



# Veracruz: Fixing Mexico's State of Terror

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## *Executive Summary*

Once regarded as a minor hub in Mexico's criminal economy, Veracruz is now confronting the harrowing truths from over a decade of violence and grand corruption. At least 2,750 people are believed to have disappeared in a state whose former governor is wanted for embezzlement on numerous counts. The murders of seventeen journalists from 2010 onwards are the most notorious examples of a whirlwind of killings that targeted, among others, legal professionals, police officers, potential witnesses to crimes and any civilians who dared check the ambitions of a multitude of criminal organisations and their political accomplices. A new governor from the opposition National Action Party (PAN) has promised to clean out the state and prosecute wrongdoers, fostering hopes that peace can be restored. But as economic turbulence threatens the country, and bankruptcy looms over Veracruz, strong international support will be crucial to bolster initiatives aimed at finding the bodies of the disappeared, investigating past crimes, and transforming the state's police force and prosecution service.

Veracruz is emblematic of the challenges facing the country as a whole. Threats by the new U.S. administration to curb Mexican imports and fortify the border to keep out undocumented immigrants imperils its southern neighbour's economic prospects. Similarly, President Trump's predilection for armed force to combat cartels ignores the harm produced by the militarisation of public security as well as its proven ineffectiveness. But Mexican voices demanding a stronger national response are hamstrung by the extreme unpopularity of political leaders and public estrangement from government.

Corruption and perceived criminal complicity have undermined the legitimacy of the Mexican government at all levels, especially at the tier of the country's 31 regional states. Baptised "viceroys" as a result of the extraordinary powers granted them during Mexico's transition from one-party regime to multiparty democracy, state governors have also become some of the country's most disreputable public authorities. Since 2010, eleven state governors have come under investigation for corruption. In Veracruz, an alliance between criminal groups and the highest levels of local political power paved the way to an unbridled campaign of violence through the capture of local judicial and security institutions, guaranteeing impunity for both sides.

Strengthening institutional probity and capacity in Veracruz, as in the rest of Mexico, will require federal and state levels to deliver on vows to work in partnership to staunch corruption, and on their willingness to abjure short-term political and electoral advantage. With the election of the new governor, Miguel Ángel Yunes Linares, the once hegemonic Institutional Revolutionary Party (PRI) lost power in the state for the first time in over 80 years. But the PRI remains in control at the federal level and has shown wavering commitment to Yunes' reformist plans, not least because of the importance of securing votes from the region, the country's third most populous, in the 2018 presidential election. The state's budgetary crisis and the new governor's two-year mandate make it highly unlikely that the state government could accomplish sweeping reform to Veracruz's institutions without sustained federal backing.

A flagship initiative that deserves emphatic support is the Veracruz Truth Commission. Created in November 2016, it could establish the causes and responsibilities behind the state's criminal atrocities, as well as create new benchmarks for transparency and civil society engagement in criminal investigation and prosecution across the country. To do so, it should be granted additional powers to initiate criminal investigations and searches for victims of disappearances. The Veracruz state attorney's office and State Police should be provided with greater federal resources, and trained and thoroughly vetted seconded personnel from the federal Attorney General's Office as well as the Federal Police, to help carry out these tasks. Simultaneously, donors should be encouraged to support local civil society actors participating in efforts toward transparency, truth and prosecution.

By admitting that Veracruz has become the site of crimes against humanity, the new state government forced a radical break with the recent past. Empty state coffers, the governor's short mandate, jostling for presidential election and the menace seemingly posed by an unorthodox U.S. administration together represent a set of obstacles and distractions that should not be allowed to impede Veracruz's path out of silence and terror.

## *Recommendations*

*To break the cycle of violence, impunity and state-criminal collusion, and to restore confidence in the state as a guarantor of basic order and rights*

### **To the Veracruz state government:**

1. Admit to and thoroughly investigate state involvement in crimes against humanity such as forced disappearances.
2. Strengthen the autonomy of the new Truth Commission, and provide civil society actors the right to pair with state judicial authorities in initiating investigations into serious crimes, especially disappearances; and coordinate the Truth Commission's efforts with those of the federal government's Commission for Victims' Attention (*Comisión de Atención a Víctimas, CEAV*).
3. Honour the independence of and refrain from political interference into the work of Veracruz's state attorney's office, especially regarding accusations against the new state government on embezzlement of public funds; and support the establishment of an effective witness protection program and independent forensic service.
4. Fairly and transparently initiate the removal of corrupt and criminally complicit officials from state institutions, particularly the State Police and state attorney's office, as well as the prosecution of high-level officials accused of collusion with organised crime groups and of involvement in serious crimes.
5. Lay the bases for police reform by supporting professionalisation, improving police officers' living standards and restoring a sense of dignity to their conditions of service; immediately implement measures to prevent the participation of state forces in crimes against humanity such as forced disappearances, including: installing GPS tracking devices in patrol cars and cameras in police stations; keeping continuous logs about movements of police and personnel in service; and storing and honouring freedom-of-information requests relating to such information.
6. Introduce effective financial oversight mechanisms, beginning with the voluntary disclosure of the allocation and use of public funds.
7. Demonstrate commitment to freedom of speech by fully disclosing how public funds are allocated to media companies; and reform and strengthen existing protection mechanisms for journalists and human rights activists.
8. Improve coordination with the federal government in areas crucial to delivering lasting security improvements, including policing, anti-organised crime operations, crime prevention programs and support for victims.

