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*El Solecito de Veracruz
Xalapa - Córdoba - Cardel
Madres que luchan con amor*

i(dh)eas
LITIGIO ESTRATÉGICO EN DERECHOS HUMANOS, A.C.

“Hasta encontrarlos”: enforced disappearances by security forces in Veracruz constitute crimes against humanity

Cover photo: "Trees of Pain" (Árboles de dolor) displayed in the Zocalo of Veracruz in December 2020, with the faces of victims of enforced disappearance. "We have nothing to celebrate, but it is important to maintain the presence of our absent loved ones. Until we find them! (Hasta encontrarlos)» © Colectivo Solecito de Veracruz



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This document has been produced with the support of the French Development Agency (AFD). The contents of the publication are the sole responsibility of FIDH and IDHEAS, and can in no way be taken to reflect the views of AFD.

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ABBREVIATIONS

| | |
|---|--|
| CED | UN Committee on Enforced Disappearances |
| CJNG | Cártel Jalisco Nueva Generación (Jalisco New Generation Cartel) |
| CMDPDH | Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (Mexican Commission for the Defence and Promotion of Human Rights) |
| CNDH | Comisión Nacional de Derechos Humanos (National Human Rights Commission) |
| DIF | Sistema Estatal para el Desarrollo Integral de la Familia (State System for the Development of Family) |
| FIDH | International Federation for Human Rights |
| FGR | Fiscalía General de la República (Federal Public Prosecutor's Office) |
| ICC | International Criminal Court |
| IDHEAS | IDHEAS, Litigio Estratégico en Derechos Humanos (IDHEAS, Strategic Human Rights Litigation) |
| IMDHD | Instituto Mexicano para los Derechos Humanos y la Democracia (Mexican Institute for Human Rights and Democracy) |
| PAN | Partido Acción Nacional (National Action Party) |
| PDLM | Dignificando la Memoria (Dignifying Memory) project |
| PGR (subsequently replaced by FGR) | Procuraduría General de la República (Federal Public Prosecutor's Office) |
| PRD | Partido de la Revolución Democrática (Party of the Democratic Revolution) |
| PRI | Partido Revolucionario Institucional (Institutional Revolutionary Party) |
| RNPDNO | Registro Nacional de Personas Desaparecidas y No Localizadas (National Register of Disappeared and Missing Persons) |
| SEGOB | Secretaría de Gobernación (Ministry of the Interior) |
| SEDENA | Secretaría de Defensa Nacional (Ministry of National Defence) |
| SEMAR | Secretaría de Marina (Ministry of the Navy) |
| SINPEF | Sistema de Información Nacional de Personas Extraviadas y Fallecidas No Identificadas (National Information System on Missing and Unidentified Deceased Persons) |

I. Executive summary

This report was elaborated by the International Federation for Human Rights (FIDH), IDHEAS, *Litigio Estratégico en Derechos Humanos* (IDHEAS, Strategic Human Rights Litigation) and the victims' collective Solecito of Veracruz. The complete version of this report, with annexes and confidential information, was submitted to the Office of the Prosecutor of the International Criminal Court, requesting that it open a preliminary examination on Mexico.

This report aims to provide information on the commission of acts for which there is a reasonable basis to believe crimes against humanity (specifically, enforced disappearances) have been committed in the State of Veracruz, Mexico, which fall within the jurisdiction of the International Criminal Court. These acts were committed as part of a systematic attack against a civilian population of Veracruz, in 22 cases between November 2012 and July 2016, including 7 victims found in the clandestine grave Colinas de Santa Fe, in the outskirts of the city of Veracruz, which contains 305 bodies. The persons involved in the commission of the crimes of enforced disappearance described in this communication were state authorities, in particular members of the State Police or the Ministerial Police (investigative police) of Veracruz.

Veracruz is one of the states that exemplifies the grave problem of enforced disappearances in Mexico, being the state with the two largest clandestine graves in Latin America, both of which were located by the signatory organisation Solecito: Colinas de Santa Fe, with 305 bodies, and El Arbolillo, with 310 bodies. Furthermore, according to public sources, there have been between 3,000 and 20,000 enforced disappearances in Veracruz since 2006.

The situation of violence and the commission of enforced disappearances in Veracruz intensified between 2010 and 2016, when the state was governed by Javier Duarte de Ochoa, period during which the 22 cases described in this report took place. The former governor, who was detained in 2016, is currently serving a 9-year prison sentence for criminal association and money laundering, and was also recently served an arrest warrant for the crime of enforced disappearance. During his term in office, state authorities were accused of committing numerous crimes and human rights violations. Collusion between organised crime and state officials has also been documented during this time period, and many state officials have been charged or investigated for corruption or illicit enrichment.

This report details the commission of crimes against humanity, in particular 22 cases of enforced disappearance that took place between November 2012 and July 2016: seven victims found in the clandestine grave "Colinas de Santa Fe"; nine victims disappeared in *Colonia Formando Hogar* (Formando Hogar neighbourhood), in the city of Veracruz; and another six victims disappeared in the city of Veracruz. The cases were documented by the victims' collective Solecito and Red de Madres of Veracruz.

While this report focuses on the detailed description and legal analysis of 22 cases, these share similarities with other cases documented by the signatory organisations, which were referred to the ICC in a database, as well as the broader context of violence in the state. This report therefore describes only a small part of the events in which acts of enforced disappearance occurred, those in which there is evidence of a clear *modus operandi* involving authorities of the state of Veracruz, but it is likely that there is a broader systematic pattern of enforced disappearances in Veracruz.

In terms of their characteristics, all the victims of enforced disappearance in the 22 cases described in this report were detained or found in or around the city of Veracruz. They were mostly young men, 68% of them under the age of 40, and were employed in jobs such mechanic or taxi driver or were students. They all follow a similar pattern: each of the 22 victims were detained by the State Police or Ministerial Police of Veracruz, usually in a state security force vehicle, with the use of force or weapons, in an urban area of the city of Veracruz or nearby localities, after which their relatives received no news of their whereabouts, or the victims were found in the clandestine grave Colinas de Santa Fe. After each act of enforced disappearance, the Veracruz State Public

Prosecutor's Office failed to conduct an impartial and efficient investigation, despite the fact that the victims' families reported the incidents, in some cases repeatedly.

Following the arrest of Duarte de Ochoa in 2016, some Veracruz state officials were charged with the crime of enforced disappearance. Yet, impunity continues to exist: these investigations have been tarnished by irregularities and delays, and there have been no broader investigations into the systematic nature of the crimes of disappearance committed between 2010 and 2016. Further, no cases against high-ranking officials of the Veracruz State Police or the Governor's Office have reached the trial stage for the crime of enforced disappearance or related conduct. At the same time, hundreds of bodies from the Colinas de Santa Fe and El Arbolillo graves remain unidentified, which is why Solecito and other family collectives continue to carry out searches and demand justice.

II. Introduction and methodology

The signatory organisations submitted this communication to the Office of the Prosecutor of the International Criminal Court (hereinafter “ICC”) pursuant to Article 15 of the Rome Statute in order to provide information on the commission of acts that we consider constitute crimes against humanity (in particular, enforced disappearances), committed in the state of Veracruz, Mexico, between November 2012 and July 2016, during the mandate of former governor Javier Duarte de Ochoa.

Since 2014, the International Federation for Human Rights (hereinafter “FIDH”) together with IDHEAS, *Litigio Estratégico en Derechos Humanos* (hereinafter “IDHEAS”) and other Mexican non-governmental organisations have documented and denounced the commission of crimes against humanity, including enforced disappearances, murders and torture in specific periods and territories in Mexico:

- In 2014, information was submitted, together with the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (hereinafter “CMDPDH”) and the *Comisión Ciudadana de Derechos Humanos del Noroeste A.C.* (CCDH), to the ICC Office of the Prosecutor on the alleged commission of crimes against humanity in Baja California between 2006 and 2012;¹
- In 2017, FIDH, together with *Familias Unidas en Búsqueda y Localización de Personas Desaparecidas*, *Fuerzas Unidas por Nuestros Desaparecidos en México* and *Centro Diocesano para los Derechos Humanos Fray Juan de Larios*, in association with more than 90 organisations, submitted a communication on murders, disappearances and torture committed in Coahuila de Zaragoza;²
- In 2018, FIDH, together with IDHEAS, CMDPDH, *Centro de Derechos Humanos Paso del Norte*, *Centro Diocesano para los Derechos Humanos Fray Juan de Larios*, *Instituto Mexicano para los Derechos Humanos y Democracia, A.C.* (hereinafter “IMDHD”), *Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todas y Todos”* and *Renacer Lagunero*, submitted a communication on the alleged commission of crimes against humanity in Chihuahua, between 2008 and 2010;³
- In 2021, FIDH and IDHEAS submitted a communication on the alleged commission of crimes against humanity in Nayarit between June and September 2017.⁴

These communications, all shared with the ICC Office of the Prosecutor, have provided sufficient elements to affirm that crimes against humanity have been committed in Mexico in at least four states and that the ICC Office of the Prosecutor has a reasonable basis to open a preliminary examination into the situation in Mexico.

The present report, which focuses on the commission of enforced disappearances in Veracruz, is yet another link in the chain proving the commission of crimes against humanity in Mexico. As will be described below, during the mandate of Duarte de Ochoa, governor of Veracruz between 1 December 2010 and 12 October 2016, who is currently detained in Mexico serving a nine-year prison sentence for criminal association and money laundering⁵ and who has been served an arrest

1. FIDH, CMDPDH and CCDH, “Mexico: Report on the alleged commission of crimes against humanity in Baja California between 2006 and 2012”, (Report No. 642a, 2014).

2. FIDH, *Familias Unidas en Búsqueda y Localización de Personas Desaparecidas*, *Fuerzas Unidas por Nuestros Desaparecidos en México*, *Centro Diocesano para los Derechos Humanos Fray Juan de Larios*, “México: Asesinatos, desapariciones y torturas en Coahuila de Zaragoza constituyen crímenes de lesa humanidad” (Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza are Crimes against Humanity), (Report No. 695e, 2017).

3. FIDH, IDHEAS, CMDPDH, *Centro de Derechos Humanos Paso del Norte*, *Centro Diocesano para los Derechos Humanos Fray Juan de Larios*, IMDHD, *Red Nacional de Organismos Civiles de Derechos Humanos “Todos los Derechos para Todas y Todos”* and *Renacer Lagunero*, “Article 15 Communication under the Rome Statute to the International Criminal Court Regarding the alleged commission of crimes against humanity in Chihuahua, México between 2008 and 2010” (Report No. 715a, 2018).

4. FIDH and IDHEAS, “Mexico: Criminal structure within the Public Prosecutor’s Office of the State of Nayarit and crimes against humanity”, (Report 769a, 2021).

5. Arturo Angel, “Juez sentencia a Javier Duarte a nueve años de prisión por asociación delictuosa y lavado de dinero” (Judge sentences Javier Duarte to nine years in prison for criminal association and money laundering), *Animal Político*, 26 September 2018, <https://www.animalpolitico.com/2018/09/duarte-se-declara-culpable/>, accessed on 9 July 2021.

warrant for the crime of enforced disappearance,⁶ Veracruz experienced an alarming number of enforced disappearances and other serious human rights violations.

This report does not cover the enormous number of cases of enforced disappearance that have occurred in the state of Veracruz - estimated at between 3,000 and 20,000 since 2006 - and focuses only on a small group of them, occurring in the city of Veracruz and nearby areas, where there is sufficient information about the participation of state authorities in the commission of the crimes. Yet, this does not exclude the possibility that there are many other cases that also follow this pattern. In terms of methodology, the cases of enforced disappearance described in this communication were documented by the collectives Solecito and Red de Madres of Veracruz. In turn, the organisation IDHEAS has worked with Solecito on the documentation and litigation of cases of enforced disappearances in Veracruz, with the support of FIDH. This report is based on the documentation of 41 cases of enforced disappearance that occurred in the city of Veracruz or nearby localities during the term of office of former governor Javier Duarte de Ochoa (2010-2016),⁷ and the existence of a clandestine grave containing 305 bodies. Within this set of 41 cases, this communication presents a detailed description and legal analysis of 22 of them. Of these 22, seven correspond to persons found in the clandestine grave Colinas de Santa Fe, located by Solecito, and all cases occurred between November 2012 and July 2016.

In addition, in collaboration with the *Observatorio sobre Desaparición e Impunidad en México*,⁸ other databases documenting disappearances in the state of Veracruz were consulted and analysed: the *Registro Nacional de Personas Desaparecidas y No Localizadas* (National Register of Disappeared and Missing Persons – hereinafter “RNPNO2”), which operates as the official register of disappearances in Mexico; the database of the *Dignificando la Memoria* (Dignifying Memory) project (hereinafter “PDLM”), set up by IMDHD, with the purpose of preserving and dignifying the memory of those disappeared in the state of Veracruz;⁹ and the database of the *Sistema de Información Nacional de Personas Extraviadas y Fallecidas No Identificadas* (National Information System on Missing and Unidentified Deceased Persons – hereinafter “SINPEF”), set up by the National Human Rights Commission (hereinafter “CNDH”).

Further, in the preparation of this communication, various open sources documenting the crimes committed in Veracruz were analysed, in particular reports from governmental and non-governmental organisations, including recommendations from the Veracruz State Human Rights Commission and the CNDH, as well as press articles.

6. Arturo Angel, “Cumplen orden de captura contra Duarte por desaparición forzada; obtuvo una suspensión, dice su defensa” (Arrest warrant served against Duarte for enforced disappearance; he obtained a stay, his defense says), *Animal Político*, 6 December 2021, <https://www.animalpolitico.com/2021/12/javer-duarte-orden-desaparicion-forzada/>, accessed on 15 December 2021; Miguel Salazar, “Suspenden proceso contra Javier Duarte por presunta desaparición forzada” (Proceedings against Javier Duarte for alleged forced disappearance suspended), *El Sol de México*, 13 December 2021, <https://www.elsoldemexico.com.mx/mexico/justicia/suspenden-proceso-contra-javier-duarte-por-presunta-desaparicion-forzada-7603651.html>, accessed on 15 December 2021.

7. Annex B. The cases contained in this database were documented by Solecito, IDHEAS and FIDH. The database was complemented by public information from the *Instituto Mexicano para los Derechos Humanos y Democracia*, A.C. (IMDHD), within the context of the Dignifying Memory Project (PDLM). Also annexed to this communication is a broader database of 64 cases of enforced disappearance compiled by Solecito/IDHEAS (Annex C), which took place between February 2010 and June 2017, all but seven of which occurred during the term of office of former governor Duarte de Ochoa. This database includes the 41 victims in the municipality of Veracruz mentioned above, but also victims from other municipalities. Of the 64 victims of enforced disappearance, the majority (60) were young men, aged between 13 and 50, more than 80% of them were under the age of 30 and nine of them were minors. The victims disappeared mainly in the city of Veracruz (38), as well as in Poza Rica (10), Orizaba (5), Boca del Río (2), Xalapa (2), Banderilla (1), Chiconquiaco (1), Coatzacoalcos (1), Córdoba (1), José Cardel (1) and Medellín de Bravo (1). They were mostly school and university students, as well as people engaged in occupations such as mechanics, labourers or taxi drivers. In 24 of the cases included in the database, which occurred between 25 February 2010 and 1 February 2016, there is evidence of possible involvement of organised crime cartels, state authorities and/or federal security forces in the commission of the crimes. More specifically, in 14 of them there is evidence of involvement of Veracruz authorities, including Veracruz State Police, Poza Rica Municipal Police, Poza Rica-Tihuatlán-Coatzintla Inter-Municipal Police, Río Blanco Municipal Police and the *Agencia Veracruzana de Investigación* (Veracruz Investigation Agency); in eight cases there is evidence of involvement of federal security forces, including the Navy and the Federal Police; and in six there is evidence of involvement of organised crime, including the *Cártel Jalisco Nueva Generación* (Jalisco New Generation Cartel - CJNG) and Los Zetas, in one case in possible collaboration with Inter-Municipal Police. In the remaining 40 cases there is currently little information on the possible perpetrators of the disappearance.

8. The communication was produced in collaboration with a consultant from the *Observatorio sobre Desaparición e Impunidad en México*, a centre studying the phenomenon of disappearance in Mexico in different social contexts. See, <https://odim.juridicas.unam.mx/>.

9. The *Dignificando la Memoria* project can be accessed at the following website: <https://dignificandolamemoria.org/testimonios>.

Finally, interviews and meetings were held with families of victims of disappeared persons, journalists, academics and collectives of victims' relatives, including members of the signatory organisation Solecito and the collective Red de Madres of Veracruz, all of whom provided information on the context and/or regarding specific cases of enforced disappearances in Veracruz.



Members of the collective Solecito of Veracruz, during their search for disappeared persons, November 2019. © Colectivo Solecito de Veracruz

This report will first describe the context of the violence in Veracruz during the Duarte de Ochoa administration, including elements pertaining to the origin of the violence, figures and examples of enforced disappearances and the situation of impunity in the state. Second, it will present a legal analysis of 22 cases of enforced disappearance in which there is evidence of the involvement of Veracruz state authorities: seven victims found in the clandestine grave “Colinas de Santa Fe”, on the outskirts of the city of Veracruz, which contains a total of 305 bodies; nine victims disappeared in the Formando Hogar neighbourhood, city of Veracruz; and another six victims disappeared in the city of Veracruz. As will be detailed below, in each of these cases the State Police or State Ministerial Police were involved in the enforced disappearance of people living in the city of Veracruz or nearby localities, and together these cases meet the requirements of a systematic attack directed against a civilian population of Veracruz. Therefore, the signatory organisations consider that these incidents constitute crimes against humanity under the jurisdiction of the ICC.

III. Context of the violence in Veracruz

Since the beginning of the so-called “war on drugs”¹⁰ in 2006, Mexico has been going through a serious human rights crisis. According to the most recent official figures, there are over 100,000 disappeared persons, including over 88,000 since 2006,¹¹ and more than 4,000 clandestine graves have been found in the country.¹²

Within this context Veracruz has been one of the states most affected by violence, particularly in terms of enforced disappearances. Since 2006 there have been more than 3,000 disappearances in Veracruz, according to RNPNDNO,¹³ although civil society organisations estimate that the number of disappearances could be as high as 20,000.¹⁴ According to the *Comisión Nacional de Búsqueda* (National Search Commission, hereinafter “CNB”) there are at least 173 clandestine graves in the state of Veracruz, although the exact number is unknown and could be much higher.¹⁵ According to the latest figures from the Mexican Ministry of the Interior (hereinafter “SEGOB”), two municipalities in Veracruz, Ursulo Galvan and Playa Vicente, with 77 and 66 clandestine graves respectively, are among the 10 municipalities in Mexico with the highest number of clandestine graves in the country.¹⁶

In addition to enforced disappearances, other crimes in Veracruz reached alarming levels, particularly during the Duarte de Ochoa administration. Between 2011 and 2017, more than 5,000 homicides were registered in the state.¹⁷ Moreover, Veracruz was the scene of violence against women and journalists, as the Mexican state with the highest number of journalists murdered from 2000

10. In 2006, Mexico's then president, Felipe Calderón, launched the “*guerra contra las drogas*” (war on drugs) (also called the “*guerra contra el narcotráfico*” or “*guerra contra el narco*”), deploying federal security forces to fight drug cartels. The conflict has resulted in tens of thousands dead and disappeared. Nina Lakhani, “México y su guerra contra el narco: diez años, 50.000 millones de dólares y más de 200.000 cadáveres” (Mexico and its drug war: ten years, \$50 billion and more than 200,000 corpses), *El Diario*, 9 December 2016, https://www.eldiario.es/internacional/theguardian/guerra-drogas-mexico-cumple-conseguido_1_3695317.html, accessed on 9 July 2021.

11. According to RNPNDNO figures. See, <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Index>.

12. See “En los últimos 15 años se han encontrado 4,092 fosas clandestinas; mil en el gobierno de AMLO” (In the last 15 years 4,092 clandestine graves have been found; a thousand under AMLO's government), *Animal Político*, 7 October 2020, <https://www.animalpolitico.com/2020/10/fosas-desapariciones-15-anos-gobierno-amlo/>, accessed on 9 July 2021. See also FIDH and IDHEAS, “Situación de la impunidad en México: Llamamos al Estado Mexicano a reconocer la existencia de crímenes de lesa humanidad y remitir la situación de México a la Corte Penal Internacional” (Situation of impunity in Mexico: We call on the Mexican State to recognise the existence of crimes against humanity and refer the situation in Mexico to the International Criminal Court) (2020), (Report No. 750e), 5, <https://www.fidh.org/IMG/pdf/mexique750esp.pdf>.

13. Annex W – RNPNDNO – *Desapariciones en Veracruz del 01/01/2006 al 24/08/2021* (Disappearances in Veracruz from 01/01/2006 to 24/08/2021). According to a report by the *Comisión estatal de derechos humanos de Veracruz* (Veracruz State Human Rights Commission), by 2016, official figures reported the discovery of 10,524 remains found in different graves. See Annex O – Veracruz State Human Rights Commission - General Recommendation 01/2017, para. 64.

14. Annex U - IMDHD - *Dignificando la memoria* - La desaparición de personas en Veracruz (The Disappearance of Persons in Veracruz) (2019), 7. In December 2016, former public prosecutor Jorge Winckler Ortiz said that Veracruz would be known “as the largest clandestine grave in Mexico”. See International Crisis Group, “Veracruz: Fixing Mexico's State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 1.

15. Annex G – CNB – Search, identification and registration of missing persons (13 July 2020). See also Lidia Arista and Linaloe R. Flores, “Fosas clandestinas, la “punta del iceberg” de las desapariciones” (Clandestine graves, the “tip of the iceberg” of disappearances), *Expansión Política*, 9 August 2020, <https://politica.expansion.mx/mexico/2020/08/09/fosas-clandestinas-la-punta-del-iceberg-de-las-desapariciones>, accessed on 9 July 2021.

16. Ministry of the Interior of Mexico, “Búsqueda e Identificación de Personas Desaparecidas” (Search for and Identification of Missing Persons) (Biannual Report, 1 January to 30 June 2021), https://www.gob.mx/cms/uploads/attachment/file/650760/8-AM-AER-Karla-CNB_7_julio_2021.pdf.

17. Annex H - CNDH - *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), para. 109.

to 2020, with a total of 30,¹⁸ 17 of them during the Duarte de Ochoa administration, according to a report by the organisation Article 19.¹⁹ Further, in response to the high levels of gender violence in Veracruz, on 23 November 2016, SEGOB formally issued a Gender Violence Against Women Alert in relation to 11 municipalities in the state of Veracruz, requiring specific actions to address violence against women in mainly indigenous municipalities.²⁰

The massive violence experienced in Veracruz, which continues today, must be understood in a national context of corruption and infiltration of drug cartels at the highest levels of political power.²¹ To date, more than twenty former governors from different Mexican states are under criminal investigation or in detention.²² As in other states,²³ an alliance between organised crime groups and political power was forged in Veracruz, particularly during the government of Duarte de Ochoa (2010-2016), who is currently serving a nine-year prison sentence in Mexico.²⁴ Under Duarte de Ochoa, Veracruz went through one of its worst periods of violence and disappearances,²⁵ including the cases of enforced disappearance that the signatory organisations consider amount to crimes against humanity. As described below, many of the crimes of enforced disappearance in Veracruz were carried out by state authorities, organised crime or both, acting in concert, with the collusion between political leadership and organised crime facilitating the alarmingly high levels of violence and impunity.²⁶

The following section will outline the origins of the violence that occurred during the term of office of former governor Duarte de Ochoa in the state of Veracruz, analysing:

1. the increase and fragmentation of the power of organised crime groups in the state;
2. the militarisation of public security and the “mando unico” (unified command); and
3. the collusion between political power and organised crime.

