



# **The Victims' Movement in Mexico**

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## **Brief Project Description**

This Working Paper is the product of a joint project on civic engagement and public security in Mexico coordinated by the Mexico Institute at the Woodrow Wilson International Center for Scholars and the Justice in Mexico Project at the University of San Diego. As part of the project, a number of research papers have been commissioned that analyze the range of civic engagement experiences taking place in Mexico to strengthen the rule of law and increase security in the face of organized crime violence. Together the commissioned papers will form the basis of a future edited volume. All papers, along with other background information and analysis, can be accessed online on the Mexico Institute's webpage and are copyrighted to the author.

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*Before, the violence existed. Ciudad Juárez has always been stigmatized for its femicides, but (the violence) has risen to another level. Before, there was violence but it was on a smaller scale. Later you began to see shootouts, crime scenes just feet away. Dead people.*

*Before, there was a maxim: Those who died needed to die, people involved in the business. That changed in 2008 when the violence began to climb and that rule was broken. Now it does not matter who is in the way.*

*In March 2010, my family and I became part of the violence. My younger brother—because of a mix-up, because of the crossfire—became part of it. They came looking to kill the other man he was with, the target of the attack. We had to live through this. I was not prepared. (The shooting) happened between my mother's house and my house, in the street, in the light of day—the way these things happened then. The way they still happen.*

*I had to take care of the paperwork, identify the body, go to the funeral home. The government does not respect the suffering of people. They take your information. They tell you to prepare yourself for what you may see: perhaps the body has been quartered. I identified my brother. His body was not very damaged, just two bullets.*

*I did not want to denounce the crime. What is the point if they are not going to do anything? Those were the days of 10, 12 homicides per day. I said, 'I just want you to give me the body for the burial.'*

—Juan Carlos

Ciudad Juárez

Excerpts from telephone interview, August 2012

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## THE VICTIMS' MOVEMENT IN MEXICO

By Lauren Villagran

### INTRODUCTION

After a more than six-year assault on drug trafficking organizations and organized crime in Mexico, the human toll has risen to more than 70,000 dead and more than 27,000 disappeared. The dead and missing are the physical victims of the country's fight against organized crime. But for every human life lost or person missing, many others suffer the mental and emotional pain of the loss; the increased risk of threats and violence inherent to association with someone killed or kidnapped; and the "double victimization" often meted out by the justice system itself, at times unwittingly, at times with intent to abuse power.

Today, numerous organizations work on behalf of victims in Mexico, providing moral support, attention to mental and physical health, guidance for denouncing crimes, and protection for human rights. Yet the power of civil organizations to help victims heal their wounds inevitably falls short when it comes to victims' primal need: justice. Which is why many civil organizations and networks dedicated to protecting victims have made reform of the justice system and a law to protect victims their top goals—both of which have been passed into law but have been inadequately implemented in practice.

These organizations are led and supported in a large part by victims themselves. Victims have become the most visible advocates for the changes they want to see in Mexico, and they have galvanized the nation to reconsider how society views victims of violence and revamp how the country's justice system operates. As the number of victims in Mexico has grown dramatically, the breadth of organizations *of* victims and *for* victims have brought together those who have experienced violence firsthand or who have survived the loss of someone close and provided a common front to defend their rights and articulate their goals.

Rifts exist. Although unified in their personal suffering and desire for justice, victims' organizations in Mexico are at times disparate and divided, by politics, resources, and beliefs about the best path forward. Still, taken together this paper argues they represent a burgeoning social movement. Their respective goals—around justice and protection for their rights as victims—remain more closely related than their frequent inability to reach common ground would suggest. That they encompass widespread and growing groups as drug violence goes on, that many regions of the country have seen victims' organizations spring forth in recent years, and that their ultimate goal—justice—is unified even if their means are not always, suggests the makings of a movement. Mexico has a long history of civic engagement by and on behalf of victims, from the dirty war of the 1960s and 1970s forward. But this paper purposefully focuses on the organizations that have emerged in response to the rapid build-up in organized crime in Mexico over the past two decades. The civic initiatives that have emerged during this time set an important example in a country where people are often driven to angry and violent responses to crime, violence, and injustice. A February 2012 legislative study calculated at least 50 cases per year of *linchamientos*, or public lynchings, of presumed criminals (who at times are innocent) as a result of rising violence and intractable impunity.<sup>1</sup>

What is certain is that crime victims in Mexico have never been as visible—or as vocal—as they are today. Previously, victims of violent crime faced stigmatization by society and the government,

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<sup>1</sup> "Alerta estudio por aumento de casos de linchamientos en México," Notimex/Milenio, February 19, 2012, <http://www.milenio.com/cdb/doc/noticias2011/e20b3f03d115db8b6dbe7311d7cd4cf4>.

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which often prevented them from turning to authorities. High levels of impunity for criminals and a perception of inefficacy, inefficiency, and collusion on the part of the state provide powerful disincentives. What's more, denouncing a crime has in the past further exposed victims to retaliation on the part of the perpetrators, which may also be the authorities. Hence Mexico's dismal track record for reported crimes, which amount to a low 22 percent of total crimes committed.<sup>2</sup> A belief that "bad guys kill each other" or that victims "must have had it coming" was widespread in Mexico until the numbers of dead and missing began to rise sharply during the drug war, and more and more lives have been stung by the horrors of violent crime. As civilian casualties of both the government's assault on organized crime and the warring between rival drug cartels have risen, so has society's indignation.

## MEXICO'S CRIME VICTIMS

What defines a "victim" in Mexico? How many victims are there? What are the issues and challenges that crime victims face in Mexico? The answers to these questions have direct implications for public policy in Mexico, as the country debates how to put the 2013 victims' law to work and create the legal framework necessary to support a 2008 reform of the justice system.