### **To the federal government:**

9. Support the search for and identification of Veracruz's disappeared persons by providing personnel, institutional support and financial resources; revoke recent cuts to the federal budget for the search of disappeared persons; and collaborate with Veracruz state authorities in the prosecution of high-level officials involved in crimes against humanity and embezzlement of public funds.

10. Assist the Veracruz's Truth Commission by obliging armed forces commanders and personnel to appear before civil authorities to clarify the involvement of the army and the navy in disappearances and other serious crimes, and refrain from adopting overly militarised approaches to state-level insecurity.
11. Implement and reinforce oversight mechanisms regarding the use of federal funds by states, and support the full local implementation of ongoing federal justice reforms by strengthening the National Anti-Corruption System and new national Attorney General's Office while refraining from politically motivated appointments to local delegate positions; and consolidate the local work of the national Executive Commission for Victims' Attention.
12. Strengthen protection mechanism for journalists and human rights defenders by introducing administrative sanctions against non-compliant officials.
13. Strive to prevent the bankruptcy of the Veracruz state in order to avoid heightened local conflicts in the short term.

**To international governments, particularly the U.S.:**

14. End complacency toward abuses and increase pressure on Mexican federal and state governments to respect basic human rights, commit to the rule of law and prevent obstruction of justice.
15. Evaluate programs of international assistance on the basis of their impact on the Veracruz security crisis and state crimes committed in the context of the militarisation of public security; and steer international assistance, particularly in the Mérida initiative framework, away from militarisation and toward the strengthening of civic institutions and regular police forces.

**To international organisations, particularly the Organization of American States (OAS) and UN, and international civil society:**

16. Support the search for and identification of disappeared persons by backing capacity building of state institutions and civil society, above all victims' organisations, through direct technical and financial aid.

**Mexico City/Bogotá/Brussels, 28 February 2017**

# Veracruz: Fixing Mexico's State of Terror

## I. Introduction

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In December 2016, the soon-to-be Veracruz state attorney, Jorge Winckler Ortiz, said the Gulf coast region would “become known as Mexico’s biggest mass grave”.<sup>1</sup> Two years earlier, Javier Duarte Ochoa, governor of Veracruz from 2010 to 2016 and currently on the run from multiple charges of embezzlement, insisted the most serious crime in the state was the theft of sweets from convenience stores.<sup>2</sup> The gap between the former governor’s efforts to downplay crime levels and the recent assessment by a legal authority points to the heart of Veracruz’s afflictions: Mexico’s third most populous state has not just suffered an unprecedented wave of murders and disappearances, but has been governed with the intent of hiding or denying these crimes, and assuring their culprits a free rein.

Reflecting a trend across Mexico, organised crime in Veracruz has mutated from narco-trafficking into a diverse and predatory set of criminal enterprises, including extortion, kidnapping-for-ransom, human trafficking, and oil siphoning. First under Governor Fidel Herrera Beltrán, in office from 2004 to 2010 when the influence of the Zetas cartel was rising, and then under his successor Duarte, Veracruz played host to increasingly fluid political and criminal interconnections, accelerating its descent into extreme insecurity.<sup>3</sup>

Veracruz’s state apparatus has been tailored to create, protect and conceal criminal interests.<sup>4</sup> Only 681 cases of unresolved disappearances in the state are currently recognised by the federal government, whereas 2,750 cases have been denounced before the state attorney’s office (*Fiscalía General del Estado*, FGE). Civil society organisations estimate the true number to reach up to 20,000, and say none has been resolved.<sup>5</sup> The scale of killing and disappearances puts in some doubt official homi-

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<sup>1</sup> “Veracruz, la ‘fosa clandestina más grande de México’: Jorge Winckler”, *Literales*, 23 December 2016.

<sup>2</sup> “Veracruz pasó de balaceras y homicidios a robo de frutsis y pingüinos’: Duarte”, *Animal Político*, 16 October 2014.

<sup>3</sup> “Secretos de un jefe de Los Zetas: el gobierno nos abrió la puerta y hoy pacta con otro cartel”, *Vice News*, 2 June 2016. Crisis Group interviews, Alberto Olvera, Universidad Veracruzana, Xalapa, 18 November 2016; Jorge Rebolledo, Colegio de Veracruz, Xalapa, 20 October 2016.

<sup>4</sup> Crisis Group Latin America Report N°55, *Disappeared: Justice Denied in Mexico’s Guerrero State*, 23 October 2015; and Crisis Group Latin America Briefing N°29, *Justice at the Barrel of a Gun: Vigilante Militias in Mexico*, 28 May 2013.

