

# Disappeared: Justice Denied in Mexico's Guerrero State

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## *Executive Summary*

Horrific, unpunished human rights violations have blurred the lines between politics, government and crime in Mexico's south-western Guerrero state. Drug gangs not only control the illegal heroin industry and prey on ordinary citizens through kidnapping and extortion, but have also penetrated, paralysed or intimidated institutions obligated to uphold democracy and rule of law. The disappearance of 43 students from the Ayotzinapa teaching college in September 2014 by police allegedly acting in league with gangsters was no anomaly. To break the cycle of violence, ensure justice for the disappeared and bring rule of law to an impoverished, turbulent region, the federal government must give prosecution of unsolved disappearances and other major human rights violations in Guerrero to an independent special prosecutor backed by an international investigative commission empowered to actively participate in the proceedings.

President Enrique Peña Nieto has recognised that his country faces a crisis of confidence. Despite an extraordinary expenditure of resources and personnel, the investigation into the Ayotzinapa disappearances has been riddled by mistakes and omissions, according to the September 2015 report of experts appointed by the Inter-American Commission on Human Rights (IACHR). Nearly two-thirds of the public nationwide does not believe the government's version, and three-fourths disapproves of federal prosecutors' work. Victims and human rights defenders have demanded a probe into possible obstruction. Distrust of authorities is so profound that these and other investigations into major human rights violations in Guerrero require the credibility conferred by international expertise.

The federal government on 19 October took an important step by agreeing to put a new team of prosecutors in charge of the case that is to work with the IACHR experts to incorporate their findings and recommendations into the investigation and jointly plan the inquiry going forward. The gravity of violence and corruption in Guerrero, however, calls for further action to assure the public that authorities are ready and willing to investigate and punish criminals who terrorise civilians and any government officials whose acts or omissions help or encourage them.

First, the Ayotzinapa cases should be given to a special prosecutor's office led by a top attorney from outside government with experience in human rights litigation. It should also take over inquiries into other enforced disappearances and major human rights violations in Guerrero, with authority to open new lines of inquiry.

Secondly, these investigations should be assisted and monitored by an international commission, under the auspices of the Organization of American States (OAS) and/or the UN and composed of experts in criminal law and human rights. This commission should have authority to participate in criminal proceedings, with full access to evidence and witnesses. It should also work with victims and human rights groups to develop plans to assure accountability for abuses committed during counter-insurgency campaigns in the 1970s and compensation for survivors.

Most crimes still go unreported, and polls show that a majority of citizens distrusts both prosecutors and police. By holding inept, complicit or corrupt officials accountable, authorities can start to regain the citizen trust that is essential for effective law enforcement. Additionally, federal and state authorities should make ending impuni-

ty for serious human rights violations an integral part of Mexico's ongoing effort to reform the justice system while purging and professionalising federal, state and local police forces.

The Ayotzinapa tragedy is not an isolated incident. The discovery of mass, unmarked graves in Guerrero, especially around Iguala, where the students disappeared, laid bare a gruesome pattern of more extensive unsolved killings. Nor is the problem limited to Iguala. The May 2015 abduction of more than a dozen people in Chilapa, where state and federal forces had taken security responsibility, showed that months after the students disappeared authorities remained unwilling or unable to act decisively to prevent and resolve such crimes.

Disappearances cast a long shadow over the justice system, an essential pillar for rule of law in any stable country. Mexico has more than 26,000 unsolved missing person cases, according to an official registry. The president has proposed a special prosecutor's office to investigate these cases. This is positive, but unlikely to win public confidence given the magnitude of the issue. Mexico should open a debate about creating a national mechanism for resolving these cases and other major human rights violations, drawing upon the expertise and experience of both Mexican and foreign human rights defenders to uncover the truth, punish the perpetrators and support or compensate relatives of the victims.

Federal officials cite declining homicides over three years as an important achievement. But violence remains intense in states such as Guerrero, which in 2014 had the country's highest homicide rate and where bloodshed is rising. Despite deployment of more federal police, homicides in the state rose 20 per cent in the first half of 2015. And official statistics may not reflect the true insecurity level in a state where some 94 per cent of all crimes go unreported. Impunity, even for homicide, is the norm. Over a decade, a recent study found, only about 7 per cent of Guerrero homicides have resulted in convictions. Nationally, another report said, about 16 per cent of registered homicides end in convictions.

President Peña Nieto vowed in November 2014 that "after Iguala, Mexico must change". He can still make good on this, but only with decisive action to restore confidence by investigating and prosecuting emblematic cases, starting in Guerrero and continuing in other vulnerable states. By creating a hybrid investigative entity, the government would not only ensure an impartial inquiry, but also encourage transfer of skills from foreign specialists to Mexican prosecutors.

Guerrero's tragedy is more than the failure of Mexican institutions. The criminals who terrorise its citizens derive much of their wealth from producing and transporting illegal drugs across the border. The U.S. has a clear interest in strengthening law enforcement and justice in the state that supplies much of the heroin that fuels its growing epidemic. Supporting strong, independent prosecutors with money and technical aid would bolster rule of law by demonstrating that neither violent criminals nor corrupt officials will go unpunished.

## *Recommendations*

*To combat widespread impunity, especially for human rights violations and official corruption, and restore public confidence in the judicial system*

### **To the federal government of Mexico:**

1. Establish a special prosecutor's office to investigate enforced disappearances and other major human rights violations in Guerrero:
  - a) the president should name an attorney from outside the government experienced in human rights litigation and give that individual full independence, including to hire staff, in consultation with human rights and victims groups; and
  - b) the special prosecutor should have full authority to open new lines of inquiry, protect witnesses, conduct searches or monitor communications with appropriate judicial approval and bring charges.
2. Invite an international investigative commission to continue the work of the Interdisciplinary Group of Independent Experts appointed by the Inter-American Commission on Human Rights (IACHR), but with expanded powers and a renewable two-year mandate. This commission should operate under the auspices of the Organization of American States (OAS) and/or the UN and in cooperation with victims' representatives and have the legal authority to:
  - a) support the special prosecutor, focusing on enforced disappearances and other major human rights violations;
  - b) participate in criminal proceedings, including by providing evidence to the prosecutor and judges, questioning witnesses and accessing all required material; and
  - c) work with victims and human rights groups to devise a plan for implementing the recommendations of both the Guerrero State Truth Commission and the federal government's Special Prosecutor for Social and Political Movements of the Past regarding accountability for abuses committed during the "dirty war", appropriate compensation for survivors and memorialisation of those who lost their lives.
3. Require authorities at all levels, including members of the military and other security forces, to cooperate fully with the special prosecutor and the Commission.
4. Amend legislation on enforced disappearances to:
  - a) hold officials accountable not just for direct participation in an abduction, but also for authorising, supporting, refusing to acknowledge or concealing such a crime, whether carried out by criminal groups or individuals; and
  - b) include obligatory search protocols and provisions for victim support and reparations.

5. Draw on the expertise of national and international human rights defenders and experts and promote a national debate over creation of a credible mechanism to investigate and prosecute disappearances and other serious human rights violations throughout the country. Victims groups should participate in any initiative to assure that their rights to information and appropriate compensation or support are respected.

**To state government of Guerrero:**

6. Implement the recommendations of the 2014 Guerrero Truth Commission to compensate, recognise and memorialise the victims of counter-insurgency campaigns during the 1970s.
7. Assure that state police and prosecutors investigating disappearances follow established protocols to find the missing and work closely with relatives; and create specialised teams trained to respond immediately to reported kidnappings.
8. Accelerate efforts to register all missing persons in the state, enlisting the support of human rights defenders to encourage relatives to report these cases.
9. Establish strong internal and external control mechanisms to combat corruption within municipal governments and local police.

**To the international community, especially the U.S.:**

10. Provide funding and technical assistance for the special prosecutor's office and international investigative commission, incorporating such support into ongoing programs to strengthen the Mexican justice system and combat drug trafficking.

**Mexico City/Bogotá/Brussels, 23 October 2015**

# Disappeared: Justice Denied in Mexico's Guerrero State

## I. Introduction

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Guerrero, in the south west, is Mexico's most violent state. Its 2014 homicide rate (43 per 100,000 persons) was more than triple that of the country as a whole (13 per 100,000). Homicides have dropped nearly 30 per cent nationally since President Enrique Peña Nieto took office in late 2012, but violence is up in some states, including Guerrero, where in the first six months of 2015, they rose by 20 per cent compared to the same 2014 period, despite deployment of additional federal forces to the state.<sup>1</sup> It had the second highest number of murders in the country, after Mexico state, the country's most densely populated entity with nearly five times as many people. It also had among the most reported kidnappings, after Mexico, Tamaulipas and Veracruz.<sup>2</sup>

These figures, however, may not reflect real levels of insecurity in a state where more than 94 per cent of crimes go unreported, according to estimates from the government's national survey of victims. Impunity is the norm even for reported crimes: only about two-thirds of criminal complaints (an estimated 3 per cent of all crimes) are investigated.<sup>3</sup> A recent study found that of the 19,434 homicides reported to Guerrero prosecutors from 2005 to 2014, only 1,269 or about 7 per cent resulted in convictions. Nationally, the proportion of registered homicides resulting in convictions is also low: about 16 per cent of those committed in 2010 were resolved within a year.<sup>4</sup>

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<sup>1</sup> "Drug Violence in Mexico", Justice in Mexico Project, University of San Diego, April 2015. Crime statistics are from the Sistema Nacional de Seguridad Pública (SNSP), Incidencia Delictiva del Fuero Común ([secretariadoejecutivo.gob.mx](http://secretariadoejecutivo.gob.mx)). The SNSP only records homicides under investigation. These numbers are for "homicidios dolosos" or intentional homicides. "Arranca en Tierra Caliente y Acapulco la estrategia especial de seguridad anunciada por Peña Nieto" *El Sur*, 4 December 2014. Initially the federal government announced operations in 22 municipalities in Guerrero plus eight in Mexico state, four in Morelos and two in Michoacán. In January, Guerrero's state government announced that federal and state forces would also be sent to Chilapa and La Montaña region. See Arturo de Dios Palma, "Anuncia Ortega operativo contra el delito en Chilapa y La Montaña", *La Jornada: Guerrero*, 25 January 2015.

<sup>2</sup> SNSP and Crisis Group calculations based on homicide rates from the SNSP. Population from the Consejo Nacional de Población (CONAPO), [www.conapo.gob.mx](http://www.conapo.gob.mx).

<sup>3</sup> Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2015. The "cifra negra" – black or unknown figure – of unreported crimes is high in much of Mexico. Nationally an estimated 89 per cent of all crimes go unreported. Only 7 per cent of total crimes are investigated. About 54 per cent of violent crimes and 63 per cent of property crimes go unreported in the U.S. Jennifer L. Truman and Lynn Langton, "Criminal Victimization, 2014", U.S. Department of Justice, August 2015.

<sup>4</sup> "Broken Justice in Mexico's Guerrero State", Open Society Foundations, 2015, p. 15. "Indicadores de Víctimas Visibles e Invisibles de Homicidio", México Evalúa, 2012, p. 31. See also Alejandro Hope, "Explaining the homicidal wave", Silver or Lead, newsletter, *El Daily Post*, 22 September 2015.