These three elements contribute to an understanding of the massive violence experienced in the state since the term of former governor Duarte de Ochoa, which began in 2010.

18. Article 19, “Democracia simulada, nada que aplaudir” (Simulated democracy, nothing to applaud) (2018), 20. This result coincides with the findings of the CNDH in November 2019, which described Veracruz in its report as the most lethal state to conduct journalism between 2000 and 2019. Annexed to this communication is also a report that provides various figures on criminality in Veracruz between 2006 and 2019. Annex F - Crime figures. Among the journalists murdered in Veracruz it is worth noting the story of Regina Martínez, killed in 2012, who was investigating links between politicians and drug cartels. In 2020 the group *Forbidden Stories* revealed that, shortly before her death, Regina Martínez planned to publish an investigation into the thousands of disappeared persons in Veracruz. See Paloma Dupont de Dinechin, “Regina Martínez, Sur les traces d’une vérité enterrée,” *Forbidden Stories* (6 December 2020) <<https://forbiddenstories.org/fr/regina-martinez-sur-les-traces-dune-verite-enterree/>> accessed 20 September 2022.

19. Manu Ureste, “Ellos son los 17 periodistas asesinados durante el gobierno de Duarte” (These are the 17 journalists murdered during Duarte’s government), *Animal Político*, 19 April 2017, <https://www.animalpolitico.com/2017/04/periodistas-asesinados-veracruz-duarte/>, accessed on 9 July 2021; Article 19, “Democracia simulada, nada que aplaudir” (2018), 20.

20. SEGOB, “Segob emite Alerta de Violencia de Género contra las Mujeres en once municipios de Veracruz” (SEGOB issues Alert on Gender Violence against Women in eleven Veracruz municipalities), <https://www.gob.mx/conavim/prensa/segob-emite-alerta-de-violencia-de-genero-contra-las-mujeres-en-once-municipios-de-veracruz?idiom=es>, accessed on 27 October 2021.

21. See International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), i.

22. US Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (R41576, 2020), 9 (“Twenty former state governors, many from the long-dominant Institutional Revolutionary Party (PRI), were under investigation or in jail in 2018”). In addition, the former governor of Nayarit was arrested in June 2021. See Georgina Zerega, “Detenido el exgobernador de Nayarit Roberto Sandoval”, *El País*, 6 June 2021, <https://elpais.com/mexico/2021-06-06/detenido-el-exgobernador-de-nayarit-roberto-sandoval.html>, accessed on 9 July 2021; FIDH and IDHEAS, “Mexico: Criminal structure within the Public Prosecutor’s Office of the State of Nayarit and crimes against humanity”, (Report 769a, 2021).

23. See for example, FIDH and IDHEAS, “Mexico: Criminal structure within the Public Prosecutor’s Office of the State of Nayarit and crimes against humanity”, (Report 769a, 2021), https://www.fidh.org/IMG/pdf/fidh-idheas_-_nayarit_report_english_.pdf.

24. Arturo Angel, “Juez sentencia a Javier Duarte a nueve años de prisión por asociación delictuosa y lavado de dinero” (Judge sentences Javier Duarte to nine years in prison for criminal association and money laundering), *Animal Político*, 26 September 2018, <https://www.animalpolitico.com/2018/09/duarte-se-declara-culpable/>, accessed on 9 July 2021.

25. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 16.

26. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), i, 1.



In Veracruz, victims' collectives search for their loved ones in the mass clandestine grave Colinas de Santa Fe, 2016. © Colectivo Solecito de Veracruz

A. Origins of the violence

According to various studies, in the 1990s drug trafficking began to take hold in the state of Veracruz through the *Cártel del Golfo* (Gulf Cartel), a group that gained power through collusion with the governments of the *Partido Revolucionario Institucional* (Institutional Revolutionary Party - PRI), the dominant party in Mexico between 1929 and 2000.²⁷

In 2000, with the PRI's loss in elections at the federal level for the first time in 71 years and the arrival of President Vicente Fox of the *Partido Acción Nacional* (National Action Party - PAN), the comfortable mechanisms of political control and alliance between the PRI and organised crime disintegrated, both in Veracruz and in other states, leading to increased fragmentation and the creation of new criminal organisations, which began to compete with each other for influence over the political and economic system, becoming more and more violent.²⁸

27. In the late 1990s, "[TRANSLATION] [v]iolence, while maintaining a downward trend, was split between struggles over land and cacique domination, along with violence generated by drug trafficking that began to increase." See Víctor Manuel Andrade Guevara, "Violencia y Régimen político en Veracruz, México: 1936-2016" (Violence and Political Regime in Veracruz, Mexico: 1936-2016) (2018), *Memorias: Revista Digital de Arqueología e Historia desde el Caribe* 35, 66.

28. International Crisis Group, "Veracruz: Fixing Mexico's State of Terror" (Report No. 61 on Latin America & Caribbean, 2020), 7; US Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (R41576, 2020), 11 ("The splintering of the large DTOs [drug trafficking organisations] into competing factions and gangs of different sizes began in 2007 and continues today. The emergence of these different crime groups, ranging from TCOs [transnational criminal organisations] to small local mafias (with certain trafficking or other crime specialties), has made the crime situation diffuse and the crime groups' behavior harder to suppress or eradicate").

In Veracruz, the progressive loss of PRI hegemony and the advance of the PAN²⁹ created a situation in which state governors began to negotiate directly with organised crime, “an area that was previously the preserve of the federal government”.³⁰ This political destabilisation, coupled with the violence and militarisation of the war on drugs, as outlined below, led to a visible strengthening of the power and autonomy of organised crime in the state, which ended up taking over political power and institutions in the state of Veracruz.³¹

The following section will outline the various organised crime groups operating in the state of Veracruz before and during the Duarte de Ochoa administration, as well as their violent dispute over territorial control in the state.

1. Rise and fragmentation of the power of organised crime groups

Although violence in Veracruz increased considerably from 2010 to 2016 during Duarte de Ochoa’s six-year term, the presence of criminal organisations linked to trafficking in Veracruz has historical roots that can be traced back to the 1980s, with the growth in drug trafficking through the port of Veracruz, Tuxpan and Coatzacoalcos by the *Cártel de Matamoros*, later named the Gulf Cartel.³² Trafficking via the port of Veracruz, Tuxpan and Coatzacoalcos was dubbed the “Gulf route” and constitutes a drug trafficking corridor of national and international importance.³³ Between 2006 and 2020, there were four main groups in dispute in the region: Gulf Cartel, *Cártel de los Zetas* (Los Zetas), *Cártel de Sinaloa* (Sinaloa Cartel) and *Cártel Jalisco Nueva Generación* (Jalisco New Generation Cartel - CJNG), joined by a multiplicity of cells and factions.³⁴

Between 2004 and 2010, the Gulf Cartel consolidated its presence in Veracruz through Los Zetas, at the time operating as its armed wing,³⁵ which managed to control a large part of Veracruz territory, including strategic points such as the port of Veracruz and the main roads that cross the

29. The PAN eventually won the elections to state governor of Veracruz in 2016 with Miguel Ángel Yunes, who forged an alliance with the *Partido de la Revolución Democrática* (Party of the Democratic Revolution, hereinafter “PRD”).

30. [TRANSLATION] Celia del Palacio and Alberto J. Olvera, “Acallar las voces, ocultar la verdad, Violencia contra los periodistas en Veracruz” (Silencing voices, hiding the truth: violence against journalists in Veracruz), (2017), *Argumentos* 30(85), 20.

31. See International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 7-13; “Panorámica sobre seguridad y justicia en Veracruz”, (Overview of security and justice in Veracruz), *México SOS*, 2018, <http://www.mexicosos.org/dossier/archivo-sos/archivo-sos-2018/1312-panoramica-sobre-seguridad-y-justicia-en-veracruz>, accessed on 8 July 2021; Eva Usi “México: ‘Veracruz está a merced del crimen organizado’” (Mexico: ‘Veracruz is at the mercy of organised crime’), *Deutsche Welle*, 13 October 2016, <https://p.dw.com/p/2RCEF>, accessed on 8 July 2021.

32. See “Cartel del Golfo” (Gulf Cartel), *InSight Crime*, 30 October 2010, <https://es.insightcrime.org/noticias-crimen-organizado-mexico/cartel-del-golfo-perfil/>, accessed on 8 July 2021; Jesús Aranda, “Detecta el Ejército Mexicano tres rutas nacionales que usa el narco hacia EU” (Mexican Army detects three domestic routes used by drug traffickers to the US), *La Jornada*, 30 April 2007, <https://www.jornada.com.mx/2007/04/30/index.php?section=politica&article=020n1pol>, accessed on 8 July 2021; “Panorámica sobre seguridad y justicia en Veracruz” (Overview of security and justice in Veracruz), *México SOS*, 2018, <http://www.mexicosos.org/dossier/archivo-sos/archivo-sos-2018/1312-panoramica-sobre-seguridad-y-justicia-en-veracruz>, accessed on 8 July 2021; Eduardo Guerrero Gutiérrez, “El dominio del miedo” (The domain of fear), *Nexos*, 1 July 2014, <https://www.nexos.com.mx/?p=21671>, accessed on 8 July 2021.

33. Ibid. See also “Del centro al Golfo: éstas son las rutas de drogas y armas en México” (From the centre to the Gulf: these are Mexico’s drug and arms routes), *Milenio*, 28 August 2020, <https://www.milenio.com/politica/rutas-del-narcotrafico-en-mexico-por-traffic-de-drogas>, accessed on 8 July 2021; Annex O – Veracruz State Human Rights Commission - General Recommendation 01/2017, para. 61.

34. These include *Mata-Zetas*, *Grupo Sombras*, *Sangre Nueva*, *Zetas Vieja Escuela*, *Cartel del Siglo*, *Cartel del Noreste*, *Los Antrax* and *Jarochos Unidos*, among others. See Rodrigo Gutiérrez González, “Los cárteles de la droga que operan en Veracruz” (Drug cartels operating in Veracruz), *La Silla Rota*, 28 August 2019, <https://lasillarota.com/estados/los-carteles-de-la-droga-que-operan-en-veracruz/312545>, accessed on 8 July 2021; Miguel Ángel León Carmona, “Guerra de carteles asola el sur de Veracruz” (Cartel warfare rages in southern Veracruz), *Pie de Página*, 7 February 2020, <https://piedepagina.mx/guerra-de-carteles-asola-el-sur-de-veracruz>, accessed on 8 July 2021; Rodrigo Gutiérrez González “¿Cártel en declive? Hay 12 células de ‘Los Zetas’ operando en el país” (Cartel in decline? 12 “Los Zetas” cells operating in the country), *La Silla Rota*, 22 October 2020, <https://lasillarota.com/nacion/cartel-en-declive-hay-12-celulas-de-los-zetas-operando-en-el-pais/447029>, accessed on 8 July 2021; “Narcoterror en Veracruz: abandonaron cuerpos descuartizados a nombre del ‘Miauuu’” (Narcoterror in Veracruz: dismembered bodies abandoned in the name of “Miauuu”), 2 April 2021, <https://www.infobae.com/america/mexico/2021/04/03/narcoterror-en-veracruz-abandonaron-cuerpos-descuartizados-a-nombre-del-miauuu/>, accessed on 8 July 2021; IMDHD, “Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos” (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation “Blindaje Coatzacoalcos”), (2020), 16.

35. Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 2.

state³⁶. The mode of criminal organisation of Los Zetas, which at its inception was composed of elite military deserters from the army, was based on a corporate paramilitary model that combined the use of military tactics and strategies with the diversification of financial activities that included not only drug trafficking but also extortion, kidnapping, money laundering and the theft of fuel and energy resources.³⁷

The successful expansion of Los Zetas in Veracruz laid the groundwork for their independence from the Gulf Cartel, which, coupled with a series of arrests and assassinations of the top leaders of both cartels, led to one of the bloodiest confrontations in the history of organised crime in Mexico. The war between the Gulf Cartel and Los Zetas lasted from 2007 until 2014.³⁸ In this protracted conflict, other major organisations joined the dispute for territory, including the Sinaloa Cartel and the CJNG, paving the way for a process of fragmentation, competition and diversification of criminal groups, accompanied by an increase in violence in the region.³⁹

During this conflict, Los Zetas carried out a widespread practice of disappearances, as well as ruthless physical violence with mutilations, dismemberment, dissolution of bodies in acid, cremations and subsequent pulverisation of the skeletal remains, ending on numerous occasions with the display of these mutilated bodies in public places with messages to the authorities, rival groups and the population in general.⁴⁰ It should be noted that patterns of violence and corruption had different characteristics depending on the city or municipality. For example, in the city of Veracruz, where the cases described in this communication took place, there was a violent dispute between Los Zetas and the CJNG, while in other areas different cartels were involved.⁴¹

36. Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 2.

37. US Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (R41576, 2020), 16, 21-24; Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 22-23.

38. Ioan Grillo, "REPORTE ESPECIAL-Zetas, de guerra narco a insurgencia en México" (SPECIAL REPORT – *Los Zetas*, from drug war to insurgency in Mexico), *Reuters*, 30 May 2012, <https://www.reuters.com/article/portada-mexico-zetas-idLTASIE84S0H420120529>, accessed on 8 July 2021; Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 33-35. Other sources give 2008 as the date of the Los Zetas split from the Gulf Cartel. See "Panorámica sobre seguridad y justicia en Veracruz" (Overview of security and justice in Veracruz), *Mexico SOS*, 2018, <http://www.mexicosos.org/dossier/archivo-sos/archivo-sos-2018/1312-panoramica-sobre-seguridad-y-justicia-en-veracruz>, accessed on 8 July 2021.

39. US Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (R41576, 2020), 28-29.

40. Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 67-68. The dominance of Los Zetas was resisted not only by the Gulf Cartel, but by other criminal organisations that tried to dispute the territory through the use of violence. One of these criminal cells were the *Mata-Zetas*, who, starting in 2010, with the support of the Sinaloa Cartel, sought to eliminate Los Zetas in the area of the Port of Veracruz. In the context of these disputes, on 26 September 2011, 35 bodies were abandoned in one of the main streets of Boca del Río (a municipality adjacent to the Port of Veracruz). This was followed by a series of murders that within 17 days claimed the lives of at least 100 people, all of them allegedly linked to Los Zetas. In a video disseminated on social networks, the *Mata-Zetas* claimed responsibility for the murders. Subsequently, this criminal cell was linked to the CJNG, who, from 2015 onwards, strengthened their presence in the state through different groups. Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 43. See also "Los Mata Zetas se «disculpan» por los asesinatos en Veracruz" (Mata Zetas 'apologise' for killings in Veracruz), *Animal Político*, 26 September 2011, <https://www.animalpolitico.com/2011/09/los-mata-zetas-se-disculpan-por-los-asesinatos-en-veracruz/>, accessed on 8 July 2021; Manrique Guandaria, "Veracruz está bajo el asedio de dos cárteles" (Veracruz under siege from two cartels), *El Sol de México*, 26 April 2019, <https://www.elsoldemexico.com.mx/republica/sociedad/veracruz-esta-bajo-el-asedio-de-dos-carteles-3371950.html>, accessed on 8 July 2021; Paris Alejandro Salazar, "Llegaron como 'Mata Zetas', hoy son el CJNG y van por Veracruz" (They arrived as 'Mata Zetas', today they are the CJNG and are going for Veracruz), *La Silla Rota*, 10 March 2016, <https://lasillarota.com/estados/llegaron-como-mata-zetas-hoy-son-el-cjng-y-van-por-veracruz/106650>, accessed on 8 July 2021; Nathan P. Jones "The Strategic Implications of the Cartel de Jalisco Nueva Generación" (2018) 11(1) *Journal of Strategic Security* 19, 21; Jorge Monroy "En dos años, el CJNG se independizó y duplicó presencia" (In two years, CJNG became independent and doubled its presence), *El Economista*, 14 May 2015, <https://www.economista.com.mx/politica/En-dos-anos-el-CJNG-se-independizo-y-duplico-presencia-20150514-0072.html>, accessed on 8 July 2021.

41. FIDH interviews. See also Víctor Manuel Andrade Guevara, "Violencia y Régimen político en Veracruz, México: 1936-2016" (Violence and Political Regime in Veracruz, Mexico: 1936-2016) (2018), *Memorias: Revista Digital de Arqueología e Historia desde el Caribe* 35, 70 ("[TRANSLATION] With the arrival of Javier Duarte things got worse. Violence escalated throughout the state, reaching its peak in September 2011, when 35 bodies were dumped in the vicinity of the World Trade Centre in the city of Boca del Río, moments before the start of a summit of the country's public prosecutors. The incident was attributed to the criminal group known as the *Cartel Jalisco Nueva Generación* (CJNG), which had entered the state with the aim of disputing control of the port of Veracruz with Los Zetas, who had had hegemonic control until that point"); "Los cárteles de la droga que operan en Veracruz" (Drug cartels operating in Veracruz), *La Silla Rota*, 28 August 2019, <https://lasillarota.com/estados/los-carteles-de-la-droga-que-operan-en-veracruz/312545>, accessed on 8 July 2021.

Figure 1: Map of organised crime 2010-2015

Source: IMDHD⁴²



Despite these violent disputes, Los Zetas remained the dominant group in Veracruz until 2015. However, the death of Heriberto Lazcano (Z3) in October 2012, the arrest of Miguel Ángel Treviño Morales (Z40) in June 2013 and of his brother Omar Treviño Morales (Z42) in November 2014 opened the door to a process of fragmentation and an internal fight for power between the Zetas *Vieja Escuela* (Old School Zetas) and the *Cártel del Noreste* (North East Cartel),⁴³ which resulted in the introduction of other criminal groups in Veracruz⁴⁴ and the increased presence of the CJNG. According to various sources, from 2015 onwards, the CJNG began to increase its presence in the state of Veracruz.⁴⁵ At the time of writing, different sources point to the presence of various groups, but there is no agreement on which are the main ones.⁴⁶

In 2019, in a special report on the security situation and the disappearance of persons in Veracruz, the CNDH stated that the presence and increase of organised crime groups in the state has

42. IMDHD, "Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos" (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation "Blindaje Coatzacoalcos") (2020), 17.

43. US Congressional Research Service, *Mexico: Organized Crime and Drug Trafficking Organizations* (R41576, 2020), 23; Guadalupe Correa-Cabrera, *Los Zetas Inc. Criminal Corporations, Energy, and Civil War in Mexico* (1st ed. University of Texas Press 2017), 50-51; "Seis grupos criminales se disputan el control de Tamaulipas" (Six criminal groups fight for control of Tamaulipas), *Punto por Punto*, 25 June 2021, <https://www.puntoporpunto.com/reportajes-2/reportajes-en-punto/seis-grupos-criminales-se-disputan-el-control-de-tamaulipas/>, accessed on 8 July 2021.

44. International Crisis Group, "Veracruz: Fixing Mexico's State of Terror" (Report No. 61 on Latin America & Caribbean, 2020), 17.

45. Monte Alejandro Rubido, "Cártel de Jalisco se expande a Veracruz para enviar drogas" (*Cártel de Jalisco expands into Veracruz to supply drugs*), *El Financiero*, 6 May 2015, <https://www.elfinanciero.com.mx/nacional/cartel-de-jalisco-se-expande-a-veracruz-para-enviar-drogas/>, accessed on 8 July 2021; Jorge Monroy, "En dos años, el CJNG se independizó y duplicó presencia" (In two years, CJNG became independent and doubled its presence), *El Economista*, 14 May 2015, <https://www.eleconomista.com.mx/politica/En-dos-anos-el-CJNG-se-independizo-y-duplico-presencia--20150514-0072.html>, accessed on 8 July 2021; "El Cártel Jalisco Nueva Generación infestó el puerto de Veracruz para el ingreso de precursores químicos" (The *Cártel Jalisco Nueva Generación* infested the port of Veracruz to bring in precursor chemicals), *Infobae*, 5 October 2020, <https://www.infobae.com/americas/mexico/2020/10/05/el-cartel-jalisco-nueva-generacion-infesto-el-puerto-de-veracruz-para-el-ingreso-de-precursores-quimicos/>, accessed on 8 July 2021; IMDHD, "Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos" (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation "Blindaje Coatzacoalcos") (2020), 17.

46. See for example, "En Veracruz operan 6 cárteles 'y están disminuidos'" (Six cartels operate in Veracruz "and they are diminished"), *Diario de Xalapa*, <https://www.diariodexalapa.com.mx/local/en-veracruz-operan-6-carteles-y-estan-disminuidos-inseguridad-ssp-delitos-cjng-zetas-delincuencia-veracruz-5998076.html>, accessed on 8 July 2021.

been one of the main causes of disappearances: “One of the causes behind the proliferation of disappearances, are the struggles between different criminal groups operating in the territory of the state of Veracruz, who by carrying out such criminal conduct seek to implement strategies to deter their rivals and sow fear in the population. However, this *modus operandi* also affects people not linked to organised crime groups, who are systematically besieged by these groups through crimes such as kidnapping and extortion (*derecho de piso*),⁴⁷ and disappearance”.⁴⁸

The following section describes the centralisation and militarisation of public security through the establishment of the “*mando único*” (unified command) in Veracruz, which is an important component for gaining an understanding of the enforced disappearances committed by Veracruz state authorities, sometimes acting in collusion with organised crime, as described below.

2. Militarisation of public security and the “mando único” (unified command)

During the so-called war on drugs promoted by former President Felipe Calderón from 2006 onwards, there was an increased militarisation of public security services at the national level. Within this context, at the end of 2011, Operation “Veracruz Seguro” (Safe Veracruz) was implemented in the state of Veracruz, a year into Duarte de Ochoa’s term of office.⁴⁹ The operation established a “unified command” (*mando único*) of navy and army forces, which, together with Veracruz state security forces, was intended to coordinate actions to combat drug trafficking in the state.⁵⁰ During the ceremony to launch the operation, the head of the Ministry of the Interior, Francisco Blake Mora, announced: “We are strengthening the deployment of federal security forces throughout the state territory under a unified federal command to recover the spaces invaded by crime and make them safe again.”⁵¹

Under this new “unified command” scheme, in December 2011, the Intermunicipal Police of the municipalities of Veracruz and Boca del Río was dissolved, and its resources were made responsibility of the State Office for Public Security – the State entity in charge of the Veracruz State Police – with the support of the Ministry of the Navy.⁵² Likewise, in May 2013, the Intermunicipal Police of the municipalities of Coatzacoalcos, Minatitlán, Cosoleacaque, Nanchital de Lázaro Cárdenas del Río and the police of the municipality of Acayucan were dissolved.⁵³ In this militarisation process, between 2011 and 2018, the Ministry of the Navy carried out 946 military operations concentrated mainly in the municipalities of Veracruz, Coatzacoalcos, Acayucan and Minatitlán, while the Ministry of National Defence (hereinafter “SEDENA”), the entity in charge of the Army and the Air Force, reported 266 operations in 63 of the 212 municipalities in Veracruz.⁵⁴

47. The so-called “*derecho de piso*” (protection money) refers to extortion carried out against small and large-scale traders to allow them to carry out their work and business, by organised crime groups who offer protection and, in case of refusal to pay, make threats and direct attacks against business owners.

48. [TRANSLATION] Annex H – CNDH - *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 5-6.

49. Fabiola Martínez, “Aplicarán operativo conjunto contra el crimen en Veracruz” (Joint anti-crime operation to be implemented in Veracruz), *Periódico La Jornada*, 5 October 2011, <https://www.jornada.com.mx/2011/10/05/politica/002n1pol>, accessed on 13 July 2021.

50. Fabiola Martínez, “Aplicarán operativo conjunto contra el crimen en Veracruz” (Joint anti-crime operation to be implemented in Veracruz), *Periódico La Jornada*, 5 October 2011, <https://www.jornada.com.mx/2011/10/05/politica/002n1pol>, accessed on 13 July 2021.