<sup>5</sup> “En la última década, 9 de 10 desaparecidos en Veracruz, con Duarte”, *El Financiero*, 24 July 2016. Victims’ organisation Solecito de Veracruz has systematised FGE online data. An earlier journalistic tally identified 2,300 reported cases. “Más de 2 mil 300 desaparecidos en Veracruz registra página de web de Fiscalía”, *Al Calor Político*, 1 August 2016. Crisis Group email correspondence, Lucía de los Angeles Díaz, Colectivo Solecito de Veracruz, 16 January 2017. A report by a Catholic Church-affiliated human rights organisation found a similar discrepancy. Of the cases of disappearances covered by the organisation in north-eastern Mexico, only 20 per cent overlapped with those recorded in the *Registro Nacional de Datos de Personas Extraviadas o Desaparecidas*, the national registry for missing and disappeared persons. “The context of disappearances in north-eastern

cide statistics, unreliable in Mexico, and curiously were below the national average for most of Duarte's term.<sup>6</sup> Mexico's National Institute for Statistics and Geography estimates unreported crimes in Veracruz make up 94.6 per cent of the total, and the state's impunity rate surpasses the national average of 97.1 per cent. More notoriously, the region has witnessed a war on transparency, becoming the most lethal place for media professionals in the Americas.<sup>7</sup>

Many cases of disappearance have reinforced the state's reputation as a site of arbitrary and wanton terror. Promising to bring root-and-branch change, Miguel Ángel Yunes Linares of the National Action Party (PAN) was elected governor in June 2016, and assumed office on 1 December following 80 years of Institutional Revolutionary Party (PRI) rule. Duarte, meanwhile, resigned from office and has since gone into hiding.

However, Veracruz, rich in natural resources and agricultural production but marked by great inequality, has gone from bad to worse in this transitional period. No end is in sight for violent disputes over trafficking routes and other criminal markets between more crime groups than ever. Homicides more than doubled from 2015 to 2016.<sup>8</sup> After Duarte's administration embezzled billions of dollars in public funds, Veracruz's coffers are depleted, and private businesses say the state government owes them \$10 billion.<sup>9</sup> Demonstrations, walk-outs and street blockades threatened to paralyse public life in late 2016, and appear set to continue.

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Mexico, executive for the visit of the Interamerican Human Rights Commission", Centro Diocesano para los Derechos Humanos Fray Juan de Larios AC, 30 September 2015.

<sup>6</sup> Two thirds of Mexico's states have admitted to inaccuracies in crime data reported in 2014 to the National System of Public Security (*Sistema Nacional de Seguridad Pública*, SNSP). The FGE admitted that 299 homicides that occurred in Veracruz in 2013 had not been reported. "En año y medio, dos de cada tres estados reportaron mal sus delitos", *Animal Político*, 1 September 2015. "La inseguridad pública en México", Centro de Estudios Sociales y de Opinión Pública, Cámara de Diputados de los Estados Unidos Mexicanos, 31 March 2016.

<sup>7</sup> "Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE)", 2016. "Veracruz: 24 periodistas y fotógrafos asesinados en los últimos 11 años", *Aristegui Noticias*, 4 August 2016; "Being a journalist in Mexico is getting even more dangerous", *The Washington Post*, 18 February 2016.

<sup>8</sup> Alberto Olvera Rivera et al., *Violencia, Inseguridad y Justicia en Veracruz* (Xalapa, 2013). "State of Veracruz, Mexico", OECD Higher Education in Regional and City Development, 2010. According to local journalists and former state agents, at least five national criminal groups are active in Veracruz today: the Gulf Cartel, Sinaloa Cartel, Los Zetas, the Cartel of the North-East and the Cartel de Jalisco Nueva Generación. In addition, more than ten cells have splintered off from Los Zetas since 2010, while foreign criminal groups from Colombia and Central America are also present. Crisis Group interviews, Veracruz, October, November, and December 2016. In April 2016, a new group called Jarochos Unidos appeared. "Trasciende aparición de grupo narco en Veracruz antagónico al CJNG y a los Zetas; anuncia limpia", *Imagen del Golfo*, 24 April 2016. "Homicidios en Veracruz alcanzan nivel récord; 132 casos en julio, la cifra más alta desde el 97", *Animal Político*, 23 August 2016.

<sup>9</sup> Crisis Group interview, Maryjose Gamboa Torales, head of Veracruz's Truth Commission, Xalapa, 20 December 2016. No thorough investigation on the true sum embezzled under Duarte has been conducted. In 2015 alone, it has reportedly reached \$750 million. "Contratos por productos que nunca llegaron: el patrón que repitió Duarte para desviar recursos", *Animal Político*, 11 October 2016. "Deuda de Duarte podría superar los 200 mil millones: hoteleros", *Sociedad respuntocero*, 17 October 2016.



The political transition in the state represents an imperfect opportunity to sever the links between public authorities and crime. The responses at the state and federal levels to Veracruz's woes also provide a pilot case relevant to other crime-affected regions. Mexico has transformed into a multiparty democracy since the 1990s, but robust checks and balances have never been implemented. In states such as Veracruz, authoritarian and corrupt power practices morphed into opportunistic, profit-seeking enterprises. Controlling these "viceroyalties" has become one of the most urgent challenges in efforts to constrain corruption in Mexico and its threat to state legitimacy.

Crisis Group conducted research for this report in Mexico City and the Veracruz cities of Xalapa, Veracruz and Córdoba between October and December 2016. Among dozens interviewed were journalists, including from organisations protecting journalists, human rights activists and lawyers, security and political analysts, family members of disappeared persons and members of victims' organisations as well as current and former state officials.