### The 'Black' Statistic

Mexico's impunity rate hovers between 96 percent and 98 percent.<sup>3</sup> As a result, the belief that crimes will go uninvestigated and unpunished is widespread in Mexico and contributes to the dismally low reporting of crimes. The 78 percent of crimes that go unreported is known as the *cifra negra*, or what's known in Mexico as the "black statistic." México Evalúa defines the *cifra negra* as the "body of crimes committed that do not form part of those registered by authorities."<sup>4</sup>

In order to get a better sense of the true scope of criminal activity and victimhood, civic organizations initiated a victims' survey in 2002 through the Citizens' Institute of Studies on Insecurity (ICESI). The study, which was taken over by the government statistics agency INEGI in 2010, aims to capture the incidence of "common" crimes among adults 18 years of age and older. The survey does not cover incidents related to organized crime or drug trafficking; possession of firearms exclusive to the military, human trafficking, or other crimes associated with the drug war. The 2012 National Survey on Victimization and Perception of Public Security by INEGI reported the number of households with at least one adult victim of crime at 9,261,721—or nearly 31 percent of Mexican households.

Between March and April 2012, two-thirds of Mexicans perceived the country as unsafe; only half of respondents in the INEGI survey said the authorities did a "very effective" or "moderately effective" job at combating insecurity. The survey further reports that the top three reasons cited for why a crime was not reported were the inefficacy of authorities, lost time, and no confidence in the authorities.

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<sup>2</sup> Catalina Palmer Arrache, "Victimización, Incidencia Y Cifra Negra en México: Análisis de la ENSI-6." Instituto Ciudadano de Estudios sobre la Inseguridad (ICESI), 2009.

<sup>3</sup> Movement for Peace with Justice and Dignity, "Seguridad Ciudadana y Derechos Humanos en México" (paper presented before the Inter-American Commission on Human Rights of the Organization of American States, 2001).

<sup>4</sup> Ramírez de Alba Leal, "Índice de Víctimas Visibles e Invisibles de Delitos Graves," p. 9.

Because few people denounce crimes and social stigmatism prevents many victims from speaking out, one critical contribution of the victims' movement has been the gathering and analyzing of crime data. Another has been the collection of previously undocumented cases of victims. Both efforts have served to provide the public and government with a picture of the true scope of the problem. México Evalúa tackled the question with its 2011 Index of Visible and Invisible Victims of Serious Crimes, an index it designed as an initial effort to measure the extent of the issue. The report states in its introduction:

Until now, neither federal nor local authorities have been able to adequately measure the criminal phenomenon, given that complete information is not available to know who, when, how, where, and why violent crimes are committed in certain areas of the country, nor how many people are affected directly or indirectly by these crimes, since these crimes take their toll on numerous victims, both visible and invisible. The visible victims are those who are usually taken into account in registries and public policy and the invisible ones are the people who suffer the effects of crime but whom we neither take into account nor measure.<sup>5</sup>

Drawing on information supplied by the National System of Public Security (SNSP)—a compilation of statistics gathered by local *ministerios públicos*, or public ministries, which handle crime investigations—México Evalúa extrapolated an estimation of the number of victims of crime in Mexico in recent years. The SNSP numbers correlate to *reported* crimes, and as such México Evalúa warns that its estimations necessarily fall short because they do not take into account the untold number of unreported crimes. (The report presumes that the rate of reporting has held relatively steady over the roughly 18-year period covered.) Yet its findings have provided some of the first “hard” data on victimhood in Mexico.

Crime has grown nearly without pause over the past 18 years in Mexico, increasing through the consecutive presidencies of Ernesto Zedillo (1994-2000), Vicente Fox (2000-2006), and Felipe Calderón (2006-2012), México Evalúa reports. The monthly average of serious crimes—specifically homicide, extortion, kidnapping, and armed robbery—during Zedillo’s six-year term totaled 6,308. That number climbed to 7,629 during the Fox administration. During the Calderón government, the monthly average of these crimes surged nearly 75 percent to 13,331, compared with the previous six years. Homicides, kidnapping, and extortion all spiked after Calderón deployed tens of thousands of soldiers in December 2006 and charged them with the task of combating crime, especially drug trafficking organizations.

México Evalúa totals the number of visible and invisible victims of serious crimes between 1997 and 2011 at 12,993,010—of which 3,208,213 are “visible” victims while 9,784,797 are the “invisible” victims. The vast majority are victims of armed robbery (91.9 percent), while smaller percentages are victims of homicide (6.5 percent), extortion (1.3 percent) and kidnapping (0.3 percent).

It should be noted that victimhood affects Mexican families in uneven ways. For example, nine in ten homicide victims are male. Mexico’s statistics agency INEGI registered 261,649 incidences of homicide between 1990 and 2009. A third of those cases were married men killed during their

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<sup>5</sup> Leticia Ramírez de Alba Leal, “Índice de Víctimas Visibles e Invisibles de Delitos Graves.” México Evalúa, Centro de Análisis de Políticas Públicas, A.C. August, 2011.

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productive years, meaning that in just two decades almost 90,000 women became widows; 180,000 children lost their fathers; and given that the active workforce in Mexico is still predominately male, many of those families lost their primary breadwinner.

### *Estimating the Un-Counted*

The Movement for Peace with Justice and Dignity (Movimiento por la Paz con Justicia y Dignidad, MPJD) inspired many “invisible” victims to come forward. Ignited by the poet Javier Sicilia, who lost his son Juan Francisco Sicilia Ortega to violent crime in 2011, the movement was perhaps the first to give voice to the forgotten and unseen victims of the drug war—many of whom lack the economic resources and political clout that are often prerequisites for securing justice in Mexico. The “voice” came in the form of widespread media coverage examining the human cost of the security crisis in Mexico, as well as case-by-case documentation of unsolved crimes. The movement’s “Caravans for Peace” drew attention to the thousands of invisible victims of the drug war and other violence. The first caravan in June 2011 reached eleven cities including violence-wracked Ciudad Juárez, Torreón, and Monterrey, while the second caravan in September 2011 covered eighteen cities including Xalapa, Oaxaca, and Acapulco. In 2012, the Caravan launched its first international tour from the San Diego border to Washington, D.C.