51. Fabiola Martínez, “Aplicarán operativo conjunto contra el crimen en Veracruz” (Joint anti-crime operation to be implemented in Veracruz), *Periódico La Jornada*, 5 October 2011, <https://www.jornada.com.mx/2011/10/05/politica/002n1pol>, accessed on 13 July 2021.

52. Annex R – Veracruz and Boca del Río Decree (File no. 1610), Article 1. See also Annex S – IDHEAS - complaint to CED (2021); “Echaron a todos los policías de Veracruz-Boca del Río” (All the Veracruz-Boca del Río police officers have been sacked), *El Sol*, 22 December 2011, <https://www.elsol.com.ar/echaron-a-todos-los-policias-de-veracruz-boca-del-rio.html>, accessed on 13 July 2021.

53. IMDHD, “Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos” (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation “Blindaje Coatzacoalcos”) (2020), 37.

54. Annex H - CNDH - *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 297-98, 307-08.

Table 1. Military operation carried out in Veracruz between 2011 and 2018

| Federal entity in charge | N° of operations |
|--------------------------|------------------|
| Ministry of the Navy | 946 |
| SEDENA | 266 |

Source: authors' work, based on Annex H

At the same time, a budget of more than 532 million Mexican pesos was allocated to Operation "Veracruz Seguro", for the integration of technology, the purging of local police forces⁵⁵ and the creation of new police forces, including the new Accredited State Police and tactical and specialised groups⁵⁶ of the Civil Force, which operated under the State Office for Public Security.⁵⁷

The new State Police sought the unification of municipal and state police to guarantee unity of command, with the application of evaluations and trust checks, the development of information and communications technologies, changes in police operation based on the standardisation of interventions and the integration of new technical, logistical and strategic capacities in three units (tactical analysis, investigation and operations), as well as the implementation of a Police Professional Development system through police training.⁵⁸ Meanwhile, new tactical and intelligence elements were established within the State Office for Public Security, under the direction of the Civil Force.⁵⁹ The result was paradoxical and resulted in an increase of violence, such that in Veracruz: "the more police there are, the more crime there is".⁶⁰

The policy of militarisation of public security, as has been mentioned, was directed at the unification of police forces in the state and the reduction of municipalities' powers in relation to public security, in line with the national police reform strategy.⁶¹ However, given the context of corruption in Veracruz, as described below, where organised crime had penetrated state and municipal structures, policies on security and militarisation, far from combating drug trafficking effectively, functioned as catalysts for disappearances with the creation of an environment of violence, impunity, collusion

55. Fernando Javier Araujo Pulido, "La violencia originada por el operativo Veracruz seguro II en la zona metropolitana de Xalapa en 2012: Un análisis desde la perspectiva de la seguridad nacional, el narcotráfico y los derechos humanos" (Violence caused by Operation "Veracruz Seguro II" in the metropolitan area of Xalapa in 2012: An analysis from the perspective of national security, drug trafficking and human rights) (2017), University of Veracruz, Institute of Historical Social Research, 84-85; Patricia Dávila "Gobierno de Calderón anuncia mando único para Veracruz" (Calderón's government announces unified command for Veracruz), *Proceso*, 4 October 2011, <https://www.proceso.com.mx/nacional/2011/10/4/gobierno-de-calderon-%20anuncia-mando-unico-para-veracruz-92944.html>, accessed on 13 July 2021.

56. Internal Regulations of the State Office for Public Security 2014, Official Gazette No. Ext. 418, Vol. CXC; Noé Zavaleta, "Duarte presenta su nueva súper policía en un Veracruz 'con menos delitos'" (Duarte presents his new super police in a Veracruz 'with less crime'), *Proceso*, 21 October 2014, <https://www.proceso.com.mx/nacional/estados/2014/10/21/duarte-presenta-su-nueva-super-policia-en-un-veracruz-con-menos-delitos-138757.html>, accessed on 13 July 2021.

57. Manual específico de organización de la dirección general de la fuerza civil (Specific organisational manual of the general directorate of the civil force) (2017). See also International Crisis Group, "Veracruz: Fixing Mexico's State of Terror" (Report No. 61 on Latin America & Caribbean, 2020), 14.

58. Manual del Sistema Integral de Desarrollo Policial (Comprehensive Police Development System Manual) (2011), <http://www.cespver.gob.mx/wp-content/uploads/sites/3/2011/02/Manual-Sistema-Integral-de-Desarrollo-Policial.pdf>; Programa Veracruzano de Seguridad Pública (Veracruz Public Security Programme) 2011-2016, <http://www.veracruz.gob.mx/wp-content/uploads/sites/2/2012/08/tf07-ps-pvd-11-16-pvsp-11.pdf>; Reglamento del Sistema Integral de Desarrollo Policial (Regulation on the Comprehensive Police Development System), Official Gazette No. Ext. 29, Vol. CLXXXI.

59. See Noé Zavaleta, "Duarte presenta su nueva súper policía en un Veracruz 'con menos delitos'" (Duarte presents his new super police in a Veracruz 'with less crime'), *Proceso*, 21 October 2014, <https://www.proceso.com.mx/nacional/estados/2014/10/21/duarte-presenta-su-nueva-super-policia-en-un-veracruz-con-menos-delitos-138757.html>, accessed on 13 July 2021.

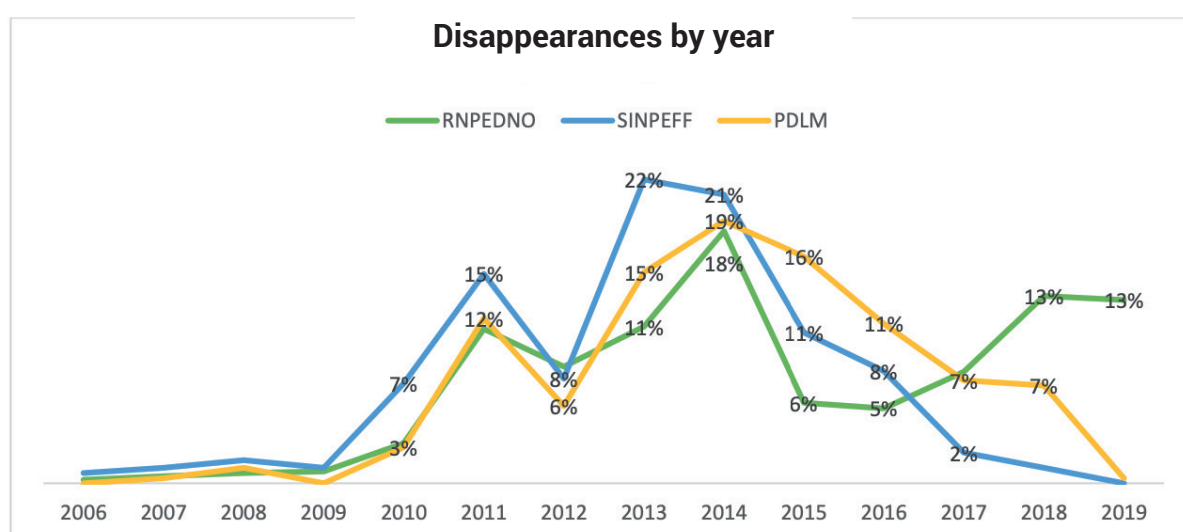
60. José Alfredo Zavaleta Betancourt, "La seguridad pública en Veracruz, 2004-2009" (Public security in Veracruz, 2004-2009) (2012), CLASCO 51. See also International Crisis Group, "Veracruz: Fixing Mexico's State of Terror" (Report No. 61 on Latin America & Caribbean, 2020), 6. "Recent studies highlight a correlation between the militarisation of public security and a spike in human rights abuses by police and armed forces".

61. Similar strategies of militarisation of public security to those conducted in Veracruz were implemented in Tamaulipas, Chihuahua, Guerrero and Michoacán as part of the War on Drugs. [TRANSLATION] "One of the precedents was Joint Operation Tamaulipas and, in January 2008, Operation Northeast, bringing hundreds of military and navy personnel to Nuevo León and Tamaulipas. There have also been federal mechanisms of this type in Chihuahua, Guerrero and Michoacán". Fabiola Martínez, "Aplicarán operativo conjunto contra el crimen en Veracruz" (Joint anti-crime operation to be implemented in Veracruz), *Periódico La Jornada*, 5 October 2011, <https://www.jornada.com.mx/2011/10/05/politica/002n1pol>, accessed on 13 July 2021.

and omission. As a result, there was a significant rise in cases of enforced disappearances during this time period.

As the Veracruz State Human Rights Commission stated in its 2017 general recommendation (General Recommendation 1/2017) on enforced disappearances that occurred during the Duarte de Ochoa administration, the militarisation policy “only exacerbated the violence ... [which, from 2011] began to reach critical levels with the execution of “cleansing operations” between members of different cartels; the perpetration of kidnappings, extrajudicial executions, extortions, and disappearances; and violence against accidental witnesses, generally from civil society, and against journalists”.⁶²

The implementation of the unified command policy during Duarte de Ochoa’s administration saw some of the most violent years in terms of enforced disappearances, particularly between 2013 and 2014, as shown in the graph below.



Source: authors’ work, based on figures from RNPEDNO, SINPEFF and PDLM.⁶³

It should be noted that the security and unified command policies in Veracruz were combined with tight control and manipulation of information on violence, crime and insecurity in the state. This allowed for a dissemination of false information that minimised the seriousness of the situation in relation to disappearances and violence. One of the clearest manifestations of this was the manipulation of statistics on disappearances and the lack of transparency in the records. This is one of the reasons for the lack of certainty about the number of disappeared persons in Veracruz, as well as the exact number of victims that have been found.⁶⁴

Veracruz’s security policy and those who enforced it are some of the key elements to understanding the enforced disappearances that took place in the state, as well as the responsibility of the Duarte de Ochoa administration and beyond. State and municipal police, along with other security agencies at the federal level, were responsible for hundreds of enforced disappearances in Veracruz, sometimes acting in complicity with organised crime groups, installing a regime of terror in the state based on violence and underpinned by corruption and impunity. As noted by

62. Annex O – Veracruz State Human Rights Commission - General Recommendation 01/2017, para. 63.

63. SINPEFF refers to the database of the *Sistema de Información Nacional de Personas Extraviadas y Fallecidas No Identificadas* (National Information System on Missing and Unidentified Deceased Persons), set up by the CNDH. See Annex F - Crime figures.

64. “Veracruz, tres años ocultando las cifras de personas” (Veracruz, three years hiding the figures on the number of people), *AVC Noticias*, 13 June 2020, <https://avcnoticias.com.mx/resumen.php?idnota=296794>, accessed on 13 July 2021; “CNDH: Cifras de desaparecidos en Veracruz son alteradas” (CNDH: Figures on missing persons in Veracruz are altered), *ONEA*, 2 October 2017, <http://oneamexico.org/2017/10/02/cndh-desaparecidos-veracruz/>, accessed on 13 July 2021.

the Veracruz State Human Rights Commission in its General Recommendation 1/2017, “The incidence of disappearances in the State was due - in part - to the direct participation of state agents, but also to that of private individuals acting with the tolerance and acquiescence of the authorities”.⁶⁵ The processes of militarisation of public security and the successive reforms to the police institution not only failed to address the problem – they exacerbated it.

The collusion of political power with organised crime in Veracruz, particularly during the Duarte de Ochoa administration, is described below.

3. The collusion of political power and organised crime

In parallel to the violence and fragmentation between organised crime groups, in particular between the years 2007 and 2014, as well as the introduction of the unified command policy, Veracruz also lived through a process of corruption of the political leadership in the state, which increasingly worked at the service of drug cartels.⁶⁶

Prior to 2006, which dates the beginning of the so-called war on drugs, organised crime groups had already infiltrated the state’s political life. According to an analysis by the University of Texas of testimonies in criminal trials in the US against members of Los Zetas, Fidel Herrera Beltrán, governor of Veracruz representing the PRI between 2004 and 2010, was accused of receiving money from one of the Los Zetas leaders for his 2004 election campaign.⁶⁷ In addition, various media outlets reported that he had received money from a Chinese businessman accused of trafficking chemical precursors for the production of drugs.⁶⁸ In 2013, *Forbes Mexico* magazine produced a list of the ten most corrupt people in Mexico and stated, with respect to Herrera Beltrán: “As governor of Veracruz, accusations against him concerning alleged connections with Los Zetas criminal group prospered... Currently, there is no ... formal investigation against him”.⁶⁹ Between 2015 and 2017, when Herrera Beltrán was Mexican consul in Barcelona, he was investigated for his links to money laundering and drug trafficking networks in Catalonia.⁷⁰

According to the above-mentioned University of Texas report, the administration of Duarte de Ochoa (PRI) is also accused of links to drug trafficking. One witness described a meeting of Los Zetas cartel in a house belonging to Duarte de Ochoa.⁷¹ In addition, Duarte de Ochoa’s administration’s

65. [TRANSLATION] Annex O – Veracruz State Human Rights Commission - General Recommendation 01/2017, para. 64.

66. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 12. See also Óscar Balderas and Nathaniel Janowitz, “Secretos de un jefe de Los Zetas: el gobierno nos abrió la puerta y hoy pacta con otro cártel” (Secrets of a Los Zetas boss: the administration opened the door to us and is now making a deal with another cartel), *Vice*, 2 June 2016, <https://www.vice.com/es/article/mbdj9y/secretos-jefe-los-zetas-gobierno-abrio-puerta-pacta-otro-cartel>, accessed on 13 July 2021.

67. According to the testimony of an FBI agent during the trials of several Los Zetas members in Texas, USA. Human Rights Clinic - The University of Texas at Austin School of Law, “Control...Over the Entire State of Coahuila: An analysis of testimonies in trials against Zeta members in San Antonio, Austin, and Del Rio, Texas” (2017), 12, <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-EN.pdf>, accessed on 13 July 2021.

68. Herrera has denied the accusations against him. See “Zhenli Ye Gon, el primer gran caso de la guerra contra el narcotráfico” (Zhenli Ye Gon, the first big case in the drug war), *La Silla Rota*, 24 August 2018, <https://lasillarota.com/zhenli-ye-gon-quien-es-narco-coopelas-cuello/243167>, accessed on 13 July 2021; “Zhenli Ye Gon afirma que financió campaña de Fidel Herrera” (Zhenli Ye Gon claims he financed Fidel Herrera’s campaign), *Expreso de Tuxpan*, 9 September 2015, <https://www.expresodetuxpan.com/zhenli-ye-gon-afirma-que-finacio-campana-de-fidel-herrera/>, accessed on 13 July 2021.

69. “Los 10 mexicanos más corruptos de 2013” (The top 10 most corrupt Mexicans of 2013), *Forbes México*, 22 December 2013, <https://www.forbes.com.mx/los-10-mexicanos-mas-corruptos-de-2013/>, accessed on 13 July 2021.

70. Joaquín Gil, “Las amistades tóxicas de Fidel Herrera” (The toxic friendships of Fidel Herrera), *El País*, 6 December 2020, <https://elpais.com/internacional/2020-12-06/las-amistades-toxicas-de-fidel-herrera.html>, accessed on 13 July 2021.

71. Human Rights Clinic – The University of Texas at Austin School of Law, “Control...Over the Entire State of Coahuila: An analysis of testimonies in trials against Zeta members in San Antonio, Austin, and Del Rio, Texas” (2017), 31, <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-EN.pdf>, accessed on 13 July 2021. “Witnesses also named two governors from Veracruz during the trials. Uribe described a meeting with Lazcano, Cien, Daniel Menera, and an accountant that was held at a house belonging to Javier Duarte, who served as governor of Veracruz from 2010 to 2016. According to Uribe, Lazcano murdered the accountant after this meeting in the backyard of this house.”

links to drug trafficking have also been highlighted in various reports and by media outlets.⁷²

Further, there have been multiple formal accusations of corruption against Duarte de Ochoa and his family, linked to his tenure as governor. The *Auditoría Superior de la Federación* (Federal Supreme Audit Office) reported the embezzlement of more than 35 billion pesos after reviewing the 2011-2014 public accounts of the State of Veracruz⁷³. In addition, it was reported that the government of Veracruz purchased more than 70,000 fake HIV tests⁷⁴ and that the Veracruz *Sistema Estatal para el Desarrollo Integral de la Familia* (State System for the Comprehensive Development of the Family – hereinafter “DIF”) - of which Karime Macías Tubilla, then wife of the former governor, was honorary president - diverted more than 415 million pesos to a network of 33 ghost companies.⁷⁵ Further, a new investigation in 2014 reported the diversion by the former governor of Veracruz of 3.5 billion Mexican pesos from various federal funds.⁷⁶ In April 2022, the British State Department ordered the extradition of Macías Tubilla to Mexico, for accusations of fraud. The former governor’s ex-wife had fled to the United Kingdom when Duarte de Ochoa began to be investigated by the Mexican justice system. Macías Tubilla’s lawyers appealed the extradition order and, to date, it remains pending.⁷⁷

In an interview, Maryjose Gamboa Torales, Director of the Veracruz Truth Commission, a state entity created in 2016, declared, “What became clear during Duarte’s term is that organised crime and the state were two sides of the same coin.”⁷⁸ In this regard, it should be noted that a report by the International Crisis Group underlines that organised crime had deeply infiltrated political structures in Veracruz, stating that from 2011 onwards the State Office for Public Security, the entity in charge of the Veracruz State Police, became “an authoritarian-criminal enclave that served as a means to curb free speech, as a criminal structure in its own right and as a key mechanism to facilitate and shield organised criminal activity, including by generating judicial impunity”.⁷⁹

B. Enforced disappearances by state authorities during the Duarte de Ochoa administration

Within this context of the unified command policy and accusations of collusion between political power and organised crime, an alarming number of enforced disappearances committed by the

72. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 12. See also Óscar Balderas and Nathaniel Janowitz, “Secretos de un jefe de Los Zetas: el gobierno nos abrió la puerta y hoy pacta con otro cartel” (Secrets of a Los Zetas boss: the administration opened the door to us and is now making a deal with another cartel), *Vice*, 2 June 2016, <https://www.vice.com/es/article/mbdj9y/secretos-jefe-los-zetas-gobierno-abrio-puerta-pacta-otro-cartel>, accessed on 13 July 2021.

73. Zorayda Gallegos, “La Auditoría revela un desfalco sin precedentes en Veracruz” (Audit reveals unprecedented embezzlement in Veracruz), *El País*, 5 November 2016, https://elpais.com/internacional/2016/11/05/mexico/1478372279_820715.html, accessed on 13 July 2021.

74. David Marical Pérez, “Corrupción: La enfermedad de Veracruz” (Corruption: The disease of Veracruz), *El País*, 2 February 2017, https://elpais.com/internacional/2017/02/01/actualidad/1485989412_661929.html, accessed on 13 July 2021.

75. Valeria Durán and Arturo Ángel, “Con Karime al frente, el DIF-Veracruz entregó más de 415 millones a red de 33 empresas fantasma” (With Karime at the helm, the Veracruz DIF transferred more than 415 million to a network of 33 ghost companies), 30 May 2018, *Animal Político*, <https://www.animalpolitico.com/red-karime-duarte/>, accessed on 13 July 2021.

76. Arturo Ángel, “Indagan nuevo desvío de 3 mil 500 millones con Javier Duarte” (New probe into 3.5 billion diversion under Javier Duarte), *Animal Político*, 8 March 2021, accessed on 13 July 2021.

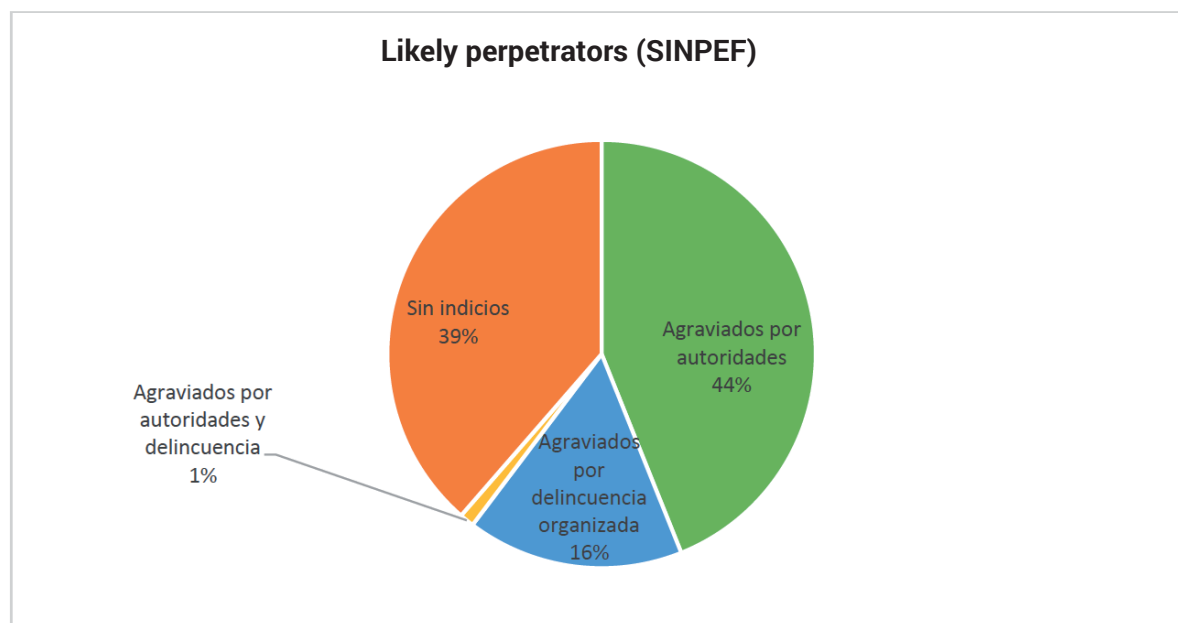
77. Eduardo Murillo, Gustavo Castillo and César Arellano, “FGR inicia proceso de extradición de Karime Macías” (FGR initiates extradition process for Karime Macías), *La Jornada*, 18 April 2021, <https://www.jornada.com.mx/notas/2021/04/18/politica/fgr-inicia-proceso-de-extradicion-de-karime-macias/>, accessed on 13 July 2021; “Karime Macías no será extraditada; es un proceso inconcluso” dice su abogado, *Expansión Política*, 5 April 2022, <https://politica.expansion.mx/mexico/2022/04/05/autoridades-europeas-ordenan-la-extradicion-de-karime-macias/>; “Karime Macías del ‘merezco abundancia’ a la extradición”, *Al Momento*, 7 September 2022, <https://almomento.mx/karime-macias-del-merezco-abundancia-a-la-extradicion/>.

78. The Veracruz Truth Commission was established on 25 November 2016 and is composed of one delegate from each party represented in the local Congress. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 12, 28.

79. International Crisis Group, “Veracruz: Fixing Mexico’s State of Terror” (Report No. 61 on Latin America & Caribbean, 2020), 13. See also Annex H – CNDH - *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 4-5. “[TRANSLATION] One of the main issues that arise in cases of enforced disappearance of persons and disappearance of persons committed by private individuals is the corruption, impunity and complicity of some state authorities, who by their actions or omissions allow the perpetrators of such conduct to act wilfully and with impunity. This means that attempts to secure justice are doomed to failure and thus undermine the possibility of putting an end to this practice.”

state forces were documented in Veracruz.