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## II. Mexico's Flawed Transition

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Celebrated as a textbook example of gradual and peaceful transition from authoritarian to democratic rule, Mexico began the new millennium with the election of its first president from an opposition party in 81 years. This shift toward pluralism and away from the single-party regime, which had seen the PRI dominate all branches of government and control numerous supposedly independent social organisations, was supposed to underpin the country's transformation into an economic powerhouse. As of mid-2016, 43 per cent of Mexico's 2,481 municipalities and seventeen of its 31 regions were governed by parties other than the PRI.<sup>10</sup>

Yet, as elsewhere in Latin America, formal democratisation has not translated into improved protection of citizens' basic rights or higher living standards for all.<sup>11</sup> Deeply rooted practices and networks of corruption and impunity allow unprincipled officeholders to turn public service into an entrepreneurial activity, and degrade justice to a traded commodity. Although these practices can be found at all levels of government, the authorities of the country's states and its capital, Mexico City, have provided some of the most egregious examples. The effect of this transition on relations between state and federal levels, and the possibilities for influence trafficking and illicit activity that arose as a result, are crucial to understanding Veracruz's mutation into a free space for violent crime.

### A. Weak Criminal Justice

"The first thing I learned [on the job]", said a former agent of Veracruz's public ministry, "was to press [suspects] for money" in exchange for dropping accusations, adding that "unless forced, no public official will do anything for free".<sup>12</sup> A former federal congressional deputy for the PRI, who oversaw public budgets as a member of the Finance and Public Credit Commission (*Comisión de Hacienda y Crédito Público*), called the division of powers "a fiction". He added that "regardless of party [affiliation] ... all are partners of a system in which money comes first ... [and in which] those with power protect each and themselves, and those that resist quickly lose friendships and business opportunities".<sup>13</sup>

These remarks point to the frequent misuse of both federal and state public office in Mexico, and to the overall impunity that permits it. Mexico's position as the most corrupt country among Organisation for Economic Co-operation and Development (OECD) member states reflects a failure to punish culprits, due in large part to the lack of any genuinely independent state attorney's offices.<sup>14</sup> With its head appointed

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<sup>10</sup> "Fuerzas Políticas y Municipios a Nivel Nacional", Federación Nacional de Municipios de México, 2016.

<sup>11</sup> Enrique Desmond Arias and Daniel Goldstein, *Violent Democracies in Latin America* (Durham, 2010).

<sup>12</sup> The public ministry, or *Ministerio Público*, is a sub-division of Mexico's state attorney's offices responsible, among other things, for the initial processing of new cases and suspects. Crisis Group interview, Veracruz, December 2016.

<sup>13</sup> Crisis Group interview, December 2016. The interviewee said that, according to internal Congress calculations, only 14 per cent of federal tax contributions are spent effectively, with 86 per cent lost to administrative costs and corruption. Corruption accounts for 35 per cent.

<sup>14</sup> "Global Competitiveness Report 2016/2017", World Economic Forum, 26 September 2016.

by the president, the federal Attorney-General's Office (*Procuraduría General de la República*, or PGR) has often proved unwilling to probe cases of high-level corruption.<sup>15</sup> In some high-profile cases, such as the alleged participation of federal armed forces in the disappearance of 43 students from the Ayotzinapa teaching college in 2014, the PGR has been accused of fabricating false evidence.<sup>16</sup> The Organization of American States (OAS) has recently called the PGR one of the "sources" of Mexico's violence.<sup>17</sup> A lack of proper training and professional capacity aggravates failures in due process, as does the reluctance of the understaffed institution to take control of federal jurisdiction cases.<sup>18</sup>

The prosecution service's political dependence has also undermined fiscal oversight mechanisms. Since its creation in 2000, Mexico's chief audit office (*Auditoría Superior de la Federación*, or ASF) has presented 270 criminal complaints against state-level actors for embezzlement of federal funds, including 260 between 2014 and 2016. But the body lacks proper prosecutorial powers and, until now, not a single complaint has resulted in a conviction.<sup>19</sup>

Major steps were taken in 2016 to address the political dependence and prosecutorial weaknesses of Mexico's state attorney's offices and the ineffectiveness of anti-corruption mechanisms. A National Anti-Corruption System, which aims to tighten cooperation between various official bodies and embolden the ASF through a newly created Anti-Corruption Attorney General's sub-Office and a Federal Court for Administrative Justice, has been signed into law.<sup>20</sup> Sweeping judicial reforms, eight

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<sup>15</sup> One case arose when President Enrique Peña Nieto was accused of trading favours with construction company Grupo Higa in exchange for a multimillion dollar mansion. "Mexico digs into ties between leader, builder", *The Wall Street Journal*, 3 December 2014. Peña Nieto asked the Mexican people for "forgiveness" and "instructed" a task force to investigate the case, which cleared him of wrongdoing. "México: exculpan a Peña Nieto por el caso 'Casa Blanca'", BBC Mundo, 21 August 2015.

<sup>16</sup> Crisis Group Report, *Disappeared: Justice Denied*, op. cit. "Informe Ayotzinapa II", Grupo Interdisciplinario de Expertos Independientes, Interamerican Human Rights Commission, Organization of American States (OAS), 2016.

