currently possess the necessary institutional independence or competence to investigate atrocity crimes or the corrupt networks between public officials and organized crime. The apparent collusion of public officials in atrocity crimes, and the strong ties they have to other high-level authorities, calls into doubt the ability of the Mexican government to independently investigate these crimes alone. Moreover, as has been the case in other jurisdictions, these struggling institutions could benefit from the expertise and independence that an international investigative mechanism would provide.

TAKEN TOGETHER, THE CONTINUING WEAKNESSES in Mexico’s criminal justice system—as well as the corrupting influence of organized crime—reaffirm the urgent need for a body that can competently investigate whether and how public officials and cartel members participated in the incidents examined in this report, as well as atrocities and related acts of corruption committed elsewhere in Mexico. Under domestic and international law, Mexico has an obligation to investigate and, where evidence warrants, prosecute these crimes. An international mechanism could begin to address Mexico’s rampant impunity by undertaking its own independent investigations; presenting cases for prosecution either on its own initiative or, eventually, by the newly created *Fiscalía*; and providing technical support and assistance that could steer a path towards greater national-level accountability elsewhere in the country. Such international participation and support will be essential to combatting the political obstruction and partisan interests that currently impede Mexico’s troubled justice system. Simply put, Mexico needs international assistance if there is ever to be justice for the corruption and atrocity crimes that continue to plague the country.

I. INTRODUCTION

IN JUNE 2016, THE OPEN SOCIETY JUSTICE INITIATIVE JOINED WITH FIVE MEXICAN HUMAN RIGHTS ORGANIZATIONS TO PUBLISH *UNDENIABLE ATROCITIES*, A GROUNDBREAKING REPORT THAT FOUND A REASONABLE BASIS TO BELIEVE THAT MEXICAN FEDERAL FORCES AND MEMBERS OF CRIMINAL CARTELS HAVE PERPETRATED CRIMES AGAINST HUMANITY. THE REPORT ESTABLISHED THAT ACROSS BOTH THE ADMINISTRATIONS OF PRESIDENTS FELIPE CALDERÓN (2006-2012) AND ENRIQUE PEÑA NIETO (2012-2018), MEXICO'S FEDERAL GOVERNMENT HAS SOUGHT TO SUBDUE ORGANIZED CRIME THROUGH A POLICY THAT DEPLOYS THE FEDERAL POLICE AND MILITARY TO USE OVERWHELMING FORCE, INCLUDING EXTRAJUDICIAL FORCE, AGAINST CIVILIAN POPULATIONS PERCEIVED TO BE ASSOCIATED WITH CRIMINAL CARTELS.

THIS POLICY WAS IMPLEMENTED without adequate regulations on the use of force and with almost no accountability for the crimes perpetrated, despite both administrations' knowledge that such force would result in increased violence. At the same time, the Zetas cartel, a criminal cartel originally made up of former members of Mexico's elite military forces, pursued a policy of controlling territory through violence—intimidating and terrorizing civilian populations—principally in order to force other criminal actors to pay them a portion of their profits. The report also examined why there has been such little accountability for these crimes, and concluded that political obstruction at multiple levels was the primary impediment.¹

Almost three years later, the situation in Mexico has deteriorated even further. In 2017, Mexico marked its deadliest year on record, with homicides exceeding 25,000. Attacks on journalists and human rights defenders have increased sharply across the country in that same time period, while more than half

of Mexico's disappeared were reported missing in the past six years alone. Meanwhile, torture remains a routine and "generalized" practice by Mexican public officials at both the state and federal level, a finding reaffirmed by the UN Special Rapporteur on Torture in early 2017.² The commission of crimes against humanity in Mexico must be understood as part of this context.

Despite all of this violence, criminal accountability remains virtually absent. As a result, Mexico now has the highest rate of impunity of any country in the Americas.³ Meanwhile, the militarization of public security—a root cause for the indiscriminate and extrajudicial force inflicted on civilian populations—continues to accelerate. The unleashing of Mexico's "war on drugs" was justified by then-President Calderón as an urgent and temporary measure, but more than 10 years later the government continues to deploy its armed forces on a massive scale to carry out public security functions that are, in fact, constitutionally vested in civilian authorities. The recent passage of the Internal Security Law, signed by President Peña Nieto in December 2017 and currently under review by Mexico's Supreme Court, threatens to further expand and normalize the military's role in these functions, setting a dangerous precedent for both the country and region at large.

Impunity has also festered because it is increasingly apparent that crimes committed by cartels have been perpetrated in collusion with corrupt government officials. Corruption in Mexico has long been recognized as endemic: according to the 2016 Latin America Corruption Survey, Mexico was viewed as "one of the four most corrupt countries" in the region.⁴ In the words of Luis Rubio, chairman of the Mexican Council on Foreign Relations, it "remains the glue that holds the country's establishment together."⁵

Corruption is a broad term that encompasses a wide array of conduct.⁶ While both Mexico and the international community have been aware of the gravity of this crisis for some time, little attention has been directed at how the acts of corruption described, in part, here—notably, bribery of public officials and law enforcement officers by organized crime—and the collusion it fosters contribute to atrocity crimes. As explained in a recent study by Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos, CNDH*):

In the same way that there is not one, but multiple expressions of corruption, there are also different levels. For example, there will be the kind of corruption that involves a process of state capture, that is, the State loses the ability to make autonomous decisions that seek the common good and is openly co-opted either by economic interests, by criminal gangs (especially in the State at the level of federal entity or municipality) or by the same political class to obtain personal advantages.⁷

The past two years, in particular, have seen growing evidence of collusion by state and municipal officials in cartel-led crimes against humanity that point to such a process across various parts of Mexico.

This emerging evidence prompts the need for a deeper examination of the links between government authorities and criminal cartels in Mexico and, in particular, the links between corruption and the responsibility of public officials for crimes against humanity. To that end, this report has three objectives:

- (1) **First it provides key indicators** to show that violent crime overall in Mexico has continued to rise over the course of the past two presidential administrations, while accountability (defined here as criminal prosecutions and convictions) has remained at a constant, low level.
- (2) **Second, it examines two specific incidents** in the state of Coahuila, located in the northern region of Mexico along the U.S. border: the Allende massacre of 2011, and killings committed from 2009 to 2012 in the CERESO prison (*Centro de Reinserción Social*) of Piedras Negras. As described in chapter three, there is a reasonable basis to believe that these incidents constitute crimes against humanity; moreover, they raise significant questions about whether public officials may have colluded, through either their actions or omissions, with the Zetas cartel in their perpetration.
- (3) **Third, it links this possible collusion** with growing signs that the crimes committed in Allende and Piedras Negras are not isolated incidents. This underscores the need for an internationalized investigative mechanism—based inside the country, but composed of national and international staff—that would have a mandate to independently investigate and, when necessary, prosecute atrocity crimes and the corruptive acts that enable them. It also explains why a number of important, albeit faltering, domestic justice reforms (in particular, the proposal for a new, autonomous *Fiscalía* and the establishment of a National Anti-Corruption System) are not fit for this purpose; indeed, these struggling institutions could benefit from the independence and expertise that an international mechanism offers.

The continuing weaknesses in Mexico's criminal justice system—as well as the corrupting influence of organized crime—reaffirm the urgent need for an internationalized body that can competently investigate whether and how public officials and cartel members participated in the incidents narrated in this report, as well as in atrocities and related acts of corruption committed

elsewhere in Mexico. Under domestic and international law, Mexico has an obligation to investigate and, where evidence warrants, prosecute these crimes.⁸ An internationalized investigative body, as this report explains, would provide necessary, temporary assistance towards this end, and would ensure independence from the political obstruction and partisan interests that currently undermine Mexico's domestic justice system.

Such a body, however, cannot exist in isolation: it must complement and support credible domestic criminal proceedings at both the state and federal levels. At present, Mexico is far from achieving such credible domestic proceedings. It is precisely this inaction that an internationalized body could begin to redress by: undertaking its own investigations; presenting cases for prosecution either independently or, eventually, by the newly created *Fiscalía General de la República* (*Fiscalía*, FGR); and providing technical support and assistance that could help steer a path towards greater national-level accountability elsewhere in the country. If Mexico fails to undertake these steps, then other international bodies like the International Criminal Court's Office of the Prosecutor (to which numerous NGO communications have already been made) may ultimately seek to intervene.⁹ But, consistent with the Rome Statute's principle of complementarity, it is first and foremost the government's responsibility to investigate and prosecute these crimes.¹⁰ In sum, international assistance and participation will be essential components towards restoring both the independence of, and confidence in, Mexico's troubled justice system.

SOURCES AND METHODS

This report relies on a variety of primary and secondary sources, including government data, witness testimony, case files, reports of the Mexican National Human Rights Commission, legal scholarship, national and international civil society reports, and investigative reports from Mexican and international journalists. Much of the evidence describing the attacks that took place in Coahuila from 2009-2012 was previously unavailable; however, following the publication of several reports and new information acquired over the course of this research, significant questions now exist about whether and how certain authorities in Coahuila colluded with Zetas members to commit acts that may constitute crimes against humanity. These questions demand answers that only further investigation through an independent, international mechanism can provide.

The examination of evidence in Coahuila has benefited from three reports, in particular, that were published over the course of the past two years. One is a report published by the Human Rights Clinic at the University of Texas School of Law in November 2017 that examines testimonial evidence of abuses committed in Coahuila by Zetas members, with the apparent support and acquiescence of public officials.¹¹ The other two reports were published by *El Colegio de México* (COLMEX), a research and educational institute based in Mexico City, in 2016 and 2017. The 2016 report examines the Allende massacre, and was produced under an agreement between COLMEX and the Executive Committee for Attention to Victims (*Comisión Ejecutiva de Atención a Víctimas*, CEAV), a governmental body created according to the 2013 General Law on Victims (*Ley General de Víctimas*). It, in turn, is based on files shared by three public agencies: CEAV, CNDH, and the Coahuila State Attorney General.¹² The 2017 report was produced under a similar agreement between COLMEX, CEAV, and CNDH: it examines the killings at the CERESO Piedras Negras prison.¹³ A 68-page communication that the International Federation for Human Rights, together with a number of Mexican human rights organizations, presented to the ICC's Office of the Prosecutor in July 2017 also provided helpful background in developing the report.¹⁴

This report thus represents a first attempt to synthesize some of the findings of these publications while also pointing to emergent patterns of corruption and atrocity elsewhere in the country. In addition, substantial reference is made to a number of primary documents from three U.S. federal criminal trials that were conducted between 2013 and 2016, in which members of the Zetas were prosecuted and convicted.¹⁵ While those trial proceedings largely concerned money laundering and conspiracy charges, the testimonies elicited describe, as the University of Texas report concluded, “a pattern of State complicity, tolerance, acquiescence, and /or cooperation with the Zeta cartel and its illicit dealings.”¹⁶

Reference is also made to the public version of the judicial files (*tomos*) opened by the Coahuila State Attorney General's Office into the Allende massacre, and referenced in the 2016 COLMEX report: case numbers 168/2014 and 44/2015. These files were first given to Mexico's National Human Rights Commission by the state of Coahuila to assist it in its oversight mandate; later, the National Security Archive, based in Washington, D.C., requested and obtained the files from the CNDH. The Open Society Justice Initiative received them from the Seminar on Violence and Peace at COLMEX; they are current as of September 2017.¹⁷

Finally, the report benefited from extensive bilateral consultations with partners and two consultative workshops held in Mexico City in November 2017 and February 2018. Participants in these workshops included independent lawyers and human rights defenders from the Justice Initiative's partner organizations in Mexico, as well as lawyers with the War Crimes Research Office at the American University Washington College of Law. Where permission was granted, the names of reviewers and workshop participants can be found in the acknowledgments.

The report examines these primary and secondary sources against the definition of crimes against humanity set out in the Rome Statute of the International Criminal Court, to which Mexico has been a state party since 2006. The Allende and Piedras Negras attacks were chosen because of their systematic character and the scale with which they were carried out (both important contextual elements in analyzing crimes against humanity), their clear connection to Zeta members, and the growing evidence that suggests some state actors colluded directly or indirectly with the cartel in perpetrating the attacks. The report narrates the apparent collusion between state actors and Zeta members in the perpetration of these attacks based on the currently available facts, and connects them to the cartel-led crimes against humanity policy described in *Undeniable Atrocities*. It does not suggest, however, that the apparent links between Zetas and state actors in Allende and Piedras Negras described in relation to these incidents are the same elsewhere in Mexico, or indeed elsewhere in Coahuila. Collusion dynamics in Mexico vary greatly and, depending on the evidence that further investigation would yield, different legal characterizations within the crimes against humanity framework may well apply in other collusion cases. Overall, the information presented here is sufficient to demonstrate that the crimes committed in Allende and Piedras Negras appear to have been enabled or facilitated by corrupt government actors who could be held criminally responsible under both domestic and international law. Based on the evidence presented here, these incidents must be investigated further.

II. A DEEPENING CRISIS

THIS CHAPTER BRIEFLY EXAMINES DATA ON THE BROAD DIMENSIONS OF ATROCITY CRIMES AND ACCOUNTABILITY (OR LACK THEREOF) SINCE 2006, AND SHOWS THAT THE DIMENSIONS OF MEXICO'S CRISIS HAVE ONLY DEEPENED OVER THE COURSE OF 2016 AND 2017, WITH THE NUMBER OF KILLINGS AND DISAPPEARANCES BOTH RISING. ALTHOUGH PRESIDENT PEÑA NIETO INITIALLY TOOK OFFICE PROMISING TO MOVE AWAY FROM THE MILITARIZATION STRATEGY OF HIS PREDECESSOR, FELIPE CALDERÓN, AND REDUCE THE ESCALATING VIOLENCE, HIS ADMINISTRATION HAS IN FACT PURSUED THE SAME MILITARIZED APPROACH TO MEXICO'S DEADLY AND MISGUIDED "WAR ON DRUGS." AS A RESULT, THE PAST SIX YEARS HAVE BEEN MORE LETHAL FOR MEXICAN CIVILIANS THAN ANY OTHER PERIOD IN THE COUNTRY'S RECENT HISTORY.

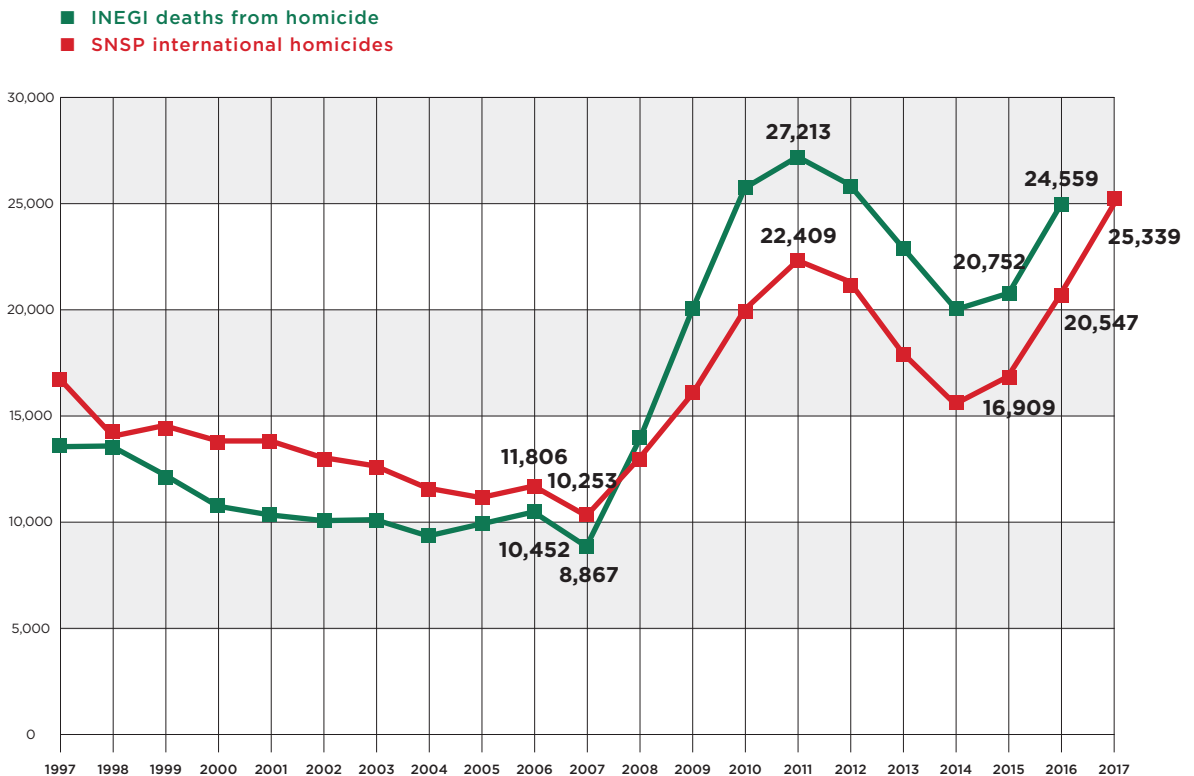
SOME OF THE DATA REFERENCED HEREIN comes from the Mexican government. Quality and reliability of data vary greatly across government institutions, however, as does accessibility and the way information is collected and categorized across state and federal jurisdictions.¹⁸ Mexico has two official sources for data on homicides: the National Public Security System (Sistema Nacional de Seguridad Pública, SNSP) and the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía, INEGI). Data from both sources reveal the same general trends, although INEGI has consistently tabulated larger absolute numbers of homicides than the SNSP due to the organizations' different methodological approaches.¹⁹

According to SNSP data, intentional homicide cases increased from 16,909 in 2015 to 20,547 in 2016 and then to 25,339 in 2017.²⁰ Prior to this, 2011 was Mexico's most violent year, with the SNSP reporting 22,409 homicides. INEGI's data on deaths attributed to homicides confirms this troubling, upward trend:

from 20,762 in 2015 to 24,559 in 2016.²¹ INEGI publishes statistical information with more than one-year delay, so the number of persons murdered in Mexico in 2017 will not be known until the end of this year. However, if the pattern is similar, it is likely that the number will be close to 30,000.

The distribution of homicides reveals another concerning trend: over the last two years, homicides have not only increased in number, but have also spread throughout more areas of the country.²² As the security analyst Alejandro Hope has noted, it is not only the level of the killings in Mexico that is worrying, but their trajectory.²³ For instance, INEGI data from 2006 to 2013 indicates that a significant number of municipalities in Mexico (over 40 percent) had no recorded homicides.²⁴ Since then, however, there has been a substantial increase in the number of municipalities reporting homicides, with the highest rates concentrated in areas associated with the production and trafficking of illicit drugs. In almost all states, the number of homicides increased in 2016 and 2017 compared with 2011, the most deadly year previously on record, as the graph below indicates.

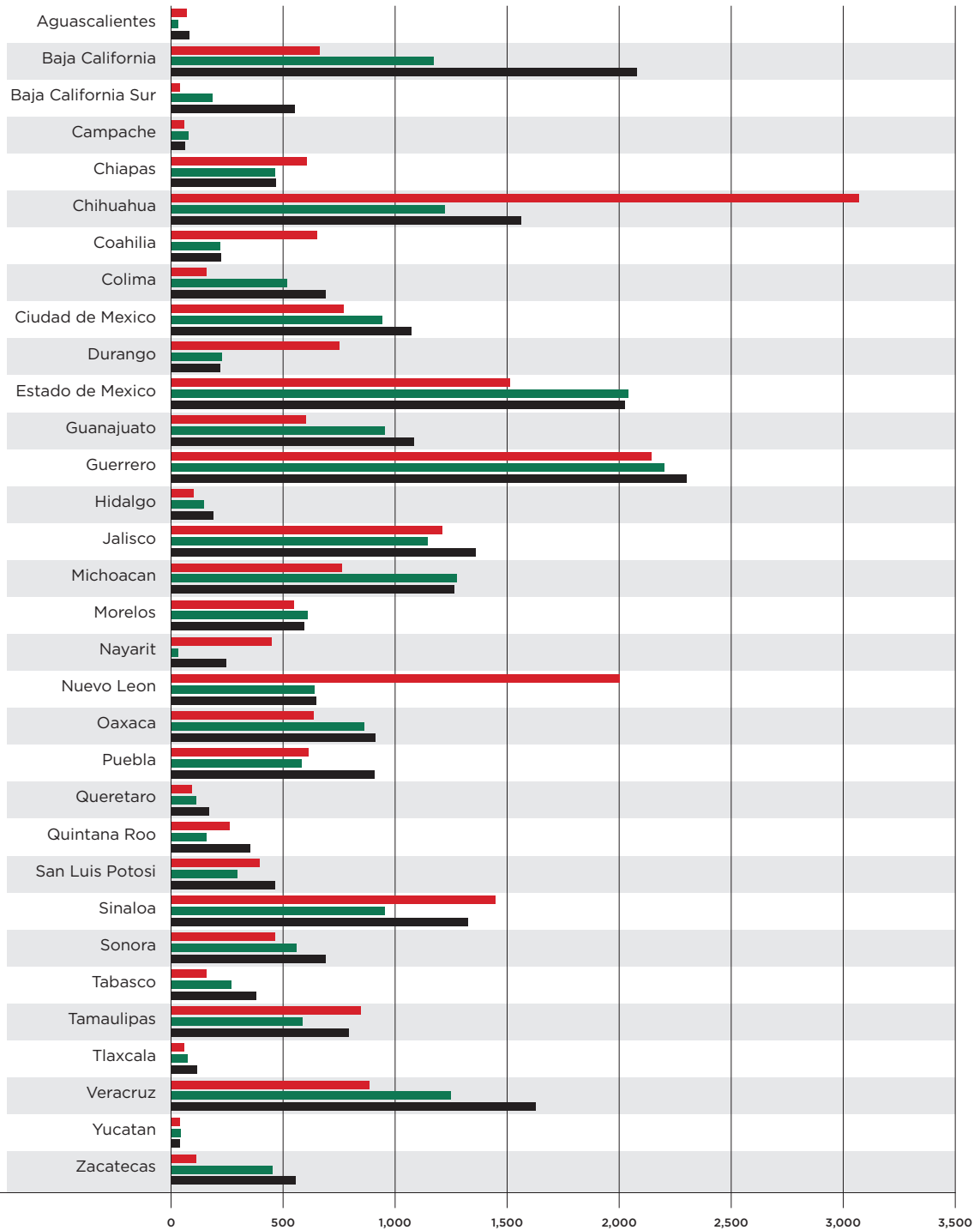
INTENTIONAL KILLINGS IN MEXICO SINCE 1997



Sources: SNSP, Figures of intentional homicide, kidnapping, extortion and vehicle theft 1997-2017; INEGI, Mortality - Deaths due to homicides.²⁵

INTENTIONAL HOMICIDES PER STATE IN 2011, 2016, AND 2017

■ 2011 ■ 2016 ■ 2017



Source: SNSP, Figures of intentional homicide, kidnapping, extortion and vehicle theft 1997-2017.²⁶

EXTRAJUDICIAL KILLINGS BY MILITARY AND POLICE

Recent cases of extrajudicial killings by Mexico's military continue to highlight the danger of involving the military in public security tasks. In May 2017, video footage surfaced showing the killing of a civilian by a soldier in Palmarito Tochapan, in the state of Puebla.²⁷ The military stated that a security operation against organized crime on the night of May 3, 2017 turned into a shootout that resulted in 10 deaths and a dozen injuries. The video published on social media, however, showed a soldier firing point blank on one already subdued individual lying on

the floor who was counted among the casualties. Other recent cases of extrajudicial killing include the deaths of six civilians (four women, a teenager, and a two-month old baby) who were hiding in the bathroom of a house in Temixco on December 3, 2017.²⁸ The State Police of Morelos claimed that the shooting was in response to an attack from the house, but the forensic experts found no proof that the victims used firearms.²⁹

These cases underscore again the widespread deaths that have resulted from confrontations between security forces and civilians presumed to be members of organized crime groups. Various researchers have all come to the same conclusion: military interventions contribute to Mexico's high homicide rate.³⁰

Torture continues to be widely practiced in Mexico. Torture is committed by organized crime groups as a tactic of terror and intimidation, and by investigative authorities to force confessions, extract information, or exact extrajudicial punishment. In 2017 the UN Special Rapporteur for Torture—whose recent request to conduct a follow-up visit related to his March 2015 report was denied by Mexican authorities—reaffirmed his earlier finding that torture remains “generalized” in Mexico.³¹ The high number of complaints received by Mexico's National Human Rights Commission supports this finding. The commission received 744 complaints of torture and cruel and inhumane treatment by federal authorities in 2016, and 402 complaints in 2017.³²

Victims of torture by government authorities are often held in military bases or illegal detention sites where methods of torture include beatings, waterboarding, electric shock, and sexual abuse. Of 100 women interviewed in federal prisons for a 2016 report by Amnesty International, all of them reported torture and ill-treatment; most cases included some form of sexual

GIEI UNCOVERS CRIMES OF TORTURE IN AYOTZINAPA

On September 26, 2014, in the Mexican state of Guerrero, armed men attacked a group of more than 100 students from Raúl Isidro Burgos Rural Teachers' School (*Escuela Normal Rural Raúl Isidro Burgos*) in Ayotzinapa. The students went to the small city of Iguala and commandeered buses, in order to attend protest in Mexico City. The attackers intercepted the students as they attempted to leave Iguala. In a series of incidents, the attackers, who included local police, opened fire, leaving six civilians killed and dozens more injured. Another 43 students were rounded up, arrested, and disappeared. Within Mexico and internationally, the case—and the government's reaction—sparked intense public outrage, leading to massive protests and diplomatic pressure. Finally, in November 2014, the federal government announced that it had reached agreement with the Inter-American Commission on Human Rights (IACHR) and the families of the missing students to invite an Interdisciplinary *Group of Independent Experts (Grupo Interdisciplinario de Expertos y Expertas Independientes, GIEI)* selected by the IACHR to provide technical assistance to the investigation.

