

SHADOW REPORT ON THE SITUATION OF MISSING PEOPLE IN MEXICO

May 2018



Presentation	3
General introduction	4
I. Individual and interstate communications	6
Article 31 and 32 of the Convention.	
Article 30 of the Convention	7
II Federal structure of the State Party	9
Approval of the General Law on Enforced Disappearance and Disappearance by	
Individuals	
Shortcomings of the LGDFDP and challenges to its implementation	10
III. Investigations of cases of enforced disappearance	13
Delay in investigations	14
Criminalization and stigmatization of victims	
Lack of context analysis for the investigation of enforced disappearances	17
Attitude of secrecy towards relatives of missing persons and obstacles for their participat	tion
in the investigation	
Lack of political will to arrest and prosecute those responsible	19
IV. Protection of persons who report and / or participate in the investigation of enforce	
disappearance	20
V. Right to reparation and to a prompt, fair and adequate compensation	21
Deficiencies in the process of harmonization of the General Law on Victims	
Obstacles in accessing immediate aid measures, assistance and comprehensive reparation	
Economic compensation within the framework of comprehensive reparation	
Registration of victims in the Victims Registry of the CEAV	
VI. Organizational structure of the Special Prosecutor's Office for the Search of Miss	inσ
Persons (FEBPD) and the impact of the Standardized Protocol	0
Lack of financial resources	
Lack of human resources	
Lack of technical capacity	
Poor implementation of the Standardized Protocol for the Search of Missing and	
Investigation of Enforced Disappearance	29
Lack of gender perspective in investigations	
Inadequate management of unidentified deceased persons	

ÍNDICE

Presentation

I(dh)eas, Litigio Estratégico en Derechos Humanos A.C and a signatory collective of families of missing people present its alternative report to the Committee on Enforced Disappearances (CED) in response to the report presented by the Mexican state on February 13, 2018, regarding the follow-up on recommendations adopted in February 2015 in accordance with article 29, paragraph 1 of the International Convention for the Protection of All Persons from Enforced Disappearance.

I(dh)eas is a non-profit civil organization that seeks to promote policy, regulatory and behavioral changes within state institutions, combat impunity and protect the victims and/or their relatives through strategic human rights litigation, documentation of cases and legal aid to victims of serious human rights violations (torture, enforced disappearance and extrajudicial executions).

For more information about our activities and organization, see our website http://www.idheas.org.mx/).

You can stay informed about our activities through our social networking profiles:

Facebook: @Idheasdh Twitter @Idheasdh YouTube: I(dh)eas, Litigio Estratégico en Derechos Humanos A.C.

Contact: info@idheas.org.mx

"We are in a place like limbo ... Sometimes you feel calm and suddenly at a standstill. Your emotions come and go together with companions who have been in search for 5, 6, 7, or even 12 years."

Testimony given to the IDHEAS by a member of a Collective of relatives of disappeared persons in the State of Mexico, June 2017.

General introduction

As a result of their *in loco* visits to the country in 2015, the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights confirmed the serious human rights crisis and agreed that the extreme situation of insecurity, violence and impunity is startling, highlighting the alarming figures of missing and murdered people¹.

- According to the National Registry of Data on Missing and Disappeared Persons (RNPED), there are a total of 35,410 victims of disappearance in Mexico (1,142 of the federal jurisdiction and 34,268 of the common jurisdiction), including 8,982 women and 6,290 minors².
- A total of 21,602 disappearances occurred during the administration of Enrique Peña Nieto (680 of the federal jurisdiction and 20,922 of the common jurisdiction).
- It is estimated that between January 1, 2006 and June 2017, a total of 1,588 clandestine graves were found in 23 states of the country, with 2,674 bodies and some 11,400 remains or bone fragments³. A total of 343 clandestine graves were found only in the State of Veracruz during the year 2017, where 225 bodies have been found, 335 skulls

¹ Situation regarding human rights in Mexico, December 2015: http://www.oas.org/es/cidh/informes/pdfs/mexico2016-es.pdf

² Cut-off date: January 31, 2018.

³ Figures from the State Prosecutor's Offices obtained through the National Transparency Platform. These figures are estimates due to inconsistencies and incomplete information provided by the authorities.

and more than 30, 693 remains or body fragments⁴. Since the beginning of this year, relatives of missing persons in the State of Nayarit found 5 clandestine graves in the municipality of Xalisco in which 41 bodies were found.⁵

While the State recognizes the high levels of violence in the country, including the disappearance of people, its recurring tendency to hold organized crime groups responsible for such a situation is worrying as it evades its responsibility to tackle the phenomenon, in particular its failed security strategy, lack of crime prevention, direct involvement of public officials in the criminal activities or omission in investigating the events by state agents⁶.

The lack of accountability for cases of enforced disappearance in Mexico continues to be a serious problem that fosters public perception of impunity and fuels the crisis of disappearances. According to information provided by the Federal Judicial Branch, from December 1, 2006 to December 31, 2017, only 14 sentences for enforced disappearance were issued⁷, 12 of them condemnatory⁸. According to the Global Impunity Index 2017⁹, Mexico ranks fourth internationally among the 69 countries evaluated, and occupies the first place among Latin American countries.

⁴ Press release: <u>http://www.eluniversal.com.mx/estados/en-2017-fueron-halladas-343-fosas-clandestinas-en-veracruz-dice-fiscal</u>

⁵ See the press release: <u>https://aristeguinoticias.com/1402/mexico/este-ano-han-encontrado-41-cuerpos-en-5-fosas-</u> clandestinas-en-nayarit-colectivo/

⁶ "Torture, the enforced disappearance of people, threats to human rights defenders and journalists, human trafficking and the trafficking of migrants are, unfortunately, a reality that goes hand in hand with the violence caused by the arms trafficking that controls organized crime." Intervention of the Undersecretary for Multilateral Affairs and Human Rights, Ambassador Miguel Ruiz Cabañas, in the High Level Segment of the 37th Session of the Human Rights Council. Geneva, Switzerland. February 27, 2018.

⁷ Federal Judicial Council. Response to public information request – File number: 0320000161517 and 0320000294317. Actualization: Federal Judicial Council. Response to public information request – File number: 0320000037918. Response date: February 22, 2018.