<sup>17</sup> "The Human Rights Situation in Mexico", Interamerican Human Rights Commission, OAS, 31 December 2015, pp. 33-34. Other national and supranational bodies have documented the regularity with which PGR officials obstruct justice and commit human rights abuses such as torture, and have highlighted political intervention in PGR work. See "Informe especial sobre recomendaciones en trámite", Comisión Nacional de Derechos Humanos, 8 May 2016; "Report on Mexico of the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", A/HRC/28/68/Add.3, 29 December 2014.

<sup>18</sup> "El problema no está en el debido proceso", Centro de Investigación para el Desarrollo A.C., 3 May 2016. A recent study found this issue could be exacerbated in the short to medium terms as judicial staff are trained for the new adversarial trial system, a core part of Mexico's justice reform and one that has not been coherently applied nor subject to independent evaluation. "Mission unaccomplished: Mexico's New Criminal Justice System is Still a Work in Progress", Washington Office on Latin America, July 2016. Mexican law distinguishes between "common crime" (*fuero común*), which includes petty crime but also robbery and assault and falls under municipal and/or state jurisdiction, and "federal crime" (*fuero federal*), which includes any type of organised crime and falls under federal jurisdiction. Family members of disappeared persons and an ex-FGE case officer reported efforts by the PGR not to take control of cases of disappearances in Veracruz by ignoring the probable involvement of organised crime groups. Crisis Group interviews, Veracruz, October, November and December 2016.

<sup>19</sup> "ASF presentó 270 denuncias; PGR aún no sanciona a nadie", *Milenio*, 22 November 2016.

<sup>20</sup> "President signs new anti-corruption laws", *Mexico News Daily*, 19 July 2016.

years in the making, include the creation of independent Attorney General's Offices on the federal level as well as in all states by the end of 2018.<sup>21</sup> To minimise the risk that corruption will continue under new institutional façades, reforms will have to be implemented at the same time at federal, state and municipal levels, while newly created institutions, particularly the forthcoming federal state attorney's office (*Fiscalía General de la República*, FGR), will require well-qualified and independent leadership.<sup>22</sup> Its autonomy would be undercut if President Peña Nieto appointed a political ally as its head.<sup>23</sup>

Past reforms have shown that new institutional or legal designs do not automatically translate into changes in practice. The failure of decades-long attempts to create law-abiding and effective police forces, whether through improved professional training or by shielding junior officers against abuse from senior staff, is one example.<sup>24</sup> Leopoldo Maldonado, a legal officer with Article 19, a non-governmental organisation that defends freedom of expression, argued that a lack of political will has undermined Mexico's Mechanism for the Protection of Journalists and Human Rights Defenders. Its highest body, the Governing Board (*Junta de Gobierno*), is a coordination mechanism that brings together a range of state actors. But some of them, and the PGR in particular, "defend the state ... rather than affected people", leading to prolonged legal disputes.<sup>25</sup>

## B. War on Drugs

The fragility of Mexico's emerging democratic institutions was underlined during the country's "war on drugs". Upon embarking on the offensive, former President Felipe Calderón (2006-2012) defended it as a swift solution to Mexico's organised crime problem. But violence reached unprecedented levels, peaking in 2011 and again in 2016 and claiming at least 65,000 lives from 2006 to 2015.<sup>26</sup> Organised crime groups splintered, colonised new territory and directly turned on civilian populations for income, not least through extortion and kidnapping-for-ransom.<sup>27</sup> Recent studies highlight a correlation between the militarisation of public security and a spike in human rights abuses by police and armed forces.<sup>28</sup>

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<sup>21</sup> For an overview of Mexico's justice reform see David Shirk, "Criminal Justice Reform in Mexico: An Overview", *Mexican Law Review*, 2011.

<sup>22</sup> "CCE demanda implementación efectiva del sistema anticorrupción", *El Financiero*, 16 January 2017.

<sup>23</sup> "Cuatro retos para la futura Fiscalía General de la República", *Animal Político*, 1 October 2014.

<sup>24</sup> Daniel Sabet, *Police Reform in Mexico: Informal Politics and the Challenge of Institutional Change* (Stanford, 2012).

<sup>25</sup> Crisis Group interview, Mexico City, 7 November 2016.

<sup>26</sup> Kimberly Heinle, Octavio Rodríguez Ferreira, and David A. Shirk, "Drug Violence in Mexico Data and Analysis Through 2015", Justice in Mexico Special Report, April 2016. Others reckon 150,000 deaths in the same period. "Statement of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on his visit to Mexico", 7 October 2015.

<sup>27</sup> Juan S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organisations", U.S. Congressional Research Service Report, 22 July 2015; "Un país rehén: todos los estados ocupados por el crimen organizado", *Narcodata/Animal Político*, 23 October 2015.