While impunity is the norm for homicides, it is nearly absolute for enforced disappearance.<sup>5</sup> Only six people have been convicted for the crime since it became a federal offence in 2001, according to Amnesty International.<sup>6</sup> A victims association in Guerrero documented 293 unsolved disappearances between April 2005 and May 2011, of which about 200 might be considered “enforced”, ie, there was evidence that state actors were involved. The state Human Rights Commission documented 90 enforced disappearances between 1990 and 2014. Prosecutors have reported opening 44 investigations, but none have yet reached trial.<sup>7</sup>

Around the country, more than 26,000 people have been registered as missing since 2007, including nearly 12,000 over the three years of Peña Nieto's term.<sup>8</sup> The government is working with the International Committee of the Red Cross to compile an updated registry of missing persons and protocols for immediate action that can be applied across the country. It is also consulting human rights organisations about bringing legislation on enforced disappearances into accord with international standards.<sup>9</sup> But such measures are insufficient to address what the president terms the country's “loss of confidence”.<sup>10</sup> Only 35 per cent believe his government is doing a good job fighting organised crime and drug gangs, down from 53 per cent in 2014; only 27 per cent approve of efforts to fight corruption, down from 42 per cent the previous year.<sup>11</sup>

Though violence (as measured by homicide rates) has declined since Peña Nieto took office, the proportion of Mexicans who believe that living in their state is dangerous has gone from 67 per cent in 2012 to 73 per cent in 2015. This trend is more pronounced in Guerrero, where the proportion of those who feel insecure has risen in the same period from 74 per cent to 87 per cent.<sup>12</sup> *Guerrerenses* are less likely to trust security and justice institutions than other Mexicans. Only 22 per cent trust the municipal police (36 per cent nationally); 33 per cent trust state police (compared to 43 per cent); 46 per cent trust federal police (56 per cent nationally). State and federal prosecutors have the confidence of only 33 per cent and 45 per cent, respectively, of those surveyed in Guerrero, compared to 42 and 49 per cent in the country as a whole.

This distrust is the product of decades of impunity in Guerrero. It also reflects the widespread perception that criminals have infiltrated the state at nearly all levels,

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<sup>5</sup> An enforced disappearance under international human rights law occurs when a person is secretly abducted or imprisoned by a state official with the authorisation or acquiescence of the state. See “Working Group on Enforced or Involuntary Disappearances”, Office of the UN High Commissioner for Human Rights, (OHCHR). Guerrero, unlike many states, codified the crime in 2005. This report refers to enforced disappearances, when there is evidence of state involvement, and simply to disappearances, when there is not.

<sup>6</sup> “Mexico: Ayotzinapa students' enforced disappearance in 10 shocking figures”, Amnesty International, 25 September 2015.

<sup>7</sup> State human rights officials cited in “Broken Justice”, op. cit., pp. 16-17. Human Rights Watch found “compelling evidence” state actors had participated in 149 of 249 disappearances it documented since 2006. “Mexico's Disappeared: The Enduring Cost of a Crisis Ignored”, 2013, pp. 1-2.

<sup>8</sup> Registro Nacional de Personas Extraviadas y Desparecidas (RNPED) as of 31 July 2015. [www.secretariadoejecutivo.gob.mx/RNPED](http://www.secretariadoejecutivo.gob.mx/RNPED).

<sup>9</sup> Crisis Group interview, Eber Omar Betanzos, deputy attorney general (human rights), Mexico City, 3 July 2015.

<sup>10</sup> Jude Webber, “Mexico plagued by ‘incredulity and distrust’, admits president”, *Financial Times*, 2 March 2015.

<sup>11</sup> Daniela Cuddington and Richard Wike, “Declining Ratings for Mexico's Peña Nieto”, Pew Global, 27 August 2015.

<sup>12</sup> “Principales Resultados Guerrero”, ENVIPE 2015, 30 September 2015.



blurring the difference between organised crime and legitimate authority.<sup>13</sup> For relatives of the disappeared, who live without either justice or closure, suspicion of official complicity can be especially intense.

For this report, Crisis Group interviewed dozens of victims, business people, activists, journalists and government officials in the cities of Iguala, Chilpancingo and Chilapa during eight visits to the state from October 2014 through August 2015. It also spoke with activists, analysts and federal officials in Mexico City. The following section looks at the state's history of political and criminal violence. The report then examines recent disappearances in Guerrero and the federal government's response, focusing on two cities that suffered some of the most notorious cases: Iguala, in the state's northern region, and Chilapa, in the centre. Both cities, which lie on key trafficking routes, are fiercely contested by criminal gangs.

The focus of this study is the fight against impunity as a necessary part of security and justice reform, particularly in a state that has suffered some of the country's most severe human rights violations. Subsequent Crisis Group reporting will look in more depth at the reforms needed to create professional police forces, another important element in any comprehensive effort to strengthen rule of law.

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<sup>13</sup> Crisis Group telephone interview, Santiago Aguirre, Centro de Derechos Humanos Miguel Agustín Pro Juárez, A.C., 30 September 2015.

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## II. A History of Violence

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Guerrero, wrote historian Enrique Krauze, has been “ungovernable since colonial times”: It was a central theatre of the nineteenth-century battles for independence and reform and experienced intense counter-insurgency campaigns against leftist guerrillas in the twentieth.<sup>14</sup> Its mountainous terrain fosters isolation, ideal for preserving the power of local bosses (*caciques*) while giving cover to outlaws, both political and criminal.<sup>15</sup> Another sinister protagonist has gained strength in recent decades: traffickers who control marijuana and opium poppy cultivation, plus other rackets such as kidnapping and extortion. These have generated their own antagonists: self-defence groups, some of which are legitimate, community-based police, while others appear to be controlled or infiltrated by rival gangs.<sup>16</sup>

Poverty has also been a constant in Guerrero, which, like other states in southern Mexico, has a relatively large rural, indigenous population. Two of three *Guerrerenes* are poor.<sup>17</sup> The state's human development index (a composite of income, health and education indicators) is the second lowest among the 31 states, after Chiapas.<sup>18</sup> Studies show 14 per cent of the population aged fifteen or older is illiterate, more than twice the national average (6 per cent) and several times the rates in wealthier northern states such as Nuevo León (2 per cent) and Chihuahua (3 per cent).<sup>19</sup> It also has the fourth highest infant mortality rate (15 per 1,000 live births), according to 2013 figures.<sup>20</sup>

“Extreme social inequality and rampant injustice” have fostered polarisation in the state, radicalising activists disillusioned with electoral democracy.<sup>21</sup> Some believe the end of single-party rule by the Institutional Revolutionary Party (PRI) changed politics little in the state, despite emergence of the leftist Party of the Democratic Revolution (PRD) as its chief competitor.<sup>22</sup> Critics say powerful interests, including organised crime, have infiltrated both. Clientelism – including vote buying by providing basic goods, jobs and even cash – not policy, determines elections. “To win votes and finance campaigns”, said Senator Alejandro Encinas, “political parties began opening up” to powerful local bosses regardless of their criminal connections.<sup>23</sup> “Power is

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<sup>14</sup> Enrique Krauze, “Trasfondos de la Infamia”, *Reforma*, 9 November 2014.

<sup>15</sup> Alexander Aviña, *Specters of Revolution: Peasant Guerrillas in the Cold War Mexican Countryside* (Oxford, 2014).

<sup>16</sup> Crisis Group Latin America Briefing N°29, *Justice at the Barrel of a Gun: Vigilante Militias in Mexico*, 28 May 2013.

<sup>17</sup> “Medición de la Pobreza 2014”, Consejo Nacional de la Evaluación de la Política de Desarrollo Social (CONEVAL), Cuadro Resumen Evolución Nacional y por Entidad Federativa.

<sup>18</sup> The UN Development Programme, using 2012 figures, calculated Guerrero's index as 0.679, compared to 0.746 nationally. “Índice de Desarrollo Humano para las Entidades Federativas, México”, Programa de las Naciones Unidas para el Desarrollo en México, 2015, p. 6.

<sup>19</sup> “Sistema Educativo de los Estados Unidos Mexicanos: Principales Cifras”, Secretaría de Educación Pública, 2013-2014, p. 25.

<sup>20</sup> “Sistema de Información de los Objetivos de Desarrollo del Milenio” ([www.objetivosdesarrollodelmilenio.org.mx](http://www.objetivosdesarrollodelmilenio.org.mx)).

<sup>21</sup> Carlos Illades, “Guerrero: La violencia circular”, *Nexos*, 1 November 2014.

<sup>22</sup> The PRI, formed in the aftermath of the Mexican Revolution, dominated politics for about seven decades, until losing the presidency in 2000. For an overview of parties, see the “Mexico Institute's Elections Guide”, ([mexicoinstituteelections.wordpress.com](http://mexicoinstituteelections.wordpress.com)).

<sup>23</sup> Crisis Group interview, Alejandro Encinas, independent senator for Mexico state, Mexico City, 24 April 2015. Encinas left the PRD in January 2015, citing its failure to reform following revelations about the mayor of Iguala.

exercised by *cacique*-led groups: it is unipersonal, authoritarian, and repressive”, said Abel Barrera, founder of the Tlachinollan Centre for Human Rights.<sup>24</sup>

### A. *The Dirty War*

Unlike most of Central and South America, Mexico never suffered military dictatorship during the Cold War. Nonetheless, it was not exempt from conflicts between an authoritarian, one-party state and increasingly radicalised movements demanding social and political change.<sup>25</sup> Nicomedes Fuentes García spent three years as a political prisoner in the 1970s, moving through both official and clandestine jail cells. Like other prisoners, Fuentes García, a student activist turned guerrilla supporter, was interrogated under torture by investigators hoping to link him to attacks on the army. The army officer who ordered his release in 1977 issued an ultimatum: stay out of trouble or you won't survive your next arrest. Fuentes García was lucky. The military reportedly detained nearly 1,500 suspected guerrillas or supporters during the 1970s, more than 200 of whom remain missing.<sup>26</sup>

As a member of the Guerrero Truth Commission, which published its findings in October 2014, he helped interview more than 400 survivors of Mexico's "dirty war", gaining their confidence "little by little". 40 years later, he said, the "trauma" of repression remains paralysing.<sup>27</sup> The human toll of counter-insurgency operations in Guerrero during the 1970s has been well documented in official investigations: the "Special Prosecutor for Social and Political Movements of the Past" issued an 800-page report in 2006, which examined some of the worst violations, including the 1968 massacre of student protestors in Mexico City shortly before the country hosted the Olympic games. Based on government archives and eyewitness accounts, it concluded that security forces had committed crimes against humanity in Guerrero by executing or forcibly disappearing hundreds of suspected guerrillas and their supporters.<sup>28</sup>

Despite its detailed evidence, the report did not result in any successful high-level prosecutions. The special prosecutor made headlines in 2006 by charging ex-President Luis Echeverría for the 1968 student massacre, but the case never went to trial.<sup>29</sup> Ex-intelligence chief Miguel Nazar Haro was arrested in 2004 on kidnapping and disappearance charges but acquitted in 2006.<sup>30</sup> Two high-level military officials re-

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<sup>24</sup> Crisis Group interview, Abel Barrera, Tlachinollan Centro de Derechos Humanos de la Montaña, Tlapa de Comonfort, Guerrero, 6 June 2015.

<sup>25</sup> Aviña, *Specters of Revolution*, op. cit.

<sup>26</sup> Crisis Group interview, Nicomedes Fuentes García, Guerrero State Truth Commission, Chilpancingo, 6 June 2015. "Informe Final de Actividades", Comisión de la Verdad del Estado de Guerrero, 15 October 2014, pp. 38, 63.

<sup>27</sup> "Informe Final de Actividades", op. cit., pp. 100-232. Crisis Group interview, Nicomedes Fuentes García, Chilpancingo, 6 June 2015.