The level of involvement of state forces in cases of disappearances is shocking: according to a CNDH report, out of 544 cases of disappearance in the state of Veracruz submitted to the SINPEF (for the year 2018), in 239 of them (44%) the victims' families attributed the crimes to municipal, state or federal authorities.⁸⁰ Among the 239 cases where municipal, state or federal authorities were allegedly involved, 45 victims were detained when they were at home; 24 were on business premises; 127 were in public spaces; and in 43 cases it was not possible to determine their location at the time of the events.⁸¹



Source: authors' work, based on SINPEF figures.⁸²

[TRANSLATION]: Authorities (44%); Organised crime (16%); Authorities and organised crime (1%); and no indication of likely perpetrators (39%)

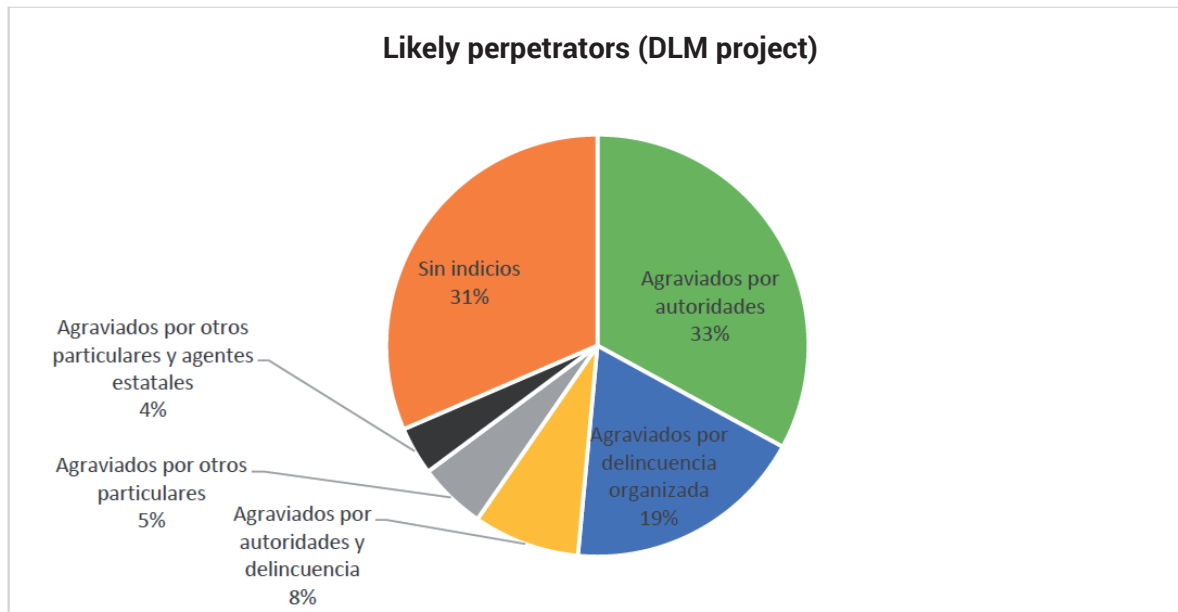
The alleged high-level of involvement of state authorities in cases of enforced disappearances in the CNDH report (SINPEF database) is consistent with the database of the *Dignificando la Memoria* (Dignifying Memory) project (DLM project),⁸³ according to which, based on 270 records, the percentage of cases alleged to have been perpetrated by authorities is 33%, by organised crime 19% and the cases perpetrated jointly by authorities and organised crime is 8%. The DLM project database also records cases of disappearance involving individuals who are not necessarily linked to organised crime (acquaintances, relatives, partners or friends) acting alone (5%) or jointly with state agents (4%).

80. In 16% of the cases, members of organised crime were mentioned, and in 1% of the cases, both. In 39% of the cases, the complainants stated that they did not know whether the events involved the participation of the authorities or members of organised crime. Annex H – CNDH, *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 133-38.

81. Annex H – CNDH - *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 148-49.

82. See Annex F - Crime figures.

83. The DLM project can be accessed at the following website: <https://dignificandolamemoria.org/testimonios>. An explanation of the project can be found in Annex U - IMDHD - *Dignificando la memoria* - La desaparición de personas en Veracruz (The Disappearance of Persons in Veracruz) (2019). See also Annex F - Crime figures.



Source: authors' work, based on IMDHD DLM project figures.⁸⁴

[TRANSLATION]: Authorities (33%); organised crime (19%); Authorities and organised crime (8%); Other private individuals (5%); Other private individuals and state officers (4%); and no indication of likely perpetrators (31%).

Although the data analysed by the CNDH (SINPEF database) and IMDHD (DLM Project) cover a limited time period and are not exhaustive, since they concern the 544 files submitted to SINPEF and 270 records from the DLM project, they do provide a picture of the cases of enforced disappearance in the state and document the high level of participation of government authorities in these events.

State authorities were identified as participants in the disappearances of at least 30 people in Coatzacoalcos in 2015, within the framework of the unified command policy and Operation "Blindaje Coatzacoalcos" (Operation Shielding Coatzacoalcos)⁸⁵, in which agents of the State Office for Public Security, SEDENA, the Navy and the Federal Police participated.⁸⁶ State Police were also identified as involved in the disappearance of 15 people in 2016 in the La Aurora ravine, just 6 kilometres away from the former police academy of El Lencero,⁸⁷ and as alleged perpetrators in 44.3% of the 293 cases registered in the DLM project database⁸⁸ and in 200 cases throughout the state, according to the Solecito collective.⁸⁹

84. Data based on the DLM Project, available at <https://dignificandolamemoria.org/testimonios>; Annex U - IMDHD - *Dignificando la memoria* - La desaparición de personas en Veracruz (The Disappearance of Persons in Veracruz) (2019). See also Annex F - Crime figures.

85. Operation "Blindaje Coatzacoalcos" was a security operation announced by Duarte de Ochoa on May 26, 2014. It was supposedly aimed at preventing and punishing crimes in the municipalities of Coatzacoalcos and surrounding areas. As with other security operations in the state of Veracruz, federal forces were involved and the operation resulted in numerous human rights violations. See IMDHD, "Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos" (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation "Blindaje Coatzacoalcos") (2020).

86. IMDHD, "Informe preliminar: análisis de contexto de las desapariciones forzadas ocurridas en el marco del Operativo Blindaje Coatzacoalcos" (Preliminary report: contextual analysis of enforced disappearances in the framework of Operation "Blindaje Coatzacoalcos") (2020), 6, 37.

87. Noé Zavaleta, "De 15 personas, los restos óseos hallados en Veracruz" (Skeletal remains of 15 people found in Veracruz), *Proceso*, 20 January 2016, <https://www.proceso.com.mx/nacional/2016/1/20/de-15-personas-los-restos-oseos-hallados-en-veracruz-158033.html>, accessed on 13 July 2021.

88. Annex U - IMDHD - *Dignificando la memoria* - La desaparición de personas en Veracruz (The Disappearance of Persons in Veracruz) (2019), 23.

89. Edgar Ávila Pérez, "Vinculan a proceso a ex titular de SSP-Veracruz por presunta desaparición forzada" (Former head of Veracruz State Office for Public Security joined to trial for alleged enforced disappearances), *El Universal*, 14 February 2018, <https://www.eluniversal.com.mx/estados/vinculan-proceso-ex-titular-de-ssp-veracruz-por-presunta-desaparicion-forzada>, accessed on 13 July 2021.

In addition, specialised groups under the command of the Civil Force, such as the *Fuerzas de Reacción* (Reaction Forces) and the *Fieles*, were also identified as among the main perpetrators of disappearances during the period 2010-2016.⁹⁰ Indeed, the former director of the Civil Force of Veracruz was arrested in February 2018 for his alleged involvement in fifteen cases of enforced disappearance. However, in December 2019 he was released from pre-trial detention, along with thirteen other former police officers also accused of enforced disappearances in the state.⁹¹

In this context it is important to mention two events in 2013, contributing to a total of more than 28 disappearances, in which the participation of the State Office for Public Security has been reported. Although they do not form part of the legal analysis on crimes against humanity detailed in the following section of this report, these cases were documented by the signatory organisation Solecito and demonstrate some elements of systematic state involvement. The first case concerns eight municipal police officers who disappeared in the municipality of Úrsulo Galván on 11 January 2013. In this case, municipal police officers, all men, were beaten and intercepted by hooded men in four patrol cars belonging to the State Office for Public Security. Since the date of their disappearance, the victims' families have not heard from them.⁹² The case of Potrero Nuevo, which occurred on 2 August 2013 in the municipality of Atoyac, should also be noted. In that case, more than twenty people, most of them young men, were abducted by more than twelve state police officers, who wore uniforms and were armed and hooded. Despite the insistence and searches by relatives and the Solecito collective, no impartial, prompt and effective investigations have been carried out.

The commission of enforced disappearances by state authorities in Veracruz follows a pattern that is repeated in other states throughout the country. In this regard it is worth noting the final report of the visit of the Committee on Enforced Disappearances ("CED") to Mexico between November 15 and 26, 2021, which included a visit to Veracruz. In its report, the CED highlighted the existence of "several patterns in the commission of acts of enforced disappearance. These patterns can be observed in the vast majority of states (annex 4). Acts of enforced disappearance continue to be committed directly by public officials at the federal, state and municipal levels." At the same time, the CED reiterated "its deep concern that disappearances continue to be widespread over much of the State party's territory and that almost absolute impunity and revictimization prevail in this regard."⁹³

At the same time, as detailed above, in some cases in Veracruz organised criminal groups acted together with state or municipal authorities in carrying out enforced disappearances and other crimes. This has been affirmed by human rights defenders and/or relatives of the victims of these crimes.⁹⁴ In this regard, the case of Christian Téllez Padilla should be noted. Téllez Padilla suffered enforced disappearance in 2010 by the Intermunicipal Police of Poza Rica-Tihuatlán-

90. Jacobo García, "La desaparición de personas en Veracruz era sistemática e institucionalizada" ('The disappearance of people in Veracruz was systematic and institutionalised'), *El País*, 25 February 2018, https://elpais.com/internacional/2018/02/24/mexico/1519510585_044530.html, accessed on 13 July 2021; Miguel Ángel León Carmona, "Los Fieles', policía de élite que tortura y desaparece en Veracruz" ('Los Fieles', elite police that tortures and disappears in Veracruz), *La Silla Rota*, 7 February 2018, <https://lasillarota.com/especiales/sr/los-fieles-policia-de-elite-que-tortura-y-desaparece-en-veracruz/204355>, accessed on 13 July 2021.

91. As will be explained in the next section, the criminal investigation led by former public prosecutor Jorge Winckler Ortiz was marred by allegations of due process violations and witnesses forced to testify under torture. Today, many investigations into enforced disappearances remain at a standstill. See Miguel Ángel León Carmona, "Libres, exfuncionarios de Duarte imputados por desaparición forzada" (Former Duarte officials charged with enforced disappearance freed), *Pie de página*, 23 May 2019, <https://piedepagina.mx/libres-exfuncionarios-de-duarte-imputados-por-desaparicion-forzada/>, accessed on 13 July 2021; Miguel Salazar, "Libre, ex director de la Fuerza Civil acusado de presunta desaparición forzada" (Former director of the Civil Force accused of alleged enforced disappearance freed), *Diario de Xalapa*, 25 December 2019, <https://www.diariodexalapa.com.mx/local/libre-ex-director-de-la-fuerza-civil-acusado-de-presunta-desaparicion-forzada-comandante-meza-inseguridad-desaparicion-secuestro-levanton-4626377.html>, accessed on 13 July 2021.

92. Annex N – Veracruz State Human Rights Commission – File CEDH/1VG/VER/0271/2016 - REC 03/2017, 1-2. See also Annex L - Solecito Collective – Accounts of events from family members.

93. Annex L - Solecito Collective – Accounts of events from family members. "Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention", CED/C/MEX/VR/1 (Findings), paragraphs 13 and 24.

94. FIDH interviews. This was also highlighted by the CED. See "Report of the Committee on Enforced Disappearances on its visit to Mexico under article 33 of the Convention", CED/C/MEX/VR/1 (Findings), paragraph 13 ("In addition, persons involved in organized crime, with various forms of collusion and varying degrees of participation, acquiescence or omission by public officials, have become some of the main perpetrators of disappearances.")

Coatzintla, an entity which has been denounced for its collaboration with the group Los Zetas.⁹⁵ Following a communication submitted by the victim's relatives, represented by the signatory organisation IDHEAS, the UN Human Rights Committee issued an opinion against the Mexican State stating that an enforced disappearance had taken place and that "the investigations carried out do not appear to have been prompt or thorough; were not carried out with due diligence; were not independent and impartial; and have been ineffective in clarifying the circumstances of Mr. Téllez Padilla's disappearance or his fate and whereabouts, and in identifying those responsible."⁹⁶ It should also be noted that the Committee recognised a general context of enforced disappearances in the state of Veracruz: "Against a general context of human rights violations – in particular, a practice enforced disappearances – prevailing at the time and place of the events ..., and in light of the consistent account of the events and the documentation submitted by the authors, the Committee considers that the State party has not provided an adequate and concrete explanation to refute the authors' allegations concerning the alleged enforced disappearance of Mr. Téllez Padilla."⁹⁷

As highlighted by the UN Human Rights Committee, not only have state authorities been implicated in the commission of enforced disappearances, but they have also failed to investigate and sanction most of the perpetrators involved. The next section analyses the serious situation of impunity that has reigned in the state of Veracruz and that persists to this day.

C. Ongoing impunity

Duarte de Ochoa's administration, during which the crimes against humanity described below were committed, terminated abruptly on 12 October 2016, 48 days before the end of his term, embroiled in a series of corruption scandals, increasing violence and the financial bankruptcy of the state, with a request for a permanent leave of absence.⁹⁸ Four days later the *Procuraduría General de la República* (Federal Public Prosecutor's Office, today FGR), issued an arrest warrant against Duarte de Ochoa, who escaped and was detained in Guatemala six months later. He was extradited to Mexico in July 2017 and eventually sentenced by a federal court in Mexico on 26 September 2018 to nine years' imprisonment for the crimes of money laundering and criminal association.⁹⁹

Efforts by victims' collectives and civil society to charge Duarte de Ochoa with the crime of enforced disappearance have thus far been marred by delays and irregularities. Even though a judge in Veracruz ordered the apprehension of Duarte de Ochoa for the crime of enforced disappearance as far back as June 2018, the order was repeatedly delayed due to an alleged lack of authorization by the government of Guatemala, which had extradited him to Mexico 2016. According to media sources, the former governor could only be tried for the crimes for which he was extradited from Guatemala

95. Annex P – Human Rights Committee – Téllez Padilla case, para. 2.7. In this regard, it is also worth mentioning the case of Tierra Blanca, where five young men were deprived of their liberty by police officers on 11 January 2016 and subsequently handed over to members of the CJNG, who tortured and disappeared them. See Annex J - CNDH, Recommendation No 5VG/2017 (2017), para. 1.

96. Annex P – Human Rights Committee – Téllez Padilla case, paras 9-12.

97. Annex P – Human Rights Committee – Téllez Padilla case, para. 9.4.

98. Edgar Ávila Perez, "Javier Duarte presenta solicitud formal de licencia al Congreso" (Javier Duarte submits formal request for leave of absence to Congress), *El Universal*, 12 October 2019, <https://www.eluniversal.com.mx/articulo/estados/2016/10/12/javier-duarte-presenta-solicitud-formal-de-licencia-al-congreso>, accessed on 13 July 2021.

99. Noé Zavaleta and Patricia Dávila, "Javier Duarte detenido en Guatemala: PGR" (Javier Duarte detained in Guatemala: *Procuraduría General de la República* (Office of the Public Prosecutor of the Republic - PGR), *Proceso*, 12 April 2017, <https://www.proceso.com.mx/nacional/2017/4/15/javier-duarte-detenido-en-guatemala-pgr-182463.html>, accessed on 13 July 2021; "Guatemala extradita a México al controvertido exgobernador de Veracruz Javier Duarte" (Guatemala extradites controversial ex-governor of Veracruz, Javier Duarte, to Mexico), *BBC*, 17 July 2017, <https://www.bbc.com/mundo/noticias-america-latina-40636993>, accessed on 13 July 2021; Ariadna Ortega, "Javier Duarte se declara culpable y recibe condena de 9 años de prisión" (Javier Duarte pleads guilty, receives 9-year prison sentence), *Expansión*, 26 September 2018, <https://politica.expansion.mx/mexico/2018/09/26/javier-duarte-se-declara-culpable-y-recibe-condena-de-9-anos-de-prision>, accessed on 13 July 2021.

to Mexico¹⁰⁰. On 3 December 2021, after the repeated insistence of victims' collectives,¹⁰¹ Duarte de Ochoa, still in detention for money laundering and criminal association, was served an arrest warrant for the crime of enforced disappearance¹⁰². In particular, the former governor is accused of the crime of enforced disappearance, for covering up the discovery of a clandestine grave with the remains of 19 persons in the La Aurora ravine, in the Emiliano Zapata municipality¹⁰³. As of the date of this report, the initial hearing for the confirmation of the charges is pending¹⁰⁴.



Relatives of victims protest impunity for enforced disappearances committed during the term of former governor Javier Duarte de Ochoa, December 2021. © Colectivo Solecito de Veracruz

100. Arturo Angel, "Juez cancela audiencia contra Duarte por desaparición forzada; proceso se detiene otra vez" (Judge cancels hearing against Duarte for enforced disappearance; proceedings are halted again), *Animal Político*, 13 December 2021, <https://www.animalpolitico.com/2021/12/juez-cancela-audiencia-javier-duarte-desaparicion-forzada-detiene/>, accessed on 15 December 2021.
101. Sugery Romina Gándara, "Víctimas: Javier Duarte debe ir a juicio no por una, sino por todas las desapariciones en su sexenio" (Victims: Javier Duarte must go to trial not for one, but for all disappearances during his six-year term in office), *Sin Embargo*, 7 September 2017, <https://www.sinembargo.mx/07-09-2020/3854222>, accessed on 13 July 2021; IDHEAS, "Colectivo Solecito de Veracruz exige la revisión de la sentencia condenatoria contra el exgobernador Javier Duarte" (Veracruz Solecito Collective demands a review of the conviction of ex-governor Javier Duarte), 22 May 2020, <https://www.idheas.org.mx/comunicaciones-idheas/sala-de-prensa-idheas/comunicados/colectivo-solecito-de-veracruz-exige-la-revision-de-la-sentencia-condenatoria-contra-el-exgobernador-javier-duarte/>, accessed on 13 July 2021.
102. Arturo Angel, "Cumplen orden de captura contra Duarte por desaparición forzada; obtuvo una suspensión, dice su defensa" (Arrest warrant served against Duarte for enforced disappearance; he obtained a stay, his defense says), *Animal Político*, 6 December 2021, <https://www.animalpolitico.com/2021/12/javier-duarte-orden-desaparicion-forzada/>, accessed on 15 December 2021; Miguel Salazar, "Suspenden proceso contra Javier Duarte por presunta desaparición forzada" (Proceedings against Javier Duarte for alleged forced disappearance suspended), *El Sol de México*, 13 December 2021, <https://www.elsoldemexico.com.mx/mexico/justicia/suspenden-proceso-contra-javier-duarte-por-presunta-desaparicion-forzada-7603651.html>, accessed on 15 December 2021.
103. Raúl Flores Martínez, "Juez rechaza frenar orden de captura contra Javier Duarte por desaparición forzada", *Excelsior*, 14 January 2022, <https://www.excelsior.com.mx/nacional/javier-duarte-sin-suspension-contra-orden-captura-desaparicion-forzada/1493009>, accessed 3 February 2021.
104. While Duarte de Ochoa's lawyers reportedly attempted to obtain a stay of the arrest warrant against him, this was denied by Mexico City's Second District Court on January 14, 2022. See "Juez federal negó amparo a Javier Duarte por el delito de desaparición forzada," *Infobae*, 15 January 2022, <https://www.infobae.com/america/mexico/2022/01/15/juez-federal-nego-amparo-a-javier-duarte-por-el-delito-de-desaparicion-forzada/>, accessed September 20, 2022.

Under the administration of Miguel Ángel Yunes Linares (2016-2018), some progress was made in the judicial sphere by the Special Prosecutor's Office for Disappeared Persons.¹⁰⁵ In particular, through Operation "Tiro de Gracia" led by the Veracruz Public Prosecutor's Office, 19 arrest warrants for disappearances were issued against public officials, including Arturo Bermúdez Zurita, Head of Office for Public Security between July 2011 and August 2016; José Oscar "N", former head of state prisons; José Manuel "N", former director of Special Operations; Roberto "N", former director of the state Civil Force; Manuel Alejandro "N", former Delegate for Public Security and former commander of the *Fuerza de Reacción*; and Roberto Carlos "N", former director of the State Office for Public Security and former director of the Tamaulipas Ministerial Police.¹⁰⁶ According to the investigation file, these officials were "responsible for implementing an 'illegal policy' under which alleged members of organised crime were detained without warrants, who were then tortured and eventually disappeared".¹⁰⁷ Shortly thereafter, the former public prosecutor of Veracruz, Luis Angel Bravo, who held office during Duarte de Ochoa's term, was arrested, accused of ordering the disappearance of thirteen people.¹⁰⁸ In addition, a new state law on victims and disappearances was passed during Yunes Linares' term.¹⁰⁹

Although justice initially appeared to be moving forward during the Yunes Linares administration, Duarte de Ochoa's officials were gradually released, and criminal proceedings for enforced disappearances stalled, as in the case of the former governor himself. In December 2018, former Head of the State Office for Public Security Bermúdez Zurita, on trial for the enforced disappearance of fifteen people, was released from pre-trial detention.¹¹⁰ In response, the signatory organisation Solecito called Bermúdez Zurita's release a re-victimisation of the families of victims, lamenting that, "Now we are victims of justice, or rather of the lack of it."¹¹¹ It should be noted that Bermúdez Zurita was also charged with the crime of illicit enrichment and, according to press reports, had

105. Édgar Ávila, "Detención de ex fiscal permite investigar desapariciones" (Arrest of former prosecutor allows for investigation into disappearances), *El Universal*, 18 August 2018, <https://www.eluniversal.com.mx/estados/detencion-de-ex-fiscal-abre-la-puerta-para-investigar-desapariciones-yunes>, accessed on 13 July 2021; Édgar Ávila Perez, 'Investigan a ex mando de seguridad de Javier Duarte por desaparición forzada de 15 personas' (Javier Duarte's former security chief under investigation for enforced disappearance of 15 people), *El Universal*, 8 February 2018, <https://www.eluniversal.com.mx/estados/investigan-ex-mando-de-seguridad-de-javier-duarte-por-desaparicion-forzada-de-15-personas>, accessed on 13 July 2021. Although Duarte was also sentenced to 9 years in prison, his sentence did not include the crime of enforced disappearance. See also "Ex Fiscal de Veracruz durante Gobierno de Duarte, Luis Ángel Bravo, seguirá su proceso en libertad" (Former Veracruz Prosecutor during Duarte's administration, Luis Ángel Bravo, will continue his trial in freedom), *Sin Embargo*, 7 November 2019, <https://www.sinembargo.mx/07-11-2019/3674587>, accessed on 13 July 2021; Noé Zavaleta, "Familiares critican 'simulación' en la búsqueda de sus desaparecidos en Veracruz" (Families criticise 'simulation' in the search for their missing relatives in Veracruz), 7 June 2017, <https://www.proceso.com.mx/nacional/estados/2017/6/7/familiares-critican-simulacion-en-la-busqueda-de-sus-desaparecidos-en-veracruz-185724.html>, accessed on 13 July 2021; "México: colectivo de búsqueda de personas denuncia que se ocultan cifras de desaparecidos en Veracruz" (Mexico: Search for missing persons collective denounces concealment of figures on missing persons in Veracruz), *Nodal*, 28 August 2017, <https://www.nodal.am/2017/08/mexico-colectivo-busqueda-personas-denuncia-se-ocultan-cifras-desaparecidos-veracruz/>, accessed on 13 July 2021.