<sup>28</sup> "Country Report Mexico", Human Rights Watch, 2015; "Undeniable Atrocities: Confronting Crimes against Humanity in Mexico", Open Society Justice Initiative, June 2016; "Informe Anual

The ineffectiveness of Calderón's military-based strategy aimed at cartel kingpins, which Peña Nieto has also relied on, is rooted in the disintegration of the top-down political control mechanisms characteristic of PRI rule.<sup>29</sup> Under the single-party rule, informal networks allowed for the exchange of financial and political favours and benefits, lending cohesion to a complex patchwork of national and subnational power-holders. The result was a "state-sponsored protection racket" over drug trafficking organisations, which kept levels of violence and power of criminal organisations in check at the cost of corrupting key officials.<sup>30</sup>

When informal systems of command-and-control weakened and fragmented, particularly after 2000, highly competitive and increasingly violent criminal organisations emerged. They took advantage of growing revenues, above all from drug trafficking, and greater firepower to corral parts of the Mexican state into collaboration, or to transform them into *de facto* criminal partners, notably via investments in political campaigns.<sup>31</sup> In places like Guerrero and Michoacán, this blurred the lines between state and organised crime, and led to confrontations between criminally affiliated factions of the Mexican state and security forces.<sup>32</sup> Teresa Torres Aguilar, who oversaw the interior ministry's (*Secretaría de Gobernación*) operations in eight central states during the Calderón administration, said criminal organisations' capacity to frustrate anti-organised crime operations was rooted in lower-level state actors leaking information.<sup>33</sup>

The "war on drugs" had a paradoxical effect on state governors' powers. On one hand, the provision of public security, which fell under municipal jurisdiction until 1994, became increasingly concentrated at the federal level.<sup>34</sup> Under the argument that states and municipalities had lost territories to, or colluded with, organised crime, Calderón deployed military forces.<sup>35</sup> Above all in opposition-governed states, this happened without coordination with or approval from local or regional authori-

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de Actividades 2016, Mecanismo de Prevención de la Tortura", Comisión Nacional de Derechos Humanos México, 2016.

<sup>29</sup> Vanda Felbab-Brown, "Changing the game or dropping the ball? Mexico's Security and Anti-Crime Strategy under Enrique Peña Nieto", Brookings Institution, November 2014.

<sup>30</sup> Richard Snyder and Angelica Durán-Martínez, "Does illegality breed violence? Drug trafficking and state-sponsored protection rackets", *Crime, Law and Social Change* (2009). Luis Astorga, *El siglo de las drogas: El narcotráfico, del Porfiriato al nuevo milenio* (Mexico City, 2005).

<sup>31</sup> Mónica Serrano, "States of Violence: State Crime Relations in Mexico", in Wil Pansters, *Violence, coercion, and state-making in twentieth-century Mexico: The other half of the centaur* (Stanford, 2012), pp. 135–159. Leonardo Curzio, "Mexico: Organized Crime and Elections", in Kevin Casas-Zamora, *Dangerous Liaisons: Organized Crime and Political Finance in Latin America and Beyond* (Washington DC, 2013), pp. 136–164. In a 2009 intelligence report, Mexico's military stated that in 219 municipalities across 22 states, organised crime groups were in a position to finance that year's political campaigns. "El narcotráfico podría financiar campañas electorales en al menos 219 municipios", *La Jornada*, 15 April 2009.

<sup>32</sup> For the case of the state of Guerrero, see Crisis Group Report, *Disappeared: Justice Denied*, op. cit. For the case of Michoacán, see Salvador Maldonado, "Michoacán y las autodefensas: ¿Cómo llegamos aquí?", *Blog de Nexos*, 14 January 2014.

<sup>33</sup> Crisis Group telephone interview, 5 January 2016.

<sup>34</sup> "Las trampas del centralismo", *Nexos*, 1 July 2014.

<sup>35</sup> Guillermo Pereyra, "México: violencia criminal y guerra contra el narcotráfico", *Revista Mexicana de Sociología*, July-September 2012.

ties, leaving these vulnerable to criminal influence once federal forces, limited in numbers and capacity, moved on to other hotspots.<sup>36</sup> In a number of cases, state and municipal authorities were in effect replaced with federal and provisional military-led administrations.<sup>37</sup>

This militarisation of public security concentrated resources at the federal level, and sidelined investments into and reform of local and regional security forces. Lacking equipment and training, many local and state authorities regarded confronting organised crime groups as impossible and outside their mandate.<sup>38</sup> Yet state governors were afforded a privileged position under this security strategy since the federal government depended on their support to generate results.<sup>39</sup> They could call for more federal resources, volunteer their partnership to the central state, and blame the federal government for any setbacks.<sup>40</sup>

### C. *Viceroyalties*

The breakdown of old informal control mechanisms exercised by the PRI led to increased handovers of political power and greater diversity in municipal, state and federal offices. But it has in many cases failed to improve governance. Decentralisation, championed as the way to bring genuine local participation to the federal system, has afforded governors unprecedented access to federal funds.<sup>41</sup> Jorge Rebolledo, a Veracruz-based political analyst, argues that these flows of funds, when paired with the “absolute ineffectiveness or absence of checks and balances” within states, has allowed governors “to transform themselves into feudal lords”, creating *virreynatos* – or viceroyalties, the traditional jurisdictions of colonial Hispanic America.<sup>42</sup>

Former Veracruz Governor Duarte’s alleged embezzlement of public funds is no anomaly in this context. Since 2010, eleven state governors have been investigated for corruption, amounting to an estimated total of \$15 billion of allegedly embezzled funds.<sup>43</sup> In 2016 alone, five governors from other states were accused of similar profit-making schemes, while from 2000 to 2013, 71 cases were recorded.<sup>44</sup> In some states

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<sup>36</sup> Guillermo Trejo and Sandra Ley, “Federalismo, drogas y violencia Por qué el conflicto partidista intergubernamental estimuló la violencia del narcotráfico en México”, *Política y Gobierno*, 2016. “Changing the game or dropping the ball?...”, op. cit.