The movement’s documentation commission spearheaded an effort to register case studies along the way—the qualitative data, in essence, to show Mexican society who the victims are. The commission collected hundreds of stories in a format resembling a police report, noting the victims’ age, sex, occupation, residence, and civil status; the date and time of the crime; and a report of the events as dictated by the victim or a survivor in the case of disappearance or homicide.

#### **An MPJD Case Report**

Seventeen-year-old Gabriela Arlene Benítez Ybarra went missing from her home in Xalapa, Veracruz, sometime between 7:30 a.m. and 9 a.m. on June 13, 2011. Her mother, Barbara Ybarra, said goodbye to her daughter before leaving for work in the morning but when she returned to pick up a forgotten item, Gabriela was not in the house. Barbara called her phone but received no answer and assumed Gabriela had gone out. Later, with still no sign of her daughter, Barbara went looking for her at school; she spoke to the gardener in the park where Gabriela often jogged; she visited her boyfriend’s house. No one knew anything. That night, Gabriela did not come home.

Barbara told the Documentation Commission of the Movement for Peace with Justice and Dignity: “The investigations ran their course, but [the authorities] never did anything. They did not investigate. The hypothesis was that the perpetrators were a local gang, someone close to the house. There has been no progress.” The authorities charged with looking into the disappearance tried to criminalize Gabriela, suggesting, without evidence, that perhaps she was involved with organized crime.

On September 23, 2011, Gabriela was found murdered. The body appeared in a place the police said they had searched before. “I believe the body was planted in this place to cover up the true perpetrator,” Barbara said.

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All told, the documentation commission collected information on some 700 cases. Roberto Villanueva worked as part of the commission during his participation in the northern and southern caravans as a representative of the National Center for Social Communication A.C. (CENCOS). The documenting of cases had the dual goals of getting victims on record and giving them a face and a name, he said. Many of those who spoke out had never denounced the crimes they now chose to report. In an October 2012 interview, Villanueva said: “As a movement initiated by victims, the victims themselves were the ones to call out to other victims. They came; they spoke. ... We wanted to demonstrate that an organized society has no reason to fear, that there are more of us who want peace.”

Through the commission’s work, a familiar snapshot emerged of the dead and disappeared: the majority of victims was male, under 30, often either a student or blue-collar worker. Yet the reports to the commission of murders, disappearances, and kidnappings cut across socioeconomic and generational lines. The constant among all of them was impunity: few cases have been resolved.

### **‘Double Victimization’**

It is important to mention that crime victims are only part of the equation. The government has a responsibility to protect its citizens, yet abuses of power are prevalent throughout the system—*dobles victimización*, or “double victimization” has become a central theme for victims’ organizations in Mexico. The Mexican government continuously plays the alternate roles of protector and aggressor, in ways both subtle and overt. Criminals create victims; at times, so does the system.

Those accused and sentenced of a crime are frequently subject to a lack of due process and even various forms of torture and inhumane treatment, which are pervasive in both the civilian and military justice systems. On the civilian side, Mexican police agencies and prosecutors frequently abuse the rights of crime suspects as a means to extract forced confessions or simply to inflict extralegal punishment. “Perp walks” featuring bruised and battered crime suspects illustrate that many of the most serious human rights violations in Mexico take place inside of civilian police barracks. The Calderón administration regularly paraded captured suspects of organized crime before television media all but confirming their “guilt” before a trial had taken place.

The Calderón administration’s counter drug offensive, which deployed some 50,000 troops to fight organized crime in cities and communities in hard-hit areas around the country, frequently had the unintended consequence of increasing violence and human rights violations as takedowns of top criminal bosses sparked fresh battles for territorial control. Lacking training in community policing, the deployment of soldiers into the streets also opened the door to human rights violations by the military such as forced disappearances, arbitrary detentions, and torture.<sup>6</sup> In 2012, the Secretary of Defense (SEDENA) ranked No. 1 among all government agencies in terms of complaints for human rights violations filed with the National Commission for Human Rights (CNDH).<sup>7</sup> The federal attorney general’s office (PGR), federal police, and Secretary of the Navy also ranked in the top 10 agencies with the highest number of reports of human rights violations.

The Calderón administration acknowledged these violations but maintained that any misconduct

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<sup>6</sup> Maureen Meyer, “Abused and Afraid in Ciudad Juarez: An Analysis of Human Rights Violations by the Military in Mexico.” September 2010, p. 1.

<sup>7</sup> Liliana Álvarez, “Sedena, autoridad con más quejas ante la CNDH.” AnimalPolitico.com, August 4, 2012. <http://www.animalpolitico.com/2012/08/sedena-autoridad-con-mas-quejas-ante-cndh/>.



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was isolated and neither a systematic nor structural problem.<sup>8</sup> Yet the MPJD disagrees and has made returning soldiers to their barracks a central tenet of the movement's platform. The Washington Office on Latin America and the Miguel Agustín Pro Juárez Human Rights Center (Centro Prodh) offer a similar recommendation in their September 2010 report, *Abused and Afraid in Ciudad Juárez: An Analysis of Human Rights Violations by the Military in Mexico*.

Effectively withdrawing the military from public security tasks is an essential element to disentangle public security and national security responsibilities within Mexico's security bodies and to ensure the resources and energy necessary to strengthen civilian law enforcement institutions.

The report goes on to recommend that military abuses be investigated and prosecuted by civilian, rather than military, authorities—another point on which the MPJD agrees. As noted previously, not all victims groups feel the same way. The new administration of Peña Nieto has made no public statements on how the government plans to utilize troops nor has it released a timeline for their withdrawal from crime-fighting responsibilities.

In the end, though, the public typically has little sympathy for crime suspects—equating custody with guilt—but, whether guilty or innocent, if you are arrested and accused of a crime, you will probably be a victim, too. The number of reports of torture and poor treatment by authorities registered with the CNDH rose from 392 in 2007 to 1,669 in 2011, according to statistics compiled by Amnesty International. Over that five-year period, reports of torture and poor treatment filed with the CNDH totaled to 4,841, most of them complaints against state and municipal police.<sup>9</sup> Amnesty International reports that it knows of no case in which any government agents or agencies accused of torture has been convicted. When the state is unaccountable, society is the victim and no suspect—guilty or innocent—is safe.