The GIEI's final report, released in 2016, highlights the frequency with which torture is employed by Mexican authorities as part of their investigations. It found that nearly 80 percent of the suspects detained in connection with the case had injuries indicative of torture and mistreatment.³³ Equally troubling was the fact that key individuals who provided support for the government's version of events—despite scientific evidence to contrary—also showed signs of torture. The experts analyzed the cases of 17 of the detainees whose testimonies aligned with the government's theory and found signs that all had been tortured. The allegations of abuse include men and women subjected to sexual violence, electrical shocks to the genitals, penetration, beatings, asphyxiation, and threats of physical harm to their close family members. The GIEI concluded that there was a high likelihood most “confessions” were coerced in order to bolster the government's version of events. The extent of torture in this case, by different security services (military and police) in support of a debunked theory announced by Mexico's attorney general, suggests the existence of a coordinated effort at senior levels.

harassment or psychological abuse, “including misogynist and sexualized insults and threats.”³⁴ Some 72 percent further reported sexual violence during arrest or in the hours that followed. The report concluded:

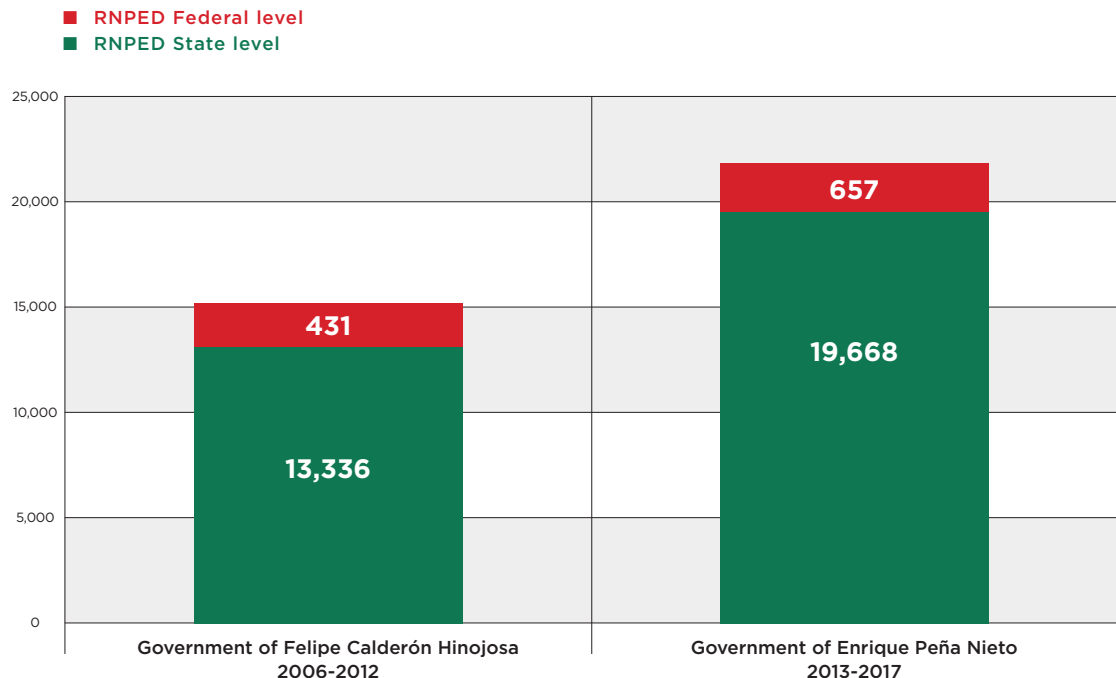
In Mexico’s security strategy and so-called “war on drugs,” women are often detained during group arrests and accused of being the girlfriends of a criminal and accomplices to criminal acts, without solid evidence to support the allegations. Police appear to be using them as easy targets for arrest to boost figures and show society that the government’s security efforts are yielding results.³⁵

An additional 66 of those women interviewed reported their abuse to a judge or other authorities, but investigations were only opened in 22 such cases. No criminal charges were filed in any of them. Notably, although the Mexican government has since passed a general law against torture, it does not contain any provisions dealing specifically with sexual violence as torture.

Finally, the Peña Nieto administration also saw more recorded cases of disappearances/missing persons than the Calderon administration. By the

NUMBER OF DISAPEARED PERSONS

Governments of Felipe Calderón Hinojosa and Enrique Peña Nieto

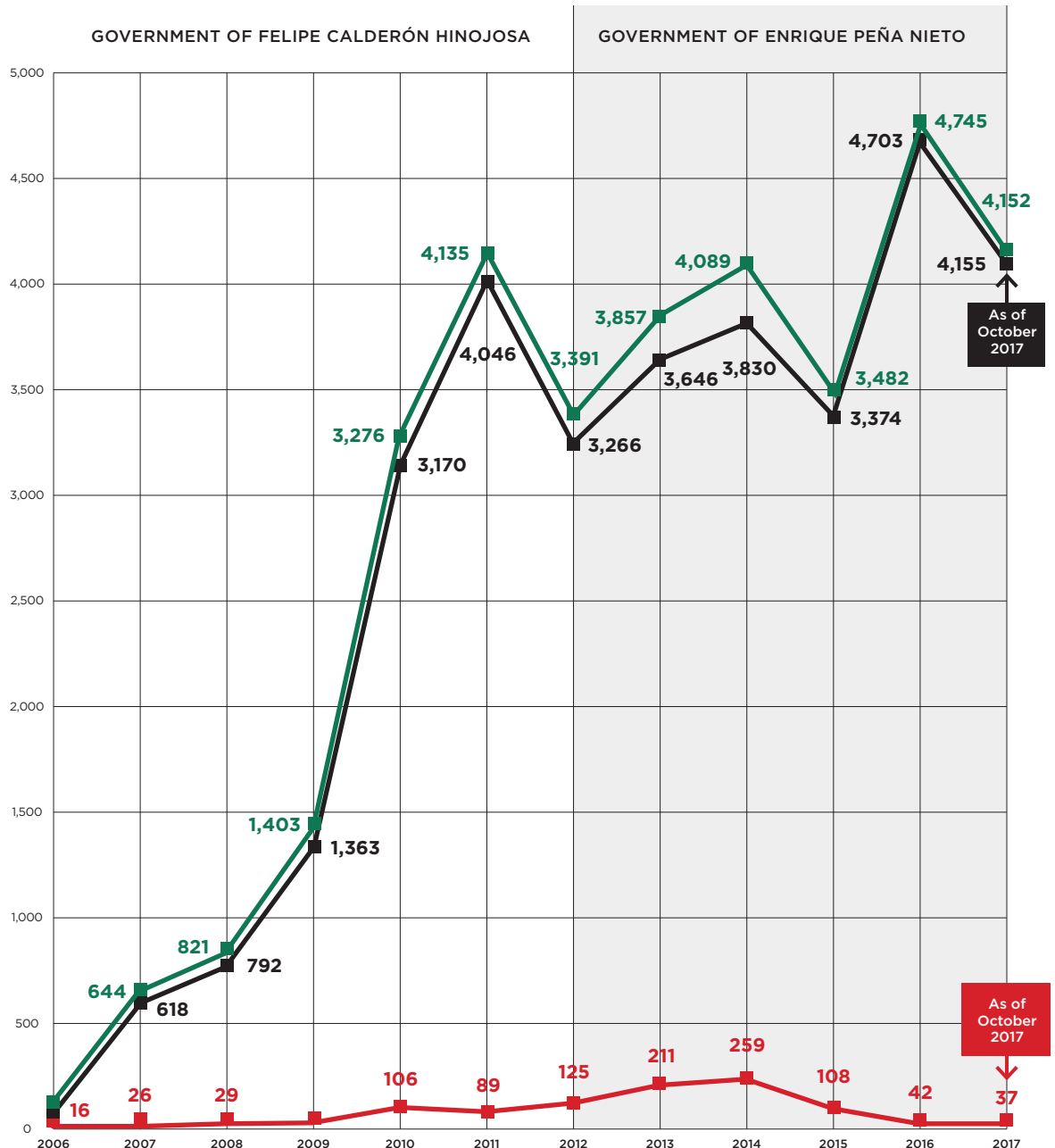


Source: National Registry of Data of Missing or Disappeared Persons.³⁶

NATIONAL REGISTRY OF DATA OF MISSING OR DISAPPEARED PERSONS

State and Federal level 2006 - 2017

- RNPED Federal level
- RNPED State level
- Combined state and federal level



Source: National Registry of Data of Missing or Disappeared Persons.³⁷

Mexican government's own account, and as reflected in the National Registry of Information of Missing or Disappeared Persons (*Registro Nacional de Datos de Personas Extraviadas o Desaparecidas*, RNPED), 34,092 persons were disappeared or are "missing" since 2006, the year that is considered the formal onset of Mexico's "war on drugs." The graph on page 20 shows an undeniable increase: 13,767 missing persons registered during the Calderon's administration, as compared to 20,325 entries during Pena Nieto's term.

Similarly, the number of disappearances officially reported during the last two years (2016 and 2017) reached, as in the case of homicides, levels higher than the worst year (2011) of Calderon's administration. The authorities registered a total of 4,135 cases of disappearances at the state and federal levels in 2011 compared to 4,745 in 2016 and 4,152 during the first 10 months of 2017.

Unfortunately, RNPED's credibility is widely questioned by experts and victims' groups alike. One of the main criticisms is that the national registry is exclusively based on information provided by the federal and state level prosecutors' offices, without integrating other sources.³⁸ Furthermore, there are significant differences from state to state in reporting to RNPED: some states do not report at all, some report late, others under-report because of they classify the crime of disappearance as "kidnapping."³⁹ There are thus good reasons to believe that the real number of disappeared persons is in fact much higher than RNPED's figures.⁴⁰

There continues to be virtually no criminal accountability for the many thousands of disappearances perpetrated in Mexico since 2006, including enforced disappearance and disappearances perpetrated by non-state actors.

There continues to be virtually no criminal accountability for the many thousands of disappearances perpetrated in Mexico since 2006, including enforced disappearance and disappearances perpetrated by non-state actors. The infamous Ayotzinapa case remains not only unsolved, but sullied by ongoing government efforts to truncate the investigation initiated by the GIEI and foist improbable or forensically impossible solutions on the Mexican public. The government has also retaliated against the Group of Experts and the IACHR: in March 2016, shortly after the GIEI had publicly discredited the Mexican government's theory of the case, the Federal Attorney General's Office (*Procuraduría General de la República*, PGR) opened a baseless investigation against the then-executive secretary for fraud in the amount of \$2 million (the same amount the Mexican government had paid the IACHR to cover the costs of the GIEI's investigation).⁴¹ The complaint also targeted the reputation of three members of the GIEI, all of whom became targets of attack from numerous media outlets and illegal government surveillance.⁴²

Meanwhile, the very few cases of enforced disappearance that have been prosecuted and tried to date suggest a pattern of scapegoating lower ranking officers, while avoiding investigations for those most responsible. For instance, prior to 2016, Mexico had reported to the United Nations just 14 convictions for enforced disappearances, six of which occurred before 2006.⁴³ Two years later, information obtained by the Washington Office on Latin America indicates that out of 37 investigations initiated against soldiers suspected of committing enforced disappearances, there have been only three convictions.⁴⁴

In one notable instance, federal prosecutors attempted to extend an investigation further to include mid-level officers⁴⁵ In February 2017, two state police officers were also convicted for the enforced disappearance of three farmers from Zacatecas who were on their way to Piedras Negras, Coahuila. The farmers had been detained by the police on October 11, 2013 and were found two days later, handcuffed and shot dead inside a car. In an unusual decision, Coahuila judges found the two police officers guilty of enforced disappearance (but not of homicide) and sentenced them to 40 and 45 years of prison, respectively.

While this ruling brought a measure of accountability to the endemic impunity that confronts Mexico, it remains an exception that confirms a rule: investigations and prosecutions for violent crime in Mexico, particularly when perpetrated by state actors, remain appallingly rare. Moreover, in many cases the very officials responsible for such investigations have strong family, financial, or career ties to those accused—ties that the following chapter explores more fully in the context of Coahuila—calling into question the adequacy of even the limited investigations that have been undertaken.

III. COAHUILA: EXAMINING EVIDENCE OF CORRUPTION, COLLUSION, AND CRIMES AGAINST HUMANITY

CRIMES AGAINST HUMANITY ARE CERTAIN ACTS OF VIOLENCE—including murder, torture, and enforced disappearance—that are carried out as part of a widespread or systematic attack against a civilian population. Under the definition established in the Rome Statute of the International Criminal Court (ICC), several elements must be met if a criminal act is to qualify as a crime against humanity, including: (i) the attack of which the act of violence is a part must be directed against a civilian population; (ii) the attack must be committed pursuant to or in furtherance of a state or organizational policy; (iii) the attack must be widespread or systematic; and (iv) there must be a link between the individual act of violence and the attack.⁴⁶

AN “ATTACK” REQUIRES A “COURSE OF CONDUCT,” which is understood to mean “a series or overall flow of events as opposed to a mere aggregate of random acts.”⁴⁷ A course of conduct can be shown through patterns of behavior, which indicate a degree of planning, direction, or organization by the group carrying out the attack.⁴⁸

The “state or organizational policy” element is central to the crimes against humanity definition. In the case of an organizational policy, it must be demonstrated that the policy emanated from a structure that qualifies as an “organization.” Given its highly organized nature, the Zetas cartel qualifies as an “organization” under the Rome Statute: it has an established hierarchical structure based on a military-style chain of command, its members have the training and finances necessary to carry out sophisticated attacks on civilians, and it controls large swathes of territory, particularly in northern Mexico.⁴⁹ Moreover, the Zetas have pursued a policy of controlling territory through violence in order to force other criminal actors to pay them a portion of their profits. This policy of intimidation and terror has resulted in a brutal string of atrocities against civilians that are both widespread and systematic. Amongst these civilians, threats have also been directed against police and law enforcement officials themselves as a way to enforce cartel control. As one analysis put it:

The Zetas are not just violent because their leaders have a penchant for aggression—they follow an economic model that relies on controlling territory in a violent way. Within that territory, they extract rents from other criminal actors and move only a limited number of illegal goods via some of their own networks.... Without that territory, they have no rent... The Zetas are, in essence, parasites. *Their model depends on their ability to be more powerful and violent than their counterparts, so they can extract this rent.*⁵⁰

The Zetas thus direct attacks against civilian communities in territories they control or are trying to control in order to force out rival gangs, co-opt government authorities, and ensure compliance with the group’s authority.

This chapter examines evidence of what appears to be the collusion of certain public officials in Coahuila with the Zetas’ policy to commit crimes against humanity previously described in *Undeniable Atrocities*. It examines in detail two of the most brutal episodes perpetrated by the Zetas in the state of Coahuila: the killing of approximately 300 people (including children) in the northern municipality of Allende and nearby towns (including Piedras Negras) over a three-day period in 2011 (the “Allende massacre”); and the disappearance and murder of an estimated 150 persons within the walls of the Piedras Negras prison during the period 2009-2012, when the prison served as a sort of Zeta headquarters (the “CERESO Piedras Negras killings”). Politically, Coahuila has been dominated by the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) since the

early twentieth century. It became part of the Zetas' northern stronghold, although the cartel eventually developed hundreds of offshoots throughout the country.⁵¹ The Zetas moved into Coahuila in the 2000s to reinforce the authority in that area of the Gulf Cartel.⁵² Once in the area, however, they took over, acquiring real estate and businesses, marrying into local families, dominating illegal activities, and killing those who tried to resist.⁵³ After splitting from the Gulf Cartel in 2010, the Zetas made the northern border region, including Coahuila, their base.⁵⁴

The Allende massacre and the CERESO Piedras Negras killings were selected for examination here not only because they are indicative of the scale and organization of Zetas crimes, but also because of growing evidence that points to collusion with public officials in their commission. It is now clear that, in some cases, those charged with protecting the public from such violence, including members of the local police force, instead actively participated in the killings. Although some local police officers and prison employees have been arrested and prosecuted for these crimes, evidence suggests that this collusion may well have extended well beyond these lower-level officials. Indeed, there is reason to believe that at least some higher-level elected officials knew about the crimes in advance and agreed not to intervene. Other officials appear to have learned about the crimes while they were ongoing and failed to intervene or to conduct adequate investigations after the fact. The next two sections describe in detail the Allende massacre and the CERESO Piedras Negras killings; the subsequent section explores allegations of collusion by both lower- and higher-level officials in these crimes.

THE MARCH 2011 MASSACRE IN ALLENDE AND PIEDRAS NEGRAS (“THE ALLENDE MASSACRE”)

Allende and Piedras Negras are towns of about 22,700 and 163,600 people, respectively,⁵⁵ located in the northern part of Coahuila. Both towns are within a short drive of Eagle Pass, Texas (see map on page 4),⁵⁶ making them strategic locations for the transport of drugs and other contraband across the border.⁵⁷ To carry out these illegal activities, the Zetas recruited a number of local Allende and Piedras Negras residents into their ranks, including Mario Alfonso Cuellar (“Poncho”), Héctor Moreno Villanueva (“El Negro”) and José Luis Garza Gaytán (“La Güiche” or “La Güichina”).⁵⁸ The three worked as money launderers and drug traffickers for the Zetas, moving several hundred kilos of cocaine a month through Eagle Pass, Texas, into the United States.⁵⁹

In early 2011, the Zetas reportedly received information from a Mexican federal police unit that inside information about their leadership had been turned over to U.S. authorities, and became convinced that Cuellar, Moreno Villanueva, and Garza Gaytán had betrayed them and were responsible for the leak.⁶⁰

The Zetas are known for their brutal and public retaliations against alleged “snitches” in order to keep internal dissent in check and discourage others from cooperating with law enforcement.⁶¹ Before the Zetas could capture them, however, Cuellar, Moreno Villanueva, and Garza Gaytán escaped to the United States.⁶² Unable to punish the three men, the Zetas decided to retaliate against their families and associates.⁶³

In the days leading up to the Allende massacre, the Zetas held a meeting with then-Director of Public Security for Allende Roberto Guadalupe Treviño Martínez and then-Mayor of Allende Sergio Alonso Lozano Rodríguez, at which they informed the public officials that “things were going to get ugly” in Allende and they were not to intervene, according to testimony provided by police officers to the Coahuila State Attorney General’s office.⁶⁴ The Allende municipal police force then received two orders: (1) “[n]ot [to] go on patrol or respond to any calls for assistance”; and (2) “[d]etain anyone with the Garza surname’ to be handed over to the Zetas.”⁶⁵ Specifically, the police were to take any persons named Garza to Zeta leaders Fernando Ríos Bustos (known as “Comandante Pala”) or Germán Zaragoza Sánchez (known as “El Canelo”), according to testimony by then-Commander of the Allende Municipal Police Juan Ariel Hernández Ramos.⁶⁶

On March 18, 2011, the Zetas cartel implemented their plan, sending some 40 or 50 trucks filled with armed gunmen into Allende and neighboring towns.⁶⁷ The gunmen were given orders to search for and kill members of the three men’s families⁶⁸ and were reportedly given lists of homes, businesses, and ranches to raid and then destroy.⁶⁹ Anyone who shared the last names Garza, Gaytán, Moreno, or Villanueva; who worked or had worked for them; or who had some relationship or friendship with them was targeted.⁷⁰ The Zetas began their attack at the Garza ranches.⁷¹ According to investigative reports, around 6:30 or 7:00 p.m., a group of Zetas, accompanied by several municipal police officers,⁷² “used a pick-up to break down the main gate” to the Garza ranch and “entered firing bullets and taking all those present,” including older women and children.⁷³ This ranch became the stage for a number of killings and “cookings,” where bodies were burned in a storeroom on the ranch or in metal drums until almost nothing was left.⁷⁴ According to José Juan Morales, investigation coordinator of the Deputy Prosecutor Office for Disappeared

Persons, Coahuila, “[the Zetas] broke into houses, they looted them and burned them. Afterward, they kidnapped the people who lived in those houses and took them to a ranch just outside of Allende . . . First they killed them. They put them inside a storage shed filled with hay. They doused them with fuel and lit them on fire, feeding the flames for hours and hours.”⁷⁵

The blaze at the Garza ranch from the burning bodies did not go unnoticed; at least nine calls were made to emergency services about four major fires going on in Allende over the course of March 18 to 22,⁷⁶ one of which was the fire at the Garza ranch.⁷⁷ Evaristo Treviño, a former fire chief of Allende, described how officers under his command responded to the reports of the fire at the Garza ranch but were prevented from assisting by armed gunmen connected to criminal organizations.⁷⁸ Multiple firefighters confirmed that they saw members of the municipal police at the ranch,⁷⁹ and that despite the sight of people being beaten, the sound of screams, and the smell of smoke and gasoline, the police did not intervene. As a result, all of the prisoners at the ranch were killed.⁸⁰ The Zetas told the firefighters to leave or they and their families would face the same fate.⁸¹ They also told the firefighters that “there were going to be numerous incidents” and many calls about gunshots, fires, and more, but that the firefighters “were not authorized to respond.”⁸²

At around the same time as the disappearances and killings in Allende, the Zetas also went to Piedras Negras to take revenge by massacring those affiliated with Cuellar.⁸³ The order was clear: to “pick up everybody and everything that smelled [of] Poncho Cuellar,” including men, women, children, and elderly people who were in any way affiliated with Cuellar, regardless of whether they were involved in drug trafficking.⁸⁴ One of those picked

Multiple firefighters confirmed that they saw members of the municipal police at the ranch, and that despite the sight of people being beaten, the sound of screams, and the smell of smoke and gasoline, the police did not intervene.

up by the Zetas was Adolfo Efren Tavira Alvarado (“Tavira”), a former TV production manager and drug trafficker for Cuellar.⁸⁵ In the U.S.-based trial of Marciano Millan Vasquez (“El Chano”)—a Zeta leader who was charged with and ultimately convicted of ten crimes, including some of the Allende murders⁸⁶—Tavira testified that he was kidnapped from his home in Piedras Negras and brought in handcuffs to face the then-leader of the Zetas Miguel Ángel Treviño Morales (“Z-40”), his brother Omar Treviño Morales (“Z-42”), and their trained assassins (*sicarios*).⁸⁷ He further testified that more than 30 other people had been kidnapped and handcuffed with him.⁸⁸

Ultimately, the Zetas decided to spare Tavira because two Zeta leaders vouched that Tavira had begun moving drugs for other Zetas and no longer worked for Cuellar.⁸⁹ He was then dismissed but watched as Z-40, Z-42, and other Zetas “started moving the people that they had tied up, and they were killing them in cold blood, [grabbing the victims’] bodies, ... and throw[ing] them into some pickup trucks.”⁹⁰ Notably, a similar process of “cooking” bodies by burning them in metal drums appears to have occurred in Piedras Negras between March 18 and 22, where at least 100 emergency calls were made to report 42 different fires in the area.⁹¹ Nor was this pattern of violence limited to Allende and Piedras Negras: the Zetas’ operation spread across the north of Coahuila, including Ciudad Acuña, Morelos, Nava, Villa Unión, Zaragoza,⁹² Musquiz, and Sabinas.⁹³ In Zaragoza, the Los Tres Hermanos ranch became another staging ground for execution and body disposal.⁹⁴ As at the Garza ranch, victims were “cooked” by placing their bodies in metal drums, where they were burned for hours until nothing was left but fat.⁹⁵

It is still not clear exactly how many people were disappeared or killed during the Allende massacre. The State Attorney General’s Office of Coahuila, known by the Spanish acronym PGJEC, confirmed in 2016 the disappearances and deaths of 54 people, of which the remains of 28 have been identified.⁹⁶ Many other sources, however, including testimony by former Zetas, put the number at over 300.⁹⁷

CERESO PIEDRAS NEGRAS KILLINGS

The Center for Social Rehabilitation of Piedras Negras, known by its Spanish acronym CERESO Piedras Negras, is a large state-run prison in northern Coahuila.⁹⁸ Between 2009 and 2012, CERESO Piedras Negras came under the effective control of the Zetas cartel, ultimately becoming “the cartel’s headquarters in Coahuila.”⁹⁹ As the CNDH has confirmed, inmates at CERESO Piedras Negras had, in effect, complete control over operations at the prison,

including security, educational and sports activities, food service, cleaning and maintenance, visitor access, and telephone use.¹⁰⁰ The CNDH also found that certain inmates engaged in violence or exerted control over the rest of the population.¹⁰¹ Within the prison's walls, the Zetas altered cars to include hidden compartments for transporting drugs and money, made bulletproof vests, sold and distributed drugs, and hid from enemies.¹⁰² These activities were apparently overseen by a Zeta prison boss (*jefe de cárcel*).¹⁰³

CERESO Piedras Negras was also used as a “virtual extermination camp,” where victims were brought to be tortured and murdered as part of the Zetas’ “reign of terror in the US-Mexican border region.”¹⁰⁴ According to an investigation conducted by the chief prosecutor for cases of disappeared people in the state of Coahuila, approximately 150 people were murdered by the Zetas in the prison, and their bodies were burned or dissolved in acid in large tanks before being disposed of in the San Rodrigo River, the Rio Bravo estuary, and other locations.¹⁰⁵ Inmates have confessed that in addition to those brought alive to be killed in the facility, trucks also came to the prison loaded with corpses for disposal.¹⁰⁶ A routine was established over time: when the Zetas wanted to deliver persons to kill in CERESO Piedras Negras or bodies for disposal, they would tell the *jefe de cárcel*, who would order the guards to open the gates.¹⁰⁷ If the victim was alive upon arrival, he or she would be dragged through the Zetas’ “workshop” areas and would be executed with either a hammer to the head or a gunshot to the neck.¹⁰⁸ If the victim was already dead, his or her body would be tossed on the ground while a barrel was prepared and then would be loaded into the barrel to be incinerated.¹⁰⁹ Once the bodies were destroyed, the remains were emptied on the ground, picked up with a shovel, and placed in a bucket, while the barrels were crushed by trucks.¹¹⁰ The remains would either be taken to the nearby river and disposed of¹¹¹ or dispersed across different parts of the prison.¹¹²

To date, the Prosecutor’s Office for Disappeared People in Coahuila has identified 37 of the 150 murdered individuals.¹¹³ Limited information is available about the victims, but testimony gathered in one report indicates that many of the victims were drug dealers for other cartels, people who owed money to the Zetas, and relatives of these groups.¹¹⁴ The victims came from towns all over Coahuila: Acuña, Allende, Morelos, Nava, Piedras Negras, Villa Union, and Zaragoza, as well as other nearby municipalities.¹¹⁵ They included men, women, elderly, children, and even a woman who was seven months pregnant.¹¹⁶ One of the identified victims, for example, was a woman named Atzi Adanari Reyna Saucedo. Her drive to continue her studies and to become a teacher brought her from Cinco Manantiales to Piedras Negras, where she started a family. Unfortunately, her father-in-law, a local bar owner,

owed money to the Zetas. On December 18, 2011, men working for David Alejandro Loreto Mejorado killed the whole family; their bodies were taken to CERESO, where they were “cooked” and disposed of.¹¹⁷

In 2012, the Zetas orchestrated an escape of 129 prisoners from the prison to provide reinforcements for their activities outside the prison walls.¹¹⁸ Prison authorities claim all 129 prisoners escaped without their knowledge in just 15 minutes.¹¹⁹ According to Zeta testimony in U.S. trials, however, this was not an escape; the Zetas transported prisoners out of the prison and recruited them into their ranks in order to help the Zetas secure territory: “I heard it from El Nano, directly from him, that they didn’t break out how they say in the news. How did they get out? He told me that they took two buses and they took them through the front door.”¹²⁰ Other testimony indicates prison officials knew in advance about the planned escape yet did nothing. One prison employee, for example, testified that he heard about the plans from the prisoners and informed the director of the CERESO Piedras Negras that the prisoners were planning to leave, but that the director never sent any orders back.¹²¹

ALLEGATIONS OF COLLUSION BY PUBLIC OFFICIALS IN COAHUILA

THE ALLENDE MASSACRE

As noted above, during the Allende massacre local law enforcement and some public officials were aware of what was occurring. How is it possible that the individuals in charge of protecting civilians stood idly by or even participated in these horrific crimes?