⁸ The Mexican State informed the Committee against Enforced Disappearances about the following six sentences issued at the federal level: 1) Final judgment in the criminal proceedings 179/2006 dated September 30, 2009, issued by the Ninth District Court in the State of Sinaloa; (2) Final judgment in the criminal proceedings 20/2005-I dated June 30, 2010, issued by the First District Court of Federal Criminal Proceedings in the Federal District; (3) conviction in the criminal case 27/2005 dated May 10, 2006, issued by the Sixth District Court of Federal Criminal Proceedings in the State of Jalisco; (4) conviction in the criminal case 142/2003 dated May 11, 2005, issued by the Sixth District Court in the State of Guanajuato; (5) conviction in the criminal case 72/2005 dated 14 December 2005 issued by the First District Court in the State of Michoacán; and (6) conviction in the criminal case 159/2005 dated November 14, 2006, issued by the Fifth District Court in the State of Chihuahua.

⁹ For more information, see: <u>http://www.udlap.mx/cesij/files/IGI-2017_esp.pdf</u>

To a large extent, this impunity is the result of the shortcomings of the law enforcement and justice institutions, which in most cases lack autonomy and do not have the will, capacity or resources to investigate the crimes of serious human rights violations. Likewise, public human rights organizations generally fail to comply with their mandate to investigate human rights violations. This is why international human rights organizations have confirmed that impunity in Mexico is of the systemic and structural nature.

I. Individual and interstate communications

Paragraph 14: The Committee strongly encourages the State party to recognize the competence of the Committee to receive and analyze individual and inter-State communications under articles 31 and 32 of the Convention with a view to strengthen the regime of protection against enforced disappearances envisaged therein.

Article 31 and 32 of the Convention.

The Mexican State still does not recognize the competence of the CED to receive and examine individual communications despite the multiple opinions expressed by relevant institutions, as well as the commitment expressed by the government itself in its National Human Rights Program 2014-2018.

By not recognizing the competence of the CED, the Mexican State violates the internal constitutional framework, given that human rights and guarantees for their protection enshrined in the international context are part of the Mexican legal system according to the Mexican Constitution, the Convention being among them. The Supreme Court of Justice of the Nation (SCJN) has ratified this condition when mentioning on numerous occasions (the contradiction of thesis 293 / SCJN among them) that the authorities are obliged to respect, protect, guarantee and promote Human Rights both internally and internationally.

The recent approval of the General Law on Forced Disappearance of Persons, Disappearance Committed by Individuals and the National Missing Person's Search System (LGDFDP), as well as the existence of other regional mechanisms and of the United Nations system itself, all of them competent to know cases, cannot serve as a pretext for not recognizing the competence of the CED and thus deny access to justice to the thousands of victims of the disappearance before an international body established for the protection of human rights.

As pointed out by the Chair of the Committee, Ms. Suela Janina in the framework of the presentation of her first report on October 20, 2017, the Committee has maintained contact with the Mexican State since May 2013 with the purpose of evaluating the possibility of a visit. However, this request has been denied by the Mexican authorities¹⁰. All the above proves not only the lack of openness of the Mexican State under international scrutiny, but also the lack of political will to advance in the fulfillment of its international obligations.

Article 30 of the Convention

The refusal to recognize the competence of the CED to receive individual communications is further aggravated by the resistance of the Mexican State to comply with the urgent actions recommended by the Committee under Article 30 of the Convention.

I(dh)eas has been attending the CED meetings since 2015 with the aim of requesting the undertaking of urgent actions and precautionary measures in favor of the victims. I(dh)eas represents 6 cases in Guerrero, Veracruz, Sinaloa and Tamaulipas with a total of 81 disappeared victims and 148 indirect family members.

There has been significant resistance to move towards the effective implementation of urgent actions from the Mexican state over the last three years. On repeated occasions, the State has

¹⁰ "The Committee had been in contact with Mexico since May 2013 for the reason of the possibility of a visit, which the country later refused". For more information, see: : <u>https://www.un.org/press/en/2017/gashc4208.doc.htm</u>

maintained a position in which it considers that "the measures required by the Committee are of a recommendary nature and do not imply any obligation."¹¹

The reports sent by the State in most cases fail to meet the deadlines established and present incomplete and / or superficial information, which prevents the Committee and family members from knowing the true impact of the actions taken. The State generally fails to provide information on the strategies for the search of missing persons, the analysis of the elements and evidence gathered in the investigations, the results of the investigations and the coordination mechanisms between authorities. The reporting process seems to show that investigations carried out to search for missing persons are conducted as a formality, without the seriousness required; no clear methodology or logical lines of investigation are observed, nor active work on the part of the authorities to clarify the events, locate the missing persons and identify those responsible. For the moment, only two victims have been found - without life - one in Veracruz and the other in Iguala, out of the 81 disappeared victims represented by I (dh)eas before the Committee in the framework of urgent actions.

State officials responsible for implementing urgent actions are not always informed about the existence of these actions by the federal government.

In the face of this worrying picture, I(dh)eas stressed the need that the Mexican State assume the obligation of the CED requirements and establish mechanisms for effective implementation and follow-up with regard to urgent actions. On February 7, 2018, as a result of the pressure exerted by civil organizations and groups of relatives of disappeared person¹², the Secretariat of the Interior (SEGOB) expressed the willingness of the Mexican State to meet and work on an institutional mechanism for implementation, monitoring and evaluation of urgent actions issued by the CED.

Therefore, the following recommendations are made to the Mexican State:

¹¹ Minute of a working meeting from January 21, 2015 signed by the Attorney General Office (PGR), the Ministry of Foreign Affairs (SRE) and state authorities of Guerrero.

¹² See annex 1: Letters from civil society and collective organizations that request the Mexican government to create implementation mechanisms and periodic reports on compliance with the Urgent Actions addressed by the Committee.

- a. Promptly recognize the competence of the Committee against Enforced Disappearances to receive and examine individual communications.
- b. Accept the Committee's visit to Mexico.
- c. Continue cooperating with the Committee in the framework of its urgent action procedure and guarantee the immediate treatment and regular follow-up of all urgent actions and requests for precautionary measures and protection addressed by the Committee.
- d. Recognize the mandatory nature of urgent actions and precautionary measures issued by the Committee and strengthen coordination among authorities at the three levels of government in order to ensure their effective implementation.
- e. Institutionalize a mechanism for the implementation, follow-up and evaluation of urgent actions involving all responsible bodies, such as the Attorney General's Office (PGR), the Executive Commission for Victims Assistance (CEAV), the Federal Police, representations of the State Prosecutor's Offices, representations of the State Commissions for Victims Assistance, as well as the organizations, collectives and victims.