<sup>28</sup> "Official Report Released on Mexico's 'Dirty War'", Electronic Briefing Book no. 209, 21 November 2006, National Security Archives, George Washington University (nsarchive.gwu.edu).

<sup>29</sup> Echeverría was placed under house arrest on genocide charges for the 1968 massacre of largely student protestors in Tlatelolco, Mexico City, when he was responsible for public security as government secretary. Another court dismissed the charges a year later. "Mexico's ex-leader cleared in '68 genocide", Associated Press, 13 July 2007.

<sup>30</sup> Verónica Calderón, "Muere Miguel Nazar Haro, impulsor de la 'guerra sucia' en México", *El País*, 27 January 2012.

sponsible for counter-insurgency in Guerrero eventually faced charges, but for drug trafficking, not human rights violations.<sup>31</sup>

Six years after the special prosecutor's report, Guerrero's legislature created a state truth commission, headed by Fuentes García and four other commissioners. Its October 2014 report, with testimony from hundreds of victims, documented more than 500 serious violations, including 239 enforced disappearances and nineteen extrajudicial executions. Commissioners located intelligence records indicating that some disappeared were held in military prisons. They also found remains of two "dirty war" victims.<sup>32</sup> Nonetheless, Commission members say neither the state nor federal government has acted on their recommendations to compensate victims and their communities and initiate criminal investigations.<sup>33</sup>

International human rights bodies have also denounced the government's failure to investigate abuses committed by the military during its counter-insurgency campaigns. The Inter-American Human Rights Court has ruled against Mexico seven times; four cases involved military abuses in Guerrero.<sup>34</sup> In a 2009 judgment, it found that the government had failed to adequately investigate the disappearance of Rosendo Radilla Pacheco in 1974 after being detained at an army checkpoint. It ruled that members of the military accused of such human rights violations should be tried in civilian court, a decision the Mexican Supreme Court upheld in 2011.<sup>35</sup> Nonetheless, four years later the UN Committee on Enforced Disappearances noted the lack of "significant advances in the investigation or punishment of those responsible" for "dirty war" violations.<sup>36</sup>

Human rights advocates see indifference or even complicity in authorities' failure to provide justice. Nothing more than a "smoke screen", wrote one about the special prosecutor. "The disappeared of before and today mean nothing to the government".<sup>37</sup> Some also see complicity in the failure to punish those responsible for extreme violence today. Before the violence was "systematically directed by the state itself", said Fuentes García; now those responsible are powerful organised criminal groups that

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<sup>31</sup> Francisco Quirós Hermosillo was held at a military base until he died from cancer in 2006. Mario Arturo Acosta Chaparro appealed to a federal court that dismissed the charges in 2007; his rank was restored. He was shot to death in Mexico City in 2012.

<sup>32</sup> "Informe Final de Actividades", op. cit. Crisis Group interview, Nicomedes Fuentes García, Chilpancingo, 6 June 2015.

<sup>33</sup> Crisis Group interviews, Nicomedes Fuentes García, Chilpancingo, 6 June 2015; Pilar Noriega, truth commissioner, Mexico City, 19 May 2015. According to the report, 55 out of 275 victims identified by the National Human Rights Commission have been compensated. "Informe Final de Actividades", op. cit., p. 88.

<sup>34</sup> Two of the cases concerned disappearances, the other two rapes. Only in the rape cases have there been indictments and convictions. See the Inter-American Commission on Human Rights (IACHR) cases on the Organization of American States web site ([www.oas.org](http://www.oas.org)).

<sup>35</sup> "Mexico's Supreme Court Decides to End Military Jurisdiction for Soldiers who Commit Human Rights Violations", Washington Office on Latin America, 13 July 2011.

<sup>36</sup> "Observaciones finales sobre el informe presentado por México", Committee on Enforced Disappearances, UNOHCHR ([www.hchr.org.mx](http://www.hchr.org.mx)), 13 February 2015, p. 7. On the Radilla case, see "Verdad, justicia, y reparación para Rosendo Radilla y todas las víctimas de desaparición forzada en México", Comisión Mexicana de Defensa y Promoción de los Derechos Humanos ([cmdpdh.org](http://cmdpdh.org)), 26 August 2015.

<sup>37</sup> "Femospp: Fiscalía de 'nombre largo y alcances cortos'", Sistema Integral de Información Sobre Derechos Humanos, ([www.centroprodh.org.mx](http://www.centroprodh.org.mx)), 8 July 2011.

benefit from state protection and complicity. “What we have in Guerrero is a narco-state”, he said.<sup>38</sup>

### B. *From Macro to Micro Cartels*

The cultivation in Guerrero of illegal narcotics for export dates back some 50 years. “Acapulco Gold” – originally grown on the slopes of the southern Sierra Madre that surround the famous resort – was one of the most sought-after cannabis strains in the U.S. during the 1960s.<sup>39</sup> The same factors that have held Guerrero back economically – rugged terrain and unpaved roads – make it ideal for marijuana and opium poppy cultivation and heroin manufacturing.<sup>40</sup> The Mexican government has not released recent estimates of the areas under illegal cultivation, though it said the army eradicated about 21,000 hectares of poppy nationwide in 2014 (up from 14,000 in 2013) and another 5,700 of marijuana.<sup>41</sup> Guerrero is believed to be the source of between 50 and 70 per cent of heroin produced in Mexico, which in turn accounts for about 45 per cent of U.S. consumption.<sup>42</sup> And the U.S. market is growing: the Drug Enforcement Administration (DEA) estimates heroin use increased 37 per cent between 2008 and 2012. As use has increased, so have reported heroin-related deaths in the U.S.: in 2013, 8,200 people died from overdoses, quadruple the 2002 figure.<sup>43</sup>

During the early 2000s, much of Guerrero was controlled by the Beltrán-Leyva family, four brothers from Sinaloa who allied with the cartel led by Joaquín (El Chapo) Guzmán. Violence began to escalate about 2006, when the Zetas cartel started to intrude on Beltrán-Leyva territory, and exploded after 2009, when the brothers split from Guzmán.<sup>44</sup> Turf wars spread to cities and towns that served as gateways to drug production zones. By October 2014, when authorities arrested Hector Beltrán-Leyva, the last brother alive or outside prison, the once mighty cartel had lost much of its power. Instead, the state had become a battleground for at least a half-dozen “micro-cartels”.<sup>45</sup>

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<sup>38</sup> Crisis Group interview, Nicomedes Fuentes García, Chilpancingo, 6 June 2015.

<sup>39</sup> Though facing competition in the U.S. from luxury strains of hot-house grown cannabis, the strain remains important in the region. Ioan Grillo, *El Narco: The Bloody Rise of Mexican Drug Cartels* (London, 2012), pp. 41-42.

<sup>40</sup> Chris Kyle, “Violence and Insecurity in Guerrero”, Mexico Institute, Woodrow Wilson International Center for Scholars and Justice in Mexico, University of San Diego, January 2015, p. 11.

<sup>41</sup> “2015 International Narcotics Control Strategy Report, Country Report: Mexico”, U.S. Department of State ([www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238993.htm](http://www.state.gov/j/inl/rls/nrcrpt/2015/vol1/238993.htm)).

<sup>42</sup> Kyle, “Violence and Insecurity”, op. cit., p. 13. According to Kyle, Guerrero’s Pacific coast was once important for offloading South American cocaine destined for the U.S. but is believed to no longer be an active transit route. U.S. heroin consumption is about 50 per cent South American, 45 per cent Mexican and five per cent south-west Asian. “National Drug Threat Assessment Summary 2014”, U.S. Drug Enforcement Administration (DEA), p. 39.

<sup>43</sup> DEA, op. cit., p. 1. “Today’s Heroin Epidemic”, Vital Signs, Centers for Disease Control and Prevention, July 2015.

<sup>44</sup> Kyle, “Violence and Insecurity”, op. cit., pp. 7, 19. The powerful *cacique* in Guerrero for many years was Rogaciano Alba, a former PRI mayor and perennial leader of the state ranchers association, who was arrested in 2010. See Guillermo Valdés Castellanos, *Historia del Narcotráfico en México* (Mexico, 2013), p. 117.

<sup>45</sup> Rubén Mosso, “Cae ‘El H’, líder del clan de los Beltrán Leyva”, *Milenio*, 10 February 2014. On micro cartels in Colombia and Mexico, see Luis J. Garay Salamanca and Eduardo Salcedo-Albarán, “Tlatlaya y Ayotzinapa: Mas allá de carteles del narcotráfico”, *Aristegui Noticias*, 6 December 2014.

The degradation of cartels into ultra-violent gangs is not unique to Guerrero, though weak institutions make it especially vulnerable.<sup>46</sup> Large cartels dedicated principally to drug trafficking that enjoy tacit official acceptance within their territories have an incentive to keep a low profile. That can change if the balance of criminal power shifts – because of arrests or internal strife or loss of government protection – and rivals begin to encroach on each other's territory. Without the strength, contacts or expertise to live off drug trafficking alone, these groups diversify into predatory rackets, such as kidnapping and extortion.<sup>47</sup>

In recent years, these crimes have spread socio-economically and geographically, into marginal city neighbourhoods, small towns and rural communities.<sup>48</sup> Competition for territorial control can be fierce: employment at a foreign-owned mine near the village of Carrizalillo in central Guerrero made residents lucrative targets. To escape threats from competing gangs, about half the community's 500 families fled in March and April 2015. The mine made the town more prosperous but at a steep price. "It would have been better not to have the money, if we have to pay with our blood", said a truck owner who lost his son-in-law and two nephews, all mine employees killed for failing to pay off extortionists.<sup>49</sup>

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<sup>46</sup> Valdés Castellanos, *Historia del Narcotráfico*, op. cit., p. 481; also Jan Martínez Ahrens, "Mexico's new generation of cartels", *El País*, 11 November 2014. For an overview of Mexican crime groups, see Crisis Group Latin America Report N°48, *Peña Nieto's Challenge: Criminal Cartels and Rule of Law in Mexico*, 19 March 2013, pp. 5-15.

<sup>47</sup> Crisis Group interviews, Guerrero. Kyle, "Violence and Insecurity", op. cit., p. 15.

<sup>48</sup> Crisis Group interview, Juan Angulo Osorio, editor, *El Sur*, 18 February 2015; also Kyle, "Violence and Insecurity", op. cit., pp. 15-16.

<sup>49</sup> Crisis Group interview, displaced family, Iguala, 21 April 2015. Sergio Ocampo Arista, "Huyen habitantes de Carrizalillo por la violencia desatada entre narcotraficantes", *La Jornada*, 5 April 2015.