Credible evidence suggests that this collusion was possible, in part, because police and public officials had a long-standing relationship with the Zetas, through which they agreed to permit—and in many cases assist—Zeta operations in exchange for personal gain. For example, testimony provided by fire and police officers to the Coahuila state attorney indicates that by mid-2009, the Allende Municipal Police Department was “involved in organized crime.”¹²² Members of the Allende police, including the former commander, have confirmed that they received money from the Zetas, ranging from 500 Mexican pesos (approximately \$37 at the time) per month for some police officers up to 20,000 Mexican pesos (approximately \$1,500) per month for the chief of police.¹²³ In exchange, over half of the Allende police force, including the municipal police chief and commander, reportedly collaborated with the Zetas, while others agreed to look the other way.¹²⁴

Specifically, the police ignored reports and complaints about Zeta activity; acted as scouts to look out for potential rival cartels, the army, marines, or GATES (*Grupo de Armas y Táticas Especiales*, a specialized Coahuila state police force); allowed Zetas entry to the local prison to take people away or beat them in their cells; collected protection money for the Zetas; and kidnapped people and delivered them to the Zetas.¹²⁵ One former Zeta testified that in his introduction to the organization, he was told not to worry about the municipal police in Allende because they worked for the Zetas.¹²⁶

The Zetas' control over local police was not limited to Allende, but extended to neighboring towns to which the massacre spread in 2011. For example, Marlon Campos Salmeron, a former Piedras Negras police officer, confirmed that the police in Piedras Negras “basically work[ed] for the Zetas,” including detaining people, gathering intelligence, and providing the cartel with drugs seized from other criminals.¹²⁷ He also confirmed that, as in Allende, the Zetas made payments to the police in Piedras Negras—information that has been supported by testimony of former Zetas as well.¹²⁸ Evidence also indicates that at least some police in Saltillo, the state capital, worked on behalf of the Zetas, providing support for the cartel's activities, including drug trafficking and murder.¹²⁹

By the time of the Allende massacre the Zetas' control over the Allende police appeared to be complete, as several former police officers have testified.¹³⁰ Indeed, according to these testimonies, the two highest-ranking members of the Allende police force, the director and the commander, were actively assisting the Zetas. Commander Juan Ariel Hernández Ramos reportedly required his subordinates to work for the Zetas.¹³¹ He also provided the Zetas with information about planned victims, kept them informed about the activities of state and federal security forces, and transmitted orders from the Zetas to members of the police force.¹³² According to the testimony of one former Allende police officer, when police officers tried to quit, the commander's superior threatened them and told them that he would report them to the Zetas to be killed.¹³³

As the Zetas prepared for the Allende massacre, they told Treviño Martínez that “things were going to get ugly in Allende” and that the authorities were not to intervene, according to testimony by other officers to the PGJEC.¹³⁴ The cartel's orders came down: the police were not to go out on patrols or respond to calls,¹³⁵ instructions they followed despite hearing gunshots and receiving calls of houses burning throughout the night of March 18.¹³⁶

In addition, as previously described, several members of the local police force actively assisted in the massacre.¹³⁷ Commander Hernández Ramos has testified that the police were instructed to take any persons named Garza

to Zeta leaders.¹³⁸ According to declarations and witness testimony, several local police officers complied, taking members of the Garza family and delivering them to the Zetas.¹³⁹ Commander Hernández Ramos himself also reportedly participated in the kidnappings, including of children.¹⁴⁰ During the massacre at the Garza ranch, some of these police officers, along with the chief of police, were seen by firefighters guarding the ranch.¹⁴¹ Ultimately, several Allende police officers, including Commander Hernández Ramos and Fernando Hernández Reyes (“El Panone”), were convicted in relation to the Allende massacre.¹⁴² Each of them was sentenced to 75 years in prison.¹⁴³ However, other prominent public officials have not faced investigation despite credible evidence that they were complicit in the massacre and/or failed to prevent the crimes or investigate and punish them after the fact.

For example, the municipal police and firefighters of Allende were under the authority of Allende’s mayor,¹⁴⁴ who, during the relevant time period, was Sergio Alonso Lozano Rodríguez. Mayor Lozano Rodríguez initially claimed in 2012 that, although he was in Allende during the massacre, he did not witness the events and first heard of them on March 19 from individuals who likewise had not personally witnessed the crimes.¹⁴⁵ According to the Attorney General’s Office, however, Lozano Rodríguez knew in advance that grave crimes were going to be committed, because he had a meeting with the Zetas before the crimes occurred during which he agreed that neither he nor his subordinates would intervene, an allegation supported by the testimony of multiple Allende municipal police officers.¹⁴⁶

The cartel’s orders came down: the police were not to go out on patrols or respond to calls, instructions they followed despite hearing gunshots and receiving calls of houses burning throughout the night of March 18.

If true, this was apparently not the first time that the mayor had met with members of the Zetas: testimony provided by Allende residents to the Attorney General's Office described how the mayor regularly hosted Zeta leader Germán Zaragoza Sánchez at his home.¹⁴⁷ Testimony provided to the sub-prosecutor for the investigation and search of missing persons (*subfiscal para la investigación y registro de personas desaparecidas*) indicated that the Zetas who participated in the massacre had documents not only listing the homes, businesses, and ranches to raid and destroy, but also indicating that they warned the mayor prior to the massacre.¹⁴⁸ Indeed, one of the homes destroyed was across from city hall, while another was across from the mayor's private home, making it difficult to credit his claim that he had no personal knowledge of what was happening in Allende.¹⁴⁹ The authorities apparently did not credit that claim either—charges against the mayor stated that he saw armed men kidnap citizens near his home and that he failed in his duty to try to stop the crimes as they were unfolding or to request assistance from higher authorities.¹⁵⁰

In November 2016, former Mayor Lozano Rodríguez was arrested and charged with aggravated kidnapping (*secuestro agravado*) in connection with the Allende massacre.¹⁵¹ However, he was released in February 2017, apparently due to insufficient evidence.¹⁵² The attorney general vowed to provide additional proof to the judiciary and request another arrest warrant over a year ago,¹⁵³ but to date there is no indication that he has done so.

There is evidence that the mayor of Piedras Negras from 2010 to 2013, Óscar Fernando López Elizondo, also had questionable contacts with members of the Zetas. For example, one former Zeta, Rodrigo Humberto Uribe Tapia, testified under oath in the U.S. trial of former Piedras Negras plaza boss (*jefe de la plaza*) Marciano Millan Vasquez that the Zetas made payments to the mayor of Piedras Negras in order to establish control over him.¹⁵⁴ New evidence has recently come to light showing that the number of state police officers in Piedras Negras fell dramatically under his tenure (from 45 officers in January 2009 to just 16 by December 2011).¹⁵⁵ There is also evidence that Mayor López Elizondo knew about the massacre as it was unfolding but failed to intervene. On the evening of March 18, 2011, López Elizondo was at the wedding of a businessperson in Piedras Negras when he received a call from Claudia Sánchez, the mother of teenager Gerardo Heath Sanchez, who had been abducted earlier that day.¹⁵⁶ The mother claims López Elizondo told her that "he felt terrible about what had happened to us, but there wasn't anything he could do."¹⁵⁷ López Elizondo says he told public security officials to intervene,¹⁵⁸ but according to Sánchez's mother, no police ever came.¹⁵⁹

López Elizondo was reportedly not the only public official at the wedding in Piedras Negras who knew about the killings. Interim Governor of Coahuila Jorge Juan Torres López, who served from January 4 to December 1, 2011,¹⁶⁰ was apparently also at the wedding.¹⁶¹ Reginaldo Sánchez Garza, the grandfather of disappeared teenager Gerardo Heath Sanchez and a prominent business owner in Piedras Negras, went to the wedding, along with others whose relatives had been disappeared, to inform Governor Torres López and Piedras Negras Mayor López Elizondo that the Zetas had taken dozens of people.¹⁶² Instead of assisting the victims, the governor and the mayor reportedly left the wedding under the protection of security forces.¹⁶³ Torres López was subsequently indicted in the United States for money laundering of embezzled public funds, bank fraud, and fraud by wire communication, along with former Coahuila State Treasurer Hector Javier Villarreal Hernandez.¹⁶⁴ Both were “suspected of laundering more than \$2 million each to bank accounts in Bermuda and lying about where the money came from”¹⁶⁵; other reports put the amount laundered by Villarreal as high as \$35 million.¹⁶⁶ According to U.S. prosecutors, at least some of the laundered money came from inflated contracts given to companies owned by the Zetas.¹⁶⁷ Villarreal Hernandez was eventually captured by U.S. authorities and pled guilty to money laundering and conspiracy to transport stolen funds;¹⁶⁸ Torres López has yet to be arrested in connection with this indictment and remains a fugitive.¹⁶⁹

Throughout the massacre, the people of Allende and neighboring towns repeatedly requested assistance from public authorities. In addition to the direct requests made by the mother and grandfather of Gerardo Heath Sanchez to the mayor and interim governor, more than 100 emergency calls were made to report fires in Allende and Piedras Negras¹⁷⁰ and numerous calls and in-person reports were made to the municipal police during the weekend of the massacre.¹⁷¹ Several of the individuals who made in-person reports to the police were also sent over to the prosecutor’s offices (*ministerio publico*) to inform them as to what was happening, but the *ministerio publico* refused to receive their reports.¹⁷² Former Zeta Héctor Moreno confirmed in testimony before a U.S. court that the Mexican authorities refused to record complaints of family members: “When Poncho and I came here to the United States, they started killing all these innocent people, the family members tried to go file criminal complaints, and they were told there would be none and they had 24 hours to leave town.”¹⁷³ A call for help also was made to state authorities in Saltillo, Coahuila on the afternoon of March 22, 2011, in which the caller described Allende as a town without law, where Zetas were disappearing people and homes were being looted and burned.¹⁷⁴ Reports continued to be made in the months following the massacre: for example, Héctor Reynaldo Pérez filed a missing person

report with state authorities in May 2011 to report the disappearance of his sister and her family.¹⁷⁵ Some of those who filed reports were themselves later killed or disappeared—including some last seen in the custody of the Allende police—discouraging others from filing complaints.¹⁷⁶

There is no question that the authorities were aware of the crimes. For example, the mayor of Allende gave an official statement that he had been made aware of the violence as of March 19, 2011, and, as a result, had suspended a civic event that was scheduled for March 21, 2011, in order to protect the citizens of Allende.¹⁷⁷ He also convened a private meeting of city councilors and security forces, during which he asked for information about the violent events that had occurred over the previous days.¹⁷⁸ But an individual who attended that meeting has stated that the mayor told them to stay on the margins and not ask questions.¹⁷⁹ Despite the considerable credible evidence that both mayors were aware of the crimes committed in Allende and Piedras Negras, there has been little investigation of their alleged failure to prevent them. (The investigation against former Allende Mayor Lozano Rodríguez did not begin until 2014, nearly three years after the massacre, and appears to be stalled following his February 2017 release.)¹⁸⁰ Indeed, notwithstanding questions about his knowledge of these crimes, former Piedras Negras Mayor López Elizondo was appointed to the position of sub-secretary of the government (*subsecretario del gobierno*) of Coahuila in March 2017 and, since March 2018, as head of Piedras Negras' revenue collection agency (*recaudador de rentas*).¹⁸¹

CERESO PIEDRAS NEGRAS KILLINGS

Between 2009 and 2012, CERESO Piedras Negras came under the effective control of the Zetas cartel, ultimately becoming “the cartel’s headquarters in Coahuila.”¹⁸² As with the Allende police force, this control appears to have been obtained, at least in part, through regular bribes to the prison’s staff.¹⁸³ According to testimony cited in the COLMEX study, these payments ranged from 1,000 pesos (approximately \$75 at the time) per month for a custodian to 10,000 pesos (approximately \$755) per month for the director.¹⁸⁴ In return, according to sworn testimony in U.S. federal court, the Zetas were permitted to carry out a wide variety of activities within the prison walls to support their criminal operations, including altering cars to add hidden compartments for transporting drugs and money, selling and distributing drugs, and using the prison as a Zeta safe house.¹⁸⁵

In addition, Zeta prisoners were reportedly able to leave the prison as they pleased, provided they had the permission of the head Zeta.¹⁸⁶ Indeed, the head Zeta in the prison (the *jefe de cárcel*) sometimes left the prison in the

morning to drink a coffee and read the newspapers and have lunch at a good restaurant, and would return to his cell in the evening.¹⁸⁷ Apparently, Zeta prisoners often took some of the prison guards with them when they left the prison so that if they ran into trouble (for example, if federal authorities asked questions) the guards could claim that it was a transfer.¹⁸⁸

The prison staff also apparently knew about and permitted many of the murders and disappearances that took place within the prison. One employee's testimony to the COLMEX investigators stated, for instance, that they knew that people were brought alive to the prison, where they were killed.¹⁸⁹ When bodies were being destroyed, prison staff would receive orders to leave the watchtowers in the area.¹⁹⁰ The smell from the burning bodies, however, would permeate much of the prison, and the flames were visible in some areas.¹⁹¹

According to the COLMEX study, employees of the prison describe a director as having ordered prison staff not to bother the Zetas, stating that, "they were friends."¹⁹² In fact, one prison employee testified that he heard about the plans for the September 2012 prison break from the prisoners and informed the director, but that the director never responded.¹⁹³ Shortly after the jailbreak, 17 staff members of CERESO Piedras Negras were detained for their alleged collusion in the mass escape.¹⁹⁴ Most (though not all) of these individuals have since been released, many of them due to an apparent lack of evidence.¹⁹⁵ It was not until September 2017 that former CERESO Piedras Negras employees, along with some Zetas members, were arrested for their alleged involvement in the murders and disappearances at the prison.¹⁹⁶ There have been no convictions or sentences to date in connection with these arrests.

There do not appear to have been any investigations into higher-level officials who may have been complicit in the crimes committed at the prison and/or failed to prevent the crimes or investigate and punish them after the fact. By state law, CERESO Piedras Negras was overseen during the relevant time period by the Decentralized Unit for the Execution of Penalties and Social Reintegration for the State of Coahuila (*Unidad Desconcentrada de Ejecución de Penas y Reinserción Social*).¹⁹⁷ Furthermore, pursuant to state regulations, the director of CERESO Piedras Negras was required to inform the central state authorities of any extraordinary events, including crimes that occurred in the prison.¹⁹⁸

According to the COLMEX study, declarations by former CERESO Piedras Negras staff indicate that individuals within the Decentralized Unit were made aware of what was happening in the prison.¹⁹⁹ Indeed, according to the statement of one former employee, prison authorities from the capital city of Saltillo conducted visits to CERESO Piedras Negras two or three times a year:

Twice or three times per year, authorities from Saltillo came to the CERESO...they knew about the problems that existed because the people who were directors during the time I was there informed them about those issues. The visits went exclusively from the parking lot to the director's office and back, they rarely entered the CERESO but even when they went in, the visit was very quick, it did not last long, and they never questioned anything. They always stood by and, just like in previous occasions, they did nothing to change what was happening here.²⁰⁰

It is not entirely clear to which specific prison authorities from Saltillo the employee is referring, although the same testimony indicates that amongst them was the director of the Decentralized Unit, who visited CERESO Piedras Negras in 2011.²⁰¹

Based on the Decentralized Unit's structure there was a head official (the *Comisario General*) and a director of one of two sub-units,²⁰² both of whom reported to the *Comisario General*.²⁰³ The *Comisario General* of the Decentralized Unit reported, in turn, to the state attorney general of Coahuila and the governor of Coahuila.²⁰⁴ For most of the relevant time period (2009-2012), the position of state attorney general was held by Jesús Torres Charles.²⁰⁵ During that same time period, three different individuals held the governorship of Coahuila: Humberto Moreira Valdés, from 2005 to early 2011; Jorge Juan Torres López, from January 4 to December 1, 2011; and Rubén Moreira Valdés (Humberto Moreira's brother), who took office in late 2011 and was the governor until late 2017.²⁰⁶ For his part, responding to claims raised in the 2017 report by the University of Texas, Humberto Moreira Valdés has claimed that, at the time the killings occurred in CERESO Piedras Negras, the prison was militarized pursuant to a federal strategy and was under the control of Mexico's president, not the governor of Coahuila.²⁰⁷

Although further investigation is needed in order to ascertain whether there was federal involvement in Coahuila's state prisons, substantial evidence nonetheless indicates that the Coahuila state government, including Governor Moreira, continued to have ongoing authority over the administration of the state's prisons during the relevant time period. For example, an article from February 24, 2009, indicates that Moreira appointed General José Luís García Dorantes as the undersecretary of prevention and social readaptation (*subsecretario de prevención y readaptación social*) in Coahuila, a position that was transformed into the *Comisario General* of the Decentralized Unit several months later, after the enactment of a state-level decree.²⁰⁸ This is in line with the 2009 Coahuila decree creating the Decentralized Unit, which unambiguously provides that the governor has the

power to appoint and remove the *Comisario General*.²⁰⁹ This same decree requires that the *Comisario General* have completed his military service.²¹⁰ These state laws further provide that the *Comisario General*, and in some cases the Decentralized Unit more generally, report to the governor and attorney general (and later the state secretary for public security), not the federal president.²¹¹

There appears to be no public document or statement indicating that either the *Comisario General*, the state attorney general, or Governors Humberto Moreira or Jorge Juan Torres López ordered an investigation into the crimes committed by the Zetas at CERESO Piedras Negras or into alleged collusion by prison staff. Nor is there any information about whether any investigation about the people holding those positions has been conducted, including whether they received reports from prison staff about the crimes at the prison and when they first learned of the crimes. Additionally, the administration of former Governor Humberto Moreira apparently blocked a requested visit to the prison by officials of the National Human Rights Commission in 2011, when the Zetas were in control.²¹²

In addition, several of these officials have been accused of ties to the Zetas. Jesús Torres Charles, for example, resigned from the Coahuila government in 2012 after he was implicated in a corruption scandal in which the Zetas allegedly paid millions of dollars to state and federal officials in return for protection. Among those implicated in the scandal were members of the army, the PGR, the Coahuila Attorney General's Office, and the Coahuila police.²¹³ Although a Mexican federal judge eventually exonerated Torres Charles of his alleged links with organized crime,²¹⁴ he has continued to face allegations of collusion with Zetas. For example, former Zeta Rodrigo Humberto Uribe Tapia testified under oath in a U.S. court that he and Zeta member Danny Menera personally went on behalf of the Zetas to drop off two payments of about \$2 million in cash each to Torres Charles and Vicente Chaires Yáñez, who had been appointed director of the state administration (*director de la administración del estado*) and later secretary of operations and planning (*secretaría de operaciones y planificación*) by Humberto Moreira after he became governor.²¹⁵ The purpose of the payments, according to Uribe Tapia, had been to bribe the governor for control over criminal activity in Coahuila, including directing the state government away from Zeta activities.²¹⁶ He testified under oath that, in exchange for this money, the Zetas gained control over criminal activity in the state, as well promises not to investigate Zeta crime.²¹⁷ Both Torres Charles and Moreira have denied these allegations.²¹⁸

Former Governor Moreira has also faced other allegations of corruption and collusion with the Zetas. For example, one Zeta reportedly told the Attorney General's Office that the former governor allowed the Zetas to set up several hundred "little stores" (*tienditas*) to sell drugs in cities throughout Coahuila, including Saltillo, Piedras Negras, Ciudad Acuña, and other cities in the Cinco Manantiales region, in exchange for millions of dollars each month.²¹⁹ Another Zeta, Juan Manuel Muñoz Luevano (known as "El Mono"), whose family holds interests in key economic sectors in Coahuila—including fuel distribution, livestock, public relations, food, construction, and real estate—also reportedly served as an intermediary between businessmen in Coahuila and the governor.²²⁰ Moreira has refuted this, pointing to a judicial decision from Spain that purportedly found he had no relationship with Muñoz Luevano.²²¹ But photographs published in the Mexican and Spanish press show the two men together (Moreira claims that he does not know Muñoz Luevano and that he simply took a photo with him at an event).²²² In 2015, an indictment was filed in the United States against Muñoz Luevano for money laundering, among other charges,²²³ and the United States requested his extradition after he was arrested in Spain (where he remains) the following year.²²⁴

Moreira has also been accused of involvement in a money-laundering scheme with Rolando Ramiro González-Treviño, a businessman from Coahuila and former president of Núcleo Radio Televisión, and several other individuals.²²⁵ González Treviño pled guilty to reduced charges of conspiring to transport stolen money in 2015.²²⁶ In his plea agreement, González-Treviño alleged that one of his co-conspirators, identified as CC1, stole hundreds of millions of dollars from the state of Coahuila.²²⁷ According to several news accounts, sources have identified CC1 as then-Governor Humberto Moreira.²²⁸ Since then, the U.S. government has seized a home owned by Moreira's mother-in-law, which the government alleged was purchased with money obtained from illegal activities such as embezzlement of public funds and money laundering.²²⁹ According to the U.S. government, the criminal investigation remains ongoing.²³⁰ Moreira also denies these charges.²³¹

Following his tenure as governor, Humberto Moreira briefly served as president of the PRI, but he resigned on December 2, 2011, amid "escalating controversy" over a criminal investigation by the PGR into "allegations that the state government of Coahuila had underreported its debt by almost \$3 billion and had forged official documents to obtain loans."²³² However, his brother, Rubén Moreira Valdés, who subsequently served as governor of Coahuila, exonerated him following an investigation by State Attorney Homero Ramos Glorial, who had himself served as the secretary of government (*secretario de gobierno*) during Humberto Moreira's administration.²³³

CONCLUSION

THE MULTIPLE ACTS OF MURDER, DISAPPEARANCES, AND TORTURE

described in this chapter are consistent with the Zetas' policy of controlling territory through violence and terror, and appear to have been implemented with the assistance of corrupt public officials.²³⁴ The Zetas' crimes spread across numerous towns in northern Coahuila, but in Allende and Piedras Negras alone it is clear that many hundreds were disappeared, tortured, or killed. In Allende and Piedras Negras, the overwhelming violence visited upon Mexican civilians in March 2011 appears to have been a form of revenge for a perceived betrayal by former Zetas members; in CERESO Piedras Negras, after gaining effective control of the prison, the cartel used it as an extermination camp and a base of operations to extend its reign of terror. The massacres perpetrated in both of these areas served to maintain the strength of the organization and its ability to control territory. They were also meant to strike fear in any other Zeta member who might contemplate turning against the cartel.

These attacks bear the hallmarks of crimes against humanity given the scale and systematic nature with which they were carried out. As part of an overall policy of the Zetas, they required planning, direction, and organization. The manner in which the crimes were perpetrated confirms that they were neither isolated acts nor random. For example, in the Allende massacre, the Zetas targeted individuals from specific families and those who had relationships with them; reportedly had lists of homes, businesses, and ranches to raid and destroy; and reportedly informed the mayor and police commander in

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advance of the massacre to ensure they would not intervene. In the CERESO Piedras Negras prison, the crimes went on over a period of years and required coordination with prison authorities in order to bring victims into the prison.

In both cases, victims were brought to central locations where they were killed, their bodies incinerated, and then dumped. One common pattern running through these and other incidents is corruption: whether through bribery or for personal gain, or through intimidation and fear for their lives and those of their families, the Zetas have successfully co-opted police and other public officials in order to facilitate their crimes. In some instances, this collusion meant that some members of the local police force, rather than protecting the public from such violence, were directly involved in these crimes. In other instances, credible evidence suggests that at least some higher-level elected officials may have known about the crimes in advance and agreed not to intervene.

Further investigation is now required to answer the numerous questions this chapter raises, and to expose the formal (and informal) networks that appear to exist between Coahuila's political and economic elite and organized crime. Indeed, despite numerous cases of embezzlement and money laundering involving public servants in Coahuila's last three administrations, little has been done to investigate and prosecute such corruption. Furthermore, as this chapter illustrates, many of the same individuals have rotated from one position to another in the state and municipal governments, limiting the possibility of holding previous officeholders accountable for wrongdoing.

Under both Mexican and international law, many individuals beyond the direct perpetrators may be held criminally liable. In the words of one expert, "criminal responsibility attaches not just to those who pull the trigger, wield the blade or rifle the safe but also those who encourage, direct, assist, agree on the plan with or perhaps just fail to report them."²³⁵ The Mexican criminal code and the ICC Statute both recognize a variety of such "modes of responsibility," including superiors who knew of the crimes and failed to prevent them and/or punish the perpetrators ("superior responsibility"), those who aided and abetted the crimes, and those who co-perpetrated the crimes with others.²³⁶ These modes of criminal liability also have been recognized in some form under customary international law, and are therefore applicable to all states, including Mexico.²³⁷ Each of these modes requires different evidentiary elements; however, each provides for criminal responsibility on bases other than physical perpetration. Mexico now has an obligation to independently and competently investigate all individuals responsible for these crimes, wherever the evidence may lead.

IV. WHY MEXICO NEEDS AN INTERNATIONAL MECHANISM TO COMBAT IMPUNITY

ALTHOUGH SOME POLICE OFFICERS HAVE BEEN ARRESTED FOR THE CRIMES DESCRIBED IN COAHUILA, THERE HAS BEEN LITTLE TO NO INVESTIGATION OF HIGHER-LEVEL PUBLIC OFFICIALS, DESPITE EVIDENCE THAT SOME OF THEM MAY HAVE COLLUDED IN THE CRIMES OR FAILED TO CARRY OUT PROPER INVESTIGATIONS AFTER THE FACT. FURTHERMORE, IT IS INCREASINGLY CLEAR THAT THE ALLENDE MASSACRE AND THE CERESO PIEDRAS NEGRAS KILLINGS, WHILE SHOCKING IN THEIR VIOLENCE AND MAGNITUDE, WERE NOT ISOLATED EVENTS.