II Federal structure of the State Party

Paragraph 16: Recalling article 41 of the Convention, the Committee recommends that the State party take the necessary measures to ensure that legislation and practice are in full compliance with the obligations enshrined in the Convention at both the federal and state levels. In this regard, it encourages the adoption of a general law that regulates the aspects of enforced disappearance contained in the Convention in a comprehensive manner and without delay, particularly those related to the prevention, investigation, prosecution and punishment of enforced disappearances, as well as the search and legal status of disappearance disappearance, civil society organizations and the CNDH be guaranteed throughout the process leading to the adoption of this law.

Approval of the General Law on Enforced Disappearance and Disappearance by Individuals.

The LGDFDP, in force since January 16, 2018, was approved as a result of constant pressure that the families of victims and civil organizations exercised over the past three years in order to promote a law that would be a result of a participation process and that wouldn't leave out the interests of the victims.

In April 2015, the civil and collective organizations of relatives pushed a reform to Article 73 of the Mexican Constitution that empowered the Congress of the Union to issue general legislation on enforced disappearance within a maximum period of 180 days. Despite this deadline and the recommendation made by the Committee [to approve the Law "without delay"], the Law was approved up to 3 years later, in the last year of Enrique Peña Nieto's administration and as a result of an exhausting process of actions carried out by the victims' families against the vagaries of the executive power and the Chamber of Deputies. Political obstacles not only delayed the process of drafting and approving the law but also limited its scope.

Shortcomings of the LGDFDP and challenges to its implementation

Following are some limitations and challenges of the LGDFDP:

- The classification of the crimes of enforced disappearance and disappearance committed by individuals that does not indicate clear limits and distinctions with the crimes established in the General Law to Prevent and Punish Crimes of Kidnapping, which causes that a large number of enforced disappearances are investigated and judged as crimes related to kidnapping. The above not only makes invisible the transcendence and real impact of enforced disappearance, but it also obstructs the first steps envisaged in the search protocols and leaves the relatives of the victims in uncertainty about the nature of the investigation being carried out.
- As it is a General Law that regulates special crimes, it will not solve certain competency difficulties that currently exist and that have an impact on the deficiencies in the investigations. Complications will persist in cases involving federal and common law

crimes, as well as other specialized competencies. In addition, the homologation of the definition of enforced disappearance in local legislation with the General Law is not expressly provided for.

- Despite the adoption of the law, the risk of fragmentation of investigations will continue to exist as the facts contain questions whose investigation corresponds to the prosecutors who are responsible for offenses such as organized crime, kidnapping, human trafficking, gender-based crimes and crimes committed against journalists or migrants. That is to say, the risk that there are different inquiries opened about the same events will persist. In collaboration with the families, it will be necessary to promote a comprehensive public policy that not only addresses the consequences, but also the causes of disappearance.
- The Law envisages the creation of a large National System that will be in charge of the coordination, design and implementation of programs that allow fighting the causes that generate conditions of greater risk and vulnerability against the crimes covered in it. However, it does not develop the criteria, mechanisms and resources to perform these prevention programs.
- One of the greatest challenges of the Law is to consolidate a system where the National Search Commission and the local ones, the Attorney General's Office and the local prosecutors undertake their obligations whose specific competences in terms of search are not fully defined. The inter-institutional coordination will be fundamental, but it must give rise to specific obligations of compliance and be subject to evaluation based on results.
- The National Search Commission and the local ones were not equipped with their own police personnel, faculties of first respondent or investigation, nor of forensic units. Therefore, locating the missing alive and full identification within a reasonable time will depend on the Prosecutor's Offices, the police and the expertise.
- In general, many of the powers and duties that have to do with search are not clear or defined. It is not known exactly when the National Commission and the local one start a search.
- The challenges are greater in terms of coordination with the Specialized Prosecutor's Offices foreseen by the Law and even with other prosecutor's offices or units, public security forces and other authorities, considering that there are entities or instances that

have not collaborated on this issue instantly. Therefore, although there is a law, there is still need for effective mechanisms.

- According to the third transitory article of the General Law, the special prosecutor's offices were to be created on February 15, 2018.
- However, until the end of March 2018, only 13 states had created Special Prosecutor's Offices, thus failing to comply with the term established in the Law¹³.
- The Law does not contemplate effective collaboration mechanisms for those persons who are linked to other crimes or who are under investigation due to other events and can provide information that would lead to the location of the missing person or identify those responsible.
- Another challenge is the acquisition, adaptation and implementation of suitable technological tools so that platforms, databases, registers and the unique information system can work properly in order to ensure that the interrelation, protection, use and reliability of the information are optimal, as provided for by law.
- This requires a large investment, as well as the revision, debugging, harmonization and interconnection of different existing computer and technological systems, whose functioning is not entirely adequate or is not aligned with the purposes of the Law.
- The effective implementation of the Law in each state is the immediate challenge. For instance, in the event that the federal entities do not create their Search Commission, a large number of cases might be passed to the National Commission, which does not guarantee any improved results.
- In addition to this, there is a legal vacuum regarding the scope of the "General Law" since the nature of this figure is not contemplated or defined within the Mexican legal system, and it seems that it is discursively assumed as a generally applicable rule throughout the republic while it is legally understood as a guiding norm which state authorities may (or may not) use to standardize their legislation.
- On February 16, 2018, the Office of the Attorney General of the Republic issued the Decree creating the Specialized Prosecutor's Office for the investigation of crimes of enforced disappearance and disappearance by individuals. This decision to issue the

¹³ Baja California, Campeche, Chiapas, Coahuila, Estado de México, Guanajuato, Guerrero, Jalisco, Michoacán, Tabasco, Tamaulipas, Veracruz y Yucatán.

Agreement was made without consultation with the families, groups and CSOs that accompany the families, which contradicts the spirit of the Law, in particular the principle of Joint Participation.

Therefore, the following recommendations are made to the Mexican State:

- a. Ensure the prompt harmonization of the Law in all federal entities of the country and its efficient implementation carried out in consultation and with the participation of victims and civil organizations.
- b. Promptly create the specialized prosecutor's offices for the investigation of cases of disappearance and local search committees for missing persons, ensuring that they have sufficient funds managed in an adequate and transparent manner and trained human resources.