<sup>37</sup> In Michoacán, the federal government temporarily took over state affairs in 2013 after the emergence of self-defence groups put the spotlight on political-criminal collusion. “La caída del imperio templario”, *Nexos*, 1 April 2015. In Tamaulipas, the Mexican army and navy took over public security in 2014. “Tamaulipas: ejército encabeza seguridad”, *El Universal*, 14 May 2014.

<sup>38</sup> Crisis Group interview, former police officer at the Secretariat of Public Security in Veracruz, December 2016.

<sup>39</sup> “Federalismo, drogas y...”, op. cit.

<sup>40</sup> “Las trampas del...”, op. cit.

<sup>41</sup> In 2000, 50 per cent of public spending in Mexico was carried out by the federal government, compared to up to 90 per cent in the early 1980s. Andrew Selee, *Decentralization, Democratization, and Informal Power in Mexico* (Pennsylvania, 2011), p. 1.

<sup>42</sup> Crisis Group interview, Xalapa, 20 October 2016.

<sup>43</sup> “El Dream Team de los gobernadores corruptos en México”, *The Huffington Post*, 29 November 2016.

<sup>44</sup> “Más ex gobernadores son acusados de corrupción: se suma Herrera, de Durango; sólo Padrés está detenido”, *Sin Embargo*, 11 November 2016. María Amparo Casar, “México: Anatomía de la Co-

in which governors could count on compliant legislatures, public debt has grown exponentially. From 2008 to 2014, it increased more than fivefold in Tamaulipas, more than fourfold in Chihuahua, and more than twofold in Veracruz, all of which are among the states most affected by criminal violence.<sup>45</sup>

According to political analyst Alberto Olvera Rivera, decentralisation without accompanying checks and balances has driven the “radicalisation of the old regime” at the state level. A heavily centralised system of patron-client relations used to underpin negotiations between various levels of state authority and social and rural workers’ organisations, or with trade unions. The leaders of these social organisations traded their power to quell or rouse their members for electoral or other political purposes in exchange for influence and financial gain.<sup>46</sup> In states such as Veracruz, where the PRI enjoyed uninterrupted control for over eight decades, these traditional structures and practices largely remained intact.<sup>47</sup> During Duarte’s term in office, a Veracruz state investigation found that agricultural subsidies worth \$20 million were channelled to the social organisation *400 Pueblos* (400 Villages), traditionally close to the PRI.<sup>48</sup>

As vertical and centralised structures for conflict mediation broke up in the move to multiparty democracy, the locus of bargaining power shifted to the state level, with each demand for finance or support from a social organisation considered on a case-by-case basis. This raised the costs of containing discontent or potential unrest, and caused local political authorities to seek out more discretionary resources. “You have to have money to resolve any conflict”, said Olvera. “But once social groups understand that, they abuse it. It can’t be paid for. We are living the end of a political regime, not just a momentary crisis”.<sup>49</sup>

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rrupción”, Instituto Mexicano para la Competitividad A.C. and Centro de Investigación y Docencia Económicas, 2015, p. 57.

<sup>45</sup> “Estados, elecciones y deuda”, *Nexos*, 1 May 2016.

<sup>46</sup> Crisis Group interview, Xalapa, 18 November 2016.

<sup>47</sup> Felipe Hevia de la Jara and Alberto Olvera Rivera, “Capital Social en el estado de Veracruz”, in *Violencia, Inseguridad y Justicia en Veracruz*, op. cit., pp. 165-216.

<sup>48</sup> “Desvió Duarte 40 mdp para los 400 Pueblos”, *Reforma*, 1 February 2017. The son of the leader of 400 Villages in Veracruz, arrested 27 January 2017, has denounced a political witch hunt led by Governor Yunes. “Detención de mi padre es una persecución política de Yunes”, Radio Formula 30 January 2017.

<sup>49</sup> Crisis Group interview, Xalapa, 18 November 2016.

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### III. Private Fortunes and Public Fear: Corruption, Crime and Complicity

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Over the past twelve years, Veracruz has embodied the combination of a flawed democratic transition and the rising power of organised crime. The virtual absence of effective oversight mechanisms, whether through formal checks and balances or informal control by federal authorities, let corrupt political leaders capture Veracruz's public institutions for private use and gain. This process reinforced existing authoritarian enclaves, in which public, private and criminal interests seamlessly combined and devoted themselves to looting public resources and preying on civilians. A generalised climate of fear and the violent suppression of basic rights blocked any form of criticism or dissent.