### *Not Guilty, but Condemned*

Rights violations extend to a more subtle, yet no less damaging, injury: the stigmatization of victims. This comes most often in the form of accusations that a victim was somehow involved in criminal activity or perceptions that the violence was deserved. From the outset, the Calderón administration made claims that more than 90 percent of those killed in the drug war were criminals—claims that were quieted late in the administration only after survivors' repeated outcries. Such stigmatism damages survivors' search for justice and their ability to seek support in their communities.

Of the poor treatment victims often encounter as they seek justice in a crippled system, the businessman Eduardo Gallo, whose 25-year-old daughter was kidnapped and killed in 2000, explains: "You confront the fact that on the one hand you were a victim of crime. Then you are a victim of the attorney general's office that sees your case. Then you are a victim in the courts of the abuse that also happens in the judicial branch—not as much in the federal arena but without a doubt in the state arena. Or you become a victim of other things that come up along the way." Among those "other things" is the stigmatism associated with being a victim in Mexico, especially of violent crime.

When someone is targeted by organized crime, comments such as "*algo tenía que ver*" or "*solo se*

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<sup>8</sup> Felipe Calderón, "El Presidente Calderón en la Entrega del Premio Nacional de Derechos Humanos," Dec. 9, 2011. <http://www.presidencia.gob.mx/2011/12/el-presidente-calderon-en-la-entrega-del-premio-nacional-de-derechos-humanos-2011/>.

<sup>9</sup> Amnistía Internacional, "Culpables Conocidos, Víctimas Ignoradas: Tortura y Maltrato en México," 2012.

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*matan entre ellos*” inevitably arise—meaning, loosely translated, “they must have had something to do with organized crime” or “criminals only kill other criminals.” Such characterizations were part and parcel of the government’s communications and the media’s representation of events during the Calderón administration.

That was until January 31, 2009, when gunmen descended on a party of young people in Ciudad Juárez, massacred seventeen people and injured a dozen others. Calderón’s first public response to the tragedy was to characterize the youth as gangsters. Yet it was false: The seventeen youth murdered in the neighborhood Villas de Salvárcar were hard-working high school students and athletes. The public protest against Calderón’s statement prompted the interior minister to issue an apology ten days later.<sup>10</sup>

Yet, sadly, there was nothing extraordinary about the government stigmatizing the victims of violent crime. A similar case occurred with the death of two students of the prestigious Institute of Technology and Higher Studies of Monterrey (ITESM), who were shot dead by soldiers in crossfire near campus on March 19, 2010. When authorities prematurely labeled the dead boys criminals, the outcry from students’ friends and family was immediate. The CNDH would later reveal that soldiers moved the bodies of Javier Francisco Arredondo Verdugo and Jorge Antonio Mercado Alonso, and weapons were planted with the aim of altering the crime scene to suggest the students were gunmen.<sup>11</sup>

By lumping perpetrators and victims together, the Mexican government—and perhaps society at large—sidesteps the difficult questions at the root of the problem of crime: *why* men and women choose to join criminal gangs; traffic drugs, humans, and contraband; work as assassins; kidnap, torture, and kill. When perpetrators and victims are the same, when the “why” questions go unanswered, society has less reason to look inward, to mourn, and to repair—in whatever way possible—their loss.

## **THE VICTIMS’ RIGHTS MOVEMENT: A TIMELINE**

The above issues illustrate the precarious position of victims in Mexico’s recent upsurge in crime and violence. Victims are often afraid to come forward, and often go unheard or unsatisfied when they do. In the worst cases, victims find themselves abused by the very system that is meant to protect them. Meanwhile, individuals accused of a crime find themselves victimized as well, as human rights violations have proliferated in the drug war. In response to these challenges, millions of victims have begun to clamor for justice, recognition, and reparation on what has reached the scale and importance of a nationwide movement. Three critical issues have contributed to the crescendo, each generating new organizations led by victims themselves: the hundreds of women murdered in Ciudad Juárez and Chihuahua City beginning in the 1990s; kidnappings, often but not exclusively of the wealthy, also beginning in the 1990s; and the deaths and disappearances that have been a consequence of the drug war—with all three waves of violence related to organized crime. The following represents a timeline of the founding of some of the most influential organizations promoting victims’ rights in Mexico, although dozens more are working in many regions of the

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<sup>10</sup> “Masacres en México: recuento de la violencia.” CNN.com, September 16, 2012. <http://mexico.cnn.com/nacional/2011/11/24/villas-de-salvarcar>.

<sup>11</sup> Juan Alberto Cedillo, “El Tec recuerda a dos estudiantes asesinados en 2010 durante un tiroteo.” CNN.com, March 15, 2012. <http://mexico.cnn.com/nacional/2012/03/15/el-tec-recuerda-a-dos-estudiantes-asesinados-en-2010-durante-un-tiroteo>.

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country.

### **1997: ‘Mexico United Against Crime’**

On May 6, 1997, Josefina Ricaño de Nava’s son, Raul Nava, a young engineer and director of the family banana company, Grupo Navafruit, was kidnapped.<sup>12</sup> Six months passed before his body was discovered. This personal tragedy served as motivation for the creation of Mexico United Against Crime (México Unido Contra la Delincuencia, MUCD) a year later in conjunction with other victims of violent crime. In its early years, the group organized around two missions: providing orientation to victims and making demands of authorities on behalf of victims. MUCD assumed a leadership role in uniting victims under a single banner with a 2004 march dubbed “Let’s rescue Mexico” that drew hundreds of thousands of citizens dressed in white onto the streets and central plaza of Mexico City.

MUCD has largely advocated for public policies that attack the roots of insecurity—police corruption and a lack of economic and educational opportunity—as well as supporting campaigns that encourage more victims to report crimes. MUCD provided an early push for gathering data on victims through a partnership with Consulta Mitofsky to carry out a quarterly poll called the “Survey of Citizen Perception of Security in Mexico.” Today, the organization states its objective is to “be a link between society and authorities to join forces in favor of security, legality, and justice.”<sup>13</sup> The organization has also been vocal on the issue of drug decriminalization.