GROWING EVIDENCE SUGGESTS THAT BRIBES WERE PAID TO POLICE

districts across other states of Mexico as well, replicating a corruptive pattern that appears to fall within the cartel-led crimes against humanity policy documented in *Undeniable Atrocities*.²³⁸ The CNDH concluded as early as 2011, for instance, that “police, particularly at the state and local level,” have been “involved in kidnapping, extortion, and in providing protection for, or acting directly on behalf of, organized crime and drug traffickers.” To that end, a March 2018 recommendation by the CNDH has called on Coahuila authorities, including the current governor and mayor of Allende, to cooperate with the PGR in investigating the “probable responsibility” of state and municipal officials in the 2011 massacre.²³⁹ Another report by the U.S. Embassy in Mexico has suggested that over 60 percent of Mexico’s civil security agents are colluding with organized criminal cartels.²⁴⁰

TIP OF THE ICEBERG: ATROCITY CRIMES AND CORRUPTION BEYOND COAHUILA

One state that has been particularly hard hit is Tamaulipas, where the Zetas reportedly have their headquarters.²⁴¹ In 2010 and 2011, the state experienced a series of massacres of migrants traveling by bus through the state. In August 2010, for example, the Zetas killed 72 migrants, including women and children, who were passing through San Fernando, Tamaulipas, reportedly because they refused to join the cartel.²⁴² Dozens of mass grave sites containing nearly 200 bodies were ultimately located in the San Fernando area.²⁴³ As in Coahuila, Zeta violence in Tamaulipas has been accompanied by the bribery of, and assistance from, the police. A declassified memorandum by the Deputy Attorney General for the Investigation of Organized Crime (*Subprocuraduría Especializada en Investigación de Delincuencia Organizada*) describes how police officers in Tamaulipas received bribes, in return for which they acted as lookouts for the Zetas, intercepted people sought by the cartel, and failed to intervene to stop Zeta crimes.²⁴⁴

The cartel also allegedly bribed federal prosecutors in Tamaulipas so that they would not investigate Zeta crimes, according to testimony by a former clerk in the PGR who admitted to receiving bribes from the Zeta cartel in testimony given during a U.S. criminal trial.²⁴⁵ The former clerk also claims that in 2001, the then-unified Golf and Zeta cartel held a meeting with a large number of local, state, and federal authorities at which the cartel informed the authorities that the cartel was now in charge of the state and that it would be distributing bribes to all the government agencies in order to ensure non-interference with its activities.²⁴⁶ U.S. prosecutors have stated that these payments reached as high as then-Governor Eugenio Hernández Flores, who served from 2005 to 2010 and allegedly gave the Zeta cartel a “green light” to operate in the state.²⁴⁷ Hernández Flores was indicted by U.S. authorities in 2015 for conspiracy to launder money,²⁴⁸ and was finally arrested by Mexican authorities in late 2017.²⁴⁹ At the time of writing, he was awaiting extradition to the United States.²⁵⁰

The state of Veracruz, like Coahuila and Tamaulipas, has also been the site of tremendous violence in recent years, including cartel violence allegedly perpetrated with the collusion and assistance of police officers. The CNDH found that there was a “conspiracy of municipal and/or state police officers and organized crime in disappearances,” including in the towns of Tierra Blanca and Papantla.²⁵¹ For example, between 2012 and 2013, a group of organized crime members and public security forces within the Secretariat of

Public Safety (*Secretaría de Seguridad Pública, SSP*) undertook a campaign of violence called “*la barredora*,” in which they disappeared more than 60 young people in the town of Cardel.²⁵² Some of the victims of that violence have been found in the Colinas de Santa Fe mass grave, which contains at least 250 individuals.²⁵³ And in Orizaba, Veracruz, eight police officers have been arrested for delivering individuals they detained to the Zetas.²⁵⁴ As the International Crisis Group concluded in its 2017 report, “In Veracruz, an alliance between criminal groups and the highest levels of local political power paved the way to an unbridled campaign of violence through the capture of local judicial and security institutions, guaranteeing impunity for both sides.”²⁵⁵

Elsewhere, in the state of Guerrero, the findings of the GIEI suggest a similar pattern of law enforcement working in collusion with criminal organizations. According to one analyst, organized crime has a “permanent presence” in at least 65 of the state’s 81 municipalities.²⁵⁶ Specifically, as a result of the GIEI’s investigation, the experts concluded that a possible motive for the attack against the 43 disappeared students by municipal police from Iguala was their apparent intervention in an operation of the *Guerreros Unidos* drug trafficking organization, which had been using passenger buses to smuggle drugs to the United States.²⁵⁷ Noting the level of coordination of the local police forces in the attacks, the GIEI concluded that one logical motive for the attack—worthy of further investigation—may have been that the students unintentionally commandeered a particular bus containing heroin or bulk cash. (The PGR notably omitted this bus from its investigation despite testimony from students regarding its existence, video footage of

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the bus, and its inclusion in the initial investigation opened by Guerrero state authorities.)²⁵⁸ The GIEI also concluded that the attacks against the students had to have been centrally coordinated, given their sustained nature and the involvement of several patrols and two different police forces (from Iguala and neighboring Cocula). Moreover, the GIEI ascertained that collusion in the attack may well have extended beyond the involvement of these municipal police forces to include state and federal police, and the Mexican Army, as well. The GIEI's final report established that all of these authorities were in the area at the time and were aware of both the students' movements and the police attacks, but failed to intervene.²⁵⁹

Notwithstanding the obstruction that the GIEI faced, these findings helped bring attention to a growing fear: public authorities in Mexico have been infiltrated by organized crime.²⁶⁰ Driven by the Zetas' policy of using violence and terror to control territory, or by the actions of other organizations, which similarly seek to terrorize civilian populations in the pursuit of territory and profit, the complicity of corrupt public officials appears to be a widespread, recurrent pattern. To be clear: the reasons for state collusion with cartels may vary, as may the modes of perpetration. In some instances, local or state authorities appear to have assisted cartels for personal gain; in others, authorities may have modified the federal policy of fighting cartels by making alliances with one cartel in order to fight another, rival cartel. Those alliances may shift over time, particularly as officials change, and different levels of the government (for example, local police and state police) may respectively collude with different cartels and fight against one another. Notwithstanding these shifting alliances, such collusion nevertheless points to criminal liability for both state and non-state actors alike, and to the need for an international, independent body that can investigate the links between them.

LIMITED MANDATES, FRAGILE INSTITUTIONS, AND INCREASED MILITARIZATION

MEXICO'S CRISIS OF ATROCITY AND IMPUNITY has taken place against a backdrop of general, far-reaching criminal justice reform including, notably, the transition from a largely inquisitorial to an adversarial justice system at the federal and state levels, as well as recent proposals that are more specific to atrocity crimes. One notable area of progress in this regard has been the passage of new general laws on torture and enforced disappearances in Mexico, both of which substantially improve the country's legal framework for investigating, prosecuting, and punishing such crimes. While not without their

flaws, these bills seek to rectify previous shortcomings in the legal definitions of both torture and enforced disappearances, improve coherence in the collection and organization of data, and provide increased criminal penalties.²⁶¹

Yet these advancements must be considered against increased militarization, which threatens to further weaken the possibility of independent domestic investigations, and the broader context of domestic justice reform in Mexico. These reforms are necessary but they underscore the weaknesses in Mexico's existing criminal justice system that leave it, at present, poorly suited to investigate the structures and practices of corruption that a state like Coahuila lays bare, as well as the connections between state actors and organized crime.

PROMISE OF THE *FISCALÍA*?

As previously noted, the formal placement of the PGR within the executive branch has rendered Mexico's entire prosecution structure susceptible to obstruction and manipulation: prosecutors have reclassified atrocity crimes as lesser offenses, mired investigations in bureaucratic confusion, discouraged victims from filing complaints, and tampered with or fabricated evidence.²⁶² Replacing the PGR with an institution that functions independently of the executive is essential if criminal investigations are to improve in Mexico. To that end, in February 2014, Mexico amended its constitution to allow the creation of a new *Fiscalía* (FGR), one with autonomy from the executive branch, an independent budget, and a more transparent appointment process.²⁶³ The attorney general will be appointed by the senate. Other provisions include extending the *Fiscal*'s term from six years to nine (ending its alignment with the presidential *sexenio*), and limiting the president's powers of removal. By extension, these changes would better ensure that future prosecutors in Mexico were also appointed through public and transparent mechanisms based on merit and ability, thus making the office less susceptible to political influence.

Despite its promise on paper, the proposed FGR has been beset with controversy. Initially, under the transitional provisions of the FGR constitutional amendments, President Peña Nieto's appointee for attorney general would become the first *Fiscal*, meaning that the first use of the newly envisioned appointment process would not come into effect until 2027. This so-called "automatic transfer" provision had been heavily criticized as a loophole measure and such criticisms were vindicated when, in December 2016, Peña Nieto named as attorney general an individual close to his party's inner circle: Raúl Cervantes Andrade. United under the hashtags *#Vamospormás* and *#FiscalíaQueSirva*, civil society groups

condemned Cervantes Andrade's nomination as a threat to the integrity of the nascent FGR, raising concerns about both the manner of his appointment and qualifications.²⁶⁴ Congress has since approved a law that purports to eliminate the "automatic transfer" provision (at the time of writing, however, the law awaited further ratification by most of the states in Mexico.) Furthermore, it has not heeded calls to expressly ensure that the *Fiscal's* selection will be merit-based, transparent, and participatory.²⁶⁵ This measure alone is likely insufficient to guarantee the FGR's autonomy. Civil society groups have, for instance, urged that the creation of an FGR also include the establishment of independent forensic services but, to date, a proposal to do so at the federal and state levels remains pending in Congress.

Meanwhile, in October 2017, Cervantes resigned after less than a year in office, making him the third attorney general to leave the post during Peña Nieto's tenure.²⁶⁶ At the time of writing, no new *Fiscal* has been named and it is unclear when one will. While hope remains that a qualified, independent candidate may yet be nominated, the controversy generated by the "automatic transfer" provision underscores the fragility of the new FGR, even when a new attorney general is in place. Indeed, as both the Due Process of Law Foundation and the Washington Office on Latin America have noted, the "constant rotation" in leadership among attorneys general during the course of the Peña Nieto's administration "demonstrates the Mexican justice system's profound lack of stability and confirms an urgent need to transform, from top to bottom, a key justice institution in a country where 98% of crimes go unpunished."

Such transformation, however, will take time. An international mechanism would help ensure independent investigation of politically sensitive cases that the new *Fiscal* may, at the outset, struggle to bring, while also providing vital support and assistance to the FGR as it evolves. Indeed, international participation has provided such support in similar situations elsewhere. In Guatemala, for instance, the International Commission against Impunity (CICIG) was able to "dramatically increase Guatemala's criminal investigation capacity" through collaboration with the newly established Office of the Public Prosecutor there.²⁶⁷ Similarly, in Bosnia, the temporary insertion of international judges and prosecutors in the country's domestic War Crimes Chamber (which itself had jurisdiction over international crimes, as well as economic crime and corruption cases) helped to ensure justice for a series of violent crimes committed during the wars of the former Yugoslavia.²⁶⁸ The War Crimes Chamber is now purely domestically run following the subsequent phase-out of its international personnel.

NATIONAL ANTI-CORRUPTION SYSTEM

After creating a heavily criticized National Anti-Corruption Commission in 2013, the Mexican Congress approved a constitutional amendment in May 2015 that established a more robust National Anti-Corruption System (*Sistema Nacional de Anti-Corrupción*, SNA). Under the campaign known as #Ley3de3, lawyers, civil society organizations, and private businesses presented Congress with a “citizen anti-corruption initiative” containing seven secondary legislation components to implement the SNA.²⁶⁹ Following intensive advocacy, Congress approved the initiative through a series of laws passed in 2016.²⁷⁰ The success of Mexico’s civil society in pushing for these wide-ranging reforms provides hope that a new era for corruption enforcement in the country has arrived; however, as with many other reforms efforts, effective implementation has been a challenge. Two years later, only one of 32 federal entities in Mexico has fully implemented the reforms at the local level.²⁷¹

Another challenge is the scope of the SNA’s mandate, which, at present, does not have either the legal authority or sufficient political independence to focus on the illicit relationships between cartels and public officials that fuel atrocity crimes and corruption. Rather, the SNA has jurisdiction principally over non-violent corruption, such as collusion in public bid procedures, influence peddling, and misuse of public funds/resources.²⁷² Critical though such investigations are, it will take the SNA time—once it is fully functional—to even begin to investigate the kinds of crimes described in this report. As Jacqueline Peschard, until recently the president of the SNA’s Committee for Citizens’ Participation, has noted: “We have not yet made a scratch on the corruption that seems to impregnate everything, and that appears in places where it was not expected. Without a doubt, the biggest problem is the gigantic size of the evil that we have to fight.”²⁷³

Furthermore, one of the most important elements of the system foreseen by the secondary legislation—the appointment of an anti-corruption prosecutor—remains unfulfilled. One prominent commentator has noted that, “The most apparent reason for this is partisan politics. The Mexican Senate, which is tasked with selecting the prosecutor, has instead blocked his or her nomination out of fear of what will follow: A prosecutor with the mandate to conduct criminal proceeding against corrupt officials. The parties in Congress are thus doing what they can do to fill the position with a friendly face.”²⁷⁴ Currently, it is unclear who will ultimately be appointed or if the appointment process will have sufficient integrity and transparency. Until a prosecutor is appointed for the FGR as a whole, Mexico’s new anti-corruption institution remains incomplete.

INTERNAL SECURITY LAW

Finally, the looming prospect of increased militarization in Mexico, as exemplified by the proposed Internal Security Law (*Ley de Seguridad Interior*), which is currently under constitutional challenge, promises to weaken the possibility of domestic independent investigations even further. As currently drafted, the law is dangerously overbroad: it constitutes an unprecedented expansion of the military into the administration of Mexico's public security and threatens to further erode the country's civilian policing institutions. While the definition of key concepts, beginning with "internal security," is ambiguous, inviting wide-ranging, arbitrary, and discretionary application of the law in a wide variety of situations, the law further purports to place all civilian authorities under the command of military executive power once the president makes a "declaration of protection of internal security," either on his own initiative or at the request of a state congress or governor.²⁷⁵ Currently, actions can even be carried out where security risks are not imminent, for example, "a situation that could potentially become a threat to internal security."²⁷⁶ Consequently, military forces would be able to intervene in criminal investigations as "first responders," with the authority to detain suspects and to preserve crime scenes.²⁷⁷

Such authority would imperil domestic accountability even further: torture and ill-treatment of detainees by Mexico's military is already rife, and it is by now well-documented that soldiers have modified crime scenes in cases of extrajudicial executions. For example, in the well-known Tlatlaya case, the National Human Rights Commission concluded that the crime scene had been altered to make it seem as if the extra-judicial executions were actually the result of an armed confrontation with the military.²⁷⁸

KEY COMPONENTS OF AN INTERNATIONAL MECHANISM

In 2016, the Justice Initiative joined with five leading Mexican human rights organizations to formally call for the creation of an internationalized mechanism that would be empowered to independently investigate and, when necessary, prosecute atrocity crimes and related cases of corruption. In the past two years, a growing number of Mexican civil society organizations have joined the call for such a mechanism; these groups are now united as part of the Platform against Impunity and Corruption (*Plataforma Contra la Impunidad y la Corrupción*).²⁷⁹ To date, the government has rejected this recommendation for an internationalized mechanism in its entirety.²⁸⁰ It has

likewise failed to implement even more modest recommendations, notably the UN High Commissioner for Human Rights' 2015 recommendation that Mexico establish an advisory council to address impunity.²⁸¹

The Platform against Impunity and Corruption proposes that the following elements be part of the design and purpose of a mechanism:

COMPOSITION. The mechanism should be composed of national and international staff. The assistance of temporary international staff would provide both expertise and independence to ensure robust execution of the mechanism's mandate, as well as necessary support and protection against domestic political pressure.

JURISDICTION. The mechanism's jurisdiction should be governed by the nature of the impunity problem that Mexico confronts: atrocity crimes, massive human rights violations, and those acts of corruption (e.g., bribery, money laundering, embezzlement, abuse of function) that enable them. Its jurisdiction would be concurrent with other relevant domestic justice institutions, and remain complementary to the International Criminal Court.

MANDATE. The mechanism's mandate would be to independently investigate and, where necessary, prosecute the crimes under its jurisdiction. The mechanism should also have an explicit assistance mandate, to ensure it works to support and strengthen Mexico's domestic justice institutions.

LOCATION. The mechanism and its staff would be based inside Mexico, ensuring investigations and proceedings are as close to victims and affected communities as possible.

TERRITORY. Because atrocity crimes and related corruption are widespread and cross state borders, the mechanism should have a territorial mandate across all of Mexico, at federal and state level.

TIME PERIOD. The mechanism should have same temporal jurisdiction as the newly created *Fiscalía*.

AUTHORITY. The mechanism should be created through agreement with an agreed upon international partner organization, possibly the United Nations.

V. CONCLUSION

AN INTERNATIONAL MECHANISM FOR MEXICO IS NECESSARY not only as a first step towards providing the accountability that its citizens have for so long sought, but also to address persistent weaknesses in the country's existing criminal justice system that leave it, at present, poorly suited to investigate the corrupt structures and practices that a state like Coahuila, amongst others, illustrates. Moreover, the apparent complicity of public officials in atrocity crimes, and the ties they have to other high-level political authorities, cast doubt on the ability of the Mexican government alone to properly investigate and prosecute all of those involved. As Froylan Enciso of the International Crisis Group has noted, "Mexico's... weak institutional checks and balances have underpinned criminal gangs' corruption of local authorities and their ability to co-opt communities through the use of threat of violence."²⁸² These alliances between cartels and corrupt state officials lie at the heart of Mexico's twin crises of atrocity and impunity.

Further investigation is now required to address the criminal responsibility of both state and non-state actors in these twin crises, and the corrupt networks that exist between them. In Coahuila alone, despite numerous cases of embezzlement and money laundering involving public servants in the last three administrations, little has been done to investigate and prosecute such crimes. Many of the same individuals have rotated from one position to another in the state and municipal governments, further limiting the possibility for accountability. As noted, this pattern appears to have been replicated in other states across Mexico with the same tragic consequences.

To properly investigate and prosecute the atrocity crimes and related acts of corruption described in this report, Mexico's justice system urgently needs outside support. It needs experts who can bring objectivity, experience, and technical skill to the daunting task of accountability for the most serious crimes. Mexico needs an international justice mechanism in order to help solve cases, fight corruption, empower those within the current system who genuinely want to make it work properly, and restore public trust in the idea that justice for complex and politically difficult cases is possible. As previously noted, the situation is not hopeless: "Mexico is not a country where the justice system has collapsed, or where the technical skills to undertake competent investigations and pursue effective prosecution and trials are utterly lacking."²⁸³ But if the tide of impunity afflicting the country is ever going to turn, Mexico needs help in the form of an international justice mechanism.

ENDNOTES

- 1 For a complete analysis of crimes against humanity in Mexico, see *Undeniable Atrocities: Confronting Crimes Against Humanity in Mexico* (Open Society Foundations, 2016) [hereinafter “Undeniable Atrocities”]. The report was published by the Open Society Justice Initiative in partnership with the Mexican Commission for the Defense and Promotion of Human Rights (*Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*), the Diocesan Center for Human Rights Fray Juan de Larios (*Centro Diocesano para los Derechos Humanos Fray Juan de Larios*), I(dh)cas Human Rights Strategic Litigation (*Litigio Estratégico en Derechos Humanos*), Foundation for Justice and Rule of Law (*Fundación para la Justicia y el estado Democrático de derecho*), and Citizens for Human Rights (*Ciudadanos en Apoyo a los Derechos Humanos – CADHAC*).
- 2 See *Informe de seguimiento del Relator Especial sobre la tortura y otros tratos o penas crueles, inhumanos o degradantes - México*, A/HRC/34/54/Add.4 (February 17, 2017), para. 21, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/035/92/PDF/G1703592.pdf> (“En la última visita a México el Relator señaló que la tortura y los malos tratos son generalizados. A dos años de su visita lamenta informar que la situación no ha cambiado.”). Notably, Mexican authorities denied the special rapporteur’s request for a follow-up visit after his initial report was released in 2015.
- 3 See GII-2017 Global Impunity Index (University of the Americas Puebla, UDLAP Jenkins Graduate School, Center of Studies on Impunity and Justice), p. 10, available at: http://www.udlap.mx/cesij/files/IGI-2017_eng.pdf (“Mexico is, yet again, the country in the Americas with the highest impunity index.”); see also Ximena Suarez-Enriquez, *Overlooking Justice: Human Rights Violations by Mexican Soldiers Are Met with Impunity* (Washington Office on Latin America, November 2017) [hereinafter “Overlooking Justice”], available at: <https://www.wola.org/analysis/wola-report-overlooking-justice-human-rights-violations-committed-soldiers-civilians-met-impunity/>.
- 4 See 2016 Latin American Corruption Survey, Miller & Chevalier, p. 3, available at: <https://www.millerchevalier.com/sites/default/files/resources/2016-Latin-America-Corruption-Survey-Full-Report.pdf>.
- 5 Luis Rubio, “Corruption is Mexico’s Original Sin,” *Foreign Policy* (December 26, 2017).
- 6 There is no precise definition of corruption: it can occur in different forms, can comprise multiple acts, and can exist in different types of organizations at different levels. According to the World Bank, corruption is “commonly defined as the abuse of public or corporate office for private gain,” ranging from petty (the payment of “comparatively small amounts of money to ‘facilitate’ routine official transactions”) to grand (“corruption that involves heads of state, ministers, or other senior government officials and serves the interests of a narrow group of businesspeople and politicians, or criminal elements”), and including political, administrative, and corporate corruption. See “The Cancer of Corruption,” World Bank Global Issues Seminar Series (September 2005), available at: <http://siteresources.worldbank.org/EXTABOUTUS/Resources/Corruption.pdf>. Consistent with both the UN Convention against Corruption (art. 34) and the Inter-American Convention Against Corruption (art. VI), this report uses the term “acts of corruption” to encompass the multiple, often overlapping forms that corruption can take. There is also a vigorous debate underway as to whether corruption, depending on its scale and effect, could itself constitute an international crime. See, e.g., Ilias Bantekas, “Corruption as an International Crime and Crime Against Humanity: An Outline of Supplementary Criminal Justice Policies,” *Journal of International Criminal Justice* 4(3) (July 2006); Global Organization of Parliamentarians Against Corruption, “Prosecuting Grand Corruption as an International Crime,” Discussion Paper (November 1, 2013), available at: http://gopacnetwork.org/Docs/DiscussionPaper_ProsecutingGrandCorruption_EN.pdf.
- 7 *Los Derechos Humanos y la Corrupcion en Mexico: Analisis de las tendencias en las entidades federativas entre el 2000 y el 2014* (Sintesis Ejecutiva, 2017), p. 13, available at: http://www.senado.gob.mx/comisiones/derechos_humanos/docs/sintesis_ejecutiva.pdf. See also Stephen D. Morris, “Corruption, Drug Trafficking, and Violence in Mexico,” *Brown Journal of World Affairs* (2012).
- 8 Mexico has signed several international and regional conventions that require it to investigate and prosecute serious human rights violations, including killings, enforced disappearances, and torture, and to criminalize a wide range of acts of corruption. See, e.g., International Convention for the Protection of All Persons from Enforced Disappearance (ratified by Mexico in 2008, arts. 3-6 provide that the “widespread or systematic practice of enforced disappearance constitutes a crime against humanity” and require states party to investigate and punish those who commit the crime, including superiors who “knew, or consciously disregarded information which clearly indicated, that subordinates under his or her effective authority and control were committing or about to commit a crime of enforced disappearance”); Inter-American Convention on the Forced Disappearance of Persons, art. I(b) (ratified by Mexico in 2002, requires parties to undertake to punish “those persons who commit or attempt to commit the crime of forced disappearance of persons and their accomplices and accessories”); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Mexico in 1986, arts. 4, 5, and 7). The Inter-American Court on Human Rights has held that the American Convention on Human Rights, which Mexico has ratified, also obligates states parties to prevent, investigate, and punish violations of the rights recognized by the convention, and that this obligation extends not only to the direct perpetrators but to others that played a role in the crimes. See, e.g., *Maritza Urrutia v. Guatemala*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 103, para. 177 (November 27, 2003) (“[t]he State must conduct an effective investigation” of grave crimes and “identify those responsible,” including accessories); *Juan Humberto Sánchez v. Honduras*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 99, para. 186 (June 7, 2003) (“an effective investigation” must include not only the direct perpetrators, but also “those who instigated them, as well as possible accessories after the fact,” all of whom must be punished as appropriate); *Garrido and Baigorria v. Argentina*, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 39, para. 74 (August 27, 1998) (state had a legal

obligation to investigate and punish “the authors, accomplices, accessories after the fact, and all those who may have played some role in the” forced disappearance of the victims). Mexico’s Supreme Court of Justice also has held that the state has an obligation to conduct a serious, impartial, and effective investigation of human rights violations. See Judicial Precedent P. XVIII/2015 (10A.), Plenary, September 2015; Judicial Precedent 1A. CCCXLI/2015 (10A.), First Chamber, November 2015; Judicial Precedent 1.90.P.59 P (10A.), Collegiate Courts. Mexico is also party to two key anti-corruption conventions: the United Nations Convention Against Corruption (ratified by Mexico in 2004, chapter III requires states party to, *inter alia*, criminalize a wide range of acts of corruption, including, *inter alia*, bribery of national public officials, embezzlement, abuse of function, and money laundering, and to criminalize, “in accordance with its domestic law, participation in any capacity such as an accomplice, assistance or instigator in an offence established in accordance with [the] Convention” [arts.15, 17, 19, 23, 27]) and the Inter-American Convention Against Corruption (ratified by Mexico in 1997, requires states parties to, *inter alia*, prevent criminalize, and investigate “acts of corruption” in the public sector, including “[p]articipation as a principal, co-principal, instigator, accomplice or accessory after the fact, or in any other manner, in the commission or attempted commission or, or in any collaboration or conspiracy to commit” [arts. V-VII]).

- 9 See, e.g., International Federation for Human Rights, *Mexico Coahuila: ongoing crimes against humanity: Communication to the International Criminal Court* (2017), available at: https://www.fidh.org/IMG/pdf/angmexico_coahuila_ongoing_crimes_against_humanity_fidh-final_a_revisar-1.pdf; FIDH/CMDPDH/CCDH, *Mexico: Report on the alleged commission of crimes against humanity in Baja California between 2006 an 2012* (2014), available at: <https://www.fidh.org/IMG/pdf/mexique642ang2014web.pdf>.
- 10 See Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, Art. 17 (July 17, 1998).
- 11 “‘Control ... Over the Entire State of Coahuila’ An analysis of testimonies in trials against Zeta members in San Antonio, Austin, and Del Rio, Texas,” The University of Texas School of Law (November 2017) [hereinafter “UT HR Clinic Report”], available at: <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-EN.pdf>.
- 12 El Colegio de México, *Mexico: State of Neglect: Los Zetas, the State, Society and the Victims of San Fernando, Tamaulipas (2010) and Allende, Coahuila (2011)* (2016) [hereinafter “Mexico: State of Neglect Report”], available at: <http://stateofneglect.colmex.mx/images/documentos/mexico-state-of-neglect.pdf>.
- 13 See Sergio Aguayo & Jacobo Dayán, El Colegio de México, *El Yugo Zeta: Norte de Coahuila, 2010-2011* (2017) [hereinafter “El Yugo Zeta Report”], available at: https://www.gob.mx/cms/uploads/attachment/file/274076/El_yugo_Zeta_FINAL_11-16-17.pdf.
- 14 International Federation for Human Rights, *Mexico Coahuila: ongoing crimes against humanity: Communication to the International Criminal Court* (2017), p. 5 [hereinafter “FIDH Coahuila ICC Report”]. This communication urged the ICC prosecutor to open a preliminary examination into Mexico based on “a number of crimes committed against the civilian population in the State of Coahuila ... including murder, illegal imprisonment, enforced disappearance, torture and sexual violence.” It further concluded that those cases “are non-exhaustive and indicative of broader patterns of abuse, both in the state of Coahuila and in other regions in Mexico, pushing this situation past a matter of organised crime and into the field of crimes against humanity.” *Ibid.*
- 15 These trials were held in Austin, San Antonio, and Del Rio. In the Austin trial, a jury convicted Francisco Colorado-Cessa and three other defendants in 2013 of conspiracy to launder money based on their involvement in a horse racing scheme. See Verdict of the Jury, *United States v. Trevino Morales*, Case No. 1:12-cr-00210-SS (W.D. Tex. May 9, 2013) (finding four of the five defendants guilty); *United States v. Cessa*, 785 F.3d 165, 170-72 (5th Cir. 2015). On appeal, two of the convictions – those of Jose Trevino Morales and Fernando Garcia-Solis – were affirmed. *Cessa*, 785 F.3d at 180-82. One conviction was overturned – that of a horse trainer for whom there was insufficient evidence that he intended to further the illegal purpose of the conspiracy (as opposed to simply accepting known drug money as payment for his services). *Ibid.*, 175-80. In addition, Colorado-Cessa’s conviction was vacated and remanded for further proceedings due to an improper jury instruction. *Ibid.*, 184-87. On remand, a second trial was held against Colorado-Cessa, and a jury again found him guilty of money laundering. Verdict, *United States v. Colorado Cessa*, Case No. 12-cr-210-6 (W.D. Tex. Dec. 10, 2015). Colorado appealed his second conviction, which was eventually affirmed. See *United States v. Cessa*, 861 F.3d 121 (5th Cir. 2017); *United States v. Cessa*, 872 F.3d 267 (5th Cir. 2017). In the San Antonio proceedings, Marciano Millan Vasquez was convicted of, *inter alia*, committing murder in furtherance of drug trafficking and conspiracy to traffic drugs in the United States (notably, Millan Vasquez had been acquitted of similar charges in criminal proceedings that took place in Coahuila in 2016). See *United States v. Millan Vasquez*, 2016 WL 4523935 (Aug. 22, 2016); Verdict Form at 3, *United States v. Millan Vasquez*, No. SA-13-CR-655-5-XR (W.D. Tex. July 19, 2016); Judgment in a Criminal Case, *United States v. Millan Vasquez*, No. 5:13-cr-006655-XR (June 28, 2017). Millan Vasquez has appealed his conviction. Defendant’s Notice of Appeal, *United States v. Millan Vasquez*, No. 5:13-cr-006655-XR (W.D. Tex. June 28, 2017). Finally, in the Del Rio trial, Jose Eluid Lugo-Lopez and Emilio Villalobos-Alcala were convicted of conspiracy to possess, distribute, and import narcotics, as well as aiding and abetting the export of firearms from the U.S. See *United States v. Lugo Lopez*, 833 F.3d 453 (5th Cir. 2016). Those convictions were affirmed in 2016.
- 16 UT HR Clinic Report, p. 6.
- 17 The NSA argued that the release of the files was required under Mexico’s freedom of information regime as they related to a human rights violation, an argument that the CNDH accepted. Letter from CNDH Director General Lic. Carlos Manuel Borja Chávez, Oficio Nos. 35461, 35463 (June 13, 2017) (on-file).
- 18 Underreporting of crime also remains a key factor in the unreliability of government data, and reflects victims’ ongoing lack of faith in government institutions. For a comprehensive critique of data sources in Mexico, see *Undeniable Atrocities*, pp. 30-32.