### III. Iguala: Gateway to Tierra Caliente

Iguala de la Independencia, a city of about 150,000, sits at an important intersection of highways that head north toward Mexico City, south toward the southern Sierra Madre and Acapulco and west toward Tierra Caliente, the Balsas River basin that extends into Michoacán and Morelos. In recent years, some of Mexico's most brutal and bizarre cartels have battled for control of these lowlands, surrounded by inaccessible mountain slopes suitable for marijuana and poppy cultivation. A hitherto little-known group, Guerreros Unidos, made headlines in March 2012: the heads of seven men and three women were left in the town of Teloloapan, along with expletive-filled threats directed at a rival gang. Later that day twelve state and municipal police sent to investigate died confronting gunmen.<sup>50</sup>

Guerreros Unidos is the quintessential predatory, hyper-violent micro-cartel, formed from remnants of other groups. In late 2013 and 2014, news media reported that hundreds had fled rural villages, taking refuge in larger towns and cities. Though unable to control narcotics production in northern Guerrero, they created one of the region's "most efficient extortion and kidnapping operations".<sup>51</sup> Of the 605 bodies excavated from unmarked graves in the state from January 2012 to early August 2015, 236 were found around Iguala and Taxco.<sup>52</sup>

The gang appears to have had a close ally in José Luis Abarca. Elected mayor of Iguala in 2012, Abarca, who reportedly started out selling *huaraches* (sandals) in the local market, had become one of the city's wealthiest jewellers and owner of its largest shopping plaza. He had little prior political experience; the local PRD recruited him a month before the election. His wife, María de los Ángeles Pineda, may have been better known, at least to security officials. Federal prosecutors had two of her brothers on their 2009 most-wanted list, though both were killed before they could be captured. A third, Salomón, reportedly is a Guerreros Unidos leader.<sup>53</sup>

Abarca made national news in May 2013, after activists who had been blocking a highway to demand municipal aid for farmers went missing. Three turned up dead four days later, with bullet wounds and signs of abuse. Relatives and fellow activists, saying the mayor had threatened them and they feared for their lives, demanded federal authorities conduct a thorough investigation.<sup>54</sup> A survivor of the kidnapping

<sup>50</sup> Ezequiel Flores Contreras, "Hallan 10 cabezas humanas en Guerrero", *Proceso*, 18 March 2012; Luis Prados, "12 policías mexicanos muertos y 10 jóvenes decapitados en Guerrero", *El País*, 19 March 2012. The main rivals of Guerreros Unidos in the area then were remnants of La Familia Michoacana (the Michoacán Family) that were struggling with a rival offshoot, Los Caballeros Templarios (Knights Templars).

<sup>51</sup> Juan Carlos Pérez Salazar, "México: el cartel que protagonizó el peor enfrentamiento del gobierno de Peña Nieto", *BBC Mundo*, 2 July 2014. "Teloloapan en disputa", *noticieros.televisa.com*, 7 March 2014; Gustavo Castillo García, "Diáspora en Chilacachapa por disputa entre Templarios y Guerreros Unidos", *La Jornada*, 23 December 2013. Kyle, "Violence and Insecurity", *op. cit.*, p. 32.

<sup>52</sup> Crisis Group email exchange, Chris Kyle, 3 August 2015. Alejandro Guerrero, "Sacaron nueve cuerpos de las narco fosas de Iguala y encuentran tres cadáveres en Acapulco", *El Sur*, 18 April 2014; Rolando Aguilar, "En dos días, van 19 cuerpos en fosas clandestinas en Guerrero", *Excélsior*, 21 May 2014.

<sup>53</sup> Esteban Illades, "Iguala: el polvorín que nadie olió", *Nexos*, 20 October 2014.

<sup>54</sup> "Mexico: Conduct Federal Investigation into Activists' Killings", Human Rights Watch, 20 June 2013.

said Abarca himself had executed one of the victims.<sup>55</sup> The mayor denied the accusations and retained his immunity from prosecution until a more brutal massacre returned Iguala to the spotlight.<sup>56</sup>

#### A. *The Ayotzinapa 43*

On 26 September 2014, several dozen first-year students arrived in Iguala from the Rural Normal School of Ayotzinapa, about 120km south, in the centre of the state. The *normalistas*, whose school is adorned with murals depicting Che Guevara and other revolutionary heroes, were known for political militancy. They planned to raise funds (which they sometimes did by taking over toll booths and demanding cash from motorists) and also commandeered inter-city buses to attend a protest in Mexico City. Neither of these activities was especially unusual; nor did they generally result in confrontations. Even the bus drivers tended to cooperate, as long as they were allowed to take care of their vehicles.<sup>57</sup>

But that night, for reasons that remain unclear, municipal police confronted the students. Police, some allegedly hooded and accompanied by civilian gunmen, pursued them in and around the city from about 8pm until after midnight. Six people died: three students (one badly tortured) and three bystanders. Gunmen even fired on an impromptu press conference called to denounce the police action, sending reporters and students running for cover.<sup>58</sup>

State authorities disarmed and detained much of the Iguala police force the next day, but prosecutors waited four days before issuing a summons for their boss, Mayor Abarca. By that time, he had disappeared, after soliciting and receiving unanimous approval from the city council for a leave of absence.<sup>59</sup> Federal and state authorities engaged in testy exchanges over who was responsible for investigating and finding the dozens of missing students. President Peña Nieto called on Guerrero authorities to take responsibility. Governor Ángel Aguirre replied that the state needed support, voicing what was hardly a secret: municipal police forces, not only in Iguala but in

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<sup>55</sup> “Documento: ‘Me voy a dar el gusto de matarte’, testimonio contra el alcalde de Iguala”, *Aristegui Noticias*, 7 October 2014.

<sup>56</sup> Crisis Group interview, Sofia Mendoza, widow of Arturo Hernández Cardona, Iguala, 10 November 2014. Rogelio Agustín Esteban, “Niega alcalde de Iguala haber asesinado a Arturo Hernández Cardona”, *Milenio*, 26 November 2013.

<sup>57</sup> Crisis Group interviews, Manuel Olivares, Red Guerrerense de Derechos Humanos, Escuela Normal Rural de Ayotzinapa, 11 November 2014; Juan Angulo Osorio, Chilpancingo, 18 February 2014. Jan Martínez Ahrens, “La muerte anda suelta en Iguala”, *El País*, 4 October 2014; Alma Guillermoprieto, “Mexico: ‘We Are Not Sheep to be Killed’”, *New York Review Daily*, 5 November 2014.

<sup>58</sup> “Matan a tres estudiantes de Ayotzinapa; los rafaguean policías de Iguala y un comando”, *El Sur*, 27 September 2014. The gunmen also opened fire on a bus carrying a teenage football team, apparently mistaking them for Ayotzinapa students, killing the bus driver and a player. The sixth victim was a woman in a taxi. Rogelio Agustín, “Enfrentamientos entre policías y normalistas dejan 6 muertos”, *Milenio*, 27 September 2014; Jo Tuckman, “Scores of students still missing after ambush by Mexican police and gunmen”, *The Guardian*, 30 September 2014. Crisis Group interview, reporter, Iguala, 21 February 2015.

<sup>59</sup> Ezequiel Flores Contreras, “Alcalde de Iguala está prófugo; emiten orden de presentación en su contra”, *Proceso*, 1 October 2014. Abarca and his wife were captured about a month later in Mexico City. Tracy Wilkinson, “Mexico arrest of fugitive mayor may shed light on missing students”, *Los Angeles Times*, 4 November 2014.



much of the state, were “infiltrated, infected, very contaminated” by criminals. Eight days after the attacks, federal prosecutors assumed control of the investigation.<sup>60</sup>

The federal government mounted what officials termed an unprecedented search and investigation, arresting more than 110 people, including more than 70 police from Iguala and neighbouring Cocula municipality. A year after the students disappeared, however, no one had been convicted, and much about the case, apart from the bloodshed the night of 26 September, was disputed.<sup>61</sup>

Federal prosecutors presented their conclusions to the public in January 2015, with a video that included interviews with suspects and animated reconstructions. Citing dozens of confessions, witness testimony and forensic evidence, then-Attorney General Jesús Murillo Karam said the mayor had ordered police to intercept the students. Following several hours of clashes, they requested backup from Cocula, which helped transport the students in patrol cars to the outskirts of town. There police allegedly turned them over to members of Guerreros Unidos, who piled them into a truck and drove to a municipal dump, where they killed those who had not already suffocated. Prosecutors say the gang members built a funeral pyre with trash, ignited it and incinerated all 43 corpses.<sup>62</sup>

The motive for this mass murder was gang rivalry, prosecutors said. Guerreros Unidos suspected some students were members of Los Rojos, a group operating in central Guerrero. The attorney general declared the deaths a “legal certainty” and the “historic truth”, even though most remains were calcined beyond DNA identification. Relatives immediately denounced the finding and vowed to continue searching for their children.<sup>63</sup>

Not just aggrieved parents refused to accept the government’s case. Mexico’s National Human Rights Commission (CNDH), which serves as an independent ombudsman, issued a July 2015 report that listed more than 30 irregularities in the investigation and castigated the government for its treatment of victims and family members. Authorities did not, according to CNDH, examine victims’ cell phone records, pursue evidence indicating students might have died at another location, carry out ballistic tests on bullets discovered at the dump or allow relatives to examine items found with the remains, such as belt buckles or buttons, to determine whether they might belong to the missing students.<sup>64</sup>

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<sup>60</sup> “Asumir su responsabilidad ante la matanza de Iguala, exige Peña Nieto a Aguirre”, *El Sur*, 1 October 2014. Gustavo Castillo García, “Atrae PGR la investigación y envía más personal para identificar cuerpos de fosas”, *La Jornada*, 5 October 2014.

<sup>61</sup> Mauricio Torres, “A un año de Ayotzinapa, 111 detenidos, 20 prófugos, y ninguna sentencia”, CNN-México, 21 September 2015.

<sup>62</sup> “Las pruebas dan certeza legal sobre la muerte de los normalistas: PGR”, CNN-México, 27 January 2015.

<sup>63</sup> “Asesinados, incinerados y arrojado al río, verdad histórica: PGR”, *Milenio*, 27 January 2015. Prosecutors said the remains were put in plastic bags and dumped in a nearby river. Those retrieved were sent to an Austrian laboratory that matched bone fragments with two missing students. The Argentine Forensic Anthropology Team, representing relatives, questioned the second match as inconclusive. Juan Paullier, “México: forenses argentinos cuestionan identificación del segundo estudiante de Ayotzinapa”, BBC Mundo, 18 September 2015. Juan Carlos Pérez Salazar, “México: padres rechazan la ‘verdad histórica’ de que los 43 estudiantes fueron asesinados”, BBC Mundo, 28 January 2015.

<sup>64</sup> “Estado de la investigación del ‘Caso Iguala’”, Comisión Nacional de los Derechos Humanos, Oficina Especial para el “Caso Iguala”, 23 July 2015.

On 6 September, the independent team of five experts assembled by the Inter-American Commission on Human Rights (IACHR) published more than 500 pages of preliminary findings.<sup>65</sup> It also concluded that investigators had misplaced or mishandled key evidence, noting that a potentially crucial security camera video had been destroyed, and cited evidence of possibly coerced testimony. Medical examinations of dozens of suspects who reported abuse were said to be tardy and imprecise, “well below international standards”.<sup>66</sup>

The report found troubling inaccuracies or omissions in the government’s investigation. It noted that federal police and the army had access to real-time communications about the clashes with local police, knew some students had been detained and that soldiers interrogated wounded students in a hospital. It also said the government failed to investigate motives other than gang rivalry for the abductions. One of the five buses commandeered by the students was barely mentioned in the prosecutor’s case, despite evidence that the vehicles had been used in Guerrero to transport illegal drugs, an omission the experts highlighted as suspicious in a series of pointed questions: “Why was [the bus] omitted? Why wasn’t it processed? Why wasn’t evidence taken? Why wasn’t it identified until the [IACHR experts] pointed out its existence?”<sup>67</sup>

Finally, the report suggested that the government rushed to conclude that the kidnapped students had been killed on the basis of inconsistent confessions and sloppy forensics. It presented analysis by an independent expert on combustion and fire sciences asserting there was no evidence (for example, damage to surrounding trees) to indicate a fire of the magnitude necessary to cremate so many corpses. Such a funeral pyre, the expert said, would require materials and time unavailable to the suspects: some 30,000 kilos of wood or 13,000 kilos of tires or diesel fuel and about 60 hours to burn in order to calcify 43 human bodies beyond scientific recognition.<sup>68</sup>

The IACHR report blasted holes in an investigation, subject to intense national and international scrutiny, of the most tragic and controversial case the Peña Nieto government has faced. Federal authorities had allegedly committed beginners’ errors and possibly worse by failing to examine key evidence, investigate promptly allegations of prisoner abuse and protect citizens under violent attack. The government, the experts said, needed to expand its investigation to determine the responsibilities of “all security forces” for the students’ disappearance and to explore the possibility that officials may have “obstructed the investigation”.<sup>69</sup>

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<sup>65</sup> The group was formed in January 2015 by agreement between the Inter-American Commission on Human Rights (IACHR), a body of the Organization of American States, Mexico and representatives of the missing students. In addition to drawing up plans to search for living persons, its activities included technical analysis of the investigation and government plans to aid victims. “Interdisciplinary Group of Experts to Launch at IACHR Headquarters its Work on the Case of the Students of Ayotzinapa, Mexico”, OAS press release, 30 January 2015.