MUCD became both a refuge and channel for social activism for others like Ricaño de Nava, including Gallo and Dr. María Elena Morera, whose husband was kidnapped in 2000 and survived. (She would later found another victims’ group, Common Cause.) Gallo would personally search for and deliver to authorities the perpetrators of his daughter’s murder—a response that has defined several of Mexico’s most high profile kidnapping cases (see breakout).

Although MUCD has in recent years been criticized for its handling of funds and the participation of executives who have been implicated in scandal, the organization remains a player in the national dialogue for improved public security in Mexico.

#### *Justice in Their Own Hands*

Eduardo Gallo and Isabel Miranda de Wallace both lost their children at the hands of brutal kidnapping rings. They also both took the decision to investigate the crimes on their own.

After police found the bodies of three of Paola Gallo’s kidnappers and detained a fourth in the days and weeks after her death, the investigative authorities of Morelos state closed the case. Gallo protested that the evidence did not add up; more people had to have been involved. The district attorney told him, “You’re not a police officer; you’re a father.”<sup>14</sup> Gallo, who had directed a national hotel chain and now worked as a consultant, left his job behind and became his own private detective. He determined to solve the case himself.

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<sup>12</sup> Blanche Petriche, “En el estrado, solitaria voz: “solapar, ¿no es traición a la patria?” *La Jornada*, August 27, 1998. <http://www.jornada.unam.mx/1998/08/27/en.html>.

<sup>13</sup> Mexico United Against Crime, “Mission.” <http://www.mucd.org.mx/Misión-c8i0.html>.

<sup>14</sup> John Carlin, “Heroes Mexicanos: Eduardo Gallo,” *El País*, August 26, 2004, [http://elpais.com/diario/2004/08/26/opinion/1093471207\\_850215.html](http://elpais.com/diario/2004/08/26/opinion/1093471207_850215.html)

Gallo studied the case, went door to door in Tepoztlán—the small *pueblo* south of Mexico City where Paola was kidnapped—interviewing locals, and discovered that people knew exactly who belonged to the band of criminals. With the support of a district attorney, Gallo delivered his first capture eleven months after his daughter’s death: Francisco Zamora, alias Apache Dos, the man who pulled the trigger. Gallo would later deliver to the state two more individuals involved in the crime ring.

Miranda de Wallace assumed the reins of the investigation into the death of her 31-year-old son Hugo Alberto Wallace Miranda following a July 2005 kidnapping. It was “desperation and impotence” that drove her to investigate on her own, she said in a 2010 press interview. “I had lost one of my children, my most precious possessions, and no one seemed to care.”<sup>15</sup> Indeed, during the negotiations for Alberto’s release, the family went to the authorities and the kidnappers found out—suggesting official complicity and putting her son’s life at risk. The case became famous when the family posted billboards with the faces of two of the suspected authors of the crimes. Miranda de Wallace would ultimately seek and find five of the six kidnappers responsible. (Authorities would apprehend a sixth five years later.)

## **2002: ‘Justice for Our Daughters’**

*Justicia para Nuestras Hijas* is a nonprofit organization dedicated to seeking justice for the hundreds of women raped, tortured, murdered, or who have disappeared in Ciudad Juárez and Chihuahua. The serial femicides that drew widespread international condemnation during the past decade continue, although news of the women’s murders has in recent years been overshadowed by the death toll of the drug war. The organization describes its founders as mothers who live in the city’s *barrios*, who take public transportation, have a primary school education, and earn minimum wage.

The mission of Justice for Our Daughters is “to find the girls and women who have disappeared in Chihuahua state and to propel access to justice for the victims and their families.”<sup>16</sup> The organization lists among its goals raising public awareness of the issue, accompanying victims through legal processes, providing legal and psychological counseling, as well as offering workshops to inform and empower the mothers of victims.

Justice for Our Daughters in Chihuahua and other Ciudad Juárez-based organizations engendered one of the first waves of civil defenders of victims’ rights, at the same time that MUCD was uniting the call against violent crime and kidnapping in Mexico City. Their outcry for justice has been echoed on a national scale by the organizations that have followed. The organization works to protect the human rights of victims, search for the missing women, document cases, provide guidance to families seeking justice, and lobby the government at all levels to keep the disappearances on the political agenda.

## **2005: A ‘Stop’ to the Violence**

After the kidnapping and death of her son (see breakout), Isabel Miranda de Wallace founded *Asociación Alto al Secuestro*, or Stop the Kidnapping, to promote an anti-kidnapping law. The

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<sup>15</sup> Diana Amador, “Madres Mexicanas que han convertido su dolor en estandarte,” CNN.com, May 10, 2010, <http://mexico.cnn.com/nacional/2010/05/10/isabel-miranda-de-wallace-mi-hijo-victima-de-un-sistema-inoperante>.

<sup>16</sup> Justicia para Nuestras Hijas. “Misión.” <http://www.justiciapnhijas.wix.com>.

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General Law to Prevent and Punish Crimes of Kidnapping (*La Ley General para Prevenir y Sancionar los Delitos en Materia de Secuestro*) took effect in February 2011. Alto al Secuestro, much like MUCD, provides support to “direct and indirect” victims of violent crime.<sup>17</sup> Additionally, Alto al Secuestro has supported the creation of other citizens’ groups whose objective is to promote security and respect for victims’ rights.

### **2008: México S.O.S.**

Businessman Alejandro Martí’s 14-year-old son, Fernando Martí, was kidnapped in June 2008. Martí runs a sporting goods business bearing the family name and a chain of upscale Sports City gyms. The armored BMW that delivered Fernando to school each day was stopped by a team of men dressed as agents of Mexico’s now defunct Federal Investigation Agency, or AFI. The armed men kidnapped Fernando, a chauffer, and a bodyguard. The family paid a ransom of more than 5 million pesos to no avail. The kidnappers killed Fernando and abandoned his body in a car in Mexico City in July 2008. The bodyguard survived and became a witness to the investigations. Twenty-two suspected members of a band of kidnappers that included federal agents have been detained, although only one had been sentenced as of 2012.