III. Investigations of cases of enforced disappearance

Paragraph 28: The State party should intensify its efforts to ensure that when there are reasonable grounds to believe that a person has been subjected to enforced disappearance, a thorough and impartial investigation is carried out without delay even if no formal complaint has been filed, and that the alleged perpetrators are prosecuted and, if convicted, sanctioned in accordance with the gravity of their acts. In addition, the State party should:

- a) Guarantee that when there are indications to assume that an enforced disappearance could have been committed, promptly and effectively investigate all the agents or state organs that may have been involved until all the lines of investigation are exhausted;
- b) Encourage and facilitate the participation of the relatives of the disappeared person in the investigations without conferring them the responsibility to produce the evidence necessary for the investigation;
- c) Ensure effective coordination and cooperation among all the bodies responsible for investigation and ensure that they have adequate technical, expert, financial and

personnel structures and resources so that they can carry out their functions promptly and effectively;

d) Take the necessary measures to ensure that law enforcement or security forces, whether civilian or military, whose members are suspected of having committed an enforced disappearance, do not participate in the investigation.

Delay in investigations

Despite the approval of the Standardized Protocol for the Search of Missing Persons and the Investigation of Enforced Disappearance¹⁴ in August 2015, we observe that in most cases prosecutors refuse to initiate investigations in the first 24 hours. The most basic proceedings to locate the disappeared person and investigate the crime envisaged in the Protocol remain unfulfilled.

Chart: Testimony of relatives of missing persons regarding the authorities' refusal to carry out immediate investigation and the activation of Specific Protocols.

Date	Place		Testimony of the relatives
January 15, 2018	Azcapotzalc o, Mexico City	Alexandria [14 years old]	"The authorities say they cannot activate the Amber Alert because they do not know whether she left voluntarily. They are telling me that maybe she left because of the punishment I gave her, but she is in the street alone" ¹⁵ Tania, Alexandria's mother
December 20, 2017	Ecatepec, State of	Ximena [15 years	"They told us that they can start looking for her only after 72 hours and they asked us for the address of the place where she disappeared along with a witness; my brother contacted the Amber Alert telephones and was told that

¹⁴ The Standardized Protocol, approved in the plenary session of the National Conference on Law Enforcement, (CNPJ) seeks to "to establish policies for action and a national implementation procedures that will contemplate the best practices for the ministerial, expert and police investigation of this crime and principles of action for a dignified and respectful attention to the victim". Consult the Standardized Protocol: http://www.pgr.gob.mx/que-es-lapgr/PGR_Normateca_Sustantiva/Protocolo%20Desaparici%C3%B3n%20Forzada.pdf Alexandria, 14, has been missing for а week El Universal http://www.eluniversal.com.mx/metropoli/cdmx/alexandria-de-14-anos-tiene-una-semana-desaparecida

	Mexico	old]	before issuing the alert we need an administrative record issued here, at the Prosecutor's Office" ¹⁶ Paola, Ximena's sister
August 28, 2017	Cuajimalpa, Mexico City	Carmen (19 years old)	"When I went to raise the complaint to the Prosecutor's Office of Cuajimalpa, what they told me was that "she left with her boyfriend, she went to a party, she will come back tomorrow" ¹⁷ Hortensia, Carmen's sister
June 18, 2017	Atizapán, State of Mexico	Nohemí [17 years old]	"We filed the report of her disappearance at the Prosecutor's Office, but there they told us that we had to wait 72 hours" ¹⁸ Relatives of Nohemí
June 8, 2017	Nezahualcó yotl, State of Mexico	Valeria [11 years old]	"Since we denounced that the girl was missing the authorities gave us very little attention. I told the police: 'Look, she's 11 years old, she can hardly defend herself.' They told me to go see her boyfriend, friends They had the obligation to take us street by street to comb the area because she was an 11 years old girl There are cameras in each corner, why did not they help me, why." ¹⁹ Yaquelin, Valeria's mother
January 5, 2016	San Pablo del Monte, Tlaxcala	Brenda [20 years old]	"If they had listened to us at the time we notified the Attorney General, Brenda would be alive, but no, they even asked us for evidence of the disappearance and to wait 72 hours. She was found dead" ²⁰ Relative of Brenda

Therefore, the following recommendation is made to the Mexican State:

Prevent, investigate and sanction the omission on the part of public servants in carrying out immediate actions of search for missing persons, as well as acts of intimidation, criminalization and / or stigmatization against the victims and / or their representatives.

¹⁶ Ximena, the missing child whose search is hindered by the authorities of the State of Mexico. – Animal Político: https://www.animalpolitico.com/2017/12/edomex-obstaculizan-busqueda-ximena/

¹⁷ Carmen disappears in Mexico City and the authorities only respond: she went to a party – Animal Político <u>https://www.animalpolitico.com/2017/09/carmen-desaparece-en-la-cdmx/</u>

¹⁸ Corpse of a minor found in Atizapán garbage dump – El Universal <u>http://www.eluniversal.com.mx/articulo/metropoli/edomex/2017/06/21/hallan-cadaver-de-una-menor-en-basurero-de-atizapan</u>

¹⁹ "I want justice, my daughter was only 11 years old and she should not have died that way" – MVS Noticias https://www.youtube.com/watch?v=3U15x23aR80

 ²⁰ Disappearances in Tlaxcala are denounced – Reforma: http://www.reforma.com/aplicacioneslibre/articulo/default.aspx?id=744844&md5=4b4529d4af740fce9a5dffb1d55a
1482&ta=0dfdbac11765226904c16cb9ad1b2efe

Criminalization and stigmatization of victims

Likewise, practices such as the criminalization and stigmatization of victims and / or their relatives, including public statements made by representatives of the Mexican State, continue deeply entrenched.

Chart: Public statements made by public officials.

Name	Date	Position	Statement
Miguel Ángel Yunes Linares	February 15, 2018	Governor of the State of Veracruz	"The last time we heard of them was at 9:12 at night through a phone call to a person linked to organized crime that we have been seeking for several months, and whose 42 stoles vehicles have been confiscated last year in an operation." ²¹
Raúl Sánchez Jiménez	February 20, 2018	Attorney General of the State of Jalisco	"They were engaged in selling power plants and tools, apparently. They were sold as originals of brands of recognized prestige but apparently they were Chinese." ²²
Indalecio Ríos	July 13, 2017	Mayor of Ecatepec, Edomex	"Many cases (of disappearance of women) are because of the breakdown of the family unit, or because they leave with the boyfriend, or leave with a family member, and do not notify anyone." ²³
Federico Garza Herrera	May 31, 2017	Attorney General of the State of San Luis Potosí	"The four cases of murder of women that have occurred during the month have been treated as femicides, but it is still being assessed whether these were committed in this way, or whether they are consequences derived from the victim's own behavior." ²⁴
Jaime	June 17,	Governor	"We do not have any complaint of the kidnapping of any woman. Maybe they go with their