<sup>66</sup> “Informe Ayotzinapa: Investigación y primeras conclusiones de las desapariciones y homicidios de los normalistas de Ayotzinapa”, Grupo Interdisciplinario de Expertos Independientes (GIEI), September 2015, pp. 176, 202-205. Ana Langner, “En Caso Iguala: Reportan al menos 40 quejas por tortura”, *El Economista*, 29 June 2015. Federal officials dismiss the torture accusations as a “defence strategy”. Crisis Group Interview, Roberto Campa, under-secretary for human rights, government secretariat, Mexico City, 23 July 2015.

<sup>67</sup> “Informe Ayotzinapa”, op. cit., pp. 189, 319-325. The experts cited testimony in a U.S. federal court that defendants accused of working with Guerreros Unidos transported drugs in a “special compartment” on an inter-city passenger bus.

<sup>68</sup> Ibid, pp. 145-156.

<sup>69</sup> Ibid, pp. 344-345.

During a nearly three-hour, closed-door meeting, the president reportedly assured the students' families that the investigations would continue: "We're on the same side and working for the same objective". He also announced creation of a special prosecutor to investigate unsolved disappearances around the country, though a high government official rejected the need for any international help or supervision.<sup>70</sup> The relatives remained unmoved, insisting on special units both to search for the students and to probe irregularities in government investigations into their disappearance.<sup>71</sup>

The government went further on 19 October 2015, signing an agreement with the IACHR that will relaunch the investigation with a new team of prosecutors under the deputy attorney general for human rights.<sup>72</sup> Prosecutors will work with the experts on planning the investigation, including by adding new lines of inquiry. The government also promised to coordinate with the experts on a new forensic study of the dump where the students' bodies were allegedly incinerated and to relaunch its search for the students in other locations, in cooperation with their families.

Nonetheless, it may prove difficult for the government to win over critics, who have already dismissed its investigation as fatally flawed. President Peña Nieto has paid a high price, both domestically and internationally, for his government's failure to act decisively to resolve major human rights cases.<sup>73</sup> "Ayotzinapa was an opportunity to make real changes in Mexico", said PRD Senator Armando Ríos Piter from Guerrero. Instead the case demonstrated what he called the "collapse" of the justice system, not only in Iguala and Guerrero but across the country and at every level of government. "There are more than 26,000 disappeared in Mexico", he said. "Ayotzinapa is happening every day".<sup>74</sup>

## B. *Iguala's Other Disappeared*

Within days of the Ayotzinapa disappearances, investigators, aided by volunteer community police, began finding clandestine graves in the hills around Iguala. By 6 October 2014, more than two dozen bodies had been discovered, many dismembered and burned. Initial news reports suggested these might be the students'; the truth was more gruesome. They included not just young men, but also women and older individuals, who could not be immediately identified.<sup>75</sup> By early November, volunteers said they had found three dozen more possible graves.<sup>76</sup> The findings confirmed what activists suspected. The area around Iguala is a "cemetery" filled with unknown

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<sup>70</sup> Enrique Sánchez y David Vicenteño, "Peña ordena crear una fiscalía especial; PGR abre expediente de normalistas desaparecidos", *Excelsior*, 25 September 2015.

<sup>71</sup> "Papás de Ayotzinapa rechazan fiscalía propuesta por EPN: 'necesitamos una que busque a los 43'", *Animal Político*, 24 September 2015.

<sup>72</sup> "Los 10 compromisos del gobierno en el caso Ayotzinapa (documento)", *Aristegui Noticias*, 20 October 2015.

<sup>73</sup> The U.S. State Department is cutting about \$5 million in counter-narcotics aid because it could not certify that Mexico met criteria on human rights mandated by the Congress. The money will be diverted for coca eradication in Peru. Joshua Partlow, "US blocks some anti-drug funds for Mexico over human rights concerns", *The Washington Post*, 18 October 2015.

<sup>74</sup> Crisis Group interview, Mexico City, 12 May 2015.

<sup>75</sup> "Encuentran fosa clandestina en Iguala; podrían ser los 43 estudiantes de Ayotzinapa", *sdp.noticias.com*, 4 October 2014. Alejandro Guerrero, "Suman 28 los cuerpos hallados en fosas de Iguala", *El Sur*, 6 October 2014.

<sup>76</sup> Natividad Ambrocio, "UPOEG concluye primera etapa de búsqueda de normalistas", *El Financiero*, 9 November 2014.

victims, said Manuel Olivares of the Guerrero Human Rights Network. “There have been hundreds of disappearances, [people say]. There are bodies, but there aren’t [missing person] reports”.<sup>77</sup>

Though volunteer searchers found no trace of the students, their effort and the militancy of the students’ families broke the barrier of fear that had prevented many other bereaved relatives from coming forward. Some volunteers called meetings at Iguala’s San Gerardo church of those searching for missing family members. Only about a dozen came to the first, in early November. About a week later, as the news spread largely by word of mouth, the church basement was filled with nearly 100 people.<sup>78</sup> According to members, the group has recorded more than 400 disappearances, though only 297 have been officially registered, since many relatives are still afraid to report crimes to authorities. Nearly 600 family members have provided DNA samples to help identify remains.<sup>79</sup>

The relatives started carrying out their own searches every Sunday, initially identifying unmarked graves by sticking a metal pole in the ground to see if it released the odour of decomposition. With the help of forensic experts, they learned to recognise signs, such as depressions or variations in soil colour, marking each spot with stones so possible remains could be disinterred without destroying evidence. They decided where to search on tips provided by anonymous sources who distrust or fear the authorities. Informants might report suspicious movements, discarded clothing, bottles or other trash from a possible kidnappers’ campsite, or simply an ugly smell.<sup>80</sup>

Since late November, the group has found more than 100 remains, most buried in hillsides west of the city.<sup>81</sup> On a scorching March Sunday, some 30 people crowded into a van and the back of an open truck to reach the town’s outskirts, from where they trudged through a dried-out cornfield. Four federal Gendarmes provided protection. Most searchers were women who had lost brothers, husbands or sons. Two of four interviewed at the site said they had feared to report their husbands as missing. “Who trusts the police?”, a young woman whose husband disappeared in July 2014 asked. “All are involved [in crime]”.<sup>82</sup>

Some group members have spent years struggling to get authorities to investigate the disappearance of loved ones. One lost both sons in 2008. Their car was found, riddled with bullets, outside Iguala, with two passengers dead inside, but his sons gone. The state never sent specialists to examine the car; nor did investigators contact his family. The son of another couple was kidnapped when he tried to recover a debt from a former associate, released but soon taken again; nothing has been heard of him since March 2009. The family has information about probable suspects, but investigators never contacted them after they reported the disappearance. “Not even a phone call, much less a visit”, said the father, who suspects authorities will not act

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<sup>77</sup> Crisis Group interview, Manuel Olivares, Red Guerrerense de Derechos Humanos, Escuela Normal Rural de Ayotzinapa, 11 November 2014.

<sup>78</sup> Crisis Group interview, Xitlali Miranda, volunteer, Iguala, 14 May 2015.

<sup>79</sup> Crisis Group telephone interview, Mayra Vergara, Comité de Búsqueda, Los Otros Desaparecidos de Iguala, Iguala, 5 August 2015. Vergara, her sister and brother are among the group’s most active members. Their other brother, a taxicab driver, disappeared in 2012.

<sup>80</sup> Crisis Group interview, Mario Vergara, Comité de Búsqueda, Iguala, 21 April 2015.

<sup>81</sup> Crisis Group phone interview, Mayra Vergara, 5 August 2015. The federal prosecutor general’s office said 129 bodies were exhumed from 60 clandestine graves around Iguala, October 2014–July 2015. “Search for missing students turns up 129 bodies”, *The Guardian*, 27 July 2015.

<sup>82</sup> Crisis Group interviews, Iguala, 8 March 2015.

because a major gang leader was involved: “Here criminals and authorities are the same thing”. The mother of a taxi driver who disappeared in June 2013 after gunmen dragged him from his car said authorities never contacted a passenger who witnessed the abduction.<sup>83</sup>

Another member’s husband disappeared in January 2011, driving from Chilpancingo to Iguala. The investigation has gone nowhere, she said, though he was an adviser to the state police. Colleagues and some of her relatives have warned her to stop pursuing the case, for her own safety. Some acquaintances shun her. “We are victimised over and over and over”, she said.<sup>84</sup>

Such stories are tragically familiar to human rights activists. Not only do authorities fail to investigate such crimes, said an organiser in Chilpancingo; they discourage victims from filing complaints. “Relatives are told to think twice, that they are endangering their family, that they are endangering the prosecutor himself”, he said. “It’s emotional blackmail”.<sup>85</sup> The Trujillo family lost four sons: two disappeared in Guerrero in August 2008 while travelling for their jewellery business; two went missing on a trip to Veracruz in September 2010. No one has been charged or arrested. The mother and remaining brothers formed an organisation to press state and federal officials for action. Authorities “don’t really want to investigate, because they would have to prosecute themselves”, said Juan Carlos Trujillo. “Change won’t come from the government. It will only come from below, from victims and their families”.<sup>86</sup>

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<sup>83</sup> Crisis Group interviews, Iguala, 17 February, 8 March 2015.

<sup>84</sup> Crisis Group interview, Iguala, 21 April 2015.

<sup>85</sup> Crisis Group interview, Javier Monroy Hernández, Taller de Desarrollo Comunitario (TADECO) and Comité de Familiares y Amigos de Secuestrados, Desaparecidos y Asesinados en Guerrero, Chilpancingo, 20 February 2015.

<sup>86</sup> Crisis Group interview, Mexico City, 4 May 2015. More about the organisation, “Familiares en Búsqueda”, is on the website [hazquesevean.org/project/maria-herrera-juan-carlos](http://hazquesevean.org/project/maria-herrera-juan-carlos).