Martí founded Fundación México S.O.S. in November 2008 with the goal—like the organizations that preceded it—of “putting an end to the crisis of insecurity” and “crisis of governability” in Mexico.<sup>18</sup> México S.O.S. backed in 2009 the anti-kidnapping law and that same year, along with the nonprofit RENACE, which provides pro bono advocacy to defend people unjustly accused of crimes, organized the first national forum on security and justice to promote judicial reform. The organizations held a second forum on the subject in 2010. Also that year, México S.O.S. co-founded the watchdog group National Citizen Observatory to keep tabs on the work of lawmakers and create a united front from which to demand accountability.

### **2011: Movement for Peace with Justice and Dignity**

The movement was formed in 2011 as a response to the outrage over the murder of Sicilia’s son in March of that year. The MPJD describes itself as a “movement of victims’ movements” that has drawn numerous civil organizations into its fold. Its goal is to “actively open channels for holistic attention for victims that contemplates justice in all its forms, not just at an individual level, but collectively.”<sup>19</sup> Among its demands are investigations into unsolved assassinations and disappearances, and the naming of victims, ending the strategy of direct confrontation with the cartels in favor of a focus on citizen security, combating corruption and impunity as well as the economic roots of crime.

MPJD has been especially outspoken against the deployment of the military to fight organized crime—a position that represents a departure from those of MUCD, Alto al Secuestro, or México S.O.S., which have been relatively quiet on the issue of the use of force; some outspoken victims in the country’s northern region have rejected this idea and instead welcome military interventions. But MPJD shares those organizations’ concern for high levels of impunity and official corruption in Mexico.

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<sup>17</sup> Asociación Alto al Secuestro. <http://www.altoalsecuestro.com.mx/index.htm>.

<sup>18</sup> México S.O.S. “¿Qué es México S.O.S.?” <http://mexicosos.org/content/¿qué-es-méxico-sos>.

<sup>19</sup> MPJD, “Seguridad Ciudadana y Derechos Humanos en México.”

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## Up to the Present: Victims' Networks

*Fuerzas Unidas por Nuestros Desaparecidos y Desaparecidas en México* (FUNDEM), or United Forces for Our Disappeared, has sister organizations of similar names in Nuevo Leon and Coahuila states, as well as partner human rights groups. FUNDEM unites victims through social media, especially Facebook, Twitter, and blogs. It is a “movement of the family members of disappeared people, and defenders of human rights.”

Much like FUNDEM, the “Mothers Searching for Their Children” network created in October 2012 maintains a Facebook page where people who have lost loved ones can post pictures and information. The *Red de Madres Buscando a Sus Hijos* is loosely organized, but several of the mothers and fathers who utilize the page arrived together for the official publication of the victims' law at the presidential residence in January 2013, where they silently held up photos of their missing sons and daughters. Thousands of people have used the network in its short existence, with postings from regions across the country.

## LESSONS AND ACHIEVEMENTS

These experiences suggest a growing consciousness and engagement among crime victims in Mexico, which is promising. Crime victims appear to be moving beyond fear or fatalism to create mechanisms to pressure the state for justice. The experience of Mexico's victims' rights movement illustrates several important lessons and achievements that provide an important stepping stone for on-going efforts to promote the rule of law in Mexico. It is important to recognize the profound sense of loss and sadness felt by many victims, who have had to work through their grief and suffering to channel these feelings constructively. Not all victims have the wherewithal and resources to make this transition from victim to advocate. It is also important to note that the victims “movement” is unified by experience, but not by political objectives. This has certainly been true of other contemporary social movements—women's suffrage, civil rights, gay rights, etc.—and does not necessarily detract from the importance or quality of Mexico's victims' rights movement. It does, however, suggest that the achievements and long-term gains of the movement will be significantly defined by as much by its internal tensions as by the responses of Mexican authorities.

## Evolving Approaches to Change

The leaders of victims' organizations founded in the past decade have their roots in loss, are united in a shared sadness, and are mutually driven to action through a commitment to end the violence that has so deeply marked their lives. Yet they are by no means homogenous in their demands or the ways in which they want to see those demands met. The “victims' movement” in Mexico today can be defined as much by what unites the organizations as what divides them.

From marches in the capital, to caravans across the country; from roundtable discussions with legislative and executive powers, the generation of policy proposals, and direct lobbying of the legislative and executive branches of government; to the documentation of victims' stories and reports on government transparency and accountability; to creating online networks to share support and information, the varied groups creating the movement in real time have taken a wide range of approaches in their campaigns. Their priorities vary, too. While there is unanimous indignation at the justice system's deep failings and at official corruption, the organizations differ on the security strategy they want from the government; and the use of the military to fight organized crime is especially divisive. No easier is the question of how to define who, exactly, is a victim.

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Here are two leaders stating their very different approaches:

“We believe that if the country is not properly structured legally and conceptually to move this issue forward, it’s not going to work,” said Martí, director of México S.O.S., in an October 2012 interview. “I believe that among the citizen movements in favor of rule of law or justice or against the insecurity, every day we are understanding better that going into the streets to shout is worthless... We decided it was better to pressure, influence, and include the government.”

Eduardo Vazquez Martín, a spokesman for the MPJD, said in a January 2013 interview: “What does it mean that the movement has presented around 400 cases—thirty or forty emblematic ones—to the president of the republic, to the attorney general, to the interior ministry, to the secretary of public security and not one has been resolved? What does that tell you? That the state is incapable ... The nation realizes that it is truly alone, and that it must rebuild its institutions, its society, its community bonds ... That is what the movement has revealed with its actions: The state does not exist.”

### **Milestone Accomplishments**

On January 9, 2013, crowds filled a conference hall of the presidential palace, Los Pinos, for the public unveiling of the publication of the General Law of Victims—a law backed by Sicilia’s Movement for Peace, blocked by Calderón in the waning days of his administration, and revived by President Enrique Peña Nieto less than two months after taking office. Sicilia was there, as were numerous congressional representatives, members of the new administration’s cabinet and the president himself. Once the doors were closed on the packed hall, dozens of mothers and fathers and relatives of the disappeared or murdered quietly pulled out photos of their loved ones and held them aloft.