- 19 INEGI data reflects the number of individual homicide victims identified by medical examiners, while SNSP data reflects homicide cases opened by law enforcement investigations. Each individual homicide case may include more than one victim in SNSP data, meaning that they often understate the number of victims. As of 2014, however, SNSP began tracking the number of homicide victims, not just the cases.
- 20 SNSP data homicide, 1997-2017, published on January 2018, available at: http://secretariadoejecutivo.gob.mx/docs/pdfs/cifras%20de%20homicidio%20doloso%20secuestro%20etc/HDSECEXTRV_122017.pdf. See also Max Fisher and Amanda Taub, "Mexico's Record Violence Is a Crisis 20 Years in the Making," *New York Times* (October 29, 2017), available at: <https://www.nytimes.com/2017/10/28/world/americas/mexico-violence.html>.
- 21 INEGI data available at: <http://www.inegi.org.mx/sistemas/olap/proyectos/bd/continuas/mortalidad/defuncioneshom.asp?s=est>, last consulted on January 24, 2018.
- 22 For a more thorough analysis on geographic distribution of violence, see Kimberly Heinle et al., *Drug Violence in Mexico: Data and Analysis Through 2016*, available at: https://justiceinmexico.org/wp-content/uploads/2017/03/2017_DrugViolenceinMexico.pdf.
- 23 "Mexico's worsening violence dogs Peña Nieto," *Financial Times* (May 17, 2017), available at: <https://www.ft.com/content/729e810a-3aa9-11e7-821a-6027b8a20f23>.
- 24 Heinle, et al., p. 16.
- 25 Available at http://secretariadoejecutivo.gob.mx/docs/pdfs/cifras%20de%20homicidio%20doloso%20secuestro%20etc/HDSECEXTRV_122017.pdf and <http://www.inegi.org.mx/sistemas/olap/proyectos/bd/continuas/mortalidad/defuncioneshom.asp?s=est> (accessed in January 2018).
- 26 Available at http://secretariadoejecutivo.gob.mx/docs/pdfs/cifras%20de%20homicidio%20doloso%20secuestro%20etc/HDSECEXTRV_122017.pdf.
- 27 "Tres Videos muestran una presunta ejecución extrajudicial cometida por militares en Puebla," *Animal Político* (September 3, 2017), available at: <http://www.animalpolitico.com/2017/05/operativo-militar-puebla-huachicoleros/>.
- 28 "Policías de Morelos allanan vivienda y matan a seis personas en Temixco," *La Jornada* (December 1, 2017), available at: <http://jornada.unam.mx/2017/12/01/estados/029n1est?partner=rss>.
- 29 "Inconsistencias dejan en impunidad el tiroteo de Temixco que dejó seis muertos," *El Universal* (December 11, 2017), available at: <http://www.eluniversal.com.mx/estados/caso-temixco-queda-en-impunidad-por-inconsistencias>.
- 30 "Los operativos conjuntos y la tasa de homicidios: Una medición," *Nexos* (June 1, 2011), available at: <https://www.nexos.com.mx/?p=14319m>. See also Gabriela Calderón et al., "The Beheading of Criminal Organizations and the Dynamics of Violence in Mexico," *Journal of Conflict Resolution*, 59 (8) (June 2015), 1455-1485, available at: <http://journals.sagepub.com/doi/abs/10.1177/0022002715587053>; V. Espinosa. and D. Rubin, "Did the Military Interventions in the Mexican Drug War Increase Violence?" *The American Statistician*, 69 (1) (2015), pp. 17-27.
- 31 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/34/54 (14 February 2017).
- 32 CNDH Sistema Nacional de Alerta de Violaciones a los Derechos Humanos, available at: http://appweb.cndh.org.mx/SNA/ind_HV_SM.asp?Id_ViolaUni=478&p=1.
- 33 See *Informe Ayotzinapa II: Avances y nuevas conclusiones sobre la investigación, búsqueda, y atención a las víctimas* (April 26, 2016), available at: <https://drive.google.com/file/d/0B3wuz7S3S9urNFFIZUNMSldQUik/view>. Notably, in March 2018, the Office of the United Nations High Commissioner for Human Rights also issued a report finding "strong grounds to believe that torture was committed against [34 individuals prosecuted in the Ayotzinapa case], as well as other human rights violations, between September 2014 and January 2016." The report highlights "an almost uniform *modus operandi*" of arbitrary detention of suspects by federal authorities, acts of torture with the intention of extracting information or confessions, and the use of self-incriminating statements obtained under torture as the basis for subsequent indictments. While OHCHR found a "genuine institutional effort" by the PGR to initially investigate these acts, that internal investigation was "subsequently thwarted by the replacement of the public officials committed to this effort," thereby "diluting responsibilities and maintaining impunity for the continued violations." See *Double Injustice: Report on Human Rights Violations in the Investigation of the Ayotzinapa Case*, Office of the United Nations High Commissioner for Human Rights (March 15, 2018), available at: http://www.ohchr.org/Documents/Countries/MX/OHCHRMexicoReportMarch2018_SP.pdf.
- 34 Amnesty International, *Surviving Death: Police and Military Torture of Women in Mexico* (2016), available at: <https://www.amnesty.org/en/latest/news/2016/06/mexico-sexual-violence-routinely-used-as-torture-to-secure-confessions-from-women/>.
- 35 *Ibid.*, p. 5.
- 36 Available at <http://secretariadoejecutivo.gob.mx/rnped/datos-abiertos.php> (accessed in January 2018).
- 37 *Ibid.*
- 38 In Mexico, there are many official and civil society registers, with information on missing persons, disappeared, kidnapped, not located, or absent. Some, but not all, are publicly accessible. The registers are not harmonized, not compatible, and not mutually exclusive. See *Diagnóstico del Registro Nacional de Datos de Personas Extraviadas (RNPED)*, Centro Diocesano para los Derechos Humanos Fray Juan de Larios (December 15, 2017), available at: <http://www.frayjuandelarios.org/blog/2017/12/15/diagnostico-del-rnped/>.
- 39 SNSP data on kidnappings recorded a total of 1,130 investigations opened in 2016, and 866 investigations opened in the first nine months of 2017. Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, *Cifras de homicidio doloso, secuestro, extorsión y robo de vehículos 1997-2017*, available at: http://secretariadoejecutivo.gob.mx/docs/pdfs/cifras%20de%20homicidio%20doloso%20secuestro%20etc/HDSECEXTRV_092017.pdf

- 40 For example, Veracruz, one of the most violent states in Mexico, where victims groups estimate there have been thousands of disappearances and where hundreds of bodies have been discovered in clandestine graves—reported only 15 cases of disappearances at both the state and federal level levels during the last three years. Cases of disappearances from Veracruz registered in RNPED as of January 2018: state jurisdiction (*foro comun*): eight in 2015, one in 2016 and none in 2017; federal jurisdiction: two in 2015, four in 2016, and none in 2017. Similarly, for Tamaulipas, another extremely violent state (so violent that President Peña Nieto cancelled a January 2018 visit there because security forces were not able to guarantee his security), federal authorities reported only 10 cases of disappearance from January 2015 to December 2017. See César Peralta, “Presidencia cancela gira en Reynosa,” *Milenio.com* (January 26, 2018), available at: http://www.milenio.com/politica/presidencia-cancela-gira-reynosa-pena_nieto-tamaulipas-hechos_violentos-milenio_0_1110488955.html. At the state level, Tamaulipas registered in RNPED 324 persons disappeared in 2015, 422 in 2016, and, incredibly, none in 2017. See Registro Nacional de Datos de Prersonas Extraviadas o Desaparecidas, available at: <http://secretariadoejecutivo.gob.mx/rnped/datos-abiertos.php> (accessed in January 2018). Although the new General Law on Disappearances (which came into effect in January 2018) replaced RNPED with a new national registry, the registry shares many of RNPED’s same deficiencies.
- 41 The IACHR categorically rejected the attacks in a press release and expressed its dismay that the PGR had opened a preliminary inquiry based on a “reckless and unfounded” complaint, which “[did] not contain any fact that would constitute a crime.” See Press Release, “IACHR Categorically Rejects Smear Campaign in Mexico against Group of Experts and Executive Secretary,” available at: http://www.oas.org/en/iachr/media_center/PReleases/2016/044.asp. The PGR later announced that it would not pursue any criminal action against Icaza.
- 42 A ground-breaking investigation led by Citizen Lab at the University of Toronto found traces of Pegasus—spyware developed by an Israeli cyber arms manufacturer—on the devices of numerous Mexican journalists, human rights defenders, and anti-corruption activists, including GIEI members. Since 2011, at least three Mexican federal agencies have purchased about \$80 million worth of this software. See University of Toronto Citizen Lab, *Reckless Exploit: Mexican Journalists, Lawyers and a Child, Targeted with NSO Spyware* (June 2017), available at: <https://citizenlab.ca/2017/06/reckless-exploit-mexico-nso/>; “Using Texts as Lures, Government Spyware Targets Mexican Journalists and their Families,” *New York Times* (June 19, 2017). For a timeline of the smear campaign against the GIEI, see <http://www.lawg.org/our-publications/79-promote-justice-for-mexico-and-the-borderlands/1630-defamation-campaigns-against-group-of-experts-executive-secretary-of-the-iachr-are-dangerous-unacceptable>.
- 43 See *Undeniable Atrocities*, p. 42. Javier Yankelevich has found 15 convictions for enforced disappearance. See “Poder Judicial y desaparición de personas en México,” in *Desde y Frente al Estado: Pensar, atender y resistir la desaparición de personas en México* (Javier Yankelevich, ed.), Suprema Corte de la Justicia de la Nación and Centro de Estudios Constitucionales (November 2017), pp. 173-174.
- 44 See *Overlooking Justice*, pp. 16, 18. The number of charges brought in each of the 37 investigations is not clear; indeed, of the 16 civilian justice convictions identified in the report, the authors could only obtain the public version of 12 of them. As WOLA notes, “There is little available information about convictions of soldiers in the civilian justice system for crimes and human rights violations. Such information is not public, and it is fragmented among the hundreds of thousands of cases that the Federal Judiciary tries each year,” p. 17.
- 45 In one case from Chihuahua, a lieutenant colonel was convicted and sentenced to five years in prison for his role as a superior in an enforced disappearance. In an isolated decision, a federal court took into consideration the existence of rigid military discipline within the Mexican Army and rejected the argument of the defense that the lieutenant colonel did not order the detention and disappearance of the victim and that his subordinates acted without his knowledge or consent. See National Supreme Court of Justice, Isolated Thesis/Penal XVII.Io.P.A.49 P (10a.), Libro 46, Septiembre de 2017, Tomo III, Pag. 1814. In another case, an infantry second lieutenant was sentenced to more than 31 years in prison for the enforced disappearance of a civilian in Nuevo Leon. See “Por primera vez condenan a un militar por desaparición forzada,” *Animal Político* (August 18, 2015), available at: <http://www.animalpolitico.com/2015/08/condenan-a-31-anos-de-prision-a-militar-por-desaparicion-forzada/>.
- 46 Rome Statute, art. 7. Importantly, a state or organizational policy need not be explicit: it may be inferred from the “improbability that the acts were a random, coincidental occurrence.” See Darryl Robinson, “The Draft Convention on Crimes Against Humanity: What to Do With the Definition?,” in Morten Bergsmo and Tianying Song (eds.), *On the Proposed Crimes Against Humanity Convention*, 2014, p. 112. It may also be defined “in retrospect, once the acts have been committed and in light of the overall operation or course of conduct pursued.” *Prosecutor v. Katanga*, ICC-01/04-01/07-3436-tENG, Judgment Pursuant to Article 74 of the Statute, para. 1110 (ICC Trial Chamber II, March 7, 2014), available at: https://www.icc-cpi.int/CourtRecords/CR2015_04025.PDF.
- 47 *Prosecutor v. Gbagbo*, ICC-02/11-01/11, Decision on the confirmation of charges against Laurent Gbagbo, paras. 209, 219-20 (ICC Pre-Trial Chamber I, June 12, 2014), available at: https://www.icc-cpi.int/CourtRecords/CR2015_04777.PDF.
- 48 *Ibid.*, para. 210.
- 49 In considering whether a given group qualifies as an organization, the International Criminal Court has held that a variety of factors may be considered, including: “(i) whether the group is under a responsible command, or has an established hierarchy; (ii) whether the group possesses, in fact, the means to carry out a widespread or systematic attack against a civilian population; (iii) whether the group exercises control over part of the territory of a State; (iv) whether the group has criminal activities against the civilian population as a primary purpose; (v) whether the group articulates, explicitly or implicitly, an intention to attack a civilian population; (vi) whether the group is part of a larger group” Situation in the Republic of Kenya, ICC-01/09, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, para. 93 (ICC Pre-Trial Chamber II, March 31, 2010), available at: <https://www.legal-tools.org/doc/338a6f/pdf/>. For a full analysis of how the Zetas meet the standard for an organization, see *Undeniable Atrocities*, pp. 87-92.

- 50 See Arron Daugherty and Steven Dudley, “How the US Govt Gets It Wrong with the Zetas,” *InSight Crime* (March 20, 2015) (emphasis added), available at: www.insightcrime.org/news-analysis/us-govt-gets-it-wrong-mexico-zetas-leaders. See also “Zetas,” *InSight Crime* (November 17, 2015), www.insightcrime.org/mexico-organized-crime-news/zetas-profile.
- 51 Transcript of Trial on the Merits before the Honorable Donald E. Walter Vol. 1 of 9, at 146:5-8, 146:24-147:1, United States v. Cessa, No. 1:12-cr-00210-DEW (W.D. Tex. November 30, 2015) (testimony of Jose Luis Vasquez, Jr.) [hereinafter “Cessa Trial Vol. 1”]; Angelica Leicht, “Los Zetas, Mexico’s Largest, Deadliest and Most Sophisticated Drug Cartel,” *Latino One* (July 18, 2014), available at: <http://www.latinone.com/articles/6901/20140718/los-zetas-mexicos-largest-deadliest-sophisticated-drug-cartel.htm>; “Report finds Los Zetas now Mexico’s biggest drug cartel,” *The National* (January 26, 2012), available at: <https://www.thenational.ae/world/the-americas/report-finds-los-zetas-now-mexico-s-biggest-drug-cartel-1.437918>. Vasquez Jr. was convicted in the United States of conspiracy to distribute cocaine and sentenced to 150 months, which sentence was reduced after he testified against several Zetas. Cessa Trial Vol. 1, 131:14:132:8, 166:12-167:21.
- 52 See Transcript of Trial on the Merits Testimony of Mario Alfonso Cuellar Before the Honorable Sam Sparks at 7:4-5, United States v. Jose Trevino-Morales, Case No. 12-CR-210 (April 16, 2013) [hereinafter “Testimony of Cuellar”]; Ginger Thompson, “How the U.S. Triggered a Massacre in Mexico,” *ProPublica* (June 12, 2017) [hereinafter “Thompson ProPublica Article”], available at: <https://www.propublica.org/article/allende-zetas-cartel-massacre-and-the-us-dea>; Mexico: State of Neglect Report, 13; Samuel Logan, “A Profile of Los Zetas: Mexico’s Second Most Powerful Drug Cartel,” *CTC Sentinel* (2012), available at: <https://ctc.usma.edu/a-profile-of-los-zetas-mexicos-second-most-powerful-drug-cartel/>; John P. Sullivan and Samuel Logan, “Los Zetas: Massacres, assassinations, and infantry tactics.”
- 53 See, e.g., Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que Resuelve la Situación Jurídica de [redacted], 11 (June 10, 2015) (describing the entrance of the Zetas into Allende and the region) (on file in Tomo 6 at 29, 39); Thompson ProPublica Article. For all subsequent citations to the Allende proceedings, “expediente penal” refers to the relevant criminal file number; “Poder Judicial del Estado de Coahuila” refers to the “Judicial Power of the State of Coahuila.”
- 54 Logan, “A Profile of Los Zetas: Mexico’s Second Most Powerful Drug Cartel;” Sullivan and Logan, “Los Zetas: Massacres, assassinations, and infantry tactics;” Leicht, “Los Zetas, Mexico’s Largest, Deadliest and Most Sophisticated Drug Cartel.”
- 55 See Instituto Nacional de Estadística y Geografía, *Anuario estadístico y geográfico de Coahuila de Zaragoza 2016*, Cuadro 3.2 (2016), available at: http://www.datatur.sectur.gob.mx/ITxEF_Docs/COAH_ANUARIO_PDF16.pdf.
- 56 See Thompson ProPublica Article.
- 57 See UT HR Clinic Report, p. 10; Diego Enrique Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It,” *Vice News* (December 31, 2014), available at: <https://news.vice.com/article/how-a-mexican-cartel-demolished-a-town-incinerated-hundreds-of-victims-and-got-away-with-it>; Juan Alberto Cedillo, “Coahuila tuvo su Ayotzinapa,” *Proceso* (December 13, 2014), available at: <http://www.proceso.com.mx/390605/coahuila-tuvo-su-ayotzinapa>.
- 58 Testimony of Cuellar, 7:2-7, 46:24-47:2; Cessa Trial Vol. 1, 234:14-22 (testimony of Cuellar); Transcript of Trial on the Merits before the Honorable Donald E. Walter Vol. 2 of 9, at 8:17-11:3, 75:12-17, United States v. Cessa, No. 1:12-cr-00210-DEW (W.D. Tex. December 1, 2015) (testimony of Cuellar and Moreno Villanueva) [hereinafter “Cessa Trial Vol. 2”]; Mexico: State of Neglect Report, 13; Thompson ProPublica Article; Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It”.
- 59 Testimony of Cuellar, 9:9-10:6; Transcript of Trial on the Merits before the Honorable Sam Sparks at 16:10-17:14, United States v. Treviño-Morales, No. 1:12-cr-00210-SS (W.D. Tex. April 22, 2013) (testimony of Héctor Moreno) [hereinafter “Testimony of Héctor Moreno”]; Cessa Trial Vol. 2, 103:6-16 (testimony of Héctor Moreno); United States v. Cessa, 785 F.3d 165, 171-72 (5th Cir. 2015); Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It;” Jan Martínez Ahrens, “Silencio, aquí se mata,” *El País* (June 8, 2016), https://elpais.com/internacional/2014/07/05/actualidad/1404594964_269006.html.
- 60 See Cessa Trial Vol. 1, 151:4-152:25, 162:8-163:6 (testimony of Jose Luis Vasquez, Jr.); Thompson ProPublica Article; Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It;” Mexico: State of Neglect Report, 13-14; Gobierno del Estado de Coahuila de Zaragoza, “Respuesta del Estado de Coahuila de Zaragoza al informe: *Atrocidades innegables. Confrontando crímenes de lesa humanidad en México* publicado por Open Society Foundations,” 15 (August 2016) (“se precisa que los ataques cometidos contra diversas familias de apellidos Garza, Moreno y Villanueva, y sus inmuebles, ocurridos en los días 18, 19 y 20 de marzo de 2011, en la ciudad de Allende, Coahuila y perpetrados por integrantes del Cartel de Los Zetas, no fueron realizados al azar, pues como se desprende de las investigaciones de la Procuraduría General de Justicia del Estado en la averiguación previa penal radicada en expediente número O45/2012, y que ha sido tomada en cuenta por las notas periodísticas, de medios nacionales e internacionales, se trató de una venganza paleada y estructurada, debido a que Alfonso Villanueva alias El Poncho o el Prieto y José Luis Garza alias El Wichin, quienes trabajaban para dicha organización criminal, habían recibido la cantidad de ocho millones de dólares, mismos que no reportaron al grupo criminal, asimismo, se trasladaron a los Estados Unidos de América y se acogieron al programa de testigos protegidos”), available at: <http://coahuila.gob.mx/archivos/pdf/Publicaciones/Docs%20consulta/Informe-Open%20Society%20Foundations-web.pdf> [hereinafter “Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report”].

- 61 See, e.g., Transcript of Jury Trial Before the Honorable Xavier Rodriguez 1004:23-1006:1, *United States v. Millan Vasquez*, Case No. 13-cr-655 (July 11, 2016) (testimony of Efrén Aguilar Díaz) (describing the murder of a man named Joaquin, who was suspected of being an informant for the DEA); *ibid.*, 1044:14-1046:6 (describing murder of suspected DEA informant); Will Grant, “Facebook beheading video: Who was Mexico’s Jane Doe?,” *BBC News* (November 4, 2013), available at: <http://www.bbc.com/news/magazine-24772724>.
- 62 See Cessa Trial Vol. 1, 152:10-153:5 (testimony of Jose Luis Vasquez, Jr.); Cessa Trial Vol. 2, 27:24-29:7 (testimony of Cuellar); *ibid.*, 75:23-76:1 (testimony of Moreno Villanueva). At the time that Cuellar fled, he also owed several million dollars to the Zetas, which may have added to the Zeta leaders’ thirst for revenge. See UT HR Clinic Report, 31-32 (citing testimony of Jose Luis Rodriguez (July 13, 2016)); Mexico: State of Neglect Report, 14; El Yugo Zeta Report, 20; Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report, 15. Cuellar pleaded guilty in the United States to drug trafficking and was sentenced to almost 20 years in prison. Cessa Trial Vol. 1, at 220:11-22 (testimony of Cuellar); Cessa Trial Vol. 2, 62:9-12 (testimony of Cuellar). He testified against other Zetas in several trials, for which his sentence was reduced to about 6.5 years. Cessa Trial Vol. 1, 221:1-22; Cessa Trial Vol. 2, 62:13-64:5. Moreno Villanueva was initially indicted in the United States for conspiracy to possess cocaine and marijuana. Indictment, *United States v. Moreno-Villanueva*, No. 4:14-cr-00191-MAC-DDB (E.D. Tex. December 10, 2014). After testifying against Zetas in other trials, the charges against him were ultimately dismissed. Order to Dismiss, *United States v. Moreno-Villanueva*, No. 4:14-cr-00191-MAC-DDB (E.D. Tex. March 8, 2014); see also Cessa Trial Vol. 2, 76:11-77:12, 96:17-97:1.
- 63 See UT HR Clinic Report, p. 32; Mexico: State of Neglect Report, p. 14; Thompson ProPublica Article; Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report, p. 15. The decision to retaliate against their families was reportedly made by the then-leaders of the Zetas cartel, brothers Miguel Ángel Treviño Morales (“Z-40”) and Omar Treviño Morales (“Z-42”), although the Coahuila government has identified José Manuel Díaz Guajardo (“Comandante 7”), then-plaza boss of the Zetas in the Cinco Manantiales region, as having ordered the attack. UT HR Clinic Report, at 32; FIDH Coahuila ICC Report, 34; Mexico: State of Neglect, 13; Thompson ProPublica Article; Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report, 15. Z-40 was arrested in 2013 by Mexican Naval forces, while Z-42 was captured in a joint operation between the Mexican federal police and military in 2015. Jo Tuckman, “Mexico arrests Zetas cartel leader,” *The Guardian* (July 15, 2013), available at: <https://www.theguardian.com/world/2013/jul/16/mexico-arrests-zetas-cartel-leader>; Elyssa Pachico, “Zetas Leader Z42 Reportedly Captured in Mexico,” *InSight Crime* (March 4, 2015), available at: <https://www.insightcrime.org/news/analysis/zetas-leader-z42-reportedly-captured-in-mexico/>.
- 64 See Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 36-37, 50 (February 10, 2017) (on file in Tomo 7, at 651, 686-87, 697, 700); see also “Allende, el infierno: Los testigos de la masacre,” *Zócalo* (July 10, 2017), available at: http://www.zocalo.com.mx/new_site/articulo/allende-el-infierno-los-testigos-de-la-masacre; Ana Ponce, “Liberan a ex alcalde de Allende,” *Milenio* (February 11, 2017), available at: http://www.milenio.com/region/caso_allende-masacre_de_allende-pgje_coahuila-sergio_lozano_rodriguez-milenio_0_901109955.html; Leopoldo Ramos, “Ex alcalde de Allende supo días antes de la agresión de Los Zetas,” *La Jornada* (November 19, 2016), available at: <http://www.jornada.unam.mx/2016/11/19/estados/027n1est>.
- 65 Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 36-37, 50 (February 10, 2017) (on file in Tomo 7, at 651, 697, 700) (quoting testimony of former Allende police officer); Poder Judicial del Estado de Coahuila, Proceso penal 504/2016, Asunto: Se resuelve solicitud de orden de aprehensión (November 16, 2016) (on file in Tomo 7 at 503, 584-85); Mexico: State of Neglect Report, p. 14; El Yugo Zeta Report, p. 20; Manual Pérez Aguirre and Anuar Ortega Galindo, *Anexo 4: La tragedia en la región fronteriza de Coahuila: Allende, los Cinco Manantiales y Piedras Negras 22 in El Colegio de México, En el Desamparo: Los Zetas, el Estado, la sociedad y las víctimas de San Fernando, Tamaulipas (2010) y Allende, Coahuila (2011) (2016)*, available at: <http://eneldesamparo.colmex.mx/images/documentos/anexo-4.pdf> [hereinafter “En el Desamparo Anexo 4”].
- 66 See En el Desamparo Anexo 4, at 19, 20 & n.49 (citing Expediente de la PGJEC sobre Allende, Declaración testimonial de Juan Ariel Hernández Ramos (comandante de la Policía Municipal de Allende), obtained on June 28, 2014, by personnel of the PGJEC of Coahuila). El Canelo was captured in 2014 and ultimately convicted of aggravated kidnapping; he was sentenced to 80 years in prison. Anuar Ortega Galindo, *Anexo 5: Desarrollo del Expediente de la Procuraduría General de Justicia del Estado de Coahuila sobre el Caso Allende*, in *El Colegio de México, En el Desamparo: Los Zetas, el Estado, la sociedad y las víctimas de San Fernando, Tamaulipas (2010) y Allende, Coahuila (2011) (2016)* [hereinafter “En el Desamparo Anexo 5”], available at: <http://eneldesamparo.colmex.mx/images/documentos/anexo-5.pdf>; “PGJE obtuvo sentencia legal del Caso Allende,” *Milenio* (November 12, 2016), available at: http://www.milenio.com/policia/Milenio_Noticias-PGJE_Coahuila-Caso_Allende-Sentencia_Legal_PGJE_0_846515559.html; Luis Durón, “Sentencian a dos por masacre en Allende,” *Zócalo* (November 13, 2016), available at: <http://www.zocalo.com.mx/seccion/articulo/suman-155-anos-sentencias-a-policias-implicados-en-masacre-de-allende>; Jason Buch, “Two men involved in massacre near Texas border sentenced to prison,” *San Antonio Express-News* (November 14, 2016), available at: <http://www.expressnews.com/news/local/article/Two-men-involved-in-massacre-near-Texas-border-10613254.php>.
- 67 See Thompson ProPublica Article.
- 68 See El Yugo Zeta Report, p. 20; Mexico: State of Neglect Report, p. 14.
- 69 See Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It.”
- 70 See Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It;” El Yugo Zeta Report, 20; Thompson ProPublica Article; Leopoldo Ramos, “Conmemoran la masacre de Coahuila,” *La Jornada* (March 21, 2016), available at: <http://www.jornada.unam.mx/2016/03/21/estados/028n3est>.
- 71 See En el Desamparo Anexo 4, at 20.