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#### IV. “After Iguala, Mexico Must Change”

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President Peña Nieto addressed the country about the security crisis in Guerrero on 26 November 2014, two months after the students disappeared. Speaking at the National Palace before cabinet members, state governors and other invited dignitaries, he vowed that the tragedy would be a turning point:

After Iguala, Mexico must change. I take responsibility for the fight to liberate the country from criminality, to end impunity and assure that all those guilty of the Iguala tragedy are punished. The cry “We are all Ayotzinapa” demonstrates collective pain and a united nation. It is a cry to keep on transforming Mexico.<sup>87</sup>

The most radical proposals in the president’s ten-point package were constitutional reforms to curtail the independence of municipal governments, singled out as the main source of political corruption. One would impose a state-level “unified command” on local law enforcement, consolidating some 1,800 municipal police into 32 forces controlled by the states and the federal district. The other would give the federal government authority to assume, “partially or completely”, the functions of municipal authorities, if federal prosecutors found evidence of criminal infiltration. The president also promised to deploy additional federal forces to troubled states (especially Guerrero, Michoacán, Tamaulipas and Jalisco) and support a new anti-corruption system and other legislative measures to promote transparency and human rights, such as stronger laws against torture and forced disappearance.<sup>88</sup>

The government has made some progress toward strengthening laws on torture and enforced disappearance. Congress and state legislatures have passed constitutional reforms needed to bring those laws into compliance with international standards.<sup>89</sup> Many states still do not include the crime of enforced disappearance in their criminal codes, which means it can only be prosecuted as a lesser offence, such as abuse of authority. Guerrero passed legislation on enforced disappearances in 2005, but, as noted, has never prosecuted the crime. Human rights groups want it redefined, so that prosecutors can charge not only officials who participate in or conceal enforced disappearances, but also those who support or permit them directly or indirectly when carried out by criminal groups or individuals.<sup>90</sup>

##### A. *Political Stalemate*

The president’s proposals on municipal governance have run into resistance from local authorities, security experts and some NGOs working on human rights. Opposition parties called the reforms a federal power grab that would undermine municipi-

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<sup>87</sup> Jan Martínez Ahrens “Peña Nieto elimina la policía municipal para frenar al narco”, *El País*, 27 November 2014.

<sup>88</sup> “Estos son los 10 puntos que anunció Peña Nieto en respuesta al caso Ayotzinapa”, *Animal Político*, 28 November 2014; “Llega al Congreso iniciativa contra infiltración del crimen organizado”, *Excelsior*, 1 December 2014. Federal takeover of municipal functions would be subject to Senate approval.

<sup>89</sup> Tania Rosas, “Permanente valida la ley vs desaparición y tortura”, *El Economista*, 17 June 2015; “Mexican Senate approves reform on enforced disappearances and torture”, EFE news agency, 30 April 2015.

<sup>90</sup> “Informe de Misión a México Grupo de Trabajo de la ONU sobre las Desapariciones Forzadas o Involuntarias”, 2012, pp. 17-18. “Mexico: Submission to the UN Committee on Enforced Disappearances”, Amnesty International, eighth session, 2-13 February 2015, pp. 5-6.

pal autonomy. Mayors objected that they focused only on local authorities, ignoring the history of corruption and criminal infiltration at state and federal levels.<sup>91</sup> Security experts pointed out that federal forces can already take over municipal police functions (and have done so repeatedly in high-crime regions), there are existing legal means to prosecute or impeach local authorities and, by cutting off federal funding, they can punish municipalities that do not curb crime or corruption. Some NGO experts asked how prosecutors could present corruption evidence to the Senate (which must approve any federal takeover) without risking leaks that might jeopardise prosecutions.<sup>92</sup>

The idea of consolidating municipal forces under a state-led “unified command” had been championed by former President Felipe Calderón. Since Congress failed to pass a law mandating the changes countrywide – it was rejected by the then-opposition PRI – state and municipal governments have been negotiating unified commands case-by-case. In the best scenario, such agreements would provide local law enforcement with better training, resources and oversight. In the worst, they might allow local governments to abdicate responsibility. In May 2014, Iguala was one of six Guerrero municipalities to sign such an agreement with the governor.<sup>93</sup> The day after police clashed with students there, Mayor Abarca disclaimed knowledge, saying officers kept him in the dark because they responded to state, not municipal, authority.<sup>94</sup>

The president sent his security package to the Senate in December 2014 as the first step in the constitutional amendment process. However, it was not mentioned in his September 2015 state-of-the-nation address, raising the question of how hard he intends to press for the reforms in the new legislative session. Amending the constitution can be difficult, especially for a government whose approval ratings have been falling.<sup>95</sup>

## B. *Federal Intervention*

If federal intervention alone could guarantee local security, Guerrero should be one of Mexico's safest states, not its most dangerous. The military has maintained a strong presence in Guerrero since the counter-insurgency campaigns of the 1970s. Small groups of guerrillas reportedly still exist in some areas, but they have not launched a

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<sup>91</sup> Andrea Becerril, “Rechazan PRD y PAN aprobar el decálogo; el PRI insistirá”, *La Jornada*, 7 December 2014. “Ediles rechazan intervencionismo federal en materia de seguridad”, *La Jornada*, 26 January 2015.

<sup>92</sup> Crisis Group interview, Alejandro Hope, security, justice editor, *El Daily Post*, 7 August 2015. Doris Gómora, “México debe cambiar, pero no a ciegas: ONG”, *El Universal*, 8 December 2014.

<sup>93</sup> Mauricio Torres, “La Propuesta de crear 32 policías estatales de mando único genera debate”, CNN-México, 7 June 2010. Vania Pigeonutt, “Mando Único en 6 municipios de Guerrero, en vigor mañana”, *El Universal*, 6 May 2014.

<sup>94</sup> Karina Contreras, “Abarca Velázquez tiene todo el ‘respaldo político’ de Nueva Izquierda, afirma Sebastián de la Rosa”, *El Sur*, 28 September 2014. Ángel Aguirre, then the state governor, said that though Abarca signed agreements in May 2014 authorising state police control in Iguala they were never implemented. Marco Campillo, Javier Trujillo and Rogelio Agustín, “Iguala nunca permitió mando único: Aguirre”, *Milenio*, 7 October 2014.

<sup>95</sup> Mauricio Torres, “La iniciativa de Peña Nieto en seguridad y justicia llega al Senado”, CNN México, 1 December 2014. Rodrigo Elizarrarás, “Las omisiones (en seguridad) del tercer informe”, *Animal Político*, 10 September 2015. Mauricio Rubí, “Baja aprobación de Peña Nieto”, *El Economista*, 3 September 2015. Under Article 135 of the Constitution, amendments require approval by two-thirds of Congress and a majority of state legislatures.

major operation for nearly a decade.<sup>96</sup> The army's primary mission there today is to combat drug production and trafficking. Each year it eradicates thousands of hectares of marijuana and opium poppies, serving in effect as a huge "de facto agricultural workforce", albeit one whose job is to destroy, not plant, crops.<sup>97</sup> President Calderón in 2007 launched "Joint Operation Guerrero", sending several thousand extra troops and federal police to combat drug traffickers and other criminal groups in Acapulco and the Costa Grande, Centro and Tierra Caliente regions of the state. A second phase, in 2011, promised not only to contain and weaken criminal organisations, but also to strengthen institutions, especially local ones.<sup>98</sup>

The month after the Ayotzinapa disappearances, Peña Nieto again deployed additional federal military and police, assuming control of security in twelve municipalities in Guerrero's Tierra Caliente region and one in neighbouring Mexico state, while local police were sent to a military base for vetting.<sup>99</sup> A top federal prosecutor told the Senate in January 2015 that police in these municipalities were not just overwhelmed, but controlled by local gang bosses. Further federal forces were sent that month to Chilapa in the state's centre and La Montaña region.<sup>100</sup>

But the federal government's decision to dissolve municipal police and replace them with federal forces did not reduce violence. Homicides have increased in the twelve municipalities by 15 per cent (from 93 to 107) in the first semester of 2015, compared to the same period in 2014. In Iguala, where federal Gendarmes now run public security, they rose by 24 per cent (from 42 to 52). In Chilapa, which received extra state and federal support in January, homicides more than doubled in the first half of 2015 (from seventeen to 36). Acapulco, where federal forces help protect the tourism industry, has had a 44 per cent increase (from 281 to 404).<sup>101</sup>

The rise of homicides suggests that federal forces dispatched on short-term deployments are ill-equipped to deal with crimes committed by deeply embedded local gangs. While their outsider status might protect them from criminal penetration, it also makes it harder for them to cultivate the local trust essential for preventive,

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<sup>96</sup> Crisis Group interview, Nicomedes Fuentes García, Chilpancingo, 6 June 2015. The main contemporary heir in Guerrero to the 1970s Marxist revolutionaries is the Popular Revolutionary Army (EPR), which has operated sporadically since 1996, when it denounced the army's massacre of peasant farmers in Aguas Blancas. Its last major attacks were on oil and gas pipelines in central and eastern Mexico. In October 2014, it reappeared briefly to denounce "state terrorism" after the Ayotzinapa disappearances. "En Guerrero, crímenes de Estado contra el pueblo: EPR", *Aristegui Noticias*, 30 October 2014. "EPR", *Insight Crime*, no date.

<sup>97</sup> Kyle, "Violence and Insecurity", op. cit., p. 12.

<sup>98</sup> Adriana Covarrubias, "Inicia con anticipación la Operación Guerrero", *Crónica.com.mx*, 11 January 2007. "Presentan 'Guerrero Seguro': Aguirre y Añorve lo pidieron: SEGOB", *Novedades Acapulco*, 6 October 2011.

<sup>99</sup> "Gobierno Federal asume seguridad pública en 13 municipios por Ayotzinapa", *CNN México*, 19 October 2014. Federal forces had already taken over security in Iguala and Cocula, where municipal forces were accused of direct involvement in the Ayotzinapa disappearances. Federal forces have also dissolved local police in other states. Thus, in December 2011, the navy took over public security in the port city of Veracruz, suspending 900 officers in an attempt to root out corruption. "Mexico disbands Veracruz-Boca del Rio police force", *BBC*, 22 December 2011.

<sup>100</sup> "Crimen organizado mandaba en 13 municipios de Guerrero: PGR", *Animal Político*, 21 January 2015; "Mandaba el crimen organizado en 13 municipios de Guerrero: Tomás Zerón", *SDP.noticias.com*, 21 January 2015. Arturo de Dios Palma, "Anuncia Ortega operativo contra el delito en Chilapa y La Montaña", *La Jornada*, 25 January 2015.

<sup>101</sup> Crisis Group calculations from SNSP data on intentional homicides. The Gendarmerie is an elite federal force trained for rapid reaction and preventive policing.



community-based policing. Such deployments follow a “familiar pattern”, according to an analyst of violence in the state, which highlights the “conspicuously temporary” nature of federal intervention. The new forces stay in hotels and work from make-shift headquarters. They set up checkpoints on major highways and occasionally patrol secondary roads, generally in heavily-armed convoys, easily detected by *halcones* (gang lookouts).<sup>102</sup>

This pattern was on display in May 2015 in Pungarabato, a Tierra Caliente municipality taken over by federal police. Federal forces were staying at a major hotel in Ciudad Altamirano, the municipal seat, having little interaction with residents apart from occasional visits to promote crime prevention at schools. Some municipal police sent away for vetting had returned, still drawing salaries but not allowed to work. Residents generally agreed the municipality was more peaceful than several years ago, when gangs battling for control drove through the streets in armed convoys, kidnappings and extortions spiked, and many business owners left town, shuttering their businesses or leaving them in the care of employees. But, they said, violence began to fall in 2013, well before federal forces arrived, when competing gangs ended the turf war. Moreover, several sources said, gangs still control trafficking and other rackets from nearby rural communities.<sup>103</sup>

Extortion has continued despite the federal presence. Three of five shopkeepers interviewed said they continued to pay for protection, though two denied knowledge of rackets. A man who shined shoes in the central square said most street vendors were forced to pay a monthly quota. Asked why they did not report shakedowns, shop owners expressed certainty federal officials at least knew about extortion and might even be in on it. “They don’t do anything”, said a woman at a bridal store. The owner of a coffee shop agreed: “The municipal police were useless, and the federals are worse. I would rather pay the quota”. Gang envoys, she added, were polite and effective; if a store owner was robbed or harassed, the gang would “deal with” the troublemakers.<sup>104</sup>

Local officials are also subject to extortion, suggesting many are victims, not collaborators. A municipal official in the region said the local gang boss made it clear they would have to pay if they wanted peace in the town. Siphoning municipal funds to pay off the criminals was easy, he said. Much of the local budget comes from the federal government, which routinely overpays for services and materials. “It’s obvious”, he said, insisting that state and federal officials knew about the payments. He denied that town officials were paid off or profited from criminal activity. “Criminals don’t pay us anything”, he said. “They just take”.<sup>105</sup>

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<sup>102</sup> Kyle, “Violence and Insecurity”, op. cit., p. 41. Crisis Group interviews, Ciudad Altamirano, 14 May 2015.