²¹ Missing persons in Veracruz went to swingers party: Yunes Linares: http://www.radioformula.com.mx/notas.asp?Idn=729010&idFC=2018

²² What we know about the Italians who disappeared in Jalisco, Mexico: <u>http://cnnespanol.cnn.com/2018/02/26/lo-</u> <u>que-sabemos-sobre-los-italianos-desaparecidos-en-jalisco-mexico/</u>

²³ Disappeared in Ecatepec, for fleeing their homes with their boyfriends: Mayor: http://www.chilango.com/ciudad/desaparecidas-ecatepec-indalecio/

²⁴ Women may have been killed because of "their own behavior": Attorney: <u>http://laorquesta.mx/mujeres-podrian-haber-asesinadas-propio-comportamiento-procurador/</u>

Rodríguez Calderón	2016	of the State of Nuevo León	boyfriends. [] Yes it happens, obviously, that a teenager falls in love with an adult and leaves with him. It's something we have to prevent and we need to talk about a lot with the parents and families so they are more careful about their daughters." ²⁵
Jaime Rodríguez Calderón	November 3, 2015	Governor of the State of Nuevo León	"I understand that, to women who cry every day for their children, you also have to tell the truth () Mother will never say that her son is doing badly and then the best excuse is to blame the government. Mother believes that by showing a photo everyone is going to collaborate. People are afraid and stay quiet. It was a very difficult period for the country in which most of the disappeared have or had some reason to be disappeared". ²⁶

Therefore, the government is urged to:

Prevent, investigate and punish acts of criminalization and stigmatization of victims and / or their representatives, in particular public statements made by state agents.

Lack of context analysis for the investigation of enforced disappearances

The authorities of the justice system continue investigating the facts individually and without taking into account issues such as the social and political environment or other structural causes that may favor the perpetration of serious violations of human rights such as torture, enforced disappearance or executions at the hands of State forces.

I(dh)eas notes with great concern the non-use of the procedural concept of "context analysis" as a research tool that could provide elements to the hypotheses of the investigations conducted by the Prosecutor's Offices in spite of the obligation to implement it as it is included in the Standardized Search Protocol.

²⁵ El Bronco slides back: "Maybe they left with their boyriends", comments on kidnapping of women: <u>https://psn.si/bronco-resbala-nuevo-a-lo-mejor-se-fueron-novio-dice-del-secuestro-mujeres/2016/06/</u> ²⁶ Debate on the disappearance with Bronco:

https://www.elnorte.com/aplicacioneslibre/articulo/default.aspx?id=685643&md5=66f62840dcfa85535b2bf1401a82 5956&ta=0dfdbac11765226904c16cb9ad1b2efe

When such studies are required by I(dh)eas, the authorities confine themselves to gathering news in open sources, especially web pages from search engines such as Google and Yahoo, where they collect information on organized crime groups, which shows the ignorance of the authority of the tool itself and its use.

In several cases, I(dh)eas has performed the context analyzes, however, the authority has refused to integrate them into the investigation and the value attributed to them remains unknown. In one of these exercises at the section for searching for disappeared persons at the Attorney General's Office, it was established there were at least two other cases where the participation of police officers was indicated. When inquiring about cases in the local jurisdiction, it was possible to document the existence of other investigations that indicated the participation of municipal police in the disappearance of persons. With this, a systematic and repetitive behavior by the perpetrators became apparent, which would not have been possible if the cases were continued to be investigated in isolation. Despite having requested that the study be incorporated and carried out, it has not yet been performed.

Therefore, the following recommendations are made to the Mexican State:

Immediately install a Contexts Analysis Unit in the Attorney General's Office formed by a multidisciplinary team with the purpose of articulating the isolated information that is currently found in the various prosecutor's offices of the Republic, detect patterns of serious human rights violations of and connections between perpetrators and authorities, determine modalities of criminal participation in power structures, investigate and impute those responsible for such forms of conduct, and thus dismantle macrocriminality networks.

Attitude of secrecy towards relatives of missing persons and obstacles for their participation in the investigation.

One of the problems faced by the administration of justice is caused by the limited capacity of the prosecutor's to clarify the events, with proceedings respectful of the rights of the victims.

In most cases, prosecutor's offices do not inform the victims and / or their relatives about their rights, deny them access to the file, they do not inform them about the progress of their case in a timely manner, hinder their participation as a co-adjuvant in the investigation and formulate statements that stigmatize, criminalize and / or revictimize them. There are also serious cases of leaking information, including the identity and other personal information of the victims.

Therefore, the following recommendation is made to the Mexican State:

Ensure access to information and the participation of the relatives of the disappeared person in the investigations without conferring them the responsibility to produce the evidence necessary for the investigation.

Lack of political will to arrest and prosecute those responsible

The lack of political will to arrest and prosecute those responsible is evident in those cases in which progress is made in identifying those responsible and in presenting clear evidence of enforced disappearance.

In most of the cases documented by I(dh)eas, the involved authorities keep the evidentiary material that could clarify the events safeguarded. Documents such as activity logs, news and assistance reports are restricted to the investigating authority and even manipulated to divert the course of the investigation without taking the necessary measures to avoid the loss of information. The investigation of enforced disappearance requires certain standards that guide investigation strategies, however, those standards have not been implemented in the cases litigated by I(dh)eas.

Therefore, the following recommendation is made to the Mexican State:

Ensure that all cases of enforced disappearance are investigated without delay and the alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the gravity of their acts.

IV. Protection of persons who report and / or participate in the investigation of enforced disappearance

Paragraph 31: The State Party should:

- a) Intensify its efforts to ensure the rapid and effective implementation of the protection measures provided for in the legislation with a view to guaranteeing the effective protection of all persons referred to in article 12, paragraph 1 of the Convention against any ill-treatment or intimidation;
- *b)* Increase its efforts with a view to preventing and punishing acts of intimidation and / or ill-treatment or intimidation towards human rights defenders working to combat enforced disappearances and assist victims;
- *c)* Document acts of aggression, threats and intimidation in order to develop prevention and protection policies and facilitate an effective investigation of the facts;
- d) Notably ensure that all state agents refrain from making public statements that could disqualify, stigmatize or put at risk relatives of disappeared persons or human rights defenders who work to combat enforced disappearances and assist victims.

In spite of the existence of the General Law on Victims (LGV) that establishes a series of rights, procedures and services set up for victims, the State still does not guarantee the rights of the victims, including the protection measures provided in article 7, fraction VIII of the LGV.