- 72 See Poder Judicial del Estado de Coahuila, Expediente Penal [illegible], Asunto: Se resuelve situación jurídica de [redacted] (December 5, 2014) (on file in Tomo 2 at 434, 463) (citing testimony of Zeta member); En el Desamparo Anexo 4, at 20-21.
- 73 Poder Judicial del Estado de Coahuila, Expediente Penal [illegible], Asunto: Se resuelve situación jurídica de [redacted] (December 5, 2014) (on file in Tomo 2 at 434, 463) (citing testimony of Zeta member); Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que resuelve la situación jurídica de [redacted] (June 30, 2015) (on file in Tomo 6 at 181, 234-35); Mexico: State of Neglect Report, p. 14; En el Desamparo Anexo 4, at 21.
- 74 Diligencia: Declaración Testimonial de [redacted], A.P.P. - 045/2012, page 4266, 4268 (September 2014) (testimony of Zeta describing how he and another Zeta “cooked” some of the dead bodies at the ranch) (on file with the author in Tomo 2 at 54, 58); Poder Judicial del Estado de Coahuila, Expediente Penal [illegible], Asunto: Se resuelve situación jurídica de [redacted] (December 5, 2014) (on file in Tomo 2 at 434, 464) (citing testimony of Zeta member); Mexico: State of Neglect Report, 14. See also Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report, 19; Thompson ProPublica Article.
- 75 See Thompson ProPublica Article; see also En el Desamparo Anexo 5, at 4 (describing declaration of Zeta José Alfredo Jiménez Aguilar).
- 76 See El Yugo Zeta Report, p. 21.
- 77 Ibid.; Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 18 (February 10, 2017), available at: <http://www.pjec.gob.mx/sentencias/7543SPO0217.pdf> [hereinafter “Toca Penal 86/2016, Sentencia Penal 02/2017”].
- 78 See Thompson ProPublica Article.
- 79 See, e.g., Toca Penal 86/2016, Sentencia Penal 02/2017, at 17, 18, 19, 20 (citing testimony of multiple firefighters); Poder Judicial del Estado de Coahuila, Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez 13 (November 19, 2016) (on file in Tomo 7 at 600, 612) [hereinafter “Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez”]; Delia Sánchez del Ángel, *Anexo 6: La desaparición de personas en Allende, Coahuila, a partir de Marzo de 2011, El Estado Mexicano* 20-21 in *El Colegio de México, En el Desamparo: Los Zetas, el Estado, la sociedad y las víctimas de San Fernando, Tamauilipas (2010) y Allende, Coahuila (2011)* (2016), available at: <http://eneldesamparo.colmex.mx/images/documentos/anexo-6.pdf> [hereinafter “En el Desamparo Anexo 6”].
- 80 See Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez 13-14 (on file in Tomo 7 at 612-13); Toca Penal 86/2016, Sentencia Penal 02/2017, 17, 18, 20-21.
- 81 Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez 13-14 (on file, Tomo 7 at 613); Toca Penal 86/2016, Sentencia Penal 02/2017, 17, 20-21.
- 82 See Thompson ProPublica Article; see also Toca Penal 86/2016, Sentencia Penal 02/2017, 17, 20, 21.
- 83 See UT HR Clinic Report, at 32 (citing testimony of Adolfo Efrén Tavira-Alvarado (July 14, 2016) and Jose Luis Rodriguez (July 12, 2016)); Thompson ProPublica Article; see also Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It”.
- 84 Transcript of Jury Trial Before the Honorable Xavier Rodriguez United States District Judge Vol. 6 at 1338:19-1339:12, *United States v. Millan Vasquez*, Case No. SA:13-CR-655-XR (July 12, 2016) (testimony of Jose Luis Rodriguez); UT HR Clinic Report, 32-33 (citing testimony of Jose Luis Rodriguez (July 12, 2016)).
- 85 Ibid., 7, 33 (citing testimony of Adolfo Efrén Tavira-Alvarado (July 14, 2016)); Guillermo Contreras and Kate Carlson, “Trial witness says he survived Zetas’ mass killing,” *San Antonio Express-News* (July 14, 2016), available at: <http://www.expressnews.com/news/local/article/Eyewitness-claims-he-survived-Zetas-mass-8379363.php>. In 2013, Tavira turned himself in to U.S. authorities. Transcript of Jury Trial Proceedings Before the Honorable Xavier Rodriguez United States District Judge Vol. 8 at 1691:2-10, 1699:11-1701; *United States v. Millan Vasquez*, Case No. SA:13-CR-655-XR (July 14, 2016) (testimony of Adolfo Efrén Tavira-Alvarado) [hereinafter Millan Vasquez Trial Vol. 8].
- 86 See Second Superseding Indictment at 3-9, *United States v. Millan Vasquez*, No. SA-13-CR-655 (W.D. Tex. January 20, 2016); Verdict Form at 3, *United States v. Millan Vasquez*, No. SA-13-CR-655-5-XR (W.D. Tex. July 19, 2016). Millan Vasquez was ultimately sentenced to life in prison. Judgment in a Criminal Case, *United States v. Millan Vasquez*, No. 5:13-00655-XR (June 28, 2017).
- 87 Millan Vasquez Trial Vol. 8, 1752:5-1758:7 (testimony of Adolfo Efrén Tavira-Alvarado); UT HR Clinic Report, p. 33 (citing testimony of Adolfo Efrén Tavira Alvarado (July 14, 2016)); Contreras and Carlson, “Trial witness says he survived Zetas’ mass killing”. Collins English Dictionary defines “sicario” as “a hired gunman or assassin, esp[ecially] in Latin America.” Collins English Dictionary, available at: <https://www.collinsdictionary.com/us/dictionary/english/sicario>.
- 88 See Millan Vasquez Trial Vol. 8, 1763:1-1764:12, 1769:3-1770:21 (testimony of Adolfo Efrén Tavira-Alvarado); UT HR Clinic Report, 33; Contreras & Carlson, “Trial witness says he survived Zetas’ mass killing.”
- 89 Millan Vasquez Trial Vol. 8, 1758:8-1760:22 (testimony of Adolfo Efrén Tavira-Alvarado); Contreras and Carlson, “Trial witness says he survived Zetas’ mass killing”; UT HR Clinic Report, 33. The two leaders were Comandante Z-100 and Daniel Menera. Millan Vasquez Trial Vol. 8, 1758:8-1760:22 (testimony of Adolfo Efrén Tavira-Alvarado); Contreras & Carlson, “Trial witness says he survived Zetas’ mass killing.”
- 90 Millan Vasquez Trial Vol. 8, 1767:3-25 (testimony of Adolfo Efrén Tavira-Alvarado); UT HR Clinic Report, 33; see also Contreras and Carlson, “Trial witness says he survived Zetas’ mass killing.” Eventually Tavira left Mexico and turned himself in to U.S. authorities. He is currently serving a 30-year sentence for drug and gun trafficking charges. See Millan Vasquez Trial Vol. 8, 1691:2-10, 1699:11-1701:3 (testimony of Adolfo Efrén Tavira-Alvarado); Contreras and Carlson, “Trial witness says he survived Zetas’ mass killing.” In exchange for his testimony, he received immigration assistance for some of his family members. Millan Vasquez Trial Vol. 8, 1692:13-23.

- 91 El Yugo Zeta Report, pp. 20-21.
- 92 See El Yugo Zeta Report, p. 20.
- 93 See Testimony of Héctor Moreno, at 7:3-5.
- 94 See Mexico: State of Neglect Report, p. 15.
- 95 Ibid. According to some sources, the violence was also not limited to a short time frame. Approximately one year after the Allende Massacre, on March 11, 2012, four more members of the Garza family – a couple and their two small children – were detained and disappeared in Allende by sicarios and police officers. See Respuesta del Estado de Coahuila a Atrocidades innegables Report, p. 19; Mexico: State of Neglect, p. 16.
- 96 Marcos Martinez, “Five years on, mystery still shrouds Mexican massacre,” *Univision* (August 19, 2016), available at: <https://www.univision.com/univision-news/latin-america/five-years-on-mystery-still-shrouds-mexican-massacre>; but see Thompson Propublica Article (citing 28 as the “official count”); Ramos, “Conmemoran la masacre de Coahuila” (stating that the PGJE recognizes the disappearance of only 28 persons); Mexico: State of Neglect Report, 13 (PGJEC file includes information about just 26 disappearances between March 18-20, 2011).
- 97 Cessa Trial Vol. 2, 100:1-16; UT HR Clinic Report, p. 32 (citing testimony of Jose Luis Rodriguez (July 12, 2016) and Hector Moreno Villanueva (December 1, 2015)); En El Desamparo Anexo 6, 46 (in 2014, the Mayor of Allende told personnel from the National Center for Human Rights that more than 300 people had been abducted and 46 homes had been burned); Ramos, “Conmemoran la masacre de Coahuila;” “Victims of Mexico’s drug war: Tracing the missing,” *The Economist* (June 14, 2014), available at: <https://www.economist.com/news/americas/21604162-many-thousands-disappeared-mexicos-drug-war-government-should-do-more-find> (“[r]eports of the number of bodies found in clandestine burial grounds around the area range from 300-500”).
- 98 Directorio de Centros Penitenciarios, 1, available at: http://www.vientodelibertad.org/IMG/pdf/DIRECTORIO_CENTROS_PENITENCIARIOS.pdf; El Yugo Zeta Report, 7-8 (in 2011, the prison had 655 inmates); “Así fue la fuga de 132 reos del penal de Piedras Negras,” *Aristegui Noticias* (September 18, 2012) (placing prison population at 734 inmates in 2012), available at: <https://aristeguinoticias.com/1809/mexico/asi-fue-la-fuga-de-132-reos-del-penal-de-piedras-negras/>.
- 99 Partial Transcript of Jury Trial Direct Examination of Rodrigo Humberto Uribe Tapia, 41:12-13, 78:10-16, *United States v. Millan Vasquez*, Case No. 13-cr-655 (July 6, 2016) (testimony of former Zeta confirming that the Zetas had “complete[]” control of the prisons in Coahuila) [hereinafter “Testimony of Rodrigo Humberto Uribe Tapia”]; see also Martinez, “Five years on, mystery still shrouds Mexican massacre.”
- 100 Diagnóstico Nacional de Supervisión Penitenciaria 2012: CERESOs, Ceferesos, y Prisiones Militares, Comisión Nacional de los Derechos Humanos México, 93 (2012), available at: http://www.cndh.org.mx/sites/all/doc/sistemas/DNSP/DNSP_2012.pdf; see also “The Zetas Cartel Turned a Mexican Prison into a Death Camp,” *VICE News* (June 9, 2016), available at: <https://news.vice.com/article/the-zetas-cartel-turned-a-mexican-prison-into-a-death-camp>; Tracy Wilkinson, “Cartel occupies state in Mexico,” *L.A. Times* (November 4, 2012), available at: <http://articles.latimes.com/2012/nov/04/world/la-fg-mexico-zetas-control-20121104>.
- 101 Diagnóstico Nacional de Supervisión Penitenciaria 2012: CERESOs, Ceferesos, y Prisiones Militares, Comisión Nacional de los Derechos Humanos México, p. 93.
- 102 Testimony of Rodrigo Humberto Uribe Tapia, 41:6-11 (testimony of former Zeta); see UT HR Clinic Report, 25 (citing testimony of Jose Luis Rodriguez (July 12, 2016)); El Yugo Zeta Report, 28; Juan Alberto Cedillo, “El Cereso de Piedras Negras, “búnker” de Los Zetas,” *Proceso* (October 15, 2017), available at: <http://www.proceso.com.mx/507483/cereso-piedras-negras-bunker-los-zetas>; “Excustodios permitieron asesinatos en penal de Piedras Negras,” *Vanguardia* (September 29, 2017), available at: <http://www.vanguardia.com.mx/articulo/excustodios-permitieron-asesinatos-en-penal-de-piedras-negras>; “Five arrested in probe of Zetas-run prison”; “Detienen a cinco responsables de la masacre en penal de Piedras Negras,” *Proceso* (June 7, 2016), available at: <http://www.proceso.com.mx/443239/detienen-a-cinco-responsables-la-masacre-en-penal-piedras-negras>.
- 103 See El Yugo Zeta Report, pp. 8, 13, 16.
- 104 James Badcock, “Zetas drug gang ‘used Mexico prison as extermination camp to kidnap and kill 150’,” *The Telegraph* (June 9, 2016), available at: <http://www.telegraph.co.uk/news/2016/06/09/zetas-drug-gang-used-mexico-prison-as-extermination-camp-to-kidn/>; see also UT HR Clinic Report, 37 (citing testimony of Gustavo Rodriguez-Costilla (July 8, 2016)); El Yugo Zeta Report, 16; “The Zetas Cartel Turned a Mexican Prison into a Death Camp”, *VICE News*.
- 105 See “The Zetas Cartel Turned a Mexican Prison into a Death Camp,” *VICE News*.
- 106 See El Yugo Zeta Report, p. 16.
- 107 Ibid.
- 108 Ibid.
- 109 Ibid.
- 110 Ibid., p. 17.
- 111 Ibid.
- 112 Ibid., p. 18. According to news reports, some of the Zetas responsible for these crimes are Santiago Peralta Garcia (“El Moco”), Manuel Elguezabal Hernández (“El Vaquero”), Ramón Burciaga Magallanes, and Francisco Javier Vélez Bertaud. El Moco and El Vaquero were convicted and sentenced in Mexico; the other two are awaiting sentencing. “PGJEC dicta sentencia a dos por secuestro en Piedras Negras,” *Milenio* (July 7, 2017), available at: http://www.milenio.com/policia/penal_piedras_negras-cesero-condenan-pgje-dos_inculpados-milenio-noticias-laguna_0_988701459.html; “Procuraduría de Coahuila contesta a Guadiana: ‘Hay detenidos por casos de Allende

- y Piedras Negras,” *Vanguardia* (July 14, 2016), available at: <http://www.vanguardia.com.mx/articulo/procuraduria-de-coahuila-contesta-guadiana-hay-detenidos-por-casos-de-allende-piedras-negras>; Cedillo, “El Cereso de Piedras Negras, “búnker” de Los Zetas.”
- 113 See Cedillo, “El Cereso de Piedras Negras, “búnker” de Los Zetas.”
- 114 See El Yugo Zeta Report, p. 18; “Investigación de la PGJE confirma matanza en penal de Piedras Negras,” *Vanguardia* (January 9, 2016), available at: <http://www.vanguardia.com.mx/articulo/investigacion-de-la-pgje-confirma-matanza-en-penal-de-piedras-negras> (according to the case file (*expediente*), most of the victims were linked to organized crime).
- 115 El Yugo Zeta Report, p. 18.
- 116 *Ibid.*
- 117 See Cedillo, “El Cereso de Piedras Negras, “búnker” de Los Zetas.” El Enano was reportedly killed in a shootout with the Mexican Army in 2013. Capos, a prisión por ejecuciones en penal de Piedras, *Zócalo* (Aug. 7, 2017), http://www.zocalo.com.mx/new_site/articulo/capos-a-prision-por-ejecuciones-en-penal-de-piedras.
- 118 See Transcript of Jury Trial Before the Honorable Xavier Rodriguez United States District Judge Vol. 4 at 873:19-875:1, Case No. SA:13-CR-655-XR, *United States v. Millan Vasquez* (July 8, 2016) (testimony of Gustavo Rodriguez-Costilla) [hereinafter Millan Vasquez Trial Vol. 4]; FIDH Coahuila ICC Report, 40-41; El Yugo Zeta Report, p. 18.
- 119 El Yugo Zeta Report, p. 18; “Así fue la fuga de 132 reos del penal de Piedras Negras,” *Aristegui Noticias*; “‘Un campo de exterminio subsidiado por el Estado’: así era el penal ‘operado’ por Los Zetas,” *La Opinión* (December 28, 2017), available at: <https://laopinion.com/2017/12/28/un-campo-de-exterminio-subsidiado-por-el-estado-asi-era-piedras-negras-la-carcel-clave-para-que-los-zetas-se-convirtieran-en-la-organizacion-criminal-mas-brutal-de-mexico/>.
- 120 Transcript of Jury Trial Before the Honorable Xavier Rodriguez United States District Judge Vol. 3 at 632:15-634:1, Case No. SA:13-CR-655-XR, *United States v. Millan Vasquez* (July 7, 2016) (testimony of Saul Fernandez); UT HR Clinic Report, 26 (citing testimony of Saul Fernandez (July 7-8, 2016)); *ibid.* (citing testimony of Costilla (August 7, 2016)); see also Jason Buch and Guillermo Contreras, “Zetas used border prison as slaughterhouse, easily orchestrated jail break, according to witnesses,” *San Antonio Express-News* (July 7, 2016), available at: <http://www.expressnews.com/news/local/article/Zetas-used-border-prison-as-slaughterhouse-8346835.php>; El Yugo Zeta Report, p. 19.
- 121 El Yugo Zeta Report, pp. 19, 48 (citing testimony of a former prison employee).
- 122 Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 16 (February 10, 2017) (on file in Tomo 7 at 651, 656-67); Mexico: State of Neglect Report, p. 19.
- 123 Toca Penal 86/2016, Sentencia Penal 02/2017, 48, 60; Diligencia: Declaración Testimonial [redacted] de 28 de junio de 2014 (testimony of police commander that he and the other members of the police force were bribed by the Zetas) (on file in Tomo 4 at 495, 497); Diligencia: Declaración Testimonial [redacted] de 12 de noviembre 2014 (testimony by former Allende police officer to the PGJEC confirming that the Director and Commander of the police were bribed by the Zetas, and describing monthly payments to the police) (on file in Tomo 2 at 214, 216); Diligencia: Declaración Testimonial [redacted] de 12 agosto 2014 (testimony by former police officer that the Zetas bribed the Director of the police and other officers) (on file in Tomo 2 at 33, 35); Declaración Testimonial del (a) [redacted] de 22 de Julio 2014 (testimony of former police officer stating that all of the police in Allende received bribes from the Zetas) (on file in Tomo 2 at 13, 15); Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que Resuelve la Situación Jurídica de [redacted] (June 10, 2015) (describing testimony by former Allende police officer that he received payments from the Zetas) (on file in Tomo 6 at 29, 39); Diligencia: Declaración Testimonial [redacted] de 11 de noviembre de 2014 (on file in Tomo 2 at 172, 174) (testimony of former Allende police officer that in 2011 all of the Allende police were receiving bribes from the Zetas); Mexico: State of Neglect Report, 19-20. These conversions are calculated according to the exchange rate at the time of the alleged payments (approximately 13 Mexican pesos to 1 U.S. dollar); see www.oanda.com/currency/converter.
- 124 Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que Resuelve la Situación Jurídica de [redacted] (June 10, 2015) (describing testimony by former Allende police officer that he and other police officers worked for the Zetas) (on file in Tomo 6 at 29, 39); Mexico: State of Neglect Report, 19-20. The former police commander claims that he feared for his life and that of his family, but a court ultimately found him guilty of aggravated kidnapping. Diligencia: Declaración Testimonial [redacted] de 28 de junio de 2014 (testimony of police commander) (on file in Tomo 4 at 495, 498); Poder Judicial del Estado de Coahuila, Cuarto Tribunal Distrital, Sentencia Penal 136/2015 (September 17, 2015) (relating to the March 11, 2012 murders of four additional members of the Garza family) (on file in Tomo 6 at 360); “Le dan 75 años de cárcel a ex policía vinculado con la masacre de Allende,” *Nación*; “Masacre de Allende, ¿las condenas son suficientes?,” *Vanguardia*; Leopoldo Ramos, “Condenan a 80 y 75 años de cárcel a 2 detenidos por secuestro en Allende,” *La Jornada* (November 13, 2016), available at: <http://www.jornada.unam.mx/2016/11/13/politica/005n2pol>.
- 125 See Diligencia: Declaración Testimonial [redacted] de 11 de noviembre de 2014 (on file in Tomo 2 at 172, 174) (testimony of former Allende police officer); Diligencia: Declaración Testimonial [redacted] de 12 de noviembre 2014 (testimony by former Allende police officer) (on file in Tomo 2 at 214, 216); Diligencia: Declaración Testimonial de [redacted] de 11 de noviembre 2014 (on file in Tomo 5 at 150, 152) (testimony of former Allende police); Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 16 (February 10, 2017) (on file in Tomo 7 at 699) (quoting testimony of former Allende police officer); Mexico: State of Neglect Report, 19.
- 126 Diligencia: Declaración Testimonial de [redacted], A.P.P. – 045/2012, pp. 4266, 4268 (September 2014) (on file in Tomo 2 at 54, 56).

- 127 Testimony of Marlon Campos Salmeron, at 137:4-25 (July 18, 2014). In 2013, Marlon Campos Salmeron pleaded guilty to drug charges in the United States, and was ultimately sentenced to four years in prison. Judgment in a Criminal Case, *United States v. Campos Salmeron*, 2:13-cr-00342 (September 4, 2014); Report and Recommendation, *United States v. Campos Salmeron*, 2:13-cr-00342 (August 29, 2013); Superseding Indictment, *United States v. Gloria De Leon et al.*, 2:13-cr-00342 (April 10, 2013). Evidence similarly indicates that many of the police in Ciudad Acuna “worked for” the Zetas. Partial Transcript of Jury Trial Direct Examination of Jorge De Leon-Navarro at 7:14-18, *United States v. Marciano Millan Vasquez*, Case No. 13-cr-655-XR-5 (July 13, 2016) (describing how most of the police in Ciudad Acuna were bribed by the Zetas) [hereinafter Testimony of De Leon-Navarro]; *ibid.*, 12:6-13:2 (describing how the police provided Zetas with escorts when they were delivering large sums of money).
- 128 Testimony of Marlon Campos Salmeron, 174:12-14 (confirming that the Zetas paid part of his salary when he was a police officer in Piedras Negras); Testimony of Rodrigo Humberto Uribe Tapia, 67:18-21, 69:2-17, 71:6-10 (testimony of former Zeta confirming that the Zetas paid bribes to the municipal police in Piedras Negras).
- 129 U.S. Federal Bureau of Investigation, Administrative Revision – Provision of Support to Los Zetas by Saltillo, Coahuila, Mexico Municipal Police Officers (November 19, 2010), available at: <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB499/DOCUMENT26-20101119.PDF>.
- 130 Diligencia: Declaración Testimonial [redacted] de 11 de noviembre de 2014 (on file in Tomo 2 at 172, 174) (testimony of former Allende police officer that in 2011 the entire police force was involved with the Zetas); Diligencia: Declaración Testimonial de [redacted] de 11 de noviembre 2014 (on file in Tomo 5 at 150, 152) (testimony of former Allende police officer that the entire police force was involved with the Zetas by 2011); Diligencia: Declaración Testimonial de: [redacted] de 31 de julio de 2014 (on file in Tomo 5 at 9, 11) (testimony of former municipal traffic officer); Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que Resuelve la Situación Jurídica de [redacted] (June 27, 2015) (citing testimony of former Allende police officer) (on file in Tomo 6 at 112, 153); Mexico: State of Neglect Report, p. 19.
- 131 “75 años de cárcel para exmando que participó en la masacre de Allende,” *La Silla Rota* (December 19, 2017), available at: <https://lasillarota.com/zetas-coahuila-allende-exmando-expolicia-75-anos-sentencia/195370>.
- 132 Leopoldo Ramos, “Sentencian a ex mando policiaco de Coahuila por vínculos con ‘Los Zetas,’” *La Jornada* (December 19, 2017), available at: <http://www.jornada.unam.mx/ultimas/2017/12/19/sentencian-a-ex-comandante-de-coahuila-por-servir-a-2018los-zetas2019-1430.html>; “75 años de cárcel para exmando que participó en la masacre de Allende,” *La Silla Rota*.
- 133 Poder Judicial del Estado de Coahuila, Expediente Penal 44/2015, Asunto: Auto que Resuelve la Situación Jurídica de [redacted] (June 27, 2015) (quoting testimony by former Allende police officer) (on file in Tomo 6 at 112, 168).
- 134 See Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 36-37, 50 (February 10, 2017) (on file in Tomo 7, at 651, 686-87, 700).
- 135 See Diligencia: Declaración Testimonial [redacted] de 12 agosto 2014 (testimony by former police officer that the Zetas had ordered the police officers to stay in their quarters) (on file in Tomo 2 at 33, 36); Toca Penal 86/2016, Sentencia Penal 02/2017, 45; En el Desamparo Anexo 4, at 22; Mexico: State of Neglect Report, p. 14; El Yugo Zeta Report, p. 20.
- 136 See Diligencia: Declaración Testimonial [redacted] de 12 agosto 2014 (on file in Tomo 2 at 33, 36); En el Desamparo Anexo 4, at 22.
- 137 See also Mexico: State of Neglect Report, p. 23 (statements of 61 people to the Coahuila state attorney identified five police officers as active participants in the massacre, while others acted as scouts or simply refused to respond). Notably, police officers have been involved in massacres in other parts of Mexico. As detailed in *Undeniable Atrocities*, information from the prosecutor’s file indicates that 17 police officers were also involved in the San Fernando massacres of 2010-2011.
- 138 See En el Desamparo Anexo 4, at 20 & n.49 (citing Expediente de la PGJEC sobre Allende, Declaración testimonial de Juan Ariel Hernández Ramos (comandante de la Policía Municipal de Allende), obtained on June 28, 2014, by personnel of the PGJEC of Coahuila); see also “Sergio Alonso Lozano, ex Alcalde de Allende, Coahuila, recibe auto de formal prisión por la masacre de 2011,” *SinEmbargo* (November 21, 2016), available at: <http://www.sinembargo.mx/21-11-2016/3117565>.
- 139 See En el Desamparo Anexo 5, at 5; En el Desamparo Anexo 4, at 23 (citing declaration of Commander Juan Ariel Hernández Ramos, obtained on June 28, 2014 by PGJEC personnel); Poder Judicial del Estado de Coahuila, Cuarto Tribunal Distrital, Sentencia Penal No. 011/2015, at 175 (witness provided testimony that officer Fernando Hernández Reyes told him that he helped abduct Victor Garza and his wife and children) (on file in Tomo 3 at 8, 180). María Guadalupe Avalos Orozco is also accused of having ordered three other police officers to kidnap four Garza family members a year later when they returned to Allende. See En el Desamparo Anexo 4, at 26 (citing Declaración ministerial de Fernando Hernández Reyes, *El Panone*, obtained on February 25, 2015, by personnel of the PGJEC). See also “Investigación de la PGJE confirma matanza en penal de Piedras Negras,” *La Jornada*.
- 140 Poder Judicial del Estado de Coahuila, Cuarto Tribunal Distrital, Sentencia Penal 136/2015 (September 17, 2015) (in Tomo 6 at 361, 376); “Le dan 75 años de cárcel a ex policía vinculado con la masacre de Allende,” *Nación* (December 19, 2017), available at: <http://www.e-consulta.com/nota/2017-12-19/nacion/le-dan-75-anos-de-carcel-ex-policia-vinculado-con-la-masacre-de-allende>; “Masacre de Allende, ¿las condenas son suficientes?,” *Vanguardia* (December 20, 2017), available at: <https://www.vanguardia.com.mx/articulo/masacre-de-allende-las-condenas-son-suficientes>; “Condenan a 75 años de prisión a exjefe policiaco por secuestro y vínculo con Los Zetas,” *Animal Político* (December 20, 2017), available at: <http://www.animalpolitico.com/2017/12/policia-condenado-vinculo-zetas/>.
- 141 Sentencia Penal 02/2017, 19, 20 (citing testimony of firefighters who saw the police chief, “La Lupe,” and “La Chayo” guarding the Garza ranch during the massacre).