106. Arturo Ángel, "Operativo Tiro de Gracia: Detienen a cúpula de la policía de Javier Duarte por desaparición forzada" (Operation "Tiro de Gracia": Javier Duarte's top police chiefs arrested for enforced disappearance), *Animal Político*, 8 February 2018, <https://www.animalpolitico.com/2018/02/detienen-policia-javier-duarte-desaparicion-forzada-15-personas/>, accessed on 27 October 2021.

107. Arturo Ángel, "Operativo Tiro de Gracia: Detienen a cúpula de la policía de Javier Duarte por desaparición forzada" (Operation "Tiro de Gracia": Javier Duarte's top police chiefs arrested for enforced disappearance), *Animal Político*, 8 February 2018, <https://www.animalpolitico.com/2018/02/detienen-policia-javier-duarte-desaparicion-forzada-15-personas/>, accessed on 27 October 2021.

108. Isabel Zamudio, "Detienen en CdMx a ex fiscal de Veracruz" (Former Veracruz prosecutor arrested in Mexico City), *Milenio*, 17 June 2018, <https://www.milenio.com/policia/detienen-en-cdmx-a-ex-fiscal-de-veracruz/>, accessed on 27 October 2021.

109. Noé Zavaleta, "Congreso de Veracruz aprueba nueva ley en materia de desaparición de personas" (Veracruz Congress approves new law on the disappearance of persons), *Proceso*, 26 July 2018, <https://www.proceso.com.mx/nacional/estados/2018/7/26/congreso-de-veracruz-aprueba-nueva-ley-en-materia-de-desaparicion-de-personas-209347.html>, accessed on 13 July 2021; Karina Andrew Herrera, "Gobierno de Veracruz busca agilizar identificación de cuerpos encontrados en fosas" (Veracruz administration seeks to speed up identification of bodies found in mass graves), *Televisa*, 30 March 2017, <https://noticieros.televisa.com/ultimas-noticias/gobierno-veracruz-busca-agilizar-identificacion-cuerpos-encontrados-fosas/>, accessed on 13 July 2021.

110. Edgar Ávila, "Ex secretario de Seguridad de Javier Duarte sale de prisión" (Javier Duarte's former Head of Office for Public Security released from prison), *El Universal*, 5 December 2018, <https://www.eluniversal.com.mx/estados/ex-secretario-de-seguridad-de-javier-duarte-sale-de-prision>, accessed on 9 July 2021; "Secretario de Seguridad de Duarte sale de prisión; hay pruebas sólidas en su contra por desapariciones, reclama Fiscalía" (Duarte's Head of Office for Public Security released from prison; there is strong evidence against him for disappearances, says Public Prosecutor's Office), *Animal Político*, 5 December 2018, <https://www.animalpolitico.com/2018/12/exfuncionarios-duarte-prision/>, accessed on 27 October 2021.

111. Héctor Molina and Salvador Corona, "Colectivos de desaparecidos califican como golpe bajo libertad de Bermúdez Zurita" (Collectives for the disappeared call Bermúdez Zurita's release a coup), *El Economista*, 5 December 2018, <https://www.eleconomista.com.mx/politica/Colectivos-de-desaparecidos-califican-como-golpe-bajo-libertad-de-Bermudez-Zurita-20181205-0072.html>, accessed on 27 October 2021.

acquired real estate with a commercial value of 86 million 773 thousand Mexican pesos during the Duarte de Ochoa administration, including properties in the United States.¹¹²

Several months after Bermúdez Zurita's release, in May 2019, the following people were also released from pre-trial detention: former public prosecutor Luis Ángel Bravo, indicted for the enforced disappearance of more than ten people;¹¹³ Rosario Zamora, former director of Ministerial Investigations, accused of ordering the disappearance of twelve people found in 2016 in La Aurora, next to the Veracruz Police Academy, and accused by family collectives of "hindering searches for persons' whereabouts, as well as tracing remains in clandestine graves and covering up for her superior, Luis Ángel Bravo, in controversial cases"; Gilberto Aguirre, former Director General of Expert Services; and Carlota Zamudio Parroquín, former regional delegate of the Xalapa Ministerial Police.¹¹⁴ To date, none of these state officials, all of whom held high-level positions, have reached the trial stage for the crime of enforced disappearance, despite the fact that the Duarte de Ochoa administration ended more than five years ago.

Many other cases have also seen unreasonable delays. For example, in the case of disappearances in Papantla in 2016, the sentencing hearing for eight former municipal police officers was postponed five times, and finally held in 2022.¹¹⁵ Also noteworthy is the case of the enforced disappearance and execution of Carlos David Bautista López, in which the former Director General of Prevention and Social Rehabilitation, a high ranking official in the State Office for Public Security, is accused.¹¹⁶ This official, who, in addition to the case of Bautista López, has also been accused of the enforced disappearance of fifteen other individuals, is in detention, but his case has not yet reached the trial stage.¹¹⁷ Two other state police officers accused of involvement in the enforced disappearance of Bautista López were released in October 2020, after a judge found there was a lack of sufficient evidence.¹¹⁸

112. Noé Zavaleta, "Exjefe policiaco de Duarte incrementó 86 mdp patrimonio, pero le retiran imputación por enriquecimiento ilícito" (Duarte's former police chief increased his wealth by 86 million pesos, but charges of illicit enrichment have been dropped), *Revista Proceso*, 28 August 2018, <https://www.proceso.com.mx/nacional/estados/2018/8/28/exjefe-policiaco-de-duarte-incremento-86-mdp-patrimonio-pero-le-retiran-imputacion-por-enriquecimiento-ilicito-211162.html>, accessed on 9 July 2021; Zorayda Gallegos, "El secretario de Seguridad en Veracruz renuncia al cargo tras un escándalo por sus propiedades" (Veracruz Head of Office for Public Security resigns after property scandal), *El País*, 4 August 2016, https://elpais.com/internacional/2016/08/04/mexico/1470333348_409354.html, accessed on 27 October 2021.

113. In November 2019, former prosecutor Luis Ángel Bravo was released from house arrest. See "Javier Duarte celebró la absoluta libertad de Luis Ángel Bravo, ex fiscal de Veracruz: 'La justicia llega'" (Javier Duarte celebrated the complete freedom of Luis Ángel Bravo, former Veracruz prosecutor: 'Justice has arrived'), *Infobae*, 6 November 2019, <https://www.infobae.com/america/mexico/2019/11/07/javier-duarte-celebro-la-absoluta-libertad-de-luis-angel-bravo-ex-fiscal-de-veracruz-la-justicia-llega/>, accessed on 27 October 2021.

114. Miguel Ángel León Carmona, "Libres, exfuncionarios de Duarte imputados por desaparición forzada" (Former Duarte officials charged with enforced disappearance released from prison), *Pie de Página*, 23 May 2019, <https://piedepagina.mx/libres-exfuncionarios-de-duarte-imputados-por-desaparicion-forzada/>, accessed on 27 October 2021.

115. Édgar Escamilla, "Aplazan otra vez audiencia a ex policías acusados de desaparición de tres jóvenes" (Former police officers accused of the disappearance of three young men have their hearing postponed again), *La Jornada*, 8 January 2021, http://www.jornadaveracruz.com.mx/Post.aspx?id=210108_093147_475, accessed on 13 July 2021; "Por quinta vez, suspenden sentencia contra ex policías municipales", *Informate Ahora*, 7 January 2021, <https://informateahora.com/por-quinta-vez-suspenden-sentencia-contra-ex-policias-municipales/>; "Sentencian a expolicías de Papantla por desaparición forzada; FGE apelará pena impuesta", *Noticias PM*, 20 January 2021 <http://noticias-pm.com.mx/sentencian-a-expolicias-de-papantla-por-desaparicion-forzada-fge-apelara-pena-impuesta/>.

116. *Manual General de Organización de la Secretaría de Seguridad Pública de Veracruz* (General Handbook on the Organisation of the Veracruz State Office for Public Security), SP-1/99.

117. "16 casos de desaparición forzada señalan a Óscar Sánchez Tirado" (16 cases of enforced disappearance point to the involvement of Óscar Sánchez Tirado), *El Piñero*, 20 February 2018, <https://www.elpinero.mx/16-casos-desaparicion-forzada-senalan-oscar-sanchez-tirado/>, accessed on 27 October 2021; "Continúa proceso contra director en SSP duartista" (Proceedings continue against Duarte's director of Office for Public Security), *La Jornada*, 1 November 2020, http://jornadaveracruz.com.mx/Post.aspx?id=201101_141449_408, accessed on 27 October 2021.

118. Noé Zavaleta, "Liberan a policías involucrados en desaparición y asesinato de un joven en Veracruz" (Police officers involved in disappearance and murder of young man in Veracruz freed), *Proceso*, 2 October 2020, <https://www.proceso.com.mx/nacional/estados/2020/10/2/liberan-policias-involucrados-en-desaparicion-asesinato-de-un-joven-en-veracruz-250331.html>, accessed on 27 October 2021; "Liberan a dos expolicías en Veracruz acusados de desaparición forzada" (Two ex-cops in Veracruz accused of enforced disappearance freed), *Presencia*, 30 September 2020, <https://www.presencia.mx/nota.aspx?id=174710&s=4>, accessed on 27 October 2021; "Continúa proceso contra director en SSP duartista" (Proceedings continue against Duarte's director of Office for Public Security), *La Jornada* 1 November 2020, http://jornadaveracruz.com.mx/Post.aspx?id=201101_141449_408, accessed on 27 October 2021.

Moreover, Operation “Tiro de Gracia” in 2018 was again stalled after allegations of torture during the course of investigations, including by Bermúdez Zurita, came to light¹¹⁹. These allegations led to the issuance of an arrest warrant against the then state public prosecutor, Jorge Winckler, who subsequently fled in September 2019.¹²⁰

As the Veracruz State Human Rights Commission noted in General Recommendation 1/2017, there existed in Veracruz a “systematic pattern of omissions that generates impunity,” as investigations into disappearances that occurred between 2011 and 2016 lacked follow-up, files had structural deficiencies, not all necessary steps were exhausted, such as looking for witnesses or inspecting the site of disappearance, and investigations were not carried out within a reasonable timeframe, to the extent that the Commission characterised the opening of an investigation during this period as “a mere formality”.¹²¹ Today, despite some initial progress following the arrest of former governor Duarte de Ochoa and other Veracruz government officials, families of disappeared persons and collectives of relatives continue to face a situation of almost complete impunity.¹²²

Investigations into the systematic context of the crimes of disappearance committed between 2010 and 2016 were not conducted under previous administrations, nor have they been carried out during the current six-year term, headed by Cuitláhuac García. Moreover, none of the senior officers of the State Police of Veracruz, an entity accused of or associated with numerous cases of enforced disappearance, including the 22 cases detailed in this communication, have reached the trial stage for the crime of enforced disappearance or related conducts.

This situation of almost total impunity and omission on the part of the state authorities is strongly reflected in the process of searching for clandestine graves in the state of Veracruz, which has been led by the relatives of victims of enforced disappearance themselves.

At the beginning of 2014, the organisation Solecito was formed, when a group of eight mothers of disappeared persons came together to accompany each other and exchange emotional support. Frustrated by the omission of state authorities, the mothers of Solecito took matters into their own hands: taking courses in forensic anthropology, raising funds and buying their own tools, they began to search for the bodies of their sons and daughters. Two years later, as a result of these searches - during which the mothers themselves track down graves, follow tracks and use picks and shovels to dig up their loved ones - Solecito located the clandestine grave Colinas de Santa Fe, to north of the Port of Veracruz, in which 305 bodies and 22,500 human remains have so far been found.¹²³

119. See Rodrigo Barranco Déctor, “Arturo Bermúdez, exmando policial de Duarte, de verdugo a víctima” (Arturo Bermúdez, Duarte’s former police commander, from executioner to victim), *La Silla Rota*, 4 December 2018, <https://veracruz.lasillarota.com/estados/arturo-bermudez-exmando-policial-de-duarte-de-verdugo-a-victima/260516>, accessed on 9 July 2021; and Jesús Ruiz, “Denuncia de Arturo Bermúdez abre la puerta a procesos vs ex yunistas” (Arturo Bermúdez’s complaint opens the door to prosecutions against former Yunistas), *Imagen de Veracruz*, 11 August 2021, <https://imagedeveracruz.mx/estado/denuncia-de-arturo-bermudez-abre-la-puerta-a-procesos-vs-ex-yunistas/50115520>, accessed on 27 October 2021.

120. Lev García, “Este es el caso que convirtió a Jorge Winckler en prófugo de la justicia” (This is the case that made Jorge Winckler a fugitive from justice), *Expansión Política*, 1 October 2019, <https://politica.expansion.mx/estados/2019/10/01/este-es-el-caso-que-convirtio-a-jorge-winckler-en-profugo-de-la-justicia>, accessed on 27 October 2021. See also Lev García, “Winckler es separado definitivamente de su cargo como fiscal de Veracruz” (Winckler is permanently removed as Veracruz prosecutor), *Expansión Política*, 26 March 2020, <https://politica.expansion.mx/estados/2020/03/26/winckler-es-separado-definitivamente-de-su-cargo-como-fiscal-de-veracruz>, accessed on 27 October 2021.

121. [TRANSLATION] Annex O – Veracruz State Commission of Human Rights – General Recommendation 01/2017, paras 199-219.

122. FIDH interviews. It is also worth noting that in 2021 INEGI reported that, although Veracruz is the Mexican state with the highest number of expert and/or medical forensic service units, there are at least 316 unidentified corpses and/or human remains. See INEGI, *Censo Nacional de Procuración de Justicia Estatal 2021*, 25 October 2021, p. 24-26.

123. FIDH Interviews and information from the Solecito collective. See also Aída Palau, “Veracruz, la fosa clandestina más grande de México”, *RFI* (16 March 2017), in <https://www.rfi.fr/es/americas/20170316-veracruz-la-fosa-clandestina-mas-grande-de-mexico>, accessed 9 July 2021.

Yet, even after locating what was at the time the largest clandestine grave in Mexico and Latin America, the responses of the police and judicial authorities continued to be slow and omissive, sometimes even hindering the searches themselves. For this reason, the Solecito collective continued the searches, and shortly afterwards located the clandestine grave of El Arbolillo. In El Arbolillo, as in Colinas de Santa Fe, it is the insistence of the mothers that drove the search: at first, the Veracruz Public Prosecutor's Office reported the finding of 47 bodies. But Solecito insisted on continuing the process, until every single body was unearthed: today 310 bodies have been found, 73 of them on 9 September 2022. This places El Arbolillo as the largest clandestine grave in the Americas, with Colinas de Santa Fe being the second. It is worth noting that in El Arbolillo, among others, the bodies of three Navy officers, who were abducted in January 2017, were found.¹²⁴

Despite the location of these two mass graves, the response of the authorities remains insufficient. Hundreds of bodies remain unidentified in Colinas de Santa Fe and El Arbolillo, as well as in other graves, and at the same time, there have been serious errors and omissions in the actions of the state authorities in the identification process, which undermine the rights and dignity of the relatives. In one case, a father was given the supposed bodies of his son and nephew, but after an independent analysis, it was determined that the skulls belonged to them but the rest of the bodies did not. «The skulls they gave us do belong to my son and nephew, but the skeletons of the bodies do not. It is aberrant and monstrous», denounced Marcos Josafat Grajeda, father and uncle of the young Baruch Grajeda García and Francisco Javier Vargas, disappeared since 2016», and found in El Arbolillo.¹²⁵

Today, there are numerous collectives of disappeared relatives, and the Solecito collective contains more than 300 mothers of victims, who continue to search for their loved ones and fight for justice.¹²⁶

124. Miguel Ángel León Carmona, "Fosas de Arbolillo: ruta de drogas y cuerpos", *Pie de Página* (11 February 2020), in <https://piedepagina.mx/fosas-de-arbolillo-ruta-de-drogas-y-cuerpos/>, accessed 21 September 2022; "Termina búsqueda de cuerpos en mega fosa de Arbolillo en Alvarado, Veracruz", *Milenio* (9 September 2022), in <https://www.milenio.com/estados/veracruz-termina-busqueda-cuerpos-mega-fosa-arbolillo>, accessed 21 September 2022.

125. Noe Zavaleta "Acusan que Fiscalía de Veracruz entregó restos de desaparecidos que no pertenecían a sus familiares", *Proceso* (27 April 2021), in <https://www.proceso.com.mx/nacional/estados/2021/4/27/acusan-que-fiscalia-de-veracruz-entrego-restos-de-desaparecidos-que-no-pertenecian-sus-familiares-262829.html>, accessed 21 September 2022; "FGE entregó restos humanos que no corresponden a Baruch Grajeda, acusan familiares del desaparecido", *Bitácora del Golfo* (28 April 2021), <https://www.bitacoradelgolfo.com/movil/nota.php?id=89990#&panel1-1>, accessed 21 September 2022; Isaul Ignacio Zuñiga, "FGE entregó restos humanos que no corresponden a Baruch Grajeda, acusan familiares del desaparecido...", *Entre Políticos* (28 April 2021), in <https://www.entrepoliticos.com.mx/locales/fge-entrego-restos-humanos-que-no-corresponden-a-baruch-grajeda-acusan-familiares-del-desaparecido/>, accessed 21 September 2022.

126. Information from the Solecito collective.



Relatives of victims of enforced disappearance search for their loved ones in Veracruz, May 2021. © Colectivo Solecito de Veracruz

IV. ICC Jurisdiction

Mexico ratified the Rome Statute on 28 October 2005.¹²⁷ The events described in this communication refer to conduct committed by Mexican nationals on Mexican territory, specifically, to acts of enforced disappearance committed between November 2012 and July 2016, after the entry into force of the Rome Statute and its entry into force for the Mexican State. The organisations that have authored this communication consider that this conduct constitutes crimes against humanity in accordance with Article 7(1)(i) of the Rome Statute and that therefore the ICC Office of the Prosecutor has a sufficient basis to open a preliminary examination for crimes under the jurisdiction of the Court.

V. Standard to be applied in determining the alleged commission of crimes within the jurisdiction of the Court in the state of Veracruz between 2012 and 2016

This communication is submitted pursuant to Article 15 of the Rome Statute, which provides that, “The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court,” provided that there is a reasonable basis to proceed with an investigation.¹²⁸ The “reasonable basis” standard or test in both Article 15(3) and Article 53(1) (a) is the lowest evidentiary standard provided for in the Statute,¹²⁹ as the nature of this early stage in proceedings is confined to a preliminary examination,¹³⁰ thus, the information available to the Prosecutor at this stage is neither expected to be “comprehensive” nor “conclusive”, compared to evidence gathered during the investigation.¹³¹ To meet this standard it is necessary to have “a sensible or reasonable justification for a belief that a crime falling within the jurisdiction of the Court ‘has been or is being committed’”.¹³² This is the criterion used in this communication to consider that between November 2012 and July 2016, crimes within the jurisdiction of the ICC were committed in Veracruz, Mexico.

127. “States Parties - Chronological list” (*International Criminal Court*), https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/states%20parties%20_%20chronological%20list.aspx, accessed on 13 July 2021.

128. The Office of the Prosecutor, Policy Paper on Preliminary Examinations, November 2013, para. 34.

129. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 27; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

130. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 27.

131. Ibid; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

132. Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya”, 31 March 2010, ICC-01/09-19-Corr, para. 35; Pre-Trial Chamber III, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11-14-Corr, para. 24.

VI. Crimes under the jurisdiction of the Court

The 22 cases of enforced disappearance described in this section, which the authors of this report consider constitute crimes against humanity, form part of a confidential database containing 41 cases of enforced disappearance, which was shared by the Office of the Prosecutor of the ICC¹³³. All the cases included in this database share geographic and temporal elements. The events documented in the database occurred between 22 February 2011 and 14 July 2016, during Duarte de Ochoa's term in office, and all victims were detained in the city of Veracruz or nearby localities.¹³⁴ In addition, the victims share characteristics of age, gender and socio-economic status. Of the 41 men included in the database, aged between 16 and 60, more than 68% of them were young people under the age of 40 and 3 of them were minors. Most victims were students or persons engaged in low-income occupations such as taxi driver, electrician or mechanic. In 13 of the cases there is evidence of the involvement of organised crime; in 22 of the cases there is evidence of the involvement of state authorities;¹³⁵ and in 4 of the cases there is evidence of the involvement of federal forces in the commission of the crimes.

Among these 41 cases, this communication focuses on the 22 cases where state authorities were explicitly identified as perpetrators, which the signatory organisations consider constitute crimes against humanity. However, given that the remaining 19 cases in the database took place in the same area, in the same time period, and that there are strong similarities in terms of victims' characteristics (gender, age, occupation, socio-economic status) and the type of crime committed (enforced disappearance), as well as the fact that in 7 of the 22 cases described below the remains were found in a clandestine grave containing 305 bodies, it is likely that some or all of the remaining cases in the database annexed to this communication, or the cases of the victims found in the clandestine grave, form part of this same systematic pattern, which could be determined with additional information.

The following section describes the commission of acts of enforced disappearance by authorities of the state of Veracruz, as part of an attack against a civilian population of inhabitants of that state. The cases of 22 victims are documented in detail:

- i. Seven victims found in the clandestine grave "Colinas de Santa Fe", outside the city of Veracruz, which contains a total of 305 bodies;
- ii. Nine victims disappeared in the Formando Hogar neighbourhood, in the city of Veracruz, as part of the security operation "Guadalupe Reyes"; and
- iii. Six additional victims disappeared in the city of Veracruz, by state authorities.

It should be noted that this communication only describes in detail the cases of seven victims found in "Colinas de Santa Fe" for whom the signatory organisations were able to identify direct testimonial evidence of the *modus operandi* and perpetrators involved in their enforced disappearance. However, despite the lack of detailed information on each of the bodies found in the mass grave, the signatory organisations find that the existence of this mass clandestine grave in its entirety and the 305 bodies it contains must be considered as a relevant element in the legal analysis of the crimes against humanity described herein.

In each of the 22 cases documented and described below, which occurred between November 2012 and July 2016, state authorities were involved in the commission of the crimes. In the case of all seven victims found in the clandestine grave Colinas de Santa Fe, there is evidence of involvement of

133. See Annex B - Database - men disappeared or found in or near the municipality of Veracruz during the Duarte administration (Dec. 2010 to Oct. 2016).

134. In seven cases the victims were detained in the municipality of La Antigua. However, these cases are included in the same database and pattern given that the seven victims were found in the clandestine grave "Colinas de Santa Fe", which is located on the outskirts of the city of Veracruz.

135. In some of these 22 cases, federal authorities or elements of organised crime are also involved. However, in the 13 cases concerning organised crime and the four cases concerning federal forces, there is no evidence of the involvement of state authorities.

the Veracruz State Police, in some cases acting in collusion with organised crime. In the cases that took place in the Formando Hogar neighbourhood, which is located approximately 11 kilometres from the Colinas de Santa Fe grave, twelve young men were arbitrarily detained and nine of them suffered enforced disappearances, by persons who were identified by witnesses as authorities of the Veracruz State Police, sometimes acting in conjunction with the Veracruz Investigation Agency and/or federal authorities, including members of the Navy. The disappearances that occurred in Formando Hogar took place in the context of the security operation “Guadalupe Reyes”, which began on 9 December 2013, in which state and federal authorities participated and during which hundreds of people were arbitrarily detained.¹³⁶ Finally, in the cases of the six additional victims described herein, all were men who were disappeared in the city of Veracruz by authorities of the Veracruz State Police or the Ministerial Police of the State Public Prosecutor’s Office (*Fiscalía General del Estado* or until 2015, *Procuraduría General de Justicia*). All cases share elements tending to show a systematic pattern, as detailed below.