To date, there is no efficient protection mechanism for persons who denounce and / or participate in the investigation of enforced disappearance. Although the Ministry of the Interior has the Protection Mechanism for Human Rights Defenders and Journalists, it should be noted that victims of enforced disappearance do not necessarily have the required profile to be accepted by said mechanism, which makes it difficult to protect them from threats and risks. Therefore, the following recommendation is made to the Mexican State:

Design and implement, in collaboration with civil society, a program to protect victims at risk whose purpose is to carry out risk assessment studies and implement measures to prevent and protect their life, integrity and freedom. Given the legal attributions of the Executive Commission for Victim Assistance, this program should be implemented within the scope of its priorities.

V. Right to reparation and to a prompt, fair and adequate compensation

Paragraph 39: In order to guarantee the effective exercise of the right to reparation and prompt, fair and adequate compensation for all persons who have suffered direct harm as a result of an enforced disappearance, the Committee recommends that the State party:

- a) Intensify its efforts with a view to ensuring that the General Law on Victims is fully implemented throughout the State party at the earliest practicable time;
- *b)* Guarantee that access to reparation and compensation is not hindered by formal issues such as the lack of implementation of the law at the state level;
- c) Take measures to ensure that all instances that have information on a victim within the meaning of the law seek the registration of this person in the registry of victims of the CEAV.

Deficiencies in the process of harmonization of the General Law on Victims

The LGV, approved in January 2013, set a limit of 180-day deadline for local congresses to harmonize their legislative frameworks as well as create their own state victim assistance system, with its own legal counsel, victim registry and State fund for victims.

To date only 5 federal entities have conducted a comprehensive harmonization of the LGV and other 22 did so only partially. A total of 19 State Commissions have been installed, of which

only 17 have legal advisors and only 10 funding for aid, assistance and comprehensive reparation. In most cases, the processes of legislative harmonization and installation of commissions in the states have been carried out without consultation and participation of victims and civil organizations, such as Mexico City Law on Victims issued by the Legislative Assembly of Mexico City. The states of Baja California and Guanajuato have not even started the LGV harmonization process.

In accordance with the latest amendment to the General Law on Victims²⁷, the Federal Executive Branch had to carry out the reforms of the regulation on the following one hundred and eighty working days, a term that expired on September 2017. The absolute omission on the part of the authorities responsible for issuing the new regulation to the LGV violates the constitutional framework and the Law itself. With this act, the CEAV, by not prioritizing its promulgation or giving a reasonable explanation of its delay, leaves the victims and their representatives in a state of defenselessness and gives rise to confusion over the procedures to effectively access their rights. In addition, this situation has led to complaints from various groups and individuals who have reported that, in some cases, the interpretation of the Law by its officials is arbitrary and discretionary.

Therefore, the following recommendations are made to the Mexican State:

- a) Intensify its efforts to strengthen the National System of Attention to Victims through the harmonization of the General Law on Victims in all states, the installation of state commissions for victim assistance with qualified personnel and sufficient resources, consultation spaces and participation of victims and civil society organizations, as well as measures necessary for their monitoring and evaluation.
- b) Promptly publish the Regulations of the General Law on Victims, ensuring the consultation and effective participation of the victims and civil organizations in its elaboration process.

²⁷ Publicación en el Diario Oficial de la Federación el 3 de enero de 2017.

Obstacles in accessing immediate aid measures, assistance and comprehensive reparation

Most relatives of disappeared persons continue to face ineffective, complicated, slow, discretionary and bureaucratic procedures that hinder not only the recognition of their status as victims, but also accentuate their vulnerability.

It is extremely worrying that relatives of missing persons with critical medical conditions (cancer, diabetes, hypertension, depression, among others) are denied access to health services by the authorities, including the CEAV, under the argument that these conditions are not linked to the victimizing events.

In most cases, the Legal Advisors of the Victim Assistance Commissions do not have the knowledge and skills necessary to fulfill their role of providing victims with clear, accessible and timely information about their rights or accompany them in the criminal proceeding. The foregoing is caused by the lack of clarity regarding the selection process of the Legal Advisors, the non-compliance of the hired persons with the post profile, as well as the absence of a professional career service within the Commissions that would allow the professionalization of its personnel.

Although it is possible to prompt better victim assistance through the professionalization of the Legal Advisers, tackling the problem of the deficit of Legal Advisers remains a fundamental priority because the deficient operative capacity of the legal counsels also undermines the adequate attention of the victims. This problem has been denounced by the $CEAV^{28}$ itself, which, to date, has 79 legal advisers who deal with 667 cases in the accusatory system only at its headquarters in Mexico City.

Therefore, the following recommendations are made to the Mexican State:

²⁸ "There is a deficit of more than 3,000 legal advisors to provide care to victims in the country": <u>https://www.proceso.com.mx/523643/hay-un-deficit-de-mas-de-3-mil-asesores-para-atender-victimas-en-el-pais-ceav</u>

- a) Ensure fast, free and quality medical and / or psychological care for victims of human rights violations, applying the principles of good faith, no secondary victimization and maximum protection against any doubt regarding the link between the condition and the victimizing event.
- b) Adopt the necessary measures to provide sufficient staff to the Commissions of Attention to Victims, in particular Legal Advisors, ensuring their training for the adequate care of the victims of disappearance and / or their relatives.

Economic compensation within the framework of comprehensive reparation

According to the information provided by the $CEAV^{29}$ on the situation of the Fund for Aid, Assistance and Comprehensive Reparation (FAARI for its Spanish acronym), as of December 31, 2017, the Fund's assets had a net balance of 1,259.7 million pesos, income results of 1,683.0 million pesos and expense result of 423.3 million pesos, that is, a 74.85% under-spending.

Only 17.61% of the Fund's revenues were used for compensation: 70% of the expenses carried out by the Fund were used to pay the comprehensive reparation for the benefit of 608 direct and indirect victims (287 men and 321 women).

Of the 608 victims who received compensation, 184 were victims of human rights violations committed by federal authorities (83 men and 101 women), accounting for a total of 129.2 million pesos. To date, there is no public information on the amount allocated and number of direct and / or indirect victims of enforced disappearance who received compensation from the CEAV.

As indicated above, there are only 19 State Commissions for victim assistance and only 10 of them have funds for aid assistance and comprehensive reparation.

²⁹ Information as of December 31, 2017:

https://www.gob.mx/cms/uploads/attachment/file/288515/Situacio_n_Financiera_del_FAARI_al_31_de_Diciembre_de_2017_para_POT.pdf

In general, the Mexican authorities still have a limited understanding of the comprehensive reparation, reducing it to a merely economic compensation. Proof of this is the information published by the CEAV in relation to reparation measures only mentions economic compensations.