- 142 See Poder Judicial del Estado de Coahuila, Cuarto Tribunal Distrital, Sentencia Penal 136/2015 (September 17, 2015) (relating to the March 11, 2012 murders of four additional members of the Garza family) (on file in Tomo 6 at 360); “Le dan 75 años de cárcel a ex policía vinculado con la masacre de Allende,” *Nación*; “Masacre de Allende, ¿las condenas son suficientes?,” *Vanguardia*; “Leopoldo Ramos, Condenan a 80 y 75 años de cárcel a 2 detenidos por secuestro en Allende,” *La Jornada* (November 13, 2016), available at: <http://www.jornada.unam.mx/2016/11/13/politica/005n2pol>. There is also evidence that a criminal process was started against the Director of the Allende police, although little information is available. See Lista de Acuerdos, Segundo de Primera Instancia en Materia Penal del Distrito Judicial de Rio Grande (December 6, 2016) (including Roberto Guadalupe Treviño Martínez in a list of “inculcado(s)” with expediente number 504/2016), available at: http://pje.com.mx/pag/TSJ/listas/listastsjriogrande/LISTAS_archivo/7532071216.pdf; Lista de Acuerdos, Juzgado Segundo de Primera Instancia en Materia Penal del Distrito Judicial de Rio Grande (July 14, 2017) (same), available at: https://pje.com.mx/pag/TSJ/listas/listastsjriogrande/LISTAS_archivo/7532170717.pdf.
- 143 “Confirman sentencias de 2 hombres por Caso Allende,” *Vanguardia MX* (November 16, 2017), available at: <https://www.vanguardia.com.mx/articulo/confirman-sentencias-de-2-hombres-por-caso-allende>; Juan Alberto Cedillo, “Dan 75 años de prisión a exjefe policiaco implicado en masacre de Allende,” *Proceso* (December 19, 2017), available at: <http://www.proceso.com.mx/515681/dan-75-anos-de-prision-exjefe-policiaico-implicado-en-masacre-de-allende>.
- 144 Ley de Seguridad Pública del Estado de Coahuila de Zaragoza, Decreto No. 509, art. 21 (published November 25, 2005 and revised January 15, 2008), available at: <http://notaria61saltillo.com/LEYES/ESTATALES/PDF/022.pdf>; Reglamento de Protección Civil del Municipio de Allende, Coahuila, arts. 8, 10-12 (May 19, 2006), available at: http://coahuila.gob.mx/archivos/filemanager/leyes/Reglamento_en_los_Municipios/Allende/R_deProteccionCivil.pdf; “Sergio Alonso Lozano, ex Alcalde de Allende, Coahuila, recibe auto de formal prisión por la masacre de 2011,” *Sin Embargo*.
- 145 Averiguación Previa: CEIYCS/012/2012 (July 6, 2012) (on file in Tomo 1 at 53, 54); Mexico: State of Neglect Report, 20.
- 146 Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 36 (February 10, 2017) (on file in Tomo 7, at 651, 658); Comunicado de la Procuraduría General de Justicia del Estado (November 18, 2016), available at: <http://coahuila.gob.mx/noticias/index/comunicado-de-la-procuraduria-general-de-justicia-del-estado-18-11-16>; see also Juan Alberto Cedillo, “Sale de prisión exalcalde de Allende, Coahuila; se le acusaba de ‘secuestro agravado,’” *Proceso* (February 10, 2017), available at: <http://www.proceso.com.mx/474047/sale-prision-exalcalde-allende-coahuila-se-le-acusaba-secuestro-agravado>.
- 147 Ramos, “Ex alcalde de Allende supo días antes de la agresión de Los Zetas;” see also Diligencia: Declaración Testimonial de: [redacted] de 31 de julio de 2014 (on file in Tomo 5 at 9, 11) (testimony of former municipal traffic officer that the mayor had a relationship with the Zetas).
- 148 Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It.”
- 149 Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez (on file in Tomo 7 at 637 (quoting testimony by the Allende police commander); Osorno, “How a Mexican Cartel Demolished a Town, Incinerated Hundreds of Victims, and Got Away With It;” see also “Allende, el infierno: Los testigos de la masacre,” *Zócalo* (providing testimony of witness who saw kidnapping just 30 meters from the Mayor’s home).
- 150 Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 36-37, 50 (February 10, 2017) (on file in Tomo 7, at 651, 658-59); Poder Judicial del Estado de Coahuila, Proceso penal 504/2016, Asunto: Se resuelve solicitud de orden de aprehensión (November 16, 2016) (on file in Tomo 7 at 503, 584-85); Comunicado de la Procuraduría General de Justicia del Estado (November 18, 2016); see also Ramos, “Ex alcalde de Allende supo días antes de la agresión de Los Zetas.”
- 151 Proceso Penal 504/2016, Asunto: Se resuelve situación jurídica de Sergio Alonso Lozano Rodríguez; Cedillo, “Sale de prisión exalcalde de Allende, Coahuila; se le acusaba de ‘secuestro agravado,’” Poder Judicial del Estado de Coahuila, Toca Penal 86/2016, Sentencia Penal 02/2017, 35-36 (February 10, 2017) (on file in Tomo 7, at 657-58).
- 152 Cedillo, “Sale de prisión exalcalde de Allende, Coahuila;” Ponce, “Liberan a ex alcalde de Allende; Libre Sergio Lozano,” *Zócalo* (February 11, 2017), available at: http://www.zocalo.com.mx/new_site/articulo/libre-sergio-lozano.
- 153 Cedillo, “Sale de prisión exalcalde de Allende, Coahuila;” Ponce, “Liberan a ex alcalde de Allende.”
- 154 Testimony of Rodrigo Humberto Uribe Tapia, at 71:6-13. A “plaza boss” refers to one who effectively controls or runs a particular territory designed to extract profit; see Gary Moore, “Heating Up the Plaza: How Mexico’s Gangs Use Scorched Earth Tactics,” *InSight Crime* (December 6, 2011), available at: <https://www.insightcrime.org/news/analysis/heating-up-the-plaza-how-mexicos-gangs-use-scorched-earth-tactics>. (“A plaza can be deep inside Mexico. It can be the size of an entire Mexican state, or a group of states — or just a city or county-sized area within a state — or only a section of a city. But the core meaning remains: a plaza is where you squeeze out profits.”).
- 155 Sergio Aguayo & Jacobo Dayán, *El Colegio de México, El Yugo Zeta* (2018), p. 45 (on file).
- 156 Poder Judicial del Estado de Coahuila, Proceso penal 504/2016, Asunto: se resuelve solicitud de orden de aprehensión 7455, 7465 (November 16, 2016) (declaration of the mother of Gerardo Heath Garza) (on file in Tomo 7 at 503, 523); Thompson ProPublica Article; Human Rights Watch, *Mexico’s Disappeared: The Enduring Cost of a Crisis Ignored* 58 (2013), available at: <http://www.refworld.org/docid/512748192.html>.
- 157 Thompson ProPublica Article; Poder Judicial del Estado de Coahuila, Proceso penal 504/2016, Asunto: se resuelve solicitud de orden de aprehensión, 7465 (on file in Tomo 7 at 503, 523).
- 158 “Narra Óscar López la noche en que se enteró de la masacre,” *Contra Punto* (November 26, 2016), available at: <http://www.contrapunto.red/narra-oscar-lopez-la-noche-se-entero-la-masacre/>.
- 159 Thompson ProPublica Article.

- 160 Mexico: State of Neglect Report, p. 22.
- 161 Juan Alberto Cedillo, “Exgobernador Jorge Torres López supo sobre masacre de Los Zetas en Coahuila... y no hizo nada,” *Proceso* (November 20, 2016), available at: <http://www.proceso.com.mx/463220/exgobernador-jorge-torres-lopez-supo-masacre-los-zetas-en-coahuila-nada>; “Aseguran que el exgobernador Jorge Torres supo de la masacre en Allende... y no actuó,” *Vanguardia* (November 20, 2016), available at: <https://www.vanguardia.com.mx/articulo/aseguran-que-el-exgobernador-jorge-torres-supo-de-la-masacre-en-allende-y-no-actuo>; “Informaron a Jorge Torres López de masacre en Allende y los ignoró,” *Vanguardia* (November 21, 2016), available at: <https://www.vanguardia.com.mx/articulo/informaron-jorge-torres-lopez-de-masacre-en-allende-y-los-ignoro>.
- 162 Cedillo, “Exgobernador Jorge Torres López supo sobre masacre de Los Zetas en Coahuila... y no hizo nada;” “Aseguran que el exgobernador Jorge Torres supo de la masacre en Allende... y no actuó,” *Vanguardia*; “Informaron a Jorge Torres López de masacre en Allende y los ignoró,” *Vanguardia*.
- 163 *Ibid.*
- 164 See Indictment at 1-6, *United States v. Villarreal Hernandez*, Case No. 2:13-cr-01075 (S.D. Tex. November 20, 2013); Superseding Indictment at 1-4, *United States v. Torres Lopez*, 2:13-cr-01075 (S.D. Tex. February 8, 2017). Hector Javier Villarreal Hernandez pled guilty in the United States to money laundering and conspiracy to transport stolen funds and is awaiting sentencing. Mexican authorities also have charged Villarreal Hernandez with financial crimes. See Verified Complaint for Civil Forfeiture In Rem para. 6, *United States v. All Funds on Deposit at Old Mutual of Bermuda, Ltd. Contract Number CX4011696 in Bermuda*, No. 2:13-cv-00294 (S.D. Tex. September 24, 2013); “Aplazan por 6a vez sentencia de Javier Villarreal, principal responsable de la deuda de Coahuila,” *Vanguardia MX* (January 6, 2018), available at: <https://www.vanguardia.com.mx/articulo/aplazan-por-6a-vez-sentencia-de-javier>.
- 165 See Jared Taylor, “U.S. court charges two ex-officials in Mexico’s PRI with fraud,” Reuters (November 27, 2013), available at: <https://www.reuters.com/article/us-usa-mexico-crime/u-s-court-charges-two-ex-officials-in-mexicos-pri-with-fraud-idUSBRE9AQ19M20131127>.
- 166 Jason Buch and Guillermo Contreras, “Coahuila corruption and drug ties spread influence to San Antonio,” *San Antonio Express-News* (August 2, 2014) (citing statements by U.S. prosecutors in court filings), available at: <https://www.expressnews.com/news/local/article/Coahuila-corruption-and-drug-ties-spread-5665058.php>.
- 167 *Ibid.*
- 168 United States Department of State, Bureau of Democracy, Human Rights and Labor, *Mexico 2014 Human Rights Report 21* (2015), available at: <https://www.state.gov/documents/organization/236914.pdf>.
- 169 See Jason Buch and Guillermo Contreras, “Valley businessman pleads guilty in Mexico corruption probe,” *San Antonio Express-News* (January 4, 2017), available at: <http://www.expressnews.com/news/local/article/Valley-businessman-pleads-guilty-as-part-of-10834876.php>.
- 170 Toca Penal 86/2016, Sentencia Penal 02/2017, 18, 43, 45; El Yugo Zeta Report, pp. 20-21.
- 171 Toca Penal 86/2016, Sentencia Penal 02/2017, 43, 49 (citing testimony of police officer).
- 172 *Ibid.*
- 173 Cessa Trial Vol. 2, 100:13-19 (testimony of Hector Moreno).
- 174 See El Yugo Zeta Report, pp. 29-30.
- 175 Thompson ProPublica Article.
- 176 Thompson ProPublica Article.
- 177 Averiguación Previa: CEIYCS/012/2012 (July 6, 2012) (on file in Tomo 1 at 53, 54); Respuesta del Estado de Coahuila de Zaragoza a Atrocidades innegables report, p. 16.
- 178 *Ibid.*
- 179 Poder Judicial del Estado de Coahuila, Proceso penal 504/2016, Asunto: Se resuelve solicitud de orden de aprehensión (November 16, 2016) (on file in Tomo 7 at 503, 583).
- 180 See, e.g., Thompson ProPublica Report (describing complaints that state authorities failed to make a serious effort to investigate for years).
- 181 René Arellano, “Es exedil, subsecretario de Gobierno en el Norte,” *El Siglo de Torreón* (March 26, 2017), available at: <https://www.elsiglodetorreon.com.mx/noticia/1325099.es-exedil-subsecretario-de-gobierno-en-el-norte.html>; Carlos Desmoctt Sasso, “Nombró MARS a Oscar López recaudador de Rentas,” *Noticias de El Sol de La Laguna* (March 7, 2018), available at: <https://www.noticiasdelsoldelagaluna.com.mx/local/nombra-mars-a-oscar-lopez-recaudador-de-rentas>.
- 182 See Testimony of Rodrigo Humberto Uribe Tapia, 41:12-13, 78:10-16 (testimony of former Zeta confirming that the Zetas had “complete[.]” control of the prisons in Coahuila); Martínez, “Five years on, mystery still shrouds Mexican massacre.” Mexican authorities have confirmed the almost total control wielded by the Zetas over the prison. See, e.g., “The Zetas Cartel Turned a Mexican Prison into a Death Camp,” *VICE News* (describing information provided by the chief prosecutor for cases of disappeared persons in the state of Coahuila).
- 183 El Yugo Zeta Report, pp. 13-14, 46 (citing the files of Subprocuraduría de investigación y búsqueda de personas no localizadas, atención a víctimas, ofendidos y testigos del estado de Coahuila de Zaragoza).
- 184 *Ibid.* These conversions are calculated according to the exchange rate at the time of the alleged payments (approximately 13 Mexican pesos to 1 U.S. dollar).
- 185 See Testimony of Rodrigo Humberto Uribe Tapia, 41:6-11 (testimony of former Zeta); UT HR Clinic Report, 25 (citing testimony of Jose Luis Rodriguez (July 12, 2016)); El Yugo Zeta Report, 28; Cedillo, “El Cereso de Piedras Negras, “búnker” de Los Zetas.”

- 186 El Yugo Zeta Report, 8, 28; see also Testimony of Rodrigo Humberto Uribe Tapia, 41:14-19 (describing how non-prisoner Zetas were able to come and go freely from the CERESO Piedras Negras); “The Zetas Cartel Turned a Mexican Prison into a Death Camp,” *VICE News* (describing a statement by the spokesman for the investigation in Coahuila that “the Zetas were allowed to leave the Piedras Negras prison at night to kidnap their victims”).
- 187 El Yugo Zeta Report, p. 8.
- 188 *Ibid.*, p. 28.
- 189 *Ibid.*, p. 16 (citing testimony of employee).
- 190 *Ibid.*
- 191 *Ibid.*
- 192 El Yugo Zeta Report, p. 27.
- 193 *Ibid.*, p. 19.
- 194 See Alberto Cascante, “Liberan a 8 funcionarios vinculados en fuga de reos,” *Azteca Noticias* (November 8, 2012), available at: <http://www.aztecanoticias.com.mx/notas/seguridad/135998/liberan-a-8-funcionarios-vinculados-en-fuga-de-reos>; “A la cárcel ex director del Cereso de Piedras Negras,” *EstadoMayor.mx* (October 28, 2012), available at: <http://www.estadomayor.mx/12554>; “Sólo 3 ex servidores siguen presos por fuga masiva de reos,” *Milenio* (November 10, 2014), available at: http://www.milenio.com/policia/fuga_masiva_de_reos_en_Piedras_Negras-ex_funcionarios_encarcelados_y_libres_0_406759400.html.
- 195 See Cascante, “Liberan a 8 funcionarios vinculados en fuga de reos; Sólo 3 ex servidores siguen presos por fuga masiva de reos,” *Milenio*.
- 196 “Guardias permitían a los Zetas incinerar víctimas, revela encargado de Cereso de PN,” *Vanguardia* (September 28, 2017), available at: <https://www.vanguardia.com.mx/articulo/guardias-permitian-los-zetas-incinerar-victimas-revela-encargado-de-cereso-de-pn>; Francisco Rodríguez, “Consignan a 13 por matanza en penal de Piedras Negras,” *El Universal* (September 29, 2017), available at: <http://www.eluniversal.com.mx/estados/consignan-13-por-matanza-en-penal-de-piedras-negras>; “Excustodios permitieron asesinatos en penal de Piedras Negras,” *Vanguardia*.
- 197 Coahuila de Zaragoza, Decreto No. 74 para modificar diversos artículos de la Ley Orgánica de la Administración Pública de Coahuila de Zaragoza y de la Ley de Ejecución de Sanciones Privativas y Restrictivas de la Libertad del Estado de Coahuila de Zaragoza, art. 6 Bis (June 19, 2009) (providing that the Decentralized Unit for the Execution of Penalties and Social Reintegration is responsible for the penitentiary system of Coahuila) [hereinafter Coahuila Decreto No. 74], available at: http://www.congresocoahuila.gob.mx/portal/wp-content/uploads/2014/11/20090609_Ejec_10.pdf.
- 198 Section XVI of Article 22, Reglamento Interior de los Centros de Readaptación Social del Estado de Coahuila (December 12, 2008), available at: http://www.coahuilatrasm transparente.gob.mx/reglamentos/documentos_reglamentos/RI_delos_CentrosdeReadaptacionSocial.pdf. These regulations are still in force, and thus were applicable even after the reorganization of the prison under the Unidad Desconcentrada. Status of Reglamento Interior de los Centros de Readaptación Social del Estado de Coahuila, available at: <http://www.ordenjuridico.gob.mx/fichaOrdenamiento.php?idArchivo=25185&ambito=ESTATAL>.
- 199 See, e.g., (citing declaration of former custodian “C3”), El Yugo Zeta Report, p. 26.
- 200 *Ibid.*
- 201 *Ibid.*
- 202 Coahuila Decreto No. 74, arts. 9-10.
- 203 *Ibid.*, art. 6 Bis (XI).
- 204 *Ibid.*, art. 6 Bis; Ley de Ejecución de Sanciones Penales y Reinserción Social para el Estado de Coahuila de Zaragoza, art. 84 (published November 12, 2012, and last updated April 12, 2013); El Yugo Zeta Report, 26.
- 205 Torres Charles was appointed Attorney General of Coahuila in May 2009 by then-Governor Humberto Valdés. See El Yugo Zeta Report, 29. He apparently left that position in December 2011 in order to become the Legal Counsel for the State of Coahuila. “El ex Fiscal y ex Consejero Jurídico de Coahuila, vinculado a Los Zetas, se hizo al amparo de los Moreira,” *Sin Embargo* (February 20, 2012), available at: <http://www.sinembargo.mx/20-02-2012/155890>.
- 206 See Édgar González, “Asume Riquelme como Gobernador, eliminará dependencias públicas,” *Vanguardia* (December 1, 2017), available at: <https://www.vanguardia.com.mx/articulo/en-vivo-toma-de-protesta-de-miguel-riquelme-como-gobernador-de-coahuila>.
- 207 Response from Humberto Morieira Valdés to Ariel Dulitzky at 13 (October 31, 2017), available at: [http://www.eldiariodecoahuila.com.mx/u/archivos/2017/11/7/EMAIL%20REMITIDO%20A%20ARIEL%20DULITZKY_31_10_2017%20\(1\).pdf](http://www.eldiariodecoahuila.com.mx/u/archivos/2017/11/7/EMAIL%20REMITIDO%20A%20ARIEL%20DULITZKY_31_10_2017%20(1).pdf).
- 208 Coahuila Decreto No. 74, Exposición de Motivos pp. 4-6; see also “Nombra Moreira a un general subsecretario de Readaptación Social,” *Proceso* (February 24, 2009), available at: <http://www.proceso.com.mx/113094/nombra-moreira-a-un-general-subsecretario-de-readaptacion-social>; “Echan a Marines de los Ceresos,” *Zócalo* (February 25, 2009), available at: <http://www.zocalo.com.mx/seccion/articulo/echan-a-marines-de-los-ceresos>; Valentín Valdés y Armando Montalvo, “Sangre, drogas y caos en penales de Coahuila,” *Zócalo* (September 17, 2009), available at: <http://www.zocalo.com.mx/images/uploads/articles/12531880813.pdf>; Ernesto Acosta, “Controlará Fiscalía Ceresos del estado,” *Zócalo* (June 14, 2009), available at: <http://www.zocalo.com.mx/seccion/articulo/controlara-fiscalia-ceresos-del-estado>. General Dorantes reportedly died in 2013. “Muere el General García Dorantes,” *EstadoMayor.MX* (Mar. 23, 2013), <http://www.estadomayor.mx/23458>.
- 209 Coahuila Decreto No. 74, art. 6 Bis; Ley de Ejecución de Sanciones Penales, art. 85.

- 210 Ibid, arts. 6 Bis 1 (II).
- 211 Ibid., arts. 6 Bis (IV) & (XII), art. 7 (III), art. 8 (I) & (III), 19, 22, 135; Ley de Ejecución de Sanciones Penales, art. 85 (IV) & (XII), art. 87 (III) & (IX), art. 88 (I).
- 212 Comisión Nacional de los Derechos Humanos, Diagnóstico Nacional de Supervisión Penitenciaria 81 (2011) (confirming that no visit was undertaken to CERESO Piedras Negras in 2011), available at: http://dnsp.cndh.org.mx/archivos/DNSP_2011.pdf; Arron Daugherty, “Zetas Turned Mexico Prison into Mass Grave,” *InSight Crime* (January 27, 2016), available at: <https://www.insightcrime.org/news/brief/zetas-turned-mexico-prison-mass-grave/>
- 213 FIDH Coahuila ICC Report, 37; “Tumba narcoescándolo a Jesús Torres Charles,” *Zócalo* (February 20, 2016), available at: <http://www.zocalo.com.mx/seccion/articulo/tumba-narcoescandalo>; “El ex Fiscal y ex Consejero Jurídico de Coahuila, vinculado a Los Zetas, se hizo al amparo de los Moreira,” *Sin Embargo*; “Tumba narcoescándolo a Jesús Torres Charles,” *Zócalo* (February 20, 2016), available at: <http://www.zocalo.com.mx/seccion/articulo/tumba-narcoescandalo>.
- 214 “Rompe el silencio Jesús Torres Charles,” *El Diario de Coahuila* (February 11, 2014), available at: <http://www.eldiariodecoahuila.com.mx/locales/2014/2/11/rompe-silencio-jesus-torres-charles-413668.html>. For his part, Torres Charles has denied having knowledge of the CERESO Piedras Negras killings at the time they occurred.
- 215 “Allegados de Moreira compran medios,” *El Siglo de Torreón* (July 3, 2015), available at: <https://www.elsiglodetorreon.com.mx/noticia/1129845.allegados-de-moreira-compran-medios.html>
- 216 Testimony of Rodrigo Humberto Uribe Tapia, 75:21-78:9; UT HR Clinic Report, p. 28. Both Torres Charles and Moreira Valdés have denied these allegations.
- 217 Testimony of Rodrigo Humberto Uribe Tapia, 75:21-78:9, 81:11-24. Moreira Valdés has denied any connection with Uribe Tapia and that he has ever received any money or stipend, directly or indirectly, in any way that could link him to any criminal activity. Response of Humberto Moreira to Ariel Dulitzky, 11.
- 218 Response from Humberto Moreira Valdés to Ariel Dulitzky at 11; “A nombre del narco: actor de talk show dice entregar 4 mdd para Humberto Moreira,” *Vanguardia* (July 7, 2016), available at: <https://www.vanguardia.com.mx/articulo/nombre-del-narco-actor-de-talk-show-dice-entregar-4-mdd-para-humberto-moreira>; Josué Rodríguez, “‘Acusaciones contra mí en EU son puro cuento’ Jesús Torres Charles,” *Vanguardia* (September 6, 2016), available at: <http://www.vanguardia.com.mx/articulo/acusaciones-contra-mi-en-eu-son-puro-cuento-jesus-torres-charles>.
- 219 Jefe de organización criminal dice que negoció con Humberto Moreira y el ‘Mono’ Muñoz,” *Vanguardia* (January 14, 2017), available at: <http://www.vanguardia.com.mx/articulo/jefe-de-organizacion-criminal-dice-que-negocio-con-humberto-moreira-y-el-mono-munoz>; “More testimony links Los Zetas, ex-governor,” *Mexico News Daily* (January 14, 2017), available at: <https://mexiconewsdaily.com/news/more-testimony-links-los-zetas-ex-governor/>.
- 220 See *ibid*.
- 221 Response of Humberto Moreira to Ariel Dulitzky, 3 (citing to the ruling of Section 16 of the Provincial Court of Barcelona).
- 222 See, e.g., “Moreira niega relación con ‘El Mono’... pero una fotografía los muestra estrechándose la mano,” *Proceso* (February 1, 2017), available at: <http://www.proceso.com.mx/472808/moreira-niega-relacion-mono-una-fotografia-los-muestra-estrechandose-la-mano>; “Los días de Moreira y el Mono Muñoz en Saltillo,” *El País* (April 1, 2017), available at: https://elpais.com/elpais/2017/04/01/album/1491010312_793986.html#foto_gal_3. On Moreira’s denial, see “Sobre la foto de Humberto Moreira y el ‘Mono’ Muñoz,” *Proceso* (February 2, 2017), available at: <http://www.proceso.com.mx/472935/la-foto-humberto-moreira-mono-munoz>.
- 223 See Indictment at 4, *United States v. Munoz-Luevano*, No. 15-cr-00024 (W.D. Tex. January 7, 2015).
- 224 Mike LaSusa, “Arrest of Alleged Cartel Operative Shows Mexico Drug Interests in Spain,” *InSight Crime* (August 24, 2016), available at: <https://www.insightcrime.org/news/brief/arrest-of-alleged-cartel-operative-shows-mexico-drug-interests-in-spain/>; “Spain to extradite alleged Mexican drug trafficker to US,” *Financial Express* (January 14, 2017), available at: <http://www.financialexpress.com/world-news/spain-to-extradite-alleged-mexican-drug-trafficker-to-us/507476/>. At the time of writing, Munoz Luevano remains in Spain following the anti-corruption prosecutor’s contention that he be tried by Spain’s courts; see Alejandro Gutierrez, “Capturan en España a ocho colaboradores de ‘El Mono Muñoz,’” *Proceso* (March 31, 2017), available at: <http://www.proceso.com.mx/480385/capturan-en-espana-a-ocho-colaboradores-mono-munoz>.
- 225 See Indictment at 3-4, *United States v. Gonzalez-Treviño*, Case No. 5:14-cr-00338 (W.D. Tex. April 30, 2014) (describing a meeting in March 2009 between a number of unnamed co-conspirators at the Coahuila governor’s mansion in Saltillo to discuss a money laundering scheme, and describing instructions from an unnamed co-conspirator (CCI) to wire large payments to the United States); see also Jason Buch and Guillermo Contreras, “Mexican broadcaster who helped loot Coahuila gets probation,” *San Antonio Express-News* (March 10, 2016), available at: <https://www.expressnews.com/news/local/article/Mexican-broadcaster-who-helped-loot-Coahuila-gets-6882556.php>.
- 226 Order Accepting Magistrate Judge’s Recommendation at 1, *United States v. Gonzalez-Treviño*, Case No. 5:14-cr-00338 (May 28, 2015) (accepting guilty plea); Jason Buch and Guillermo Contreras, “Coahuila businessman charged with drug trafficking, money laundering,” *San Antonio Express-News* (March 31, 2016), available at: <http://www.expressnews.com/news/local/article/Coahuila-businessman-charged-with-drug-7221378.php>.
- 227 See Elisabeth Malkin and Raphael Minder, “A Former Mexican Governor Is Arrested, but Not by His Own Country,” *The New York Times* (January 21, 2016), available at: <https://www.nytimes.com/2016/01/22/world/americas/a-former-mexican-governor-is-arrested-but-not-by-his-own-country.html> (quoting Juan E. Pardini, director of the Mexican Institute for Competitiveness: “Moreira is the prototype and synonym of corruption in Mexico. He is also the prototype of impunity.”).