<sup>103</sup> Crisis Group interviews, Ciudad Altamirano, 14 May 2015. “No saben qué hacer en Tierra Caliente con 300 policías evaluados que volvieron”, *La República*, 17 February 2015. It is not entirely clear which group controls the criminal plaza in Pungarabato. A local reporter said Caballeros Templarios controlled the extortion racket; others said the group as such no longer existed, and a local gang based outside of town was in control.

<sup>104</sup> Crisis Group interviews, Ciudad Altamirano, 14 May 2015.

<sup>105</sup> Crisis Group interview, Tierra Caliente, May 2015.

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## V. Chilapa: Gateway to La Montaña

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Chilapa, like Iguala, is a fiercely contested gateway. The city of about 130,000 lies on a highway leading east into the La Montaña region, where peasant farmers cultivate opium poppies on the steep slopes of the Filo Mayor mountain range.<sup>106</sup> The state capital of Chilpancingo is less an hour's drive to the west. The area is home turf for Los Rojos, which for several years dominated not only drug trafficking, but also extensive kidnapping and extortion networks. It has operated in Chilapa almost as a parallel government, requiring residents to pay for protection and even determining which vendors got the best stalls in the market or who could hawk goods on the busiest street corners. "Organised crime pulls the strings", said an official. "Even if you want to start a legitimate business, you need their support".<sup>107</sup>

Los Rojos extended their rackets beyond cities and towns, developing "forms of extortion that could be applied in rural communities".<sup>108</sup> There they ran into resistance. Self-styled "community police" – originally created under legislation designed to let indigenous communities protect themselves according to local habits and customs – began forming in largely *mestizo* villages to halt extortion. Some not only set up roadblocks to keep criminals out, but also pursued them into neighbouring towns or cities. Without oversight of the strong "communitarian structures" in indigenous communities, a Guerrero human rights activist said, such informal police are easily penetrated by criminals. And in a climate of intense criminal competition between micro-cartels with local roots, inter-gang violence can mutate into fratricidal bloodshed among neighbouring communities.<sup>109</sup>

### A. *Rojos vs. Ardillos*

Perhaps nowhere has inter-community violence been more gruesome than in central Guerrero, where a small trafficking group, Los Ardillos ("The Squirrels") began pushing into Los Rojos strongholds several years ago. In 2014 and early 2015, the two engaged in brutal killings. In July 2014, gun battles in and around Chilapa left fourteen dead, including a police officer. In November, eleven young men were found decapitated, dismembered and partially burned on a road south of the city, along with an expletive-filled note insulting Los Ardillos. A few days later, authorities found another five decapitated bodies, identified as Chilapa residents, kidnapped and apparently killed in retaliation.<sup>110</sup>

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<sup>106</sup> Mark Stevenson, "Mexican opium farmers expand plots to supply US heroin boom", Associated Press, 2 February 2015.

<sup>107</sup> Crisis Group interview, Guerrero, June 2015.

<sup>108</sup> Kyle, "Violence and Insecurity", op. cit., p. 29.

<sup>109</sup> Ibid, pp. 28-31, 43-48. Crisis Group interviews, Chilapa, 5 June 2015; Abel Barrera, Tlapa de Comonfort, 6 June 2015. For more on Guerrero and Michoacán self-defence groups, see Crisis Group Latin America Briefing N°29, *Justice at the Barrel of a Gun: Vigilante Militias in Mexico*, 28 May 2013.

<sup>110</sup> Crisis Group interview, José Díaz Navarro and others, Chilapa, 5 June 2015. His two brothers and cousin and two architects were kidnapped on 26 November while looking into a construction project outside town. Federal prosecutors took over the case, but no arrests have been made. Though police know where the five were held before being killed, Díaz Navarro said, prosecutors have not even identified the owner of the property. "Atrae PGR el caso de los 5 hombres decapitados y calcinados en Chilapa", IRZA Agencia de Noticias, 30 November 2014. "Violencia paraliza Chilapa, Guerrero; al menos 14 muertos", *Aristegui Noticias*, 11 July 2014. Sergio Ocampo Arista

Politicians have also been targeted. The decapitated body of Aidé Nava, who was seeking the PRD nomination for mayor of a rural municipality north east of Chilapa, was dumped by a road in March 2015 with a message saying the same would happen to other “politicians who don’t want to stay in line” and signed “Puro Rojo”, with a gang leader’s initials. Nava’s husband, an ex-mayor, had been assassinated nine months earlier; their son, kidnapped in 2012, remains missing. On 1 May 2015, the PRI candidate for Chilapa mayor, Ulises Fabián Quiroz, was stopped while campaigning near the rural community of Atzacoyaloya by about 30 men with automatic weapons, who forced him from his vehicle and shot him point blank. Atzacoyaloya, news reports say, is a Los Ardillos stronghold.<sup>111</sup>

“The battle for Chilapa has not only shown politicians’ links with narcos, but also the presumed complicity or complacency of the army and federal and state police”, the investigative magazine *Proceso* wrote after Quiroz’s murder. Security forces serve as little more than camouflage, said a Guerrero activist. There is still no political will to investigate kidnappings or murders that might lead to the local *caciques* ultimately behind the bloodshed, human rights defenders argue. Local political bosses, who help fill campaign coffers and bring out the vote, are too important to their political allies further up the state and federal hierarchies. “The state police, the Gendarmes, the army, the navy, they have all been operating in Chilapa, but they haven’t dismantled either Los Rojos or Los Ardillos”, said Abel Barrera. “There have been no arrests. There is no strategy to clear them out”.<sup>112</sup>

## B. The Chilapa 16

The “occupation” of Chilapa began 9 May 2015 and lasted five days. Convoys carrying several hundred armed men disarmed the municipal police, commandeered patrol cars and set up check points on highways leading out of the city. Some carried assault rifles and covered their faces with balaclavas; others identified themselves as community police from neighbouring villages. According to witnesses and news reports, the armed men circulated along the main boulevard, entering bars or businesses suspected of harbouring Los Rojos members. Panicked residents fled the town centre, where crowds had expected to celebrate Mother’s Day with a parade. Armed men stopped taxis and beat up the drivers, accusing them of being drug gang informants. Officials cancelled classes at more than 600 schools, fearing students might get caught up in street fighting.<sup>113</sup>

Relatives tell of begging federal Gendarmes and state police to stop kidnappings, while armed civilians patrolled the city freely for five days. State and local officials

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and Gustavo Castillo, “En Guerrero, otro hallazgo de restos, ahora en Ayahualulco”, *La Jornada*, 28 November 2014.

<sup>111</sup> “Aidé Nava fue decapitada y junto a su cabeza fue dejado un narcomensaje”, *El Sur*, 12 March 2015; Melissa del Pozo, “Mayoral candidate is beheaded in Guerrero ahead of Mexico’s local elections season”, *Vice News*, 14 March 2015. “Matan a balazos al candidato del PRI a la alcaldía de Chilapa, Ulises Fabián Quiroz”, *El Sur*, 2 May 2015.

<sup>112</sup> Ezequiel Flores Contreras, “Sicarios preguntaron por líder criminal antes de ejecutar a candidato en Guerrero”, *Proceso*, 4 May 2015. Crisis Group interview, Abel Barrera, Tlapa de Comonfort, Guerrero, 5 June 2015.

<sup>113</sup> Crisis Group interviews, Chilapa, 5 June 2015. “Irrumpen en Chilapa 300 civiles armados y desarmar a la policía”, *El Sur*, 10 May 2015; “Presuntos comunitarios toman SSP de Chilapa”, *Excélsior*, 10 May 2015; Rosario García Orozco, “Suspenden clases por violencia en más de 650 escuelas de Chilapa”, *El Financiero*, 11 May 2015.

said they sought to negotiate peaceful withdrawal of the community police. Rogelio Ortega, interim Guerrero governor at the time, insisted state and federal police had kept control of public security. The “armed citizens” had simply gone to Chilapa to protest abuses by criminals based there, he said. “A mistake could have provoked a massacre”, an unnamed federal official told reporters. “The problem was resolved without a single shot”.<sup>114</sup>

Sixteen people were reported kidnapped that week, though residents say the real number is at least 30, because many relatives still fear filing official reports. All those reported missing are male, the youngest fourteen, the oldest 39. Three are students, the others modest vendors or workers, including three masons, two drivers and a tortilla shop employee. What made the mass disappearances extraordinary, even in a state infamous for them, was that they occurred over several days in a city guarded by state police, federal Gendarmes and soldiers. It was like Ayotzinapa, a commentator wrote, but in “slow motion”.<sup>115</sup>

State and federal officials have not revealed the terms of the deal that allowed the “armed citizens” to withdraw. State prosecutors have requested that more than a dozen local police chiefs (*comisarios*) testify, though few appear to have done so. In the village of Xiloxuchican, a community leader who participated in the occupation admitted disarming the municipal police but said it was not a crime, because the officers “deserved it”. He blamed Los Rojos based in Chilapa for kidnapping more than 30 of his people, who remain missing. “If our villages did disappear those people”, he said in a TV interview, “we had every right to”.<sup>116</sup>

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<sup>114</sup> Crisis Group interviews, Chilapa, 5 June 2015. “Nosotros somos la autoridad en Chilapa”: Ortega”, *Milenio*, 11 May 2015; “Prudencia de fuerzas federales mexicanas evitó masacre en toma de Chilapa”, EFE news agency, 21 May 2015.

<sup>115</sup> Crisis Group interviews, Chilapa, 5 June. Relatives later demanded the withdrawal of the Gendarmes. Raúl Flores Martínez, “Gendarmería sale de Chilapa por renuencia de familias de desaparecidos”, *Excélsior*, 29 May 2015. Raymundo Riva Palacio, “Chilapa, como Ayotzinapa”, *El Financiero*, 25 May 2015.

<sup>116</sup> Víctor Hugo Michel, Rogelio Agustín Esteban, “Investiga la fiscalía a 16 comisarios por Chilapa”, *Milenio*, 27 May 2015. Faustino Mendoza Chino, Comisario de Xiloxuchican, video interview by Marco Antonio Coronel, Adrián Tinoco, Punto de Partido, Televisa, 11 June 2015.

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## VI. Conclusion

President Peña Nieto has recognised that the Ayotzinapa tragedy “hurt the spirit of the Mexican people and citizen trust in institutions”.<sup>117</sup> The kidnapping of the 43 students was not an isolated incident but an example of widespread, largely unchecked criminal violence in one of Mexico's poorest states. Gangs continue to threaten residents of Iguala and the Tierra Caliente region with kidnapping and extortion, often burying their victims in unmarked graves. The problem is compounded around the town of Chilapa by transformation of community police from defensive into offensive forces, possibly infiltrated by drug traffickers, who seem to be disappearing rivals in the guise of vigilante justice.