Therefore, the following recommendations are made to the Mexican State:

- a) Provide all the State Commissions on Victim Services with a fund for aid, assistance and comprehensive reparation.
- b) Remove obstacles that prevent the actual and effective access of relatives of missing persons to the measures provided for in the General Law on Victims and the fund for aid, assistance and comprehensive reparation.

Registration of victims in the Victims Registry of the CEAV

Although the General Law on Victims establishes a definition of direct victim in a broad sense and recognizes the concept of indirect victim (family members) or victim's dependents, difficulties are observed in ensuring that this definition of the victim is adopted by the ministerial and judicial authorities. In many cases, prosecutor's offices continue to deny the granting of the evidence of disappearance to the relatives of disappeared persons, which represents an obstacle to their registration in the National Victims Registry (RENAVI).

Deficiencies in the coordination and articulation of institutional records still persist. According to the National Database of Missing Persons (RNPED), a total of 34,674 people have disappeared, while the CEAV only reports a total of 3,547 victims registered in the RENAVI (1,105 people due to enforced disappearance, 2,241 due to disappearance, 201 people linked to the General Recommendation of the CNDH 26/2001 (National Commission on Human Rights) regarding cases of the so-called Dirty War³⁰). This shows that a large percentage of the cases of enforced disappearance committed by private individuals have not been recorded in the

³⁰ Mexico report on the follow-up to the recommendations of the United Nations Committee against Enforced Disappearances. Mexico City, February 13, 2018.

registry of victims, which prevents victims and their families from the access to the legal counsel, assistance, attention and compensation envisaged in the Law.

Therefore, the following recommendations are made to the Mexican State:

- a) Carry out a collation and a thorough analysis of the RNPED and the RENAVI in order to identify the cases that should be incorporated into the RENAVI.
- b) Take the necessary measures to locate the relatives of missing persons and inform them of their rights.
- c) Speed up the registration process of the victims of disappearance and their relatives in the National Registry of Victims and their access to measure of immediate aid, assistance and comprehensive reparation.

VI. Organizational structure of the Special Prosecutor's Office for the Search of Missing Persons (FEBPD) and the impact of the Standardized Protocol

Paragraph 41:

- a) ¿Include information on the organizational structure of the FEBPD; technical, financial and personnel resources that it has and whether they are sufficient to exercise their functions quickly and efficiently; training provided to the officials, and what kind of disappearances fall within its remit.
- b) The impact of the implementation of the Standardized Protocol; measures taken to ensure its proper implementation in practice, particularly those regarding the beginning of the search for missing persons without delay; and measures taken to ensure its adequate dissemination and knowledge by the relevant authorities.

As the Mexican government points out in its report, a Special Prosecutor's Office for the Search of Missing Persons was created within the Attorney General's Office, established through Agreement A/094/15 on October 9, 2015, having the same powers as the Specialized Unit for the Search of Disappeared Persons (UEBPD) created in 2013. However, the Prosecutor's Office has

not been able to adequately comply with its mandate due to various obstacles. Some of them are listed below:

Lack of financial resources

Since the creation of the UEBPD in 2013, the budget has been a serious problem as it is clearly insufficient for its effective functioning.

Despite the country's crisis of "disappearances", the resources assigned to the Special Prosecutor's Office were inexplicably reduced in recent years. While in 2014 it had a budget of 40.2 million, the resources allocated by the Federal Expense Budget for the year 2015 were of 14.7 million, that is to say, a reduction of 36.5% compared to the previous year. In 2016, the allocated budget was 28.1 million and in 2017 it was 26.2 million.

The lack of financial resources has been a key element that has hindered the implementation of successful mechanisms for search and investigation and shows the lack of political will to address this issue.

Lack of human resources

As of December 31, 2017, the FEBPD had only 37 public prosecutor's offices and 859 cases in process that brought together a total of 1,535 victims (222 women and 1309 men)³¹. In other words, each public prosecutor's office of the Special Prosecutor's Office within the Attorney General's Office is assigned 23.1 investigations while in State Special Prosecutor's Offices of states such as Veracruz³², Nuevo León³³ and Guerrero³⁴, public prosecutor's offices have an average of 185.5, 176 and 79.3 cases respectively.

Lack of technical capacity

³¹ Attorney General's Office. Statement: PGR/UTAG/DG/000544/2018

³² General Prosecutor's Office of the State of Veracruz: Statement: 0097/2018

³³ Attorney General's Office of the State of Nuevo León: Statement: PGJ/DTAIDHYPC/232/2018

³⁴ General Prosecutor's Office of the State of Guerrero: Statement: FGE/CI/UTAI/0074/2018

The public prosecutor's offices continue accumulating evidence in the files but generally demonstrate a deficient capacity to analyze them and define lines of investigation. They also analyze cases in isolation using classic criminal concepts and instruments, which, due to the very nature and complexity of the serious violations of human rights, especially enforced disappearance, does not allow for the clarification of these events, much less the identification of those responsible and the dismantling of criminal structures.

Collecting information in a random manner without having hypotheses to guide the investigations and elements of evidence does not allow for obtaining enough evidence to approach the truth, establish responsibilities and locate the disappeared persons.

In addition, there is a lack of communication and cooperation among the various officials involved in the investigation and deeply rooted bureaucratic practices that dilute their responsibility.

The complaints about cases of disappearance submitted to the FEBPD decreased in the last two years, mainly in 2016 to 2017, going from receiving 336 complaints in 2015 to 220 in 2016 and 48 in 2017. This behavior does not originate in a decrease in cases but in low levels of trust in the institution by the collectives and family members.

Therefore, the following recommendations are made to the Mexican State:

- a) Guarantee that the specialized prosecutor's offices within the Attorney General's Office and the local procurator's offices have adequate financial, material and human resources, ensuring that the personnel are specifically trained in the subject matter.
- b) Ensure that the persons in charge of the Specialized Prosecutor's Office of the Attorney General's Office and of the local prosecutor's offices have the suitable profile to occupy a position of such importance, that is, an impartial person with technical knowledge and experience in the investigation of cases of disappearance and attention for victims, in addition to having the sensitivity and empathy necessary for the position.

Poor implementation of the Standardized Protocol for the Search of Missing and Investigation of Enforced Disappearance

The Mexican State has not taken effective measures to raise awareness about and disseminate the contents of the Standardized Protocol among the relevant federal and state authorities, nor has it established a mechanism to monitor the implementation process of the Standardized Protocol and its impact.