Sicilia spoke. He praised the passage of the law but warned that the Movement would not rest until it saw action—justice—for Mexico’s numerous victims. Peña Nieto had the final word and, while he said he wanted his administration to maintain a permanent dialogue, he never spoke directly to the victims present that very day. Meanwhile, Martí did not attend, and México S.O.S. simultaneously released a statement criticizing the law. Emphasizing their skepticism and independence, mothers and fathers holding photos of their disappeared professed that they did not belong to the MPJD and doubted the law would change anything.

Yet, when it came time to reform the law, the most active victims’ organizations, including MPJD and México S.O.S., came together to propose the revisions that would satisfy disparate groups. The victims’ law, perhaps more than any other issue, reflects the plurality of the groups that make up Mexico’s movement for the defense of victims of violent crime. Their divisions could be described as political, although they may also be said to reflect different understandings of who in Mexico is a victim and how much responsibility the government should bear for its role in their victimization.

### *A Victims’ Law*

The General Law of Victims, revised in May 2013, aims to provide a new layer of protection for victims of violent crime and human rights abuses in Mexico. The law establishes a National Registry of Victims, which would be the first formal list naming the people who have been killed or who have gone missing as a result of the drug war. It creates a National System of Attention to Victims in which federal, state, and municipal governments will assume the costs of paying mental and material damages, lost opportunities, and assistance. The law also provides for a fund from which reparations should be made to victims, both direct and indirect (visible and invisible). In a coup for the movement, it defines “victim” so as to create legal entity with specific rights under the

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law. The law defines “direct” victims as “those persons that have suffered directly some economic, physical, mental, or emotional damage or harm, or in general someone whose legal property or rights have been put in danger as a consequence of a crime or violations of their human rights...” It goes on to define “indirect” victims as those “family members or persons in charge of a victim who have a close relationship with him.”

The law had its genesis in a series of dialogues on security that began in 2010. Facilitated by the Center for Civic Collaboration (CCC—part of the international network of Partners for Democratic Change), the first Dialogue for Citizen Security with a Focus on Human Rights included the participation of some 80 non-governmental organizations and had the goal of finding points of commonality on which to base a legislative agenda. Six civil and academic organizations served as the core group that convoked the process: CIDE, a public university; the Institute for Security and Democracy, INSYDE; FUNDAR, a center for research and analysis; México S.O.S., and the Juárez Observatory for Public Security and Social Security, an umbrella group of civil organizations in Ciudad Juárez, and the Network of Public Security Experts.

Three lines of desired legislative action emerged: a reform that would add citizen advisors to the national security council; judicial reform; and a law to protect victims. The third of these became the priority. Additional dialogues in 2011 brought lawmakers, academic experts, and victims to the table, as well. The CCC helped facilitate the technical aspects of creating a legislative proposal for a victims’ law—ensuring that the victims themselves had a say in the law that would affect them personally. Simultaneously, the Calderón administration prepared its own proposal for a victims’ law. A third proposal came from the National Autonomous University of Mexico (UNAM). But the law that gained momentum in Congress and passed both the House and Senate in April 2012 was the law created through the joint work of victims, civil society, academics, and lawmakers—the General Law of Victims. According to the reforms executed in May, states are required to create secondary laws in harmony with the federal law. As of August 2013, only Morelos had passed a law that squares with the federal statute; Nuevo Leon, Baja California, and Jalisco have presented initiatives.<sup>20</sup>

In many respects, the law reasserts rights that victims of crime in Mexico are already supposed to have—rights that are rarely enforced and routinely violated, or are in other cases inadequate to victims’ needs. Still, the law consolidates and articulates victims’ rights in a way that is currently lacking. Octavio Amezcua Noriega, defense director of the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), has argued “...the current system of rights and obligations in Mexican law does not offer the regulatory framework necessary to provide an integral solution for victims.”<sup>21</sup> Sicilia called the law “a first step toward justice” but added, “like any first step, it’s not enough.” It is—more than anything—a call to action. Without action by Congress and the new administration to make the law effective, and the full participation of Mexican institutions to make it functional, Sicilia said, “the General Law of Victims will be only dead letter.”

“The most important thing is that all those involved—the movement, the lawmakers, the legislative power—do not lose the ultimate objective of all this ... that victims in this country possess the best possible legal framework,” says Sylvia Aguilera, executive director of the CCC, during an October 2012 interview. “It’s urgent.”

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<sup>20</sup> “Leyes de víctimas locales deben tener una amplia participación social y seguir lineamientos de la Ley General,” Cencos, August 6, 2013, <http://cencos.wordpress.com/2013/08/06/leyes-de-victimas-locales-deben-tener-una-amplia-participacion-social-y-seguir-lineamientos-de-la-ley-general>

<sup>21</sup> “La Ley General es una solución para reparar a las víctimas,” *El Universal*, January 28, 2013, [http://blogs.eluniversal.com.mx/weblogs\\_detalle17766.html](http://blogs.eluniversal.com.mx/weblogs_detalle17766.html).



“What is needed is an integral reform of the system,” said Ernesto Canales, co-founder of RENACE, in an October 2012 interview. “We cannot think that by augmenting the rights of victims and leaving the current system in place we’ll be protecting (victims). The essential thing is having a credible system, one that merits citizen confidence.” RENACE, which participates in several other civil society networks including the National Citizen Observatory, is also directly advocating for a complete overhaul of the Mexican system of justice.

The constitutional judicial reform of 2008 set the stage for Mexico’s 31 states and the Federal District (Mexico City) to overhaul their criminal justice systems. The reforms included five courses of action, as outlined by the Trans-Border Institute’s 2011 report *Assessing Mexico’s Judicial Reform*:

- the introduction of adversarial procedures including oral arguments;
- a shift in focus to the rights of the accused (i.e., the presumption of innocence, due process, and an adequate legal defense);
- an emphasis on the rights of victims and restorative justice;
- a shift in the role police agencies play in criminal investigations (i.e., allowing for the investigatory work of the Ministerio Público to be questioned and for police to collect evidence)
- tougher measures for combating organized crime.