The Peña Nieto government can still make Ayotzinapa a turning point in its fight against organised crime and corruption, but not by relying on institutions that have repeatedly failed to provide either security or justice. Distrust of authority is so widespread that the public is unlikely to accept a federal investigation, no matter how impeccable. Even before the IACHR experts reported on the case, nearly two-thirds said they did not believe the government's version, and more than three-fourths did not approve of federal prosecutors' work on the case.<sup>118</sup>

The agreement to expand cooperation with the IACHR shows that the government understands the need for foreign technical assistance and supervision. This support remains vital to advance an open, transparent and effective investigation of the Ayotzinapa disappearances. While the six-month extension of the group of experts' mandate and promises of closer collaboration are positive, the government needs to prove that its cooperation with the experts is unconditional, including by providing access to the military. And it must do more. Ayotzinapa is the tip of an iceberg of serious violations that cannot be tackled on a case-by-case basis. As the UN High Commissioner for Human Rights said, the Iguala disappearances are a “microcosm of chronic problems”, and the financial and fire power of organised crime is “co-opting or corrupting key institutions ... in some areas reducing Mexico's impressive array of laws to mere words on paper”.<sup>119</sup>

To overcome the corrosive distrust of victims toward authorities, the federal government should create a special prosecutor's office, responsible for not only the Ayotzinapa cases but also other major human rights violations in the state.<sup>120</sup> Its work should be assisted by an international investigative commission, empowered to probe major human rights violations in Guerrero.

Both the special prosecutor and the commission should base their investigations into the previous findings and recommendations of the Special Prosecutor for Social and Political Movements of the Past and the Guerrero Truth Commission about the unsolved disappearances of the 1970s “dirty war”. This commission should also work

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<sup>117</sup> “Mensaje del Presidente Enrique Peña Nieto”, [www.presidencia.gob.mx](http://www.presidencia.gob.mx), 2 September 2015.

<sup>118</sup> Crisis Group telephone interview, Edna Jaime, México Evalúa, 30 September 2015. 64 per cent disbelieved the government, and 77 per cent disapproved of prosecutors' work, according to an August poll. “Mayoría de mexicanos no cree en la versión de la PGR sobre el caso Ayotzinapa: Parame-tria”, *Animal Político*, 13 September 2015.

<sup>119</sup> “Statement of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on his visit to Mexico”, UNOHCHR, 7 October 2015.

<sup>120</sup> The IACHR, on a visit to Mexico in October 2015, also recommended that the Ayotzinapa investigation be turned over to a special prosecutor, noting that the cases were not isolated but part of a pattern of violations. Paris Alejandro Salazar, “Pide CIDH fiscal especial para Ayotzinapa; México arrastra impunidad histórica, dice”, *La Silla Rota*, 2 October 2015.

closely with victims' groups and be empowered to participate actively in legal proceedings, with access to witnesses, forensic and documentary evidence, and to suggest new lines of inquiry. Such a hybrid effort – a special prosecutor working with the assistance of an international commission – would provide on-the-job training for Mexican prosecutors and demonstrate to a cynical public that even the most powerful criminals, whether inside or outside the government, can be brought to justice.

Guerrero has the country's highest homicide rate, but it is not the only state suffering a lethal mix of organised crime and official corruption. Mexico needs to launch a debate about how best to resolve an estimated 26,000 disappearances nationally. The president took a first step by naming a special prosecutor for the disappeared, but he should reach out to victims and human rights defenders, foreign and domestic, to form a national mechanism that will ensure those responsible are punished and those injured are recognised and compensated.

Mexico is in the midst of important, though uneven, efforts to address broader security and justice reforms throughout the country. Police reform is still unfinished business, with some states and municipalities building more professional accountable forces, while others lag behind. Federal and state judiciaries are also in transition, with mixed progress toward an accusatory system with open-court trials.<sup>121</sup> The president has proposed reforms to create an autonomous federal prosecutor's office as of 2018.<sup>122</sup> By embracing international cooperation to end impunity in major human rights cases, Peña Nieto would further these domestic reform efforts, both by encouraging the transfer of international expertise and by bolstering domestic confidence. Neighbouring Guatemala shows how international and national investigators can work together to break deeply engrained corruption patterns. In close collaboration with the public prosecutor's office, the International Commission Against Impunity in Guatemala (CICIG) has won wide public support by proving that no official is beyond the law's reach.<sup>123</sup>

Mexico has more capacity to combat crime than its Central American neighbours, but it could still use an "external shock" to end the impunity of corrupt officials, drug traffickers and other powerful criminals.<sup>124</sup> A genuinely independent special prosecutor and an international investigative commission could provide the impetus to break vicious cycles of violence and injustice, beginning in Guerrero, a state that has suffered some of its most horrific crimes. The international community, especially the U.S., should assist these efforts with financial and technical assistance. U.S. drug consumption, especially the growing use of heroin, has enriched and empowered the criminals and the apparently government accomplices responsible for much of Guerrero's violence. The U.S. has a direct interest in making sure their crimes are punished.

**Mexico City/Bogotá/Brussels, 23 October 2015**

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<sup>121</sup> See "A 7 años de la #Reforma Penal" an infographic published by the Justice Project of the Centre for Research for Development (CIDAC), [proyectojusticia.org](http://proyectojusticia.org), 19 June 2015.

<sup>122</sup> The Procuraduría General de la República is part of the executive branch. The reform would convert it to the Fiscalía General de la República (General Prosecutors of the Republic) in 2018, with an attorney general selected by the Senate, not the president. Mauricio Torres, "Las 10 reformas que Peña Nieto aún no logra 'mover' en el Congreso", CNN-México, 3 September 2015.

<sup>123</sup> See the Crisis Group blog, "Ending Corruption in Guatemala", 30 April 2015 and Latin America Report N°36, *Learning to Walk Without a Crutch: The International Commission Against Impunity in Guatemala*, 31 May 2011.

<sup>124</sup> Crisis Group phone interview, Edna Jaime, México Evalúa, 30 September 2015.

Appendix A: Map of Mexico



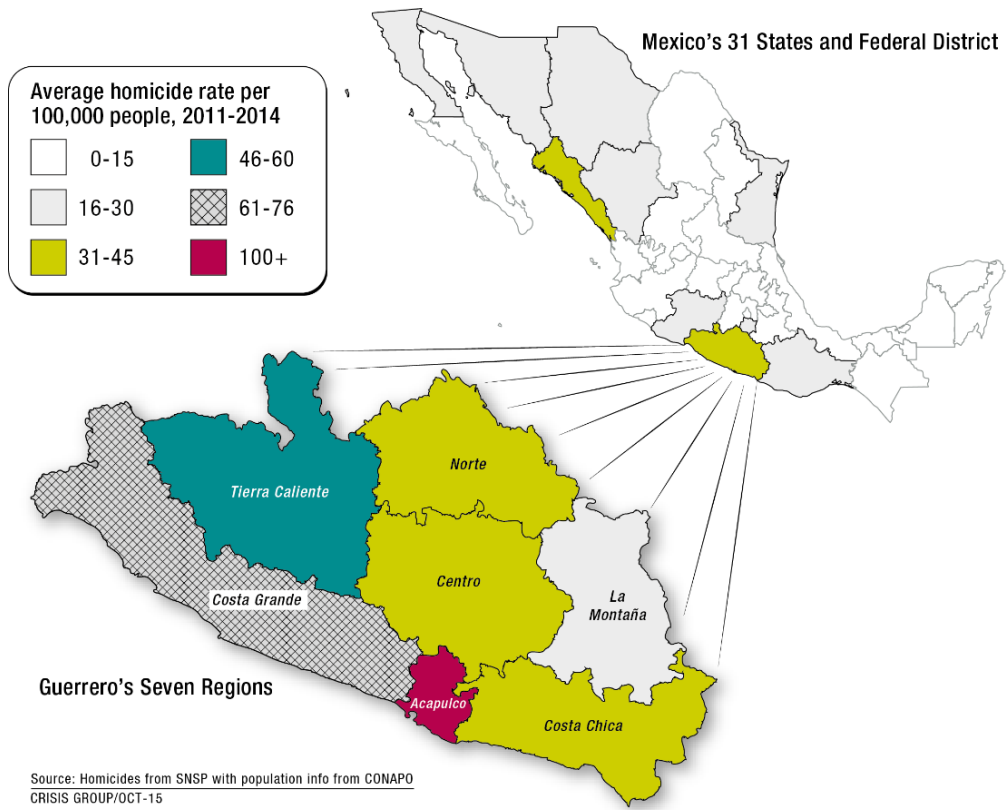
**Appendix B: Map of Guerrero State**



Source: National Institute of Statistics and Geography (INEGI)

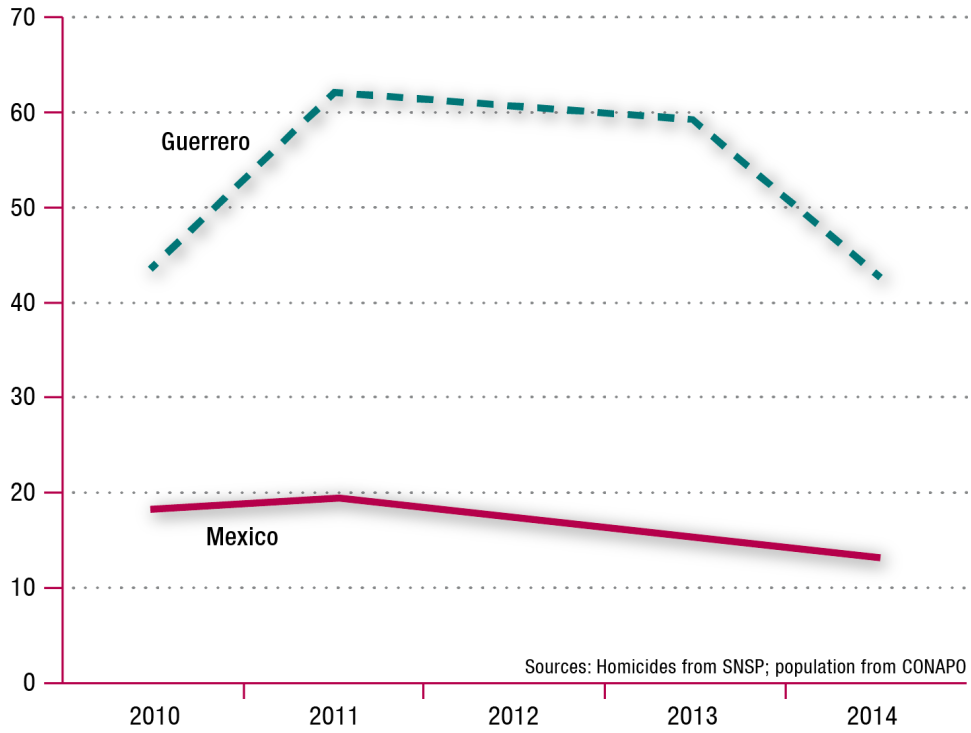


Appendix C: Map of Homicide Rates in Mexican States and Guerrero's Seven Regions



**Appendix D: Homicides Rates in Mexico and Guerrero's State, 2010-2014**

Homicides per 100,000 people



**Appendix E: Homicides in Guerrero's Seven Regions  
(January-June 2014/January-June 2015)**

Homicides per 100,000 people