In summary, the crimes described in this communication comprise acts of enforced disappearance of persons (Article 7(1)(i) of the Rome Statute), committed by members of the State Police or the Ministerial Police of Veracruz, acting in some cases in conjunction with the Veracruz Investigation Agency, Mexican federal authorities, including members of the Navy, and/or members of organised crime. These acts constitute crimes against humanity.

A. Places of commission of the crimes



The crimes of enforced disappearance described here took place in the same geographic area: the city of Veracruz, municipality of Veracruz, and nearby localities, in particular in the town of José Cardel, municipality of La Antigua, which is adjacent to the municipality of Veracruz. The victims were arrested in their homes or the homes of friends and/or relatives (3), workplaces (4) or in public places (11), such as bars, parks, shopping centres, and on public streets.¹³⁷

B. Period of commission of the crimes

The events in which the crimes of enforced disappearance that are the subject of this communication were committed occurred between November 2012 and July 2016, during the term of office of former governor Duarte de Ochoa. This period corresponds to an era of corruption, collusion with drug trafficking organisations and militarisation of public security in the state of Veracruz, as described in the first section of this communication.

It should therefore be noted that these events are part of a broader wave of violence which took place mostly during the Duarte de Ochoa administration, including the arrest of hundreds of persons in the framework of Operation “Guadalupe Reyes”, which will be detailed shortly.¹³⁸ In addition, according to public sources, between 3,000 and 20,000 cases of disappearance were reportedly

136. Annex S - IDHEAS - complaint to CED, (2021); Annex Q.

137. In the case of the four remaining victims, there is no detailed information on the place of their arrest.

138. Annex S – IDHEAS – complaint to CED (2021).

committed during this time period.¹³⁹ Further, as has been stated above, based on SINPEF's 544 files on disappearances in the state of Veracruz, victims' families attributed 44% of disappearances to municipal, state or federal authorities.¹⁴⁰ The communication describes, therefore, only a fraction of the events in which acts of enforced disappearance occurred in Veracruz, and in respect of which the signatory organisations have been able to verify evidence that makes it possible to recognise a clear *modus operandi* of state forces in a cluster of cases.

C. Persons and state entities involved in the commission of the crimes

All the events described in this communication involved public officials linked to the Veracruz State Police or Ministerial Police, during the term of office of Duarte de Ochoa, governor from 1 December 2010 to 12 October 2016 and sentenced in 2018 to nine years in prison for criminal association and money laundering,¹⁴¹ and who was recently served an arrest warrant for the crime of enforced disappearance.¹⁴²

Between July 2011 and August 2016, the State Police, through the General Directorate of the Civil Force, operated under the command of the Head of the State Office for Public Security Arturo Bermúdez Zurita,¹⁴³ who, as mentioned above, is under investigation for the crimes of illicit enrichment and enforced disappearance.¹⁴⁴ In addition to the State Police, the Civil Force of the State Office for Public security also had command over tactical forces, including the *Fuerza de Reacción y Apoyo* (Reaction and Support Force) Division,¹⁴⁵ through which the elite group "Los Fieles" operated, and which has also been accused of participating in enforced disappearances.¹⁴⁶ The State Office for Public Security answers to the State Governor, as its immediate superior.¹⁴⁷

139. Annex U – IMDHD - *Dignificando la memoria* - La desaparición de personas en Veracruz (The Disappearance of Persons in Veracruz) (2019), 7. See also Jesús Ruiz, "Veracruz, la 'fosa clandestina más grande de México': Winckler Ortiz" (Veracruz, 'Mexico's largest clandestine grave': Winckler Ortiz), *Sociedad Tres Punto Cero* (23 December 2016), <https://sociedadtrespuntocero.com/2016/12/veracruz-la-fosa-clandestina-mas-grande-de-mexico-winckler-ortiz/>, accessed on 9 July 2021.

140. Annex H – CNDH, *Informe especial sobre la situación de seguridad y desaparición de personas en el Estado de Veracruz de Ignacio de la Llave* (Special report on the security situation and disappearance of persons in the State of Veracruz de Ignacio de la Llave) (2019), 133-38.

141. Arturo Angel, "Juez sentencia a Javier Duarte a nueve años de prisión por asociación delictuosa y lavado de dinero" (Judge sentences Javier Duarte to nine years in prison for criminal association and money laundering), *Animal Político*, 26 September 2018, <https://www.animalpolitico.com/2018/09/duarte-se-declara-culpable/>, accessed on 9 July 2021.

142. Arturo Angel, "Cumplen orden de captura contra Duarte por desaparición forzada; obtuvo una suspensión, dice su defensa" (Arrest warrant served against Duarte for enforced disappearance; he obtained a stay, his defense says), *Animal Político*, 6 December 2021, <https://www.animalpolitico.com/2021/12/javier-duarte-orden-desaparicion-forzada/>, accessed on 15 December 2021; Miguel Salazar, "Suspenden proceso contra Javier Duarte por presunta desaparición forzada" (Proceedings against Javier Duarte for alleged forced disappearance suspended), *El Sol de México*, 13 December 2021, <https://www.elsoldemexico.com.mx/mexico/justicia/suspenden-proceso-contra-javier-duarte-por-presunta-desaparicion-forzada-7603651.html>, accessed on 15 December 2021.

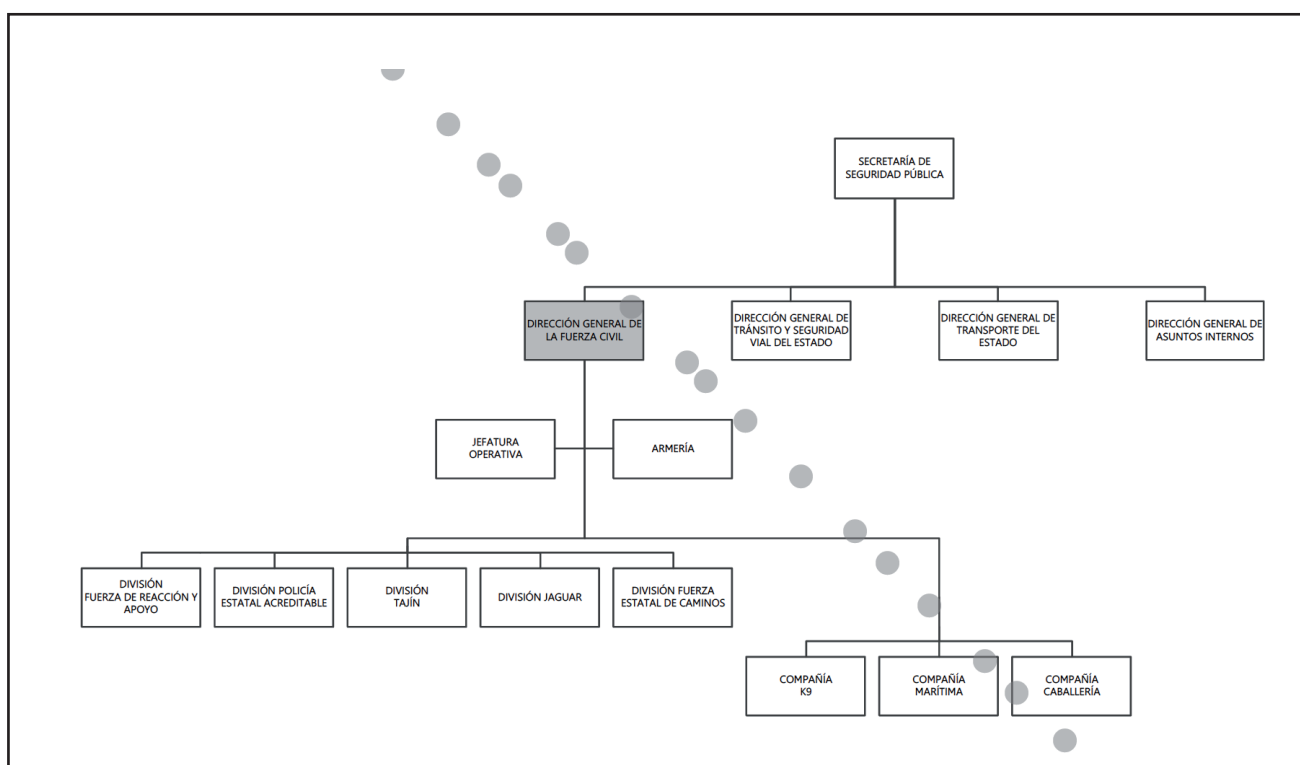
143. *Manual General de Organización de la Secretaría de Seguridad Pública de Veracruz* (General Handbook on the Organisation of the Veracruz State Office for Public Security), SP-1/99.

144. See Edgar Ávila, "Ex secretario de Seguridad de Javier Duarte sale de prisión" (Javier Duarte's former Head of Office for Public Security released from prison), *El Universal*, 5 December 2018, <https://www.eluniversal.com.mx/estados/ex-secretario-de-seguridad-de-javier-duarte-sale-de-prision>, accessed on 9 July 2021; Ángel Cortés Romero, "Duartistas pisaron cárcel y la libraron; yunistas continúan dentro" (Duartistas set foot in jail and are free; Yunistas remain inside), *La Silla Rota*, 12 October 2021, <https://veracruz.lasillarota.com/estados/duartistas-pisaron-carcel-y-la-libraron-yunistas-continuan-dentro-570224>, accessed on 27 October 2021. It should also be noted that Bermúdez Zurita accused officials of the Miguel Ángel Yunes Linares administration and the State Public Prosecutor's Office of committing acts of torture and threats against him. See Rodrigo Barranco Déctor, "Arturo Bermúdez, exmando policial de Duarte, de verdugo a víctima" (Arturo Bermúdez, Duarte's former police commander, from executioner to victim), *La Silla Rota*, 4 December 2018, <https://veracruz.lasillarota.com/estados/arturo-bermudez-exmando-policial-de-duarte-de-verdugo-a-victima/260516>, accessed on 9 July 2021; and Jesús Ruiz, "Denuncia de Arturo Bermúdez abre la puerta a procesos vs ex yunistas" (Arturo Bermúdez's complaint opens the door to prosecutions against former Yunistas), *Imagen de Veracruz*, 11 August 2021, <https://imagedeveracruz.mx/estado/denuncia-de-arturo-bermudez-abre-la-puerta-a-procesos-vs-ex-yunistas/50115520>, accessed on 9 July 2021.

145. *Manual específico de organización de la dirección general de la fuerza civil* (Special Handbook on the Organisation of the General Directorate of the Civil Force) (2017).

146. Jacobo García, "La desaparición de personas en Veracruz era sistemática e institucionalizada", *El País* (25 February 2018), https://elpais.com/internacional/2018/02/24/mexico/1519510585_044530.html, accessed 13 July 2021. See also Miguel Ángel León Carmona, "Los Fieles", policía de élite que tortura y desaparece en Veracruz" *La Silla Rota* (7 February 2018), <https://lasillarota.com/especialeslsr/los-fieles-policia-de-elite-que-tortura-y-desaparece-en-veracruz/204355>, accessed 13 July 2021.

147. *Manual General de Organización de la Secretaría de Seguridad Pública de Veracruz* (General Handbook on the Organisation of the Veracruz State Office for Public Security), SP-1/99.



Source: *Manual específico de organización de la dirección general de la Fuerza Civil*
(Special Handbook on the Organisation of the General Directorate of the Civil Forces)

During this time period, the Veracruz Ministerial Police answered to the *Procurador General de Justicia* (Public Prosecutor), who was appointed by the governor and confirmed by the State Congress. Pursuant to the Constitution in force in Veracruz between 2010 and 2015, the *Ministerio Público* (Public Prosecution) “is the organ under the authority of the Executive Branch”.¹⁴⁸ Thus, during this period, both the State Police of the State Office for Public Security and the Ministerial Police were legally under the executive branch of the state of Veracruz.

Moreover, as described in the context section above, during Duarte de Ochoa’s term of office, a “unified command” of state and federal forces was implemented to combat drug trafficking. In this regard, it should also be noted that a decree issued by the government of Veracruz was approved on 20 December 2011 by former governor Duarte de Ochoa, which set out “the provision of the Public Security and Preventive Police services in the municipalities of Veracruz and Boca del Río, Veracruz.”¹⁴⁹ The Decree stipulated, in its first article, that the organisation, functioning, command and operation of the Public Security and Preventive Police services in the two municipalities would be administered by the Government of the state of Veracruz, “through the State Office for Public Security and with the support of the Federal Government, through the Ministry of the Navy”.¹⁵⁰ The second article of the Decree provided that “the human, material and financial resources, assigned to the Intermunicipal Police that provides the services of public security and municipal preventive police in the territories of Veracruz and Boca del Río, are transferred to the State Office for Public Security”.¹⁵¹ In accordance with the above, as of 2011, the Public Security and Preventive Police services in the city of Veracruz were provided through the Veracruz State Office for Public Security with the support of the Ministry of the Navy (SEMAR), through the Naval Police. Thus, the State Office for Public Security exercised centralised control over all police forces, both state and

148. See Articles 52-54, Political Constitution of the State of Veracruz de Ignacio de la Llave, <http://www.itstb.edu.mx/ivai/1.2CONST-POL-DEL-EST-VERACRUZ.pdf>. In 2015, the Constitution was amended to transform the *Procuraduría* into the *Fiscalía General*, designated as an autonomous state entity. See Article 67, Political Constitution of the State of Veracruz de Ignacio de la Llave (reform published in the Official Gazette number 284 dated 17 July 2015), <http://www.veracruz.gob.mx/wp-content/uploads/sites/2/2015/12/tf01-const-politica-ver.pdf>.

149. This Decree was published on the same date, 20 December 2011, in an extraordinary issue of the state of Veracruz Official Gazette, and entered into force the day after its publication. Annex R - Veracruz and Boca del Río Decree (File no. 1610)

150. Annex R - Veracruz and Boca del Río Decree (File no. 1610)

151. Annex R - Veracruz and Boca del Río Decree (File no. 1610)

municipal, in collaboration with federal forces, in the city of Veracruz, where most of the cases described in this communication occurred.

The acts of enforced disappearance described below were carried out by members of the Veracruz State Police or Ministerial Police, sometimes acting jointly with the Veracruz Investigation Agency, the Navy, or elements of organised crime. Between November 2012 and July 2016, the control of the State of Veracruz Governor's Office and of the State Office for Public Security, including the State Police, would have allowed state officials of Duarte de Ochoa's government to use the resources of these public entities (human and material, such as including vehicles, weapons and uniforms), to carry out an attack against a civilian population of inhabitants of the municipalities of Veracruz and La Antigua, which entailed the commission of serious crimes, in particular, the enforced disappearance of persons.

VII. Legal characterisation of the crimes committed

"Enforced disappearance of persons" is defined in Article 7(2)(i) of the Statute as "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time".¹⁵²

The Chambers of the Court have held that the crime of enforced disappearance "consists of two inseparably interrelated components:

- i. the victim's deprivation of liberty; and
- ii. the ensuing denial or suppression of information".¹⁵³

With regard to the first component, it is understood that the terms "arrest, detention or abduction" cover comprehensively "any form of deprivation of liberty of a person against his or her will".¹⁵⁴ With regard to the second component, it is understood that the refusal to acknowledge deprivation of freedom or to give information "encompasses outright denial or the giving of false information about the fate or whereabouts of the victim".¹⁵⁵ The Chambers of the Court have also held that the crime of enforced disappearance is considered a continuous crime "as long as the perpetrators continue to conceal the fate and whereabouts of the person or persons who have disappeared and these facts remain unclarified".¹⁵⁶

The information gathered for the preparation of this communication provides a reasonable basis to consider that between November 2012 and July 2016, crimes against humanity were committed in the state of Veracruz against at least 22 victims, including seven found in a clandestine grave containing 305 bodies. In particular, there is reasonable basis to consider that the State Police and the Ministerial Police of Veracruz, acting in some cases jointly with the Veracruz Investigation Agency, the Navy, or organised crime, with the likely knowledge of the former governor of the state of Veracruz and the Head of the State Office for Public Security, committed, during that period, crimes against humanity of enforced disappearance of persons (Article 7(1)(i)). These crimes were committed as part of a systematic attack against a civilian population in the state of Veracruz, involving the commission of multiple acts of enforced disappearance of persons against people living in the municipalities of Veracruz and La Antigua.

152. Rome Statute, Article 7(2)(i).

153. Pre-Trial Chamber III, Public Redacted Version of "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi", ICC-01/17-X-9-US-Exp, 25 October 2017, 9 November 2017, ICC-01/17-X, para. 118.

154. Ibid.

155. Ibid.

156. Ibid, para. 121.

Based on the evidence available, in all the cases, state resources were used to disappear persons who were considered undesirable or who represented an obstacle to the state authorities in one way or the other. As detailed in the following sections, some disappearances occurred during security operations and follow a rationale of “social cleansing”, in the framework of the unified command established during the Duarte de Ochoa administration. In other cases, the disappeared persons may have posed a threat to the criminal activities of state authorities.

In the 22 cases of enforced disappearance described below, officials belonging to state institutions acted publicly, at different times of the day, depriving male inhabitants of the city of Veracruz, municipality of Veracruz, or, in seven cases, the municipality of La Antigua, of their freedom. The victims were detained in their homes, workplaces or in public places, such as bars, shopping centres, parks and in streets or avenues, all located in the aforementioned municipalities. In all the cases, the victims had been identified by the perpetrators; indeed, in the case of some of the disappeared victims in Formando Hogar, it was established that the State Police who carried out the detentions carried photos or descriptions of the victims. In most of the cases, the victims were taken into vehicles with state or federal authorities on board, using weapons or force. Following the deprivation of freedom of the persons who were subject to enforced disappearance, the relatives searched for and inquired about each of the victims, including at the Veracruz *Procuraduría General de Justicia* (Public Prosecutor’s Office) (which in 2015 became the Veracruz state *Fiscalía General*)¹⁵⁷, the Veracruz Investigation Agency, and the “Penalito” detention centre in Playa Linda. In response they received denials of the deprivation of freedom of the relative concerned or refusals to provide information about the detention.

Seven persons, whose cases are detailed below, were found in the clandestine grave “Colinas de Santa Fe”. Although in most of the cases described here, relatives reported the disappearance to the Veracruz Public Prosecutor’s Office, as of the date of finalisation of this report, based on the information available, no perpetrator or person responsible for the disappearances had been linked to the investigations in any of these cases.



One of the clandestine graves found in Colinas de Santa Fe, located on the outskirts of the city of Veracruz, November 2021.
© Colectivo Solecito de Veracruz

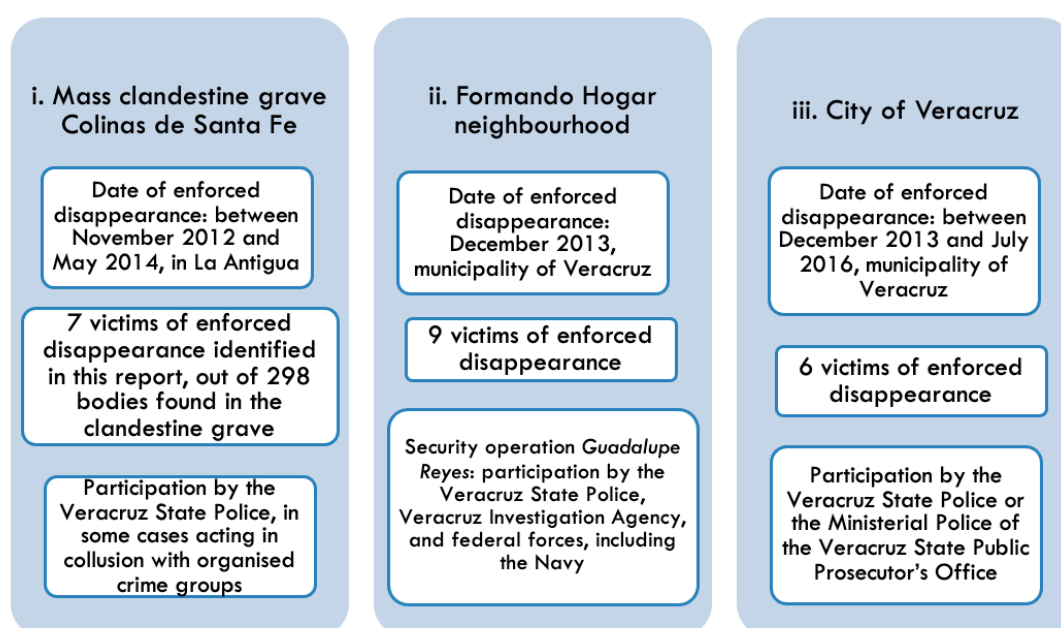
157. In 2015, the Veracruz *Procuraduría General de Justicia* was replaced by the state of Veracruz *Fiscalía General*. “Se instala en Veracruz la Fiscalía General del Estado; sustituye a la PGJ” (The state Prosecutor’s Office is set up in Veracruz; it replaces the PGJ), *La Jornada*, 31 January 2015, <https://www.jornada.com.mx/2015/01/31/opinion/016n2pol>, accessed on 13 July 2021.

A. Description of specific cases of enforced disappearance

This report details the cases of 22 victims, all of them men who disappeared or were found in the city of Veracruz or nearby localities:

- i. seven victims found in the clandestine grave “Colinas de Santa Fe”, disappeared between November 2012 and May 2014;
- ii. nine victims disappeared in *Colonia Formando Hogar* (Formando Hogar neighbourhood), city of Veracruz, as part of the security operation “Guadalupe Reyes” in December 2013; and
- iii. six victims who were disappeared by state authorities in the city of Veracruz between December 2013 and July 2016.

Figure 2: Documented cases of 22 victims of enforced disappearance and perpetrators



1. Victims found in the clandestine grave “Colinas de Santa Fe” (November 2012 - May 2014)

In 2017, the signatory organisation *Solecito* located the clandestine grave “Colinas de Santa Fe”,¹⁵⁸ north of the Port of Veracruz, which contains 305 skulls and 22,500 human remains. Of these, only 27 individuals have been identified,¹⁵⁹ including the seven victims included in this report, whose details were sent to the Office of the Prosecutor of the ICC. As of today, most of these cases remain in a situation of impunity.¹⁶⁰ While some investigations have taken place, none has focused on the

158. Aída Palau, “Veracruz, la fosa clandestina más grande de México” (Veracruz, the largest clandestine grave in Mexico), RFI, 16 March 2017 <https://www.rfi.fr/es/america/20170316-veracruz-la-fosa-clandestina-mas-grande-de-mexico>, accessed on 9 July 2021.

159. For the year 2019, 22 bodies had been identified. According to the information available, an additional 5 bodies were identified in Colinas de Santa Fe during the year 2022. See Rodrigo Soberanes, “Cierran Colinas de Santa Fe, la fosa más grande de México hallada por madres de desaparecidos” (‘Colinas de Santa Fe’, Mexico’s largest mass grave found by mothers of the disappeared, closed down), *Animal Político*, 9 August 2019, <https://www.animalpolitico.com/2019/08/veracruz-cierran-colinas-santa-fe-busquedas-fosas/>, accessed on 9 July 2021; “40 personas desaparecidas, identificadas entre los restos de Santa Fe y El Arbolillo”, *La Jornada* (29 June 2022), in <http://jornadaveracruz.com.mx/principal/40-personas-desaparecidas-identificadas-entre-los-restos-de-santa-fe-y-el-arbolillo/>, accessed on 8 July 2022.