Further changes are needed to make the 2008 reforms more effective, according to Canales, and several initiatives pending in either the House or Senate could set the country on the path to making the 2008 reforms a reality.

Still, there are challenges. Although the 2008 reform set a deadline of 2016 for Mexican states and the federal government to realize the changes it dictated, only a handful of states have made real progress. Chihuahua, Nuevo Leon, Mexico State, Zacatecas, Morelos, and Oaxaca are ahead of the pack largely because they passed their own state-level judicial reforms before 2008.<sup>22</sup> The stipulated eight-year time frame for implementing the reform has been challenged as unrealistic; while some states have made advances, the federal government has made no progress at all. The federal criminal code has not been reformed, and all federal crimes are still being investigated and tried under the old system.

Critics have also cited certain elements of the reform that run contradictory to its stated goals. As one of the measures to combat organized crime, the law provided for the *arraigo* procedure, or sequestering of suspects for a period of forty days (which can be extended another forty for a total of eighty days in custody without formal charge, and without providing those held the right to legal representation) while prosecutors build a case. The United Nations Committee Against Torture (CAT) has condemned the use of *arraigo* in Mexico. In a recent report, the CMDPDH also condemned the practice as violating human rights. The *arraigo*, which the Mexican government has promoted as an indispensable tool for fighting organized crime, has been used to detain more than 8,595 people between June 2008 and October 2012, according to CMDPDH. Due to opposition, some states have begun retiring or eliminating the *arraigo* from state legislation.

The victims’ law is needed to assuage a grieving national consciousness. Yet Canales points out the

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<sup>22</sup> David A. Shirk, “Criminal Justice Reform in Mexico: An Overview,” *Mexican Law Review*, Vol. 3 No. 2 (2010): 222. <http://biblio.juridicas.unam.mx/revista/pdf/MexicanLawReview/6/arc/arc1.pdf>.

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paradox of defining “victim” in a system functioning so poorly that the determination of innocence and guilt is a real challenge. “If we only try to protect victims, without modifying the system, how do we know how many more victims there are, unacknowledged by the system?” Canales asks. “If the system cannot discern who is a victim and who is not a victim, what do we gain by protecting some when we do not have the certainty that the system is functioning right?” A law to protect victims must logically go hand-in-hand with full-scale judicial reform.

### *Dispelling Stigmatization*

This, perhaps, has been one of the victims’ movement’s most important, if intangible, accomplishments thus far: dispelling the myth of complicity that underpins the victimization. The willingness of victims in recent years to speak out—the mother of the teen murdered in Villas de Salvárcar who, with a voice filled with anger, told Calderón at a news conference that he was not welcome in Juárez; the poet Sicilia’s emotional outcry over the senseless killing of his son; the many survivors who have publicly demanded that the memories of their loved ones not be marred by accusations of involvement in crime—has helped reshape the way Mexico views victims of violent crime. Stigmatization remains prevalent, yet many people, authorities in particular, must now think twice before making such assumptions publicly. The reformed victims’ law specifies “no criminalization.” It states that “Authorities should not aggravate the suffering of the victim, nor under any circumstance treat him as suspicious or responsible for committing the crimes he is denouncing.”

The movement’s efforts to bring the stigmatization to light opened the door to public efforts to attend to victims’ needs. In October 2011, the Calderón government created a new agency called ProVíctima dedicated to serving victims’ legal, social, medical, and psychological needs under one roof. Previously, agencies such as the attorney general’s office had areas dedicated to providing attention to victims, but negotiating the labyrinthine bureaucracy often proved frustrating, confusing, and inefficient for those who had suffered violent crime personally or suffered the loss of a loved one. ProVíctima was set up without a dedicated budget—prompting critics to question the administration’s commitment to the effort—although human resources and capital that backed victims’ offices in other agencies were eventually transferred to the newly created entity. The agency is likely to be dismantled or at least renamed under the new victims’ law, which establishes the creation of a commission to provide the holistic attention to victims that ProVíctima currently provides. Although ProVíctima has had critics, the 19,545 victims who have sought help through the agency through July 2013 will now likely face yet another bureaucratic hurdle as the system changes.

## **CONCLUSION**

Important challenges lie ahead. For all its plurality, the multifaceted victims’ movement in Mexico has grown steadily over the past twenty years. Disparate voices have succeeded in placing the needs of victims squarely in the center of Mexico’s national agenda. The growth of the movement has helped victims draw attention to, if not fully eradicate, the unjust stigmatization of them and their families, and it has solidified the outcry over how the justice system can victimize them doubly. Victims’ groups have become a force of civil society with which the government must reckon, instrumental in the creation and passage of key legislation including the 2008 justice reform and the 2013 victims’ law.

Yet these important achievements serve to highlight the gulf between what has been won on paper

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and what has yet to be won in practice. Tens of thousands of homicides related to the drug war still unresolved; tens of thousands of people still missing; a justice system incapable of investigating and resolving more than a fraction of outstanding cases; institutional corruption—these are monumental challenges and their resolution lies at the heart of victims’ demands.

“The people’s pain cannot wait,” Martí said. “We cannot wait.”

Must the diverse organizations of the victims’ movement reach firmer common ground and consolidate to successfully drive Mexico’s efforts to reform its broken justice system, make the victims’ law functional, and root out corruption? Or can disparate voices and approaches to effecting change ultimately provide the checks and balances needed for effective reform? It may be too early to answer these critical questions. But one fact is sadly certain: As drug-related violence continues, the number of victims will grow. The victims’ movement, as a subset of Mexico’s maturing civil society, will continue to exert critical pressure for transforming the system into one that respects victims’ rights, addresses the social and economic roots of crime, promotes the rule of law, and ensures justice. Their collective outcry must be met, too, with effective programs to treat victims’ medical, psychological, and legal needs—assistance that can transform them from victims into *survivors*.

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