Lack of gender perspective in investigations

According to the RNPED, 8,988 women are officially disappeared in Mexico, while 3,675 of them were girls and adolescents. The increasing disappearance of women since the beginning of Enrique Peña Nieto's term of office is worrying, as a total of 6,255 women have disappeared since December 2012, including 2,893 girls and adolescents³⁵. There is an increasing concern about the disappearance of women in states such as the State of Mexico, Jalisco and Veracruz.

Although there are mechanisms to urgently address these situations, such as the Alba Protocol for the location of missing women, it is observed that in most cases the authorities do not react immediately and delay the implementation of the basic search actions. There are other mechanisms, such as the Gender Violence Alert against Women, where gaps in the regulations and serious challenges in their implementation are also observed, particularly due to the lack of knowledge of the authorities in charge of its implementation, the lack of financial resources, as well as the lack of accountability regarding the actions taken and their impact.

Therefore, the following recommendations are made to the Mexican State:

a) Adopt the necessary measures to prevent, investigate and comprehensively repair cases of disappearance against women, adolescents and girls, including cases of institutional violence against the victims and their families.

³⁵ Data updated as of January 31, 2018.

- b) Implement categories of analysis derived from the gender approach during all phases of search and investigation of cases of missing women; establish clear and timely lines of research associated with practices of violence against women and gender discrimination that would take into account the increased vulnerability of girls and young women.
- c) Ensure the investigation and punishment of officials associated with public genderbased violence resulting from an omission or delay.

Inadequate management of unidentified deceased persons

Cases such as the graves of Tetelcingo, Morelos, in which the Attorney General of this state buried at least 119 bodies of Unidentified and Unclaimed Deceased Persons (PFsI), or the common grave of the municipal pantheon of Jojutla, Morelos, in which 51 corpses were discovered, reveal the inadequate management of Unidentified Deceased Persons in the cemeteries (pantheons) of Mexico, whose regulation and functioning lies within the responsibility of municipalities in accordance with the constitutional framework (article 115 section III).

There is a lack of harmonization and plenty of contradictions of the general legal framework, including the absence of clear and standardized concepts to differentiate the proper procedures for the different types of corpses, as well as the insufficient standardization of procedures in the various regulatory systems on the matter. Some provisions of the General Health Law are contradictory with their own Regulations, as well as with the provisions of both the General Law on Victims (LGV) and the National Code of Criminal Procedures (CNPP). For instance, the General Health Law provides that "the bodies of unknown or unclaimed persons and those destined for education and research will be buried or cremated" (article 350 bis 5). This directly contravenes what is established in the CNPP.

Another aspect to highlight is the classification on the corpses. Since the classification provided by the General Health Law³⁶ prevails, the same treatment is given to the corpses of unidentified persons as to the unclaimed corpses without establishing a distinction regarding their management or the obligation of the State to make all necessary efforts to locate and inform the family of the existence of the corpse prior to sending it to the mass grave.

The analysis of the municipal regulations of the public cemeteries services in the capitals³⁷ of 29 federal entities of the country carried out by I(dh)eas demonstrates a clear lack of harmonization with the general and federal legal framework as 15 municipal regulations were issued between 1992 and 2006³⁸ and were not updated since then. In the case of recently issued municipal regulations, 5 of them in 2016³⁹, it is observed that none of them comply with the minimum standards for Unidentified Deceased Persons and that they are not harmonized with the legislation of general application.

Extremely worrying situation is observed in relation to the cremation of bodies of unidentified deceased persons, for instance, the regulation of the municipality of Guadalajara-Jalisco that establishes that the corpses of both unknown and unclaimed persons will be cremated and that only their ashes can be accepted for burial. Similarly, another of the regulations with alarming practices is that of Mexicali-Baja California, which establishes that "the corpses that are not claimed within the term of ten days after the death will be transferred to the Autonomous University of the State of Baja California to perform research, as requested by the university itself" and likewise it enables the cremation of said corpses⁴⁰.

 $^{^{36}}$ Article 347. – To this effect, the corpses are classified as follows: I. Corpses of known persons and, I. Corpses of unknown persons. The corpses unclaimed within seventy-two hours after the loss of life and those whose identity is not known will be considered as unknown persons.

³⁷ Aguascalientes, Mexicali, La Paz, Campeche, Chihuahua, Tuxtla Gutiérrez, Saltillo, Durango, Guanajuato, Chilpancingo de los Bravo, Pachuca de Soto, Guadalajara, Toluca de Lerdo, Morelia, Cuernavaca, Tepic, Monterrey, Oaxaca, Puebla de Zaragoza, Santiago de Querétaro, Chetumal Othón P. Blanco, San Luis Potosí, Culiacán Rosales, Hermosillo, Centro (Villa Hermosa), Ciudad Victoria, Xalapa, Mérida, Zacatecas.

 ³⁸ Campeche, Chilpancingo de los Bravo, Ciudad Victoria, Pachuca de Soto, Cuernavaca, Oaxaca, Chihuahua, Aguascalientes, San Luis Potosí, La Paz, Mérida, Tuxtla Gutiérrez, Durango, Centro (Villa Hermosa), Zacatecas.
³⁹ Toluca de Lerdo, Monterrey, Puebla de Zaragoza, Santiago de Querétaro, Xalapa.

⁴⁰ Article 9.- The corpses that are not claimed within a period of ten days following the death will be transferred to the Autonomous University of the State of Baja California to carry out research of a scientific or teaching nature, as requested by the university itself. The city council will bury or cremate them in due time.

Therefore, the following recommendation is made to the Mexican State:

Update the municipal regulations throughout the country, specifically the sections on burial of unidentified deceased persons contemplating the normative elements that are established in the General Application Laws, such as the National Code of Criminal Procedures, the General Law on Enforced Disappearance and Disappearance by Individuals and the General Law on Victims.

Signatories:

I(dh)eas, Litigio Estratégico en Derechos Humanos A.C.

Collectives of relatives of missing persons:

Coahuila Familias Unidas para la Búsqueda de Desaparecidos

Estado de México.

Deudos y Defensores para la Dignidad de Nuestros Desaparecidos Uniendo Esperanzas

Guerrero

Familias de Acapulco en Busca de sus Desaparecidos Madres Igualtecas en Busca de sus Desaparecidos

Jalisco

Familias Unidas por Nuestros Desaparecidos Jalisco Por Amor por Ellxs

Nayarit Por Nuestros Corazones Familias Unidas por Nayarit

Querétaro Desaparecidos Justicia Querétaro.

Veracruz Solecito de Veracruz