160. FIDH interviews; Stephanie Nolen and Félix Márquez, “Gone”, *The Globe and Mail*, 5 December 2020, <https://www.theglobeandmail.com/world/article-the-disappeared-inside-families-risky-search-to-uncover-the-truth/>, accessed on 9 July 2021. In addition, it should be noted that the search for bodies continues in the Santa Fe area. See Víctor Toriz, “Colectivos inician búsqueda de fosas clandestinas al norte de Veracruz” (Collectives begin search for clandestine graves in northern Veracruz), *m.e-veracruz.mx | Periódico Digital de Noticias de Veracruz*, 22 September 2021, https://www.m.e-veracruz.mx/nota/2021-09-22/veracruz/colectivos-inician-busqueda-de-fosas-clandestinas-al-norte-de-veracruz?fbclid=IwAR2xPufVI5Bcvk5UfULR7lknac3LTtkq9o6xolg6_5QSW8rZ6X2i0E7n49c, accessed on 9 July 2021.

command structure of the perpetrators.¹⁶¹ Moreover, of the 305 bodies, fewer than 10% have been identified, which confirms the impunity and lack of investigation of cases of enforced disappearance in the state of Veracruz.

As an example, one of these cases is described below. In a confidential communication submitted to the ICC, the seven cases of forced disappearance of the victims found in the clandestine grave Colinas de Santa Fe are described in detail. For all of them there is evidence of actions by the Veracruz State Police, in some cases in collusion with organised crime.

Case AB took place on Friday 30 November 2012. During this event, at least four people suffered enforced disappearance. That day, between 11.30 pm and midnight, **Victim A**, aged 21, a nursing student at the University of Veracruz, was in the street talking to his friend, **Victim B**, in the *Colonia El Modelo* (El Modelo neighbourhood), city of Cardel, Veracruz, a few metres from his family's house, when members of the Veracruz State Police arrived, in the context of Operation "Veracruz Seguro". Some metres away, other people were arguing with each other – according to witnesses, one of these individuals had a point of sale of drugs in the El Modelo neighbourhood. That evening, the State Police detained eight persons, including Victims A and B. Following their detention, relatives of the victims went to file a complaint at the office of the *Ministerio Público* (Public Prosecution). There, they were informed that they had to wait 72 hours to file a complaint. After 72 hours, the relatives filed a complaint and an employee from the Public Prosecution informed them that special forces had conducted a security operation in the area and that Victim A was possibly being held in detention. After receiving no additional news of his whereabouts, the relatives also went to the offices of the Navy and the State Public Prosecutor's Office in the city of Veracruz, where an official advised them to stop looking, because "bad people were among those taken away". Four victims who suffered enforced disappearance on 30 November 2012, including Victims A and B, were found between 2016 and 2017 in the clandestine grave "Colinas de Santa Fe".¹⁶²



Mass held for the third anniversary of the discovery of the clandestine grave Colinas de Santa Fe, 8 August 2019. © Colectivo Solecito de Veracruz

161. FIDH interviews. See also Stephanie Nolen and Félix Márquez, "Gone", *The Globe and Mail*, 5 December 2020, <https://www.theglobeandmail.com/world/article-the-disappeared-inside-families-risky-search-to-uncover-the-truth/>, accessed on 9 July 2021.

162. The family of one of the victims was notified by the Federal Forensic Police in July 2016. FIDH interview. See also Annex L – Solecito Collective – Narrative of family events; Annex M – Veracruz State Human Rights Commission – Document CEDH/1VG/DAM-1195/2016 - REC-03-2018, para. 65.

According to a recommendation issued by the Veracruz State Human Rights Commission, the State Office for Public Security is the entity responsible for the enforced disappearance and subsequent extrajudicial execution of Victims A and B and the two additional victims found in “Colinas de Santa Fe”. While the State Commission affirms that eight people suffered enforced disappearance on 30 November 2012 in Cardel, it only attributes responsibility to the Veracruz State Office for Public Security in five cases, four of which correspond to those found in “Colinas de Santa Fe”, including Victims A and B.¹⁶³ The recommendation issued by the State Commission also affirms that additional human rights violations were committed by State actors given the failure to investigate the incident of 30 November 2012 in a serious, impartial and effective manner.¹⁶⁴

2. Victims from Formando Hogar (December 2013)

In the case of the nine victims who disappeared in Formando Hogar, the incident took place in the framework of Operation “Guadalupe Reyes”, based on a “social cleansing” rationale, allegedly carried out to address an increase in crimes perpetrated inside the campus of the University of Veracruz. According to testimonies and press reports, in the months of September and October 2013, there was growing insecurity inside the university campus, and a group of unidentified youths would regularly steal mobile phones and valuables from students inside the university and in nearby neighbourhoods. In this context, several students from the university identified, through Facebook, as the “Icazo Gang”, a group allegedly responsible for robberies in the area, with a centre of operations located in the Formando Hogar neighbourhood. On 22 October 2013, the students held a press conference to announce that they had identified the members of the “Icazo Gang”. In response, the Dean of the University of Veracruz asked the State Office for Public Security to guarantee the safety of the students on campus. Arturo Bermúdez Zurita, then Head of the State Office for Public Security, made a public commitment to stop these incidents and identify the alleged perpetrators.¹⁶⁵ In December of that same year, the security operation “Guadalupe Reyes” began, involving both state and federal forces, with the supposed aim of combating insecurity in the institution.¹⁶⁶ This operation led to a wave of arbitrary detentions and cases of enforced disappearance.

As an example, one of the Formando Hogar cases is described below. In the aforementioned confidential communication submitted to the ICC, the nine cases of forced disappearance that occurred in the Formando Hogar neighbourhood are described in detail.

In **case C**, which took place on Monday 9 December 2013, **Victim C**, who was 23 years old, suffered enforced disappearance. That day, said victim, who worked as a trailer operator and mechanic at the time of his disappearance, was at his workplace, the trailer park “Pensión El Oso”, together with his colleague, in the area known as “Puerto Seco” in San Julián, Veracruz, 20 km from the Formando Hogar neighbourhood.¹⁶⁷ Three vans containing elements of the Veracruz State Police and the Naval Police arrived at Victim C’s workplace and detained Victim C and his colleague, using violence.

163. FIDH interviews; Annex M – Veracruz State Human Rights Commission – Document CEDH/1VG/DAM-1195/2016 - REC-03-2018. See also Miguel Ángel Carmona, “Los 8 desaparecidos que dejó el operativo Veracruz Seguro” (The 8 disappeared resulting from Operation “Veracruz Seguro”), *Silla Rota*, 21 March 2018 <https://lasillarota.com/desaparecidos-veracruz-miguel-angel-yunes-veracruz-seguro/212022>, accessed on 13 July 2021.

164. Annex M – Veracruz State Human Rights Commission – Document CEDH/1VG/DAM-1195/2016 - REC-03-2018, paras 14, 46-50.

165. Annex T – IDHEAS - Communication to CED requesting urgent action on Formando Hogar (2016). See also Bárbara García, “Descubren alumnos de ingeniería de la UV banda de asaltantes” (UV engineering students uncover gang of assailants), *Enlace Veracruz* 212, 23 October 2013, <https://www.enlaceveracruz212.com.mx/noticias-veracruz/villa-rica/51151/descubren-alumnos-de-ingeniera-de-la-uv-banda-de-asaltantes.html?id=51151>, accessed on 9 July 2021; Iván García, “Veracruz fuertemente resguardado por elementos de la Marina y de SSP: Amadeo Flores” (Veracruz received strong rescue response from Navy and SSP elements: Amadeo Flores), *Al calor político*, 7 December 2013, <https://www.alcalorpolitico.com/informacion/veracruz-fuertemente-resguardado-por-elementos-de-la-marina-y-de-ssp-amadeo-flores-129652.html>, accessed on 9 July 2021.

166. Annex S – IDHEAS - complaint to CED (2021).

167. Although the incident took place 20 km from Formando Hogar district, the signatory organisations consider that they form part of the same pattern.

Following his disappearance, relatives of Victim C approached various government authorities, including the Veracruz Investigation Agency, the Mixed Unit on Drug Trafficking, the “Penalito” detention centre in Playa Linda and the Specialised Public Prosecutor’s Office for “Offences of Commercial Theft”. They were repeatedly denied information about Victim C’s whereabouts. Having received no news, the relatives filed complaints with the Specialised Public Prosecutor’s Office for Missing Persons in the Central Zone of Veracruz, but no prompt, objective and impartial investigation into the incident was carried out.¹⁶⁸

In September 2019, the relatives asked the Public Prosecution for copies of the preliminary enquiry in the case of Victim C, as well as a copy of the investigation plan required in accordance with the Standard Protocol for the Investigation of the Crime of Enforced Disappearance of Persons (*Protocolo Homologado de Investigación del Delito de Desaparición Forzada de Personas*).¹⁶⁹ On 2 December 2019, the request was denied and, in response, the signatory organisation IDHEAS filed a request to guarantee the victim’s constitutional rights. On 3 August 2020 a judge ruled in favour of the relatives of Victim C. The decision issued by the state of Veracruz Fifth District Court ordered the Veracruz Public Prosecutor’s Office to hand over copies of the preliminary enquiry to Victim C’s family and to draw up an investigation plan based on the provisions of the Standard Protocol. Furthermore, the judge recognized the existence of serious human rights violations stemming from the failure of the Veracruz Public Prosecutor’s Office to conduct an objective, effective, full and impartial investigation.¹⁷⁰

The families of the men disappeared in Formando Hogar between 6 and 11 December 2013 have been confronted with the unwillingness of witnesses to testify in front of the authorities as well as denials from the state government concerning the conduct of such operations and the state’s involvement, with state authorities often claiming that it was not the authorities who participated but rather organised crime posing as public officials.

Given this situation of impunity, on 2 February 2016, the signatory organisation IDHEAS, upon request of the family members, submitted a communication to the United Nations Committee on Enforced Disappearances (CED), asking it to examine six of the cases of enforced disappearance that occurred in Formando Hogar in December 2013.¹⁷¹ On 1 May 2017, the CED issued urgent actions, calling on the State of Mexico to develop a comprehensive strategy for the investigation and search of these six victims and, in addition, to “take all necessary measures to ensure the full investigation of Operation “Guadalupe Reyes” ... [and] ensure that the possible involvement of members of the State Police, Municipal Police and the Veracruz Investigation Agency is also investigated.”¹⁷² In addition, the CED requested the State of Mexico to “guarantee that the follow-up, exhumations and identification procedures of the bodies are governed by international standards on the matter, in order to ensure that the comparisons carried out with the fingerprints of the six disappeared persons or with the DNA of their relatives yield scientifically reliable results”.¹⁷³

168. IDHEAS, “Formando Hogar”, 13 September 2017, <https://www.idheas.org.mx/casos-derechos-humanos/desaparicion-forzada-y-de-particulares/formando-hogar//>, accessed on 9 July 2021.

169. The *Protocolo Homologado de Investigación del Delito de Desaparición Forzada de Personas* (Standard Protocol for the Investigation of the Crime of Enforced Disappearance of Persons) was established by the *Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas* (General Law on the Forced Disappearance of Persons, Disappearance Committed by Private Individuals and the National System for the Search for Persons - “General Law”), which entered into force on 15 January 2018. Under the Protocol, there is an obligation to describe “in detail the processes of search, location and identification of disappeared or missing persons, which shall be carried out by the authorities, Search Commissions and Specialised Public Prosecutor’s Offices and other competent authorities”. See “*Protocolo Homologado de Investigación del Delito de Desaparición Forzada de Personas*” (Standard Protocol for the Investigation of the Crime of Enforced Disappearance of Persons) (2018), *Conferencia Nacional de Procuración de Justicia*, 6.

170. Although an investigation plan was subsequently drawn up, it does not comply with the recommendations of the decision issued by the judge. IDHEAS, “Juez ordena a la Fiscalía de Veracruz cumplir con el Protocolo Homologado de Investigación por desaparición forzada” (Judge orders Veracruz Public Prosecutor’s Office to comply with the Standard Protocol for the Investigation of Enforced Disappearances), 6 August 2020, <https://www.idheas.org.mx/comunicaciones-idheas/sala-de-prensa-idheas/comunicados/juez-ordena-a-la-fiscalia-de-veracruz-cumplir-con-el-protocolo-homologado-de-investigacion-por-desaparicion-forzada/>, accessed on 9 July 2021.

171. Annex T – IDHEAS – Communication to CED requesting urgent actions on Formando Hogar (2016).

172. Annex E – CED - Urgent Actions on Formando Hogar (2017).

173. Annex X - CED – Requests to the State of Mexico, Veracruz Case (2017), p. 2.

To date, none of the investigations into the persons who disappeared in Formando Hogar between 6 and 11 December 2013 have shown any significant progress in determining the whereabouts of the disappeared persons or in identifying the perpetrators responsible.

3. Other victims disappeared by state authorities in the city of Veracruz (December 2013 - July 2016)

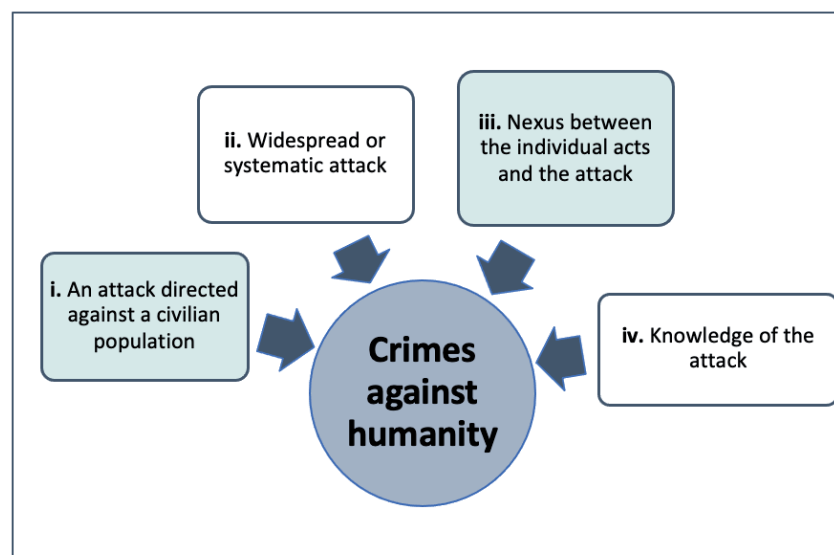
In the aforementioned communication, submitted to the ICC, the signatory organizations presented a description of six cases of enforced disappearance by state authorities that took place in the city of Veracruz between December 2013 and July 2016. While these cases occurred outside the framework of Operation “Guadalupe Reyes” and the individuals were not found in the clandestine grave “Colinas de Santa Fe”, they follow a similar pattern, and in all of them there is evidence of participation by state security forces. All these cases are detailed in the database developed by the signatory organisations, which indicates the source of information for each one.¹⁷⁴

B. Contextual elements of crimes against humanity

The Rome Statute provides, in Article 7(1), that, for the purpose of the Statute, “crime against humanity” means any of the acts referred to in this Article when committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. Article 7(2) of the Statute provides that “‘Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population pursuant to or in furtherance of a State or organisational policy to commit such attack”.¹⁷⁵

The Chambers of the Court have noted, in accordance with these definitions, that crimes against humanity involve the following contextual elements: (i) an attack directed against a civilian population, (ii) a State or organisational policy, (iii) an attack of a widespread or systematic nature, (iv) a nexus exists between the individual act and the attack, and (v) knowledge of the attack.¹⁷⁶

Figure 3: Contextual elements of crimes against humanity



174. Annex B – Database – men disappeared during Duarte’s administration in the municipality of Veracruz (Dec. 2010 to Oct. 2016).

175. Rome Statute, Article 7(2).

176. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 660; Pre-Trial Chamber III, Corrigendum to “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11, para. 29.

In order to demonstrate our grounds for considering that the 22 cases of enforced disappearance documented in this report constitute crimes against humanity, we will first refer to the existence of an attack directed against a civilian population and, secondly, to the characterisation of the attack as widespread or systematic. Finally, we will address the nexus between the individual acts and the attack.

1. Existence of an attack directed against a civilian population

The first element to be analysed is the existence of an “attack directed against any civilian population”, understood within the meaning of Article 7(2)(a) of the Statute, before going on to analyse the characterisation of the attack, to ascertain whether it was widespread or systematic.¹⁷⁷

Article 7(2)(a) defines an “attack against any civilian population” as: (a) “a course of conduct involving the multiple commission of acts referred to in paragraph 1”; (b) directed “against any civilian population”; and (c), “pursuant to or in furtherance of a State or organisational policy to commit such an attack”.¹⁷⁸ Together, these three sub-elements, if established, demonstrate the existence of “an attack directed against any civilian population”.¹⁷⁹

We set out below our grounds for considering that the cases of enforced disappearance that took place in the state of Veracruz between November 2012 and July 2016 constitute an “attack directed against any civilian population” within the meaning of Article 7(2)(a) of the Statute. It should be noted that, given the unified command and the widespread policy of militarisation during the Duarte de Ochoa administration, it is possible that these attacks are part of a broader and more generalised attack, with a unified policy emanating from State government. This communication will not analyse that possibility, due to the lack of sufficient information on which to base such a determination

a. Course of conduct involving the multiple commission of acts referred to in Article 7(1) of the Statute

An “attack” need not constitute a military attack or be part of a military operation.¹⁸⁰ An attack may involve any form of violence against a civilian population.¹⁸¹ Within the meaning of Article 7(1) of the Statute, “attack”, understood as a “course of conduct” refers to a campaign, an operation or a series of actions carried out against the civilian population,¹⁸² i.e. a “series or overall flow of events” as opposed to a mere aggregate of isolated or random acts,¹⁸³ involving the “multiple commission”

177. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, paras 1097-1098; Pre-Trial Chamber I, *Prosecutor v. Charles Blé Goudé*, Decision on the confirmation of charges against Charles Blé Goudé, 11 December 2014, ICC-02/11-02/11, para. 126.

178. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 661; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 148.

179. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 670.

180. Elements of crimes. Article 7, paragraph 3; Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 662; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 149.

181. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101.

182. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 149; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101; Pre-Trial Chamber II, “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo”, 15 June 2009, ICC-01/05-01/08-424, para. 75.

183. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 662; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 149; Pre-Trial Chamber I, *Prosecutor v. Laurent Gbagbo*, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 209; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1101.

of acts referred to in Article 7(1).¹⁸⁴ This indicates a “quantitative threshold” requiring “several” or “many acts”.¹⁸⁵ The Chambers of the Court have held that the number of the individual types of acts referred to in Article 7(1) is irrelevant, “provided that each of the acts fall within the course of conduct and cumulatively satisfy the required quantitative threshold”.¹⁸⁶

Therefore, as the Chambers of the Court have also noted, while a “course of conduct” must involve multiple acts under Article 7(1) of the Statute, the occurrence of those acts is not the only evidence that may be relevant to prove its existence. Since the “course of conduct” requires *a certain pattern of conduct*, evidence relevant to proving the degree of planning, direction or organisation by a group or organisation is also relevant to assessing the links and commonality of features between individual acts that demonstrate the existence of a “course of conduct” within the meaning of Article 7(2)(a) of the Statute.¹⁸⁷

The events that occurred between November 2012 and July 2016 show that multiple acts of enforced disappearance were committed against a civilian population during this period. In the course of these events, at least 22 people suffered enforced disappearance in the municipalities of Veracruz and La Antigua. Seven of these persons were found in the clandestine grave “Colinas de Santa Fe”, which contains 305 bodies, thus satisfying the “quantitative threshold” required by the Statute.

Furthermore, given the 22 cases of enforced disappearance described above and the existence of a clandestine grave with 305 bodies, it can be affirmed that these enforced disappearances were not isolated or random acts and reveal a degree of organisation that indicates the existence of a “course of conduct”.

In particular, in eleven of the cases described, the victims suffered enforced disappearance in a period of only five days, between 6 and 11 December 2013, all in the city of Veracruz, which demonstrates a series or overall flow of events. In addition, each of the events described above involved persons identified by witnesses and/or family members as members of the Veracruz State Police or Ministerial Police. In most of the events, weapons or some form of force or violence were used.

In each of the 22 cases documented, the perpetrators entered the places where the persons to be disappeared were located, removed them from these places and then, in most cases, loaded them onto vehicles. Eleven individuals were detained in a public place, in full view of many witnesses, while seven victims were detained in their homes or workplaces, all by state authorities.¹⁸⁸ The persons who detained the 22 victims described above arrived, in each of the instances, at the places that had been selected and did so at different times of the day; they remained, without concealing their presence, at the places for the minimum time necessary to wait for, search for, take away or intercept the persons who were disappeared; and they left the places, usually in vehicles, after detaining the victims without facing any significant obstacle. The victims detained in the city of Veracruz, including those in Formando Hogar neighbourhood, are still missing and their relatives do not have information regarding their whereabouts, while the seven victims detained in the municipality of La Antigua have been found on the outskirts of the city of Veracruz, in the clandestine grave “Colinas de Santa Fe”, along with 298 other dead bodies.

184. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150; Pre-Trial Chamber I, *Prosecutor v. Laurent Gbagbo*, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 209.

185. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 663; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150.

186. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 150.

187. Pre-Trial Chamber I, *Prosecutor v. Laurent Gbagbo*, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11, para. 210.

188. In the case of the remaining four victims, there is no detailed information on the place of their detention.

This form of action could not have been carried out, in the regular and continuous manner in which it was executed, if it had not been the product of an operation directed and organised by the Veracruz Governor's Office itself and operationally executed by the State Office for Public Security, with the participation of the Veracruz State Police and Ministerial Police, sometimes acting together with the Veracruz Investigation Agency, federal security forces deployed in the state of Veracruz, in particular the Navy, and/or elements of organised crime. All these elements demonstrate the existence of a "course of conduct" within the meaning of Article 7(2)(a) of the Statute.

b. Directed against a civilian population

The "course of conduct" must be directed against "a civilian population". According to the Chambers of the Court, the expression "civilian population" refers to "civilians" as opposed to "members of armed forces and other lawful combatants"¹⁸⁹ and denotes a "collective" as opposed to individual "civilians".¹⁹⁰ Furthermore, as noted by the Chambers of the Court, the requirement that the attack be "directed against" the civilian population "means that the civilian population must be the primary, as opposed to incidental, target of the attack",¹⁹¹ without meaning that the entire population of a geographical area was being targeted during the attack.¹⁹² What must be established is that civilians were targeted during the attack in "numbers or in a manner sufficient" to prove that the attack was directed against a civilian population¹⁹³ and not against a limited group of specific individuals.¹⁹⁴ The Chambers of the Court have also noted that the reference to "any" civilian population in Article 7(1) of the Statute "means that the provision is not limited to populations defined by a common nationality, ethnicity or other similar distinguishing features".¹⁹⁵

This communication refers to 22 persons who suffered enforced disappearance between November 2012 and July 2016, eleven of them in a period of under six days in December 2013. These individuals all disappeared in a limited geographical area, and seven of them were found in a clandestine grave of 305 bodies. The victims for whom documentation is available were all civilians, not members of military forces or those considered to have combatant status.

189. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1102.

190. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 152; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1102.

191. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1104.

192. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1104.

193. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 154.

194. *Ibid*; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1105.

195. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 667; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 155.



One of the graves found in Colinas de Santa Fe, located on the outskirts of the city of Veracruz, uncovered by the Solecito collective. © Colectivo Solecito de Veracruz

In all the cases documented for this communication, state resources were used to disappear people who were considered undesirable or constituted an obstacle to the Veracruz state authorities in one way or another.

As explained in the context section of this communication, during the administration of former governor Duarte de Ochoa, through the State Office for Public Security, security operations supposedly designed to combat drug trafficking were carried out as part of Mexico's war on drugs. Far from combating crime and drug trafficking, some security operations served as mechanisms of "social cleansing", in which people from Veracruz were detained and disappeared.