- 228 Ibid.; see also Jason Buch and Guillermo Contreras, “Court records: Former Mexican governor stole money from state, laundered it in Texas,” *San Antonio Express-News* (June 30, 2015), available at: <http://www.expressnews.com/news/local/article/Court-records-Former-Mexican-governor-stole-6358246.php>.
- 229 Amended Verified Complaint for Forfeiture at 2, *United States v. Real Property Known as a Single Family Residence Located and Situated at 19211 Grey Bluff Cove, San Antonio, Texas, Bexar County, Texas*, No. 15-CV-735 (November 10, 2015); United States of America’s Response to Claimant’s Motion to Dismiss Verified Complaint for Forfeiture for Lack of Jurisdiction and/or for Failure to State a Claim Upon which Relief Can Be Granted at 4, *United States v. Real Property Known as a Single Family Residence Located and Situated at 19211 Grey Bluff Cove, San Antonio, Texas, Bexar County, Texas*, No. 15-CV-735 (October 26, 2015); Jason Buch and Guillermo Conteras, “Mother-in-law of former Mexican pol Humberto Moreira agrees to give government her San Antonio home,” *San Francisco Chronicle* (September 23, 2016), available at: <http://www.sfchronicle.com/news/local/article/Mother-in-law-of-former-Mexican-pol-Humberto-9242249.php>.
- 230 Order at 5, *United States v. Real Property Known as a Single Family Residence Located and Situated at 19211 Grey Bluff Cove, San Antonio, Texas, Bexar County, Texas*, Case No. 15-CV-735 (March 29, 2016); see also Jason Buch and Guillermo Conteras, “Valley businessman pleads guilty in Mexico corruption probe,” *San Antonio Express-News* (January 4, 2017) (describing Humberto Moreira as the target of an ongoing criminal investigation in the United States and detailing other bribery allegations against the former Governor), available at: <http://www.expressnews.com/news/local/article/Valley-businessman-pleads-guilty-as-part-of-10834876.php>.
- 231 See Malkin and Minder, “A Former Mexican Governor Is Arrested, but Not by His Own Country.”
- 232 United States Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2011: Mexico*, p. 20, available at: https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/10/mexico_1.pdf [hereinafter “2011 U.S. State Department Country Report on Mexico”].
- 233 Verónica Ayala, “Exonera en fast track Moreira... a Moreira,” *Reforma* (April 19, 2017), available at: <http://www.reforma.com/aplicacioneslibre/articulo/default.aspx?id=1093662&md5=f0916ef1f798a38e6ab356905e6b0a55&ta=0dfdbac11765226904c16cb9ad1b2efe>. Homero Ramos Gloria left his position as State Attorney of Coahuila in October 2017. Lorena Castañeda, “Deja su cargo el Procurador General de Justicia en Coahuila. Homero Ramos Gloria,” *Multimedios* (October 18, 2017), <https://laguna.multimedios.com/laguna/deja-su-cargo-el-procurador-general-de-justicia-en-coahuila-homero-ramos-gloria>.
- 234 Murder as a crime against humanity requires that a killing take place as part of the larger attack against a civilian population, with knowledge on the part of the perpetrator of the connection to the larger attack. Torture as a crime against humanity requires the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused, carried out as part of a widespread or systematic attack on a civilian population, with knowledge on the part of the perpetrator of the connection to the larger attack. Rome Statute of the ICC, art. 7(1)(a), 7(1)(f), 7(2)(e).
- 235 Roger O’Keefe, *International Criminal Law* (Oxford University Press, 2017), p. 166.
- 236 Código Penal Federal, Capítulo III, art. 13(III) (2014) (providing for criminal liability over those who commit a crime together with others, similar to co-perpetration); *ibid.*, art. 13(VI) & (VII) (providing for criminal liability over those who provide assistance in the commission of a crime, which are plainly forms of complicity liability); *ibid.*, art. 214(VI) (providing criminal liability over public servants who have an obligation to protect public security, which appears to include higher-level officials and superiors who oversee public security agencies); Rome Statute of the ICC, art. 25(3)(a) (co-perpetration), 25(3)(c) (aiding and abetting), 25(3)(d) (any other assistance), 28 (superior liability). Mexico ratified the Rome Statute in 2005, affirming the country’s acceptance of the principle that individuals who participate in grave crimes may be held criminally liable through the modes of liability included in that Statute.
- 237 See, e.g., *Prosecutor v. Brima et al.*, SCSL-04-16-T, Judgment, paras. 760-761 (SCSL Trial Chamber II, June 20, 2007) (observing that the modes of liability in article 6(1) of the tribunal’s statute are enshrined in customary international law), available at: <http://www.rscsl.org/Documents/Decisions/AFRC/613/SCSL-04-16-T-613s.pdf>; *Prosecutor v. Kordić & Čerkez*, IT-95-14/2-T, Judgment, para. 373 (ICTY Trial Chamber II, February 26, 2001) (same), available at: http://www.icty.org/x/cases/kordic_cerkez/tjug/en/kor-tj010226e.pdf; *Prosecutor v. Muvunyi*, ICTR-2000-55A-T, Judgment and Sentence, paras. 459, 473 (ICTR Trial Chamber, September 12, 2006) (same), available at: <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ict-00-55/trial-judgements/en/060912.pdf>.
- 238 Testimony of De Leon-Navarro, 7:14-18 (describing how most of the police in Ciudad Acuna were bribed by the Zetas); Mexico: State of Neglect Report, 17 (concluding that the Zetas were in control of police in San Fernando), 18 (describing assistance provided by the San Fernando police to the Zetas).
- 239 See 2011 U.S. State Department Country Report on Mexico, 19 (describing CNDH report). In March 2018, the CNDH issued its recommendation stating that the PGR must initiate an investigation into the Allende massacre and prosecute those responsible. The Commission specifically noted that the investigation should include a probe of statements made by protected witnesses in the United States that federal, state and municipal officials in Coahuila had links with members of the Zetas cartel. See CNDH Recommendation 10 VG/2018, “Sobre la investigación de violaciones graves a los derechos humanos, por los hechos acontecidos del 18 al 20 de Marzo de 2011, en el municipio de Allende, Coahuila, así como por las detenciones arbitrarias y desapariciones forzadas cometidas con posterioridad a dicho evento” (March 16, 2018), available at: http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG_010.pdf.
- 240 El Yugo Zeta Report, p. 26 (citing and providing quote from U.S. Embassy report).
- 241 Leicht, *Los Zetas, Mexico’s Largest, Deadliest and Most Sophisticated Drug Cartel*; see also Cessa Trial Vol. 1, 146:5-7 (testimony of Jose Vasquez, Jr., describing Zeta “control” over Tamaulipas).

- 242 Unclassified U.S. Department of State Cable, Date/Case ID: 11 July 2011 201103281, available at: <https://nsarchive2.gwu.edu/mexico/SF-20100826.pdf>; Mexico: State of Neglect Report, 11-12; “Murdered bodies found in Mexico ‘were migrants,’” *BBC News* (August 25, 2010), available at: <http://www.bbc.com/news/world-latin-america-11090563>; Francisco Gómez and Gerardo Mejía, “Se negaron a ser sicarios; ‘Los Zetas’ los fusilaron,” *El Universal* (August 26, 2010), available at: <http://archivo.eluniversal.com.mx/primera/35447.html>.
- 243 Unclassified U.S. Department of State Cable, Case No. F-2012-26105, Dec. No. C05129814 (August 6, 2012), available at: <https://nsarchive2.gwu.edu/mexico/SF-20110415.pdf>; Nick Miroff and William Booth, “Mass graves in Mexico reveal new levels of savagery,” *Washington Post* (April 24, 2011), available at: https://www.washingtonpost.com/world/mass-graves-in-mexico-reveal-new-levels-of-savagery/2011/04/23/AFPoasbE_story.html?utm_term=.fd094c225638; “Mexico charges 73 in San Fernando mass grave deaths,” Associated Press (June 1, 2011), available at: http://www.brownsvilleherald.com/news/valley/article_fcf86209-f0d1-59d1-bf3e-2794689475e2.html; Steven Dudley, “Zeta Testimony Solves Mystery of Mexico Bus Massacres,” *InSight Crime* (June 27, 2011), available at: <https://www.insightcrime.org/news/analysis/zeta-testimony-solves-mystery-of-mexico-bus-massacres/>.
- 244 Subprocuraduría Especializada en Investigación de Delincuencia Organizada, Tarjeta Informativa, Asunto: Policías relacionados con el hallazgo de Cadáveres en las Foosas clandestinas en San Fernando, Tamaulipas, available at: <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB499/TarjetaInformativa.pdf>; see also Michael Evans, “Mexico’s Recurring Nightmare,” *The Nation* (January 29, 2015), available at: <https://www.thenation.com/article/mexicos-recurring-nightmare/>; “Mexican Police Helped Cartel Massacre 193 Migrants, Documents Show,” NPR (December 22, 2014), available at: <https://www.npr.org/2014/12/22/372579429/mexican-police-helped-cartel-massacre-193-migrants-documents-show>.
- 245 Cessa Trial Vol. 2, 117:2-12, 118:2-119:3 (testimony of Carlos Hinojosa). Carlos Hinojosa later left the prosecutor’s office and joined the Zetas. *Ibid.*, 122:11-19, 125:5-12. He ultimately pleaded guilty in the United States to drug conspiracy and money laundering and was sentenced to 24 years in prison, which was a reduction off the original recommendation because of his cooperation. *Ibid.*, 114:24-115:20, 172:1-7, 177:14-17
- 246 *Ibid.*, 119:6-120:15, 121:25-122:10, 126:20-127:8.
- 247 Jason Buch, “Feds say another Mexican governor took bribes from cartel,” *San Antonio Express-News* (July 2, 2014), available at: <https://www.expressnews.com/news/us-world/border-mexico/article/Feds-say-another-Mexican-governor-took-bribes-5596655.php>; Jason Buch, “Mexico arrests former Tamaulipas governor wanted in Texas money laundering case,” *San Antonio Express-News* (October 6, 2017), available at: <https://www.expressnews.com/news/local/article/Mexico-arrests-former-Tamaulipas-governor-wanted-12258510.php>.
- 248 United States Department of Justice, U.S. Attorney’s Office for the Southern District of Texas, “Former Tamaulipas Governor Indicted in Money Laundering Scheme with Brother-in-Law,” (June 19, 2015), available at: <https://www.justice.gov/usao-sdtx/pr/former-tamaulipas-governor-indicted-money-laundering-scheme-brother-law>.
- 249 Jason Buch, “Mexico arrests former Tamaulipas governor wanted in Texas money laundering case,” *San Antonio Express-News* (October 6, 2017), available at: <https://www.expressnews.com/news/local/article/Mexico-arrests-former-Tamaulipas-governor-wanted-12258510.php>. Notably, Tomás Jesús Yarrington, Hernández Flores’ predecessor as governor, has also been accused by Mexican and American prosecutors of corruption charges, including money laundering and racketeering; he is currently awaiting extradition in Italy. Yarrington is one of a triumvirate of former PRI governors who has fled Mexico on corruption charges in recent years, including César Duarte of Chihuahua state (governor from 2010-2016) and Javier Duarte of Veracruz (governor from 2010 to 2016). See Kirk Semple, “Javier Duarte, Mexican Ex-Governor Accused of Diverting Money, Is Captured,” *New York Times* (April 16, 2017), available at: <https://www.nytimes.com/2017/04/16/world/americas/mexico-javier-duarte-captured.html>.
- 250 “SRE resuelve hoy extradición de Eugenio Hernández: abogado,” *Milenio Digital* (March 6, 2018), available at: http://www.milenio.com/policia/resolucion-cancilleria-extradicion-eugenio-hernandez-ex-gobernador-tamaulipas-eu_0_1133886679.html.
- 251 Comisión Nacional de los Derechos Humanos, *Informe Especial de la Comisión Nacional de los Derechos Humanos sobre Desaparición de Personas y Fosas Clandestinas en México* 511 (April 6, 2017), available at: http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/InformeEspecial_20170406.pdf. Original Spanish quote: “en algunos casos, se ha podido conocer del contubernio de policías municipales y/o estatales con el crimen organizado en la desaparición de personas, como el caso de Tierra Blanca y Papantla.”
- 252 “Les decían ‘La barredora’: Para secuestrar y matar usaban las patrullas, en días de Bermúdez,” *SinEmbargo* (August 4, 2017), available at: <http://www.sinembargo.mx/04-08-2017/3277294>; “Detienen al último implicado en desaparición de jóvenes en Tierra Blanca,” *Milenio.com* (October 14, 2016), available at: http://www.milenio.com/policia/tierra-blanca-veracruz-detenido-implicado-miguel-saldana-craner-fiscalia-milenio_0_829117196.html; Roxana Iraís Aguirre, “Alcalde Playa Vicente había denunciado a policía de Tierra Blanca,” *e-veracruz.mx* (March 2, 2016), available at: <http://www.e-veracruz.mx/nota/2016-03-02/seguridad/alcalde-de-playa-vicente-habia-denunciado-policia-de-tierra-blanca>.
- 253 *Ibid.*; Mariano Zafra, Sergio Rincón and Luis Melgar, “Así se descubrió la fosa clandestina más grande de México a partir de una mapa dibujado a mano,” *Univision Noticias* (March 16, 2017), available at: <https://www.univision.com/geografia/mexico/asi-se-descubrio-la-fosa-clandestina-mas-grande-de-mexico-a-partir-de-un-mapa-dibujado-a-mano>.
- 254 See Noé Zavaleta, “Policías de Orizaba entregaban a detenidos a Los Zetas,” *Proceso* (December 29, 2015), available at: <http://www.proceso.com.mx/424826/policias-de-orizaba-entregaban-a-detenidos-a-los-zetas>.
- 255 International Crisis Group, *Veracruz: Fixing Mexico’s State of Terror*, Latin America Report No. 61 (February 28, 2017), p. i, available at: https://d2071andvip0wj.cloudfront.net/061-veracruz-fixing-mexico-s-state-of-terror_0.pdf.
- 256 See *Broken Justice in Mexico’s Guerrero State* (Open Society Foundations, 2015), p. 14.

- 257 See GIEI, *Informe Ayotzinapa II*, pp. 159-245.
- 258 The bus that federal authorities later presented to the GIEI to examine did not match the bus seen on surveillance video and described by students; on this basis, the experts concluded that the bus may have hidden drugs or money belonging to the Guerreros Unidos. *Ibid.*
- 259 Evidence also suggests that soldiers from the 27th Battalion in Iguala were aware of the attacks on the students (for example, following the arrests of the students, an army patrol vehicle visited the police station where a group of the detained students was allegedly taken) and present at some of the crime scenes, but no security force intervened to protect them. See Francisco Goldman, "The Missing Forty-Three: The Government's Case Collapses," *The New Yorker* (June 8, 2015), available at: <https://www.newyorker.com/news/news-desk/the-missing-forty-three-the-governments-case-collapses>.
- 260 According to a leaked report from the Office of the Federal Prosecutor, 26 out of 80 identified criminal groups in Mexico are settled in Guerrero alone, while at least 12 mayors in Guerrero have been suspected of connections to drug cartels. See *Broken Justice in Mexico's Guerrero State*, p. 13.
- 261 The General Law to Prevent, Investigate and Sanction Torture and other Cruel, Inhuman or Degrading Treatment or Punishment entered into force in June 2017; the General Law on Disappearances received congressional approval in October 2017 and entered into force on January 16, 2018. The passage of both laws owe much to the role of international monitoring bodies, notably the Office of the High Commissioner for Human Rights, which outlined the need for such reforms following the High Commissioner's visit in October 2015. See Recommendations of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on his visit to Mexico, October 7, 2015, available at: http://www.hchr.org.mx/images/doc_pub/RecomendacionesMX_AltoComisionadoDH_ES.pdf.
- 262 For a detailed critique of the PGR, see *Undeniable Atrocities*, chapter 4; see also WOLA, "Misión No Cumplida: El Nuevo Sistema de justicia penal en México es un proyecto en progreso," July 2016, available at: https://www.wola.org/wp-content/uploads/2016/07/Mision-no-cumplida_reforma-penal-Mexico-WOLA.pdf.
- 263 President Peña Nieto's draft amendments on the Fiscalía, as submitted to Congress are available at: <http://gaceta.diputados.gob.mx/PDF/62/2014/sep/20140923-IX.pdf>.
- 264 See, e.g., IACHR Hearing (March 17, 2017), available at: <https://www.youtube.com/watch?v=bikdXKh4Kh0>.
- 265 PRI Senate members had expressed support for a more transparent proposal in principle; however, when Congress approved the law eliminating the automatic transfer provision in December 2017, it was without further amendment of article 102.
- 266 In addition to 17 corruption scandals of former PRI state governors, Cervantes has also become the subject of reports of tax evasion. See Due Process of Law Foundation, "Resignation of Mexico's Attorney General" (October 20, 2017), available at: <http://dplf.org/en/news/resignation-mexicos-attorney-general-important-yet-insufficient-step-ensure-independent-and>.
- 267 For a complete analysis of Guatemala's International Commission against Impunity, see *Against the Odds: CICIG in Guatemala* (Open Society Foundations, 2016). Other commentators, notably, have pointed to CICIG as a potential model for Mexico as well. See, e.g., Jorge Ramos, "A Simple Proposal to Combat Corruption in Mexico" (October 31, 2017), available at: <https://splinternews.com/a-simple-proposal-to-combat-corruption-in-mexico-1820017351>.
- 268 For a more complete assessment of the War Crimes Chambers' accomplishments, as well as similar efforts in other jurisdictions, see *Options for Justice: A Handbook for Designing Accountability Mechanisms for Grave Crimes* (Open Society Foundations, 2018).
- 269 By law, Congress must examine any initiative that is backed by signatures of at least 0.13 percent (120,000 signatures) of the electorate. The citizen's anti-corruption initiative received more than 630,000 signatures; one commentator has described it as the "most important breakthrough for Mexico's civil society since democratization began in the late nineties." Viridiana Rios, "How Mexico's Anti-Corruption Fight Went Off-Track," *Americas Quarterly* (September 18, 2017), available at: <http://www.americasquarterly.org/content/how-mexicos-anti-corruption-fight-went-track>.
- 270 The seven components of the SNA are: the General Law on the Anti-Corruption System, the General Law on Administrative Responsibilities, the Law on Control and Accountability of the Federation; amendments to the Organic Law of the Federal Court of Administrative Justice; Amendments to the Organic Law of the General Attorney's Office, Amendments to the Federal Penal Code, Amendments to the Organic Law of Federal Public Administration, available at: <https://www.gob.mx/presidencia/articulos/national-anti-corruption-system>. The law also provides for the creation of Committee for Citizens Participation selected by Mexican academics, see <http://cpc.org.mx/>.
- 271 Implementation table, according to the Committee for Citizens Participation, available at: <http://cpc.org.mx/wp-content/uploads/2018/02/SLA-cuadros.pdf> (accessed February 2018). The system has also been hobbled by a lack of transparency in the nomination of magistrates to the Federal Tribunal of Administrative Justice. See, e.g., Azam Ahmed, "Mexico's Government Is Blocking Its Own Anti-Corruption Drive, Commissioners Say," *New York Times* (December 2, 2017).
- 272 Sanctions can be imposed on individuals and companies that commit "serious administrative offenses." Sanctions only encompass monetary fines, temporary disqualification from participation in public bids, and payment of damages and lost profits. See, e.g., Leonel Pereznieta, "Mexico's New National Anti-Corruption System," *Bribery & Corruption 2017*, pp. 147-156, available at: http://firmas.creel.mx/docs/GLI_B&C4_Mexico.pdf.
- 273 "Meade critica el Sistema Nacional Anti-corrupcion de EPN," *Forbes* (January 16, 2018), available at: <https://www.forbes.com.mx/meade-critica-el-sistema-nacional-anticorrupcion-de-epn/>.
- 274 Rios, "How Mexico's Anti-Corruption Fight Went Off-Track."

- 275 This declaration is valid for one year but is indefinitely renewable until the threat has been controlled. Notably, the Office of the High Commissioner in Mexico submitted a detailed analysis articulating 14 reasons why the law should be rejected, available at: http://hchr.org.mx/images/doc_pub/Anexo_ObservacionesONU-DH_LeydeSeguridadInterior.pdf. In an unprecedented joint action, seven UN special procedures also published a joint press release calling for the law's rejection, available at: http://hchr.org.mx/index.php?option=com_k2&view=item&id=1065:mexico-proyecto-de-ley-de-seguridad-interior-supone-riesgo-para-los-derechos-humanos-y-debe-ser-rechazado-advierten-expertos-y-expertas-de-la-onu&Itemid=266.
- 276 Internal Security Law, art. 26. The law also threatens freedoms of association and expression insofar as it gives the military the authority to exercise force to "repel or neutralize acts of resistance," including non-violent acts of resistance. Information considered to be "of national security" will further be classified, and not subject to Mexico's freedom of information regime.
- 277 *Ibid.*, art. 27
- 278 See, e.g., Recommendation 51/2014, "Sobre los hechos ocurridos el 30 de junio de 2014, en cuadrilla Nueva, comunidad San Pedro Limón, municipio de Tlatlaya, Estado de México" (October 21, 2014), available at: http://www.cndh.org.mx/sites/all/doc/Recomendaciones/ViolacionesGraves/RecVG_051.pdf. See also *Undeniable Atrocities* for further discussion of the Tlatlaya executions, pp. 69-70, 110-112.
- 279 The Platform against Impunity and Corruption considers that "to overcome the actual crisis of impunity and corruption international cooperation is needed, to create truly independent and effective mechanisms for the investigation and persecution of crimes and secure the right to truth. See <http://www.plataformacontralaimpunidad.org/comunicado-01.php>.
- 280 See "Posición del Gobierno Mexicano respecto al informe de la organización Open Society Justice Initiative. Comunicado conjunto 788/16" (June 17, 2016), available at: <https://www.gob.mx/pgr/prensa/posicion-del-gobierno-mexicano-respecto-al-informe-de-la-organizacion-open-society-justice-initiative-comunicado-conjunto-788-16>.
- 281 See "Response of the Mexican State to the Recommendations Made by the High Commissioner for Human Rights, Mr. Zeid Ra'as Al Hussein, Following his Visit to the Country on 5 to 7 October 2015," available at: https://www.hchr.org.mx/images/doc_pub/RespuestaGobMex_EN.pdf.
- 282 Froylan Enciso, "Mexico's Worsening War without a Name," International Crisis Group (June 15, 2017).
- 283 See *Undeniable Atrocities*, p.157.

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The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. Our staff is based in Abuja, Brussels, Budapest, The Hague, London, Mexico City, New York, Paris, Santo Domingo, and Washington, D.C.

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Mexico is mired in a crisis of violence that shows no signs of abating. Over the past two years, already shocking levels of homicide, torture, and disappearances—carried out by both criminal gangs and by state security forces—have worsened. Only a few perpetrators have been brought to justice.

Corruption that Kills probes the root cause of this failure: corruption. It examines two atrocities committed in the northern state of Coahuila: the massacre in the town of Allende in 2011 in which several hundred people were killed, and a wave of killings in a state-run prison in the town of Piedras Negras.

It concludes that there is credible evidence that some public officials—including police, prison employees, and elected officials—may have colluded in these crimes with the Zetas cartel.

Mexico now has an obligation to independently and competently investigate all individuals responsible for these and other atrocities, wherever the evidence may lead. This report's findings reinforce the argument first made by the Open Society Justice Initiative and Mexican rights groups in a 2016 report, *Undeniable Atrocities*, that Mexico should establish an independent justice mechanism, with international participation, where Mexican and foreign experts can work together—free of corruption, pressure, and partisanship—to combat atrocity crimes and the corruption that enables them. Such a mechanism represents Mexico's best chance to address the corruption that kills.