This is the case of the nine victims disappeared in Formando Hogar, described above. These incidents took place within the framework of Operation "Guadalupe Reyes", based on a "social cleansing" rationale and allegedly carried out to address an increase in crime inside the campus of the University of Veracruz. The security Operation "Guadalupe Reyes" was launched under the command of Arturo Bermúdez Zurita and involved both state and federal forces, with the alleged aim of combating violence in the institution. Similarly, the detentions of other victims were

carried out as part of a security operation in the city of Cardel, in an area where, according to witnesses, there was a point of sale of drugs. As in the Operation “Guadalupe Reyes”, the detention and disappearance of the young men in Cardel by the State Police appears to have taken place in accordance with a rationale of “social cleansing”. Indeed, an employee from the State Public Prosecutor’s Office justified these events to some family members of victims from Cardel based on this rationale, indicating to them that those detained were “bad people”. These events, motivated by a rationale of “social cleansing”, within the framework of security operations carried out by the Veracruz State Police, demonstrate that this group of young people were part of a civilian population targeted, and not incidental, in the attack carried out by state authorities.

It should also be noted that the disappearance of at least three victims may have been motivated by the aim of suppressing or concealing evidence of criminality perpetrated by state authorities and/or organised crime. Regarding two of the victims found in the clandestine grave “Colinas de Santa Fe”, disappeared by the Veracruz State Police, both worked for the Public Prosecution in the city of Veracruz, and their work may have constituted a threat to the criminal activities of the state authorities of Veracruz, according to the evidence available. Likewise, in the case of one victim who disappeared in the city of Veracruz, this individual worked in a garage where State Police vehicles used to carry out security operations were repaired; therefore, his disappearance may also have been motivated by an attempt by the state authorities to suppress or conceal evidence of criminality. In any event, all the victims identified in this document were detained by state authorities and, for one reason or another, were considered undesirable or constituted an obstacle to the Veracruz state authorities.

Among the cases documented for this communication, the majority of the victims were young men of low socio-economic status, who were students or had jobs as a painting assistant, mechanic, taxi driver or debris loader, ranging from 16 to 46 years old, over 68% of them under the age of 40. This group of men was specifically identified by the state authorities, who in some cases carried with them photos of the young men they were searching.

The common characteristics of this group of disappeared persons, all young men of low socio-economic status, selected because they were considered undesirable or constituted an obstacle to the Veracruz state authorities, demonstrate that this attack was directed against a civilian population of inhabitants of the municipalities of Veracruz and La Antigua. This group of men was the primary, and not incidental, target of the attack carried out by the Veracruz state authorities.

c. Pursuant to or in furtherance of a State or organisational policy to commit such attack

According to Article 7(2)(a) of the Statute, the course of conduct involving the multiple commission of acts referred to in paragraph 1 of the Article must be “pursuant to or in furtherance of a State or organisational policy to commit such an attack”, thus requiring a link to be established between the attack and the policy.¹⁹⁶ The Chambers of the Court have held that, within the meaning of this article, the term “policy” refers “essentially to the fact that a State or organisation intends to carry out an attack against a civilian population, whether through action or deliberate failure to take action”.¹⁹⁷ While “policy” does not preclude a design adopted by a state or organisation with regard to a certain population in a given geopolitical situation, the Statute does not require that a “formal design” exists, i.e. the policy need not to be formalised.¹⁹⁸ What is required is that the policy targets

196. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 673.

197. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1108. Elements of crimes. Article 7. Crimes against humanity, Paragraph 3: “It is understood that “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population”. The Elements of Crimes further specify that the policy which has a civilian population as the object of the attack “would be implemented by State or organisational action. Such a policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack. The existence of such a policy cannot be inferred solely from the absence of governmental or organisational action”. Elements of Crimes. Article 7. Crimes against humanity, Paragraph 3, endnote 6.

198. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 160.

a particular civilian population or a part thereof.¹⁹⁹ Evidence of the existence of the “policy” can be inferred from a variety of factors which, taken together, establish that the policy existed.²⁰⁰ Such factors include:

- i. that the attack was planned, directed or organised;
- ii. a recurrent pattern of violence;
- iii. the use of public or private resources to further the policy;
- iv. the involvement of the State or organisational forces in the commission of the crimes;
- v. statements, instructions or documentation attributable to the State or organisation condoning or encouraging the commission of the crimes; and/or
- vi. an underlying motivation.²⁰¹

Moreover, the State or organisational policy may become clear to the perpetrators only in the course of its implementation, such that definition of the overall policy is possible only in retrospect, once the acts have been committed and in the light of the overall operation or course of conduct pursued.²⁰²

In relation to a State policy to commit an attack, the Chambers of the Court have also noted that the policy does not necessarily need to have been conceived “at the highest level of the State machinery”. A policy adopted by regional or even local organs of the State could satisfy the requirement of a State policy.²⁰³

In the present case, there was a policy of the state of Veracruz to commit an attack against a civilian population, specifically carried out by the State Police and Ministerial Police authorities, sometimes acting together with the Veracruz Investigation Agency, Federal Forces, in particular the Navy, and/or organised crime elements. These are therefore high-ranking regional authorities in Mexico and, to that extent, if the existence of such a policy is proven, the requirement of a “policy” of a State would be satisfied.

With respect to factors (i) and (ii), as explained in the element “course of conduct involving the multiple commission of acts referred to in Article 7(1) of the Statute”, the events that occurred could not have taken place, in the regular, continuous, coordinated and smooth manner in which they were executed, if they had not been the result of an operation planned, directed or organised by the State Office for Public Security, including the State Police, and the Veracruz Governor’s Office. The existence of an operation in which victims were searched out and taken from their homes, workplaces, or detained on public streets by state authorities, all in the municipality of Veracruz or La Antigua, reveals that there was a planned attack.

In particular, with regard to the nine victims of enforced disappearance in Formando Hogar, the attack occurred within the framework of Operation “Guadalupe Reyes”, announced to the press on 10 December 2013 by the Head of the State Office for Public Security, Arturo Bermúdez Zurita. The operation was announced in anticipation of the winter holidays of the “Guadalupe Reyes” period, the colloquial name for the holiday period which traditionally runs from 12 December to 6 January and was supposedly designed to “guarantee the safety of people visiting the state” and to patrol the main tourist sites in the state to protect its visitors.

In his speech announcing the operation, the Veracruz Head of the State Office for Public

199. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1108.

200. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08, para. 160.

201. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 674; Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 160; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1109.

202. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1110.

203. Pre-Trial Chamber III, Corrigendum to “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d’Ivoire”, 15 November 2011, ICC-02/11, para. 45.

Security, Bermúdez Zurita, stated that in the conurbation of the city of Veracruz and Boca del Río, 400 additional elements of the State Police had been sent to support the Naval Police in preventive duties,²⁰⁴ and a parade of Federal and State law enforcement agencies took place, who rode in vehicles and on horseback along the *Boulevard Ruiz Cortines* in the city of Veracruz.²⁰⁵ As part of this operation, in addition to the nine victims of enforced disappearance already mentioned, hundreds of people from the city of Veracruz were detained, many of them in the “Penalito” detention centre, which demonstrates a planned, directed or organised operation.²⁰⁶

In the remaining cases, although the victims were not connected to Operation “Guadalupe Reyes”, they were all detained and disappeared by the same perpetrators, namely Veracruz state authorities. In all the cases described, a recurring pattern of violence occurred, with enforced disappearances carried out by state authorities, sometimes in conjunction with Federal authorities and/or organised crime, after which Veracruz state authorities repeatedly refused to conduct investigations into the crimes that took place. Furthermore, the existence of a mass clandestine grave with 305 bodies on the outskirts of the city of Veracruz suggests a planned, targeted or organised attack, given the number of victims and the geographical proximity of the grave to the site of enforced disappearances. All these facts, taken together, demonstrate (i) the existence of an attack that was planned, directed or organised and there was (ii) a recurrent pattern of violence.

In relation to factor (iii), the use of public or private resources to further the policy, in all the cases documented between November 2012 and July 2016, public resources were used, aimed at the fulfilment of the State policy of committing an attack against a civilian population, including: human resources (officials of the Veracruz State Police, the Ministerial Police of the Veracruz State Public Prosecutor’s Office, the Veracruz Investigation Agency and the Navy); “the Penalito” detention centre facilities in Playa Linda (where some of the victims were detained); vehicles (state and federal authorities’ vehicles, including pick-up vans, Suburban vans, Naval Police patrol cars and other vehicles); official government clothing (including navy blue uniforms with the “police” logo and Veracruz State Police clothing); various firearms; and other items (bullet-proof waistcoats and handcuffs).

Additionally, in each of the events documented, according to the information available, the state was involved in the commission of the crimes of enforced disappearance (iv), in particular elements of the Veracruz State Police and the Veracruz Ministerial Police, sometimes acting together with the Veracruz Investigation Agency or the Navy.

Moreover, there are statements, instructions or documentation attributable to the state of Veracruz that condone or encourage the commission of the crimes (v), which suggests a policy of the state of Veracruz to commit the attack described herein. In particular, as mentioned above, the Head of the State Office for Public Security publicly announced the launch of Operation “Guadalupe Reyes”, within the framework of which the nine Formando Hogar victims disappeared, for which thousands of state and federal security forces were deployed during the holiday period between December 2013 and January 2014. Following the events in Formando Hogar, as in all the cases documented for this communication, the authorities of the state of Veracruz failed to carry out impartial and effective investigations into the disappeared persons. In particular, it is worth noting again that, despite the existence of a grave with 305 bodies on the outskirts of the city of Veracruz, less than 10% of the bodies have been identified and no effective investigation has been carried out regarding the perpetrators of the crimes pertaining to this grave. All of this, taken together, condones the commission of the crimes of enforced disappearance described herein.

204. Rodrigo Barranco, “Arranca operativo Guadalupe-Reyes en Veracruz” (Operation “Guadalupe-Reyes” gets underway in Veracruz), *El Universal*, 10 December 2013, <https://archivo.eluniversal.com.mx/estados/2013/operativo-navidad-veracruz-971940.html>, accessed on 9 July 2021.

205. Andrés Salomón, “Inicia operativo Guadalupe-Reyes con más de seis mil elementos” (Operation “Guadalupe-Reyes” begins with more than 6,000 personnel), *Quadratin*, 10 December 2013, <https://veracruz.quadratin.com.mx/Inicia-operativo-Guadalupe-Reyes-con-mas-de-seis-mil-elementos/>, accessed on 9 July 2021. See also Rodrigo Barranco, “Arranca operativo Guadalupe-Reyes en Veracruz” (Operation “Guadalupe-Reyes” gets underway in Veracruz), *El Universal*, 10 December 2013, <https://archivo.eluniversal.com.mx/estados/2013/operativo-navidad-veracruz-971940.html>, accessed on 9 July 2021.

206. Annex Q.

Finally, in relation to the underlying motivation (vi), as detailed in the section “directed against a civilian population”, in all the events described in this communication, state resources were used to disappear persons who were considered undesirable or constituted an obstacle to the Veracruz state authorities in one way or another. In some cases, including some of those that took place in Formando Hogar and Cardel, the facts suggest that the security operations served as mechanisms of “social cleansing”, whereby students or working people from Veracruz were detained and disappeared, within the context of the war on drugs. In the case of other victims, the acts of enforced disappearance appear to have been motivated by an objective of suppressing or concealing evidence of criminality on the part of state authorities and/or organised crime. While there is insufficient information on the underlying motivation in each of the cases, the manner in which the state authorities acted and the testimonial evidence available suggests that all the victims identified in this document were, for one reason or another, considered undesirable or an obstacle to the authorities of the state of Veracruz.

These six factors, taken together, give grounds to consider, on a reasonable basis, that the attack against a civilian population, implemented between November 2012 and July 2016 in Veracruz by state security authorities and the Veracruz Governor’s Office, was carried out pursuant to or in furtherance of a state policy to commit such an attack.

2. A widespread or systematic attack

Having established the existence of an attack directed against a civilian population, it is now necessary to analyse the characterisation of the attack by determining, in accordance with Article 7(1), whether the attack was widespread or systematic.

The attack directed against a civilian population must be “widespread or systematic”. This implies “that the acts of violence are not spontaneous or isolated”.²⁰⁷ It is generally recognised by the Chambers of the Court that the adjective “widespread” means that the attack “is large-scale in nature and targeted at a large number of persons”, whereas the adjective “systematic” reflects “the organised nature of the acts of violence and the improbability of their random occurrence”.²⁰⁸ The “systematic” character of the attack also refers to the existence of a *pattern of crimes*, evidenced by non-accidental repetition of similar criminal conduct on a regular basis.²⁰⁹ In this regard, in considering the systematic character of the attack, we can assess whether:

- i. identical acts took place or similarities in criminal practices can be identified;
- ii. the same *modus operandi* was used; or
- iii. victims were treated in a similar manner across a wide geographical area.²¹⁰

The disjunctive language of Article 7(1) of the Statute requires that the acts contemplated by this article be committed as part of a widespread or systematic attack against a civilian population and, therefore, it is not necessary for the attack to have both of the characteristics.²¹¹

As already described in previous sections, in relation to each of the victims of the attack, according to witnesses and/or relatives, state agents of the Veracruz State Police or the Ministerial Police, sometimes acting together with other authorities, located and arrived at the places where each of the persons who were victims of enforced disappearance were to be found, these places being the person’s home or workplace or public places, such as a bar, a park, a shopping centre and in streets or avenues. According to witnesses, in some cases, the authorities carried photographs of the

207. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1123.

208. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, paras. 691 and 692; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1123.

209. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 692; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.

210. Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06, para. 693.

211. Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1162.

persons they intended to detain and/or had previously identified the victims in one way or another. The victims were taken from their place of residence or work or from the public place where they were found and abducted using force, and almost all detentions were carried out using some form of weapons or violence, including beatings. After being detained, usually in vehicles with state authorities on board, the victims disappeared and their relatives never heard from them again, or they were found in the clandestine grave “Colinas de Santa Fe”.

The events therefore occurred in an organised and coordinated manner, adopting a *modus operandi* that was repeated. All these elements, taken together, show that there was a clear pattern in the commission of the crimes, with all the victims sharing common denominators and treated in a similar way. This clearly shows that the attack directed by the authorities of the state of Veracruz against a civilian population of inhabitants of the municipalities of Veracruz y La Antigua was a systematic attack.

3. Nexus between the individual acts and the attack

The individual acts must be committed as part of a systematic or widespread attack. The determination of whether an act under Article 7(1) of the Statute is part of a systematic or widespread attack requires consideration of the attack as a whole and also of its individual components, taking into account the nature of the act, the aims it pursues and the consequences it occasions.²¹² Isolated acts that clearly differ in their nature, objectives and consequences from other acts that form part of an attack fall outside the scope of Article 7(1) of the Statute.²¹³

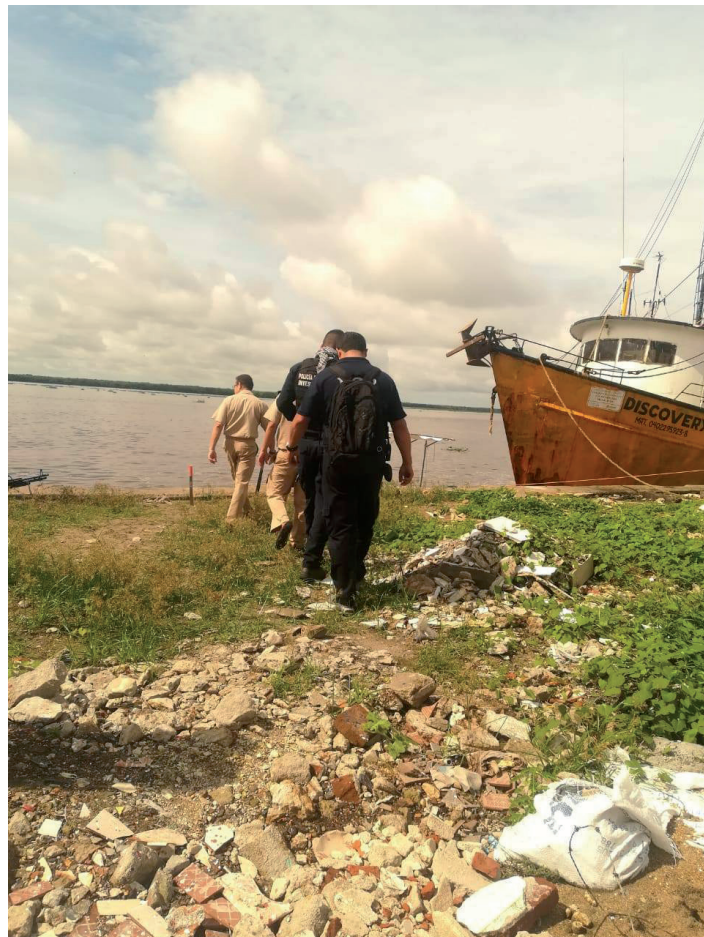
This communication describes 22 cases of enforced disappearance of young men, which occurred in the period from November 2012 to July 2016, and the existence of a clandestine grave containing 305 bodies. The 22 cases took place during events that followed one after the other, in a period of 44 months, and in the same clearly defined geographical area, the municipalities of Veracruz and Antigua. The enforced disappearances were committed by persons identified by witnesses as state authorities, members of the Veracruz State Police or Ministerial Police, sometimes acting in conjunction with the Veracruz Investigation Agency, the Navy and/or organised crime elements. Each of the enforced disappearances was committed as part of the systematic attack against the group of civilians identified by the Veracruz state authorities, between November 2012 and July 2016.

212. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 165; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.

213. Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343, para. 165; Trial Chamber II, *Prosecutor v. Germain Katanga*, Judgment pursuant to Article 74 of the Statute, 7 March 2014, ICC-01/04-01/07, para. 1124.



Victims' collectives in their efforts to find their loved ones. © Colectivo Solecito de Veracruz



VIII. Conclusion

The manner in which the events documented in this communication, in which 22 enforced disappearances were committed, as part of a systematic attack against a civilian population of male inhabitants of Veracruz, in the adjacent municipalities of Veracruz and La Antigua, between November 2012 and July 2016, gives grounds to consider, on a reasonable basis, that crimes falling within the jurisdiction of the Court, specifically crimes against humanity, were committed in during that period. These crimes were committed by Veracruz state authorities, including the State and Ministerial Police, sometimes acting in conjunction with other state or federal authorities and/or organised crime, during the term of office of former governor Duarte de Ochoa.

The signatory organisations to this report therefore consider that the ICC Office of the Prosecutor should open a preliminary examination into the situation in Mexico in relation to the events that took place in Veracruz, in addition to the events already documented by FIDH, together with other organisations, on which there is also a reasonable basis to conclude that crimes against humanity have been committed in Mexico.

IX. Recommendations

The signatory organisations of this report consider that it is imperative that both the State of Mexico and the Office of the Prosecutor of the ICC investigate the possible commission of crimes against humanity in the State of Veracruz, which would contribute positively to the fight against impunity, and make progress in the search for and identification of cases of enforced disappearance in said State.

1) For this reason, we urge the government of Veracruz to:

- Reinstatement of a dialogue with Solecito, Red de Madres of Veracruz and other victims' collectives, setting up monthly roundtables to report on progress in the search for disappeared persons;
- provide, in particular through the State Executive Commission for Holistic Victim Support (*Comisión Ejecutiva Estatal de Atención Integral a Víctimas*, CEEAIV), legal and psychosocial support to victims of enforced disappearance in Veracruz;
- increase the budget and improve the training of officials of the Veracruz State Public Prosecutor's Office (*Fiscalía General del Estado*), with the aim of investigating all cases of enforced disappearances in Veracruz independently and efficiently; and
- to the Veracruz State Public Prosecutor's Office, implement and comply with investigation plans in individual cases of enforced disappearance.

2) To the Mexican State, including its judicial branch:

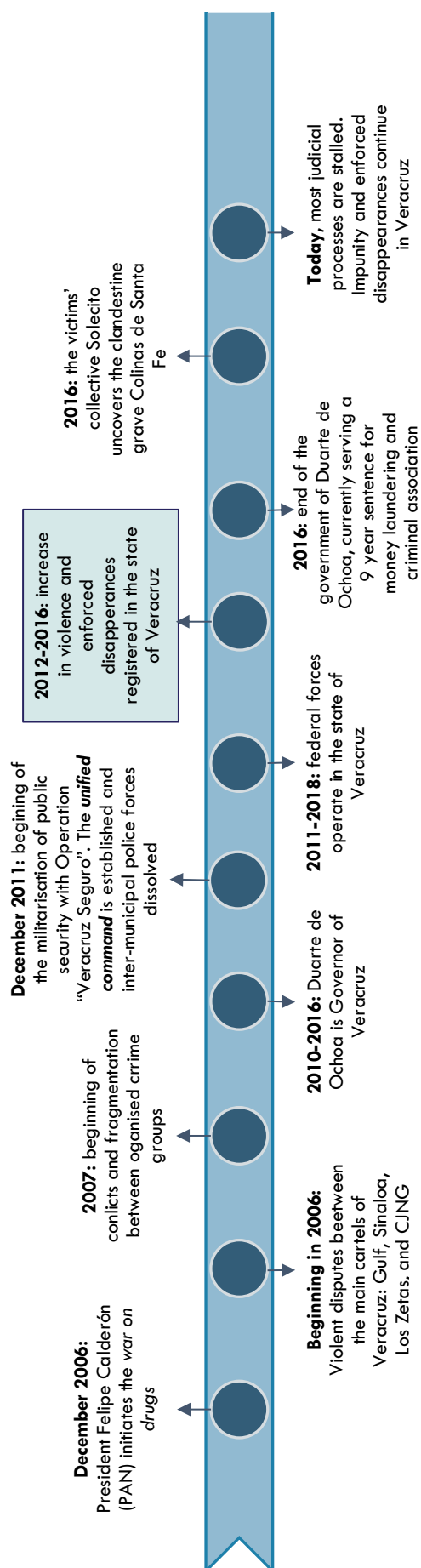
- To the State, recognise the existence of crimes against humanity in Mexico.
- To the FGR, carry out an analysis of the context of enforced disappearances in the state of Veracruz, in particular during the government of Javier Duarte de Ochoa;
- investigate the existence of crimes against humanity and, in particular, the possible responsibility of former Governor Duarte de Ochoa and former Secretary of Public Security Bermúdez Zurita in the commission of said crimes;
- and improve dialogue and coordination between the FGR and the Veracruz State Public Prosecutor's Office, which is required by the General Law on Enforced Disappearances of Persons (*Ley General en Materia de Desaparición Forzada de Personas*).

3) To state and federal entities in charge of the search for disappeared persons, including the CNB:

- Identify all bodies that have been found in clandestine graves in Veracruz, including in "Colinas de Santa Fe", as well as other graves identified by the Solecito collective and others, and carry out new excavations; and
- in particular to the CNB, to engage in a dialogue with victims' collectives in the state of Veracruz when carrying out searches for clandestine graves in the state.

4) To the ICC Office of the Prosecutor: open a preliminary examination on Mexico, including the state of Veracruz, which would contribute to the investigation of patterns of systematic and widespread violence in the country, as well as provide a new space for justice for the victims of crimes against humanity committed in Mexico.

ANNEX 1: Timeline



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Director of publication:

Alice Mogwe

Editor in chief:

Éléonore Morel

Authors:

FIDH, IDHEAS y el Colectivo Solecito de Veracruz

Design:

FIDH/CB

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www.facebook.com/idheasdh/ - @idheasdh

info@idheas.org - www.idheas.org



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Contact:

www.facebook.com/Lucidige/ - @SolecitodeVer

solecitodeveracruz@hotmail.com - (228) 283 7089

lucidige@icloud.com (Lucy Diaz Genao, leader of Solecito)

fidh

CONTACT

FIDH

17, passage de la Main d'Or

75011 Paris - France

Tel: (33-1) 43 55 25 18

www.fidh.org

Twitter: @fidh_en / fidh_fr / fidh_es

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