#### A. Looting of Public Funds

The channelling of funds from public contracts toward a string of shell corporations, allegedly set up from the start of Duarte's term in 2010 and revealed by media and judicial investigations, has been the most obvious manifestation of corruption in Veracruz.<sup>50</sup> The fact that these contracts were signed off by an array of high-level public officials points to the extent of collusion and the weakness of oversight mechanisms.<sup>51</sup> Neither during Duarte's nor his predecessor Herrera's term was a single anomaly detected by the High Audit Body of the State of Veracruz (*Órgano de Fiscalización Superior del Estado de Veracruz*, ORFIS).<sup>52</sup> After Duarte resigned and fled in October 2016, ORFIS brought criminal charges before the state attorney's office accusing his administration of embezzling approximately \$650 million, including via public contracts to shell firms (\$80 million); unaccounted credits (\$300 million); funds destined for municipalities but illegally retained at the state level (\$25 million); and resources diverted from pension funds (\$150 million).<sup>53</sup>

Profiting from public contracts via shell companies is just one of the various forms of fraud involving public institutions and the contracting of private firms by the state government alleged by ORFIS. Other alleged acts of wrongdoing aimed at milking state resources include the following:

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<sup>50</sup> Interpol has issued an international arrest warrant against Duarte for organised crime and use of illicit resources. See <https://www.interpol.int/es/notice/search/wanted/2016-65641>.

<sup>51</sup> A number of these firms, which were registered in the names of a small circle of individuals, were dissolved upon receiving public funds. "Las empresas fantasmas de Veracruz", *Animal Político*, 24 May 2016.

<sup>52</sup> "En 10 años, Auditoría de Veracruz no encontró irregularidades en gobiernos de Herrera y Duarte", *Animal Político*, 14 September 2016.

<sup>53</sup> "Javier Duarte es investigado por el presunto desvío de 504 mdp de 4 municipios veracruzanos", *Animal Político*, 6 January 2016. Before asking for permission to leave his post as governor early, Duarte protested his innocence, declaring that he would "prove my transparency, my innocence and my fastidiousness as a public official". "Javier Duarte pedirá licencia para separarse del cargo", *Excelsior*, 12 October 2016. A few days later, he was reported to have gone into hiding.



- ❑ Contractual obligations to private contractors that were only partly fulfilled or not at all. In 2015, Mexico's Confederation of Chambers of Industry sued the Veracruz state government for the equivalent of \$150 million on this basis;<sup>54</sup>
- ❑ The artificial inflation of construction costs, and the failure to complete public works such as highways, bridges and hospitals;<sup>55</sup>
- ❑ Fictitious invoices to inflate running costs of public institutions;<sup>56</sup>
- ❑ The placement of thousands of *aviadores*, or bogus employees, in public institutions;<sup>57</sup>
- ❑ The triangulation and retention of federal funds earmarked for public employees' wages to illegally generate interest; and
- ❑ The commodification and illegal inflation of the prices of taxi licenses, the distribution of which depends on the state government.<sup>58</sup>

#### B. *New Criminal Entrants*

At the same time as private interests profited from public financial resources, the state's judiciary and law enforcement agencies were reshaped so as to foster and shield organised criminal interests both outside and inside public office. "What became clear in Duarte's term is that organised crime and state were two wings of the same bird", said Maryjose Gamboa Torales, head of Veracruz's recently created Truth Commission.<sup>59</sup>

Organised criminal activity is no new phenomenon in Veracruz. The state covers a 720km-long stretch of the country's Gulf coastline where one of its largest ports is located. Its geographic position connecting Mexico's south with its north has made it vulnerable to drug and human trafficking, as well as predatory crimes against migrants en route to the U.S., primarily from Central America. The state was known formerly as a transshipment corridor, used largely by groups such as the Gulf Cartel.<sup>60</sup> The shift toward organised criminal activity with far more pernicious effects on local

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<sup>54</sup> "Industriales del país demandarán a Veracruz por 3,623 millones de pesos", *Sociedad tres puntos*, 24 September 2015.

<sup>55</sup> "Fidel Herrera y Javier Duarte presumen obra incompleta en Veracruz: *Reforma*", *Sin Embargo*, 31 October 2015.

<sup>56</sup> A local academic said his state-dependent university received monthly bills of the equivalent of \$13,000 for the cleaning of non-existent carpets, and that such practices were common to all public institutions. Crisis Group interview, October 2016.

<sup>57</sup> "Despide Javier Duarte a más 2 mil 173 'aviadores' de la Secretaría de Educación", *Proceso*, 19 October 2015.

<sup>58</sup> Local journalists and taxi drivers said the official cost of a taxi license was \$750 in the state capital of Xalapa. But to get a license one has to pay approximately \$5,000, a sum which is distributed among trade unions, politicians and complicit car dealerships, where vehicles have to be purchased. In Xalapa alone, Duarte handed out 2,500 licenses. They have also been used as a means to generate and sustain political loyalty. Crisis Group interviews, October 2016.

<sup>59</sup> Crisis Group interview, Xalapa, 20 December 2016.

<sup>60</sup> See Celio del Palacio Montiel, "Violencia en los medios de comunicación en el estado de Veracruz", in *Violencia, Inseguridad y Justicia en Veracruz*, op. cit., pp. 328-329; José Alfredo Zavaleta Betancourt, "La inseguridad y la seguridad de los veracruzanos", *ibid.*, pp. 291-315.

populations has been traced back to the 2004 electoral success of Fidel Herrera from the PRI. According to local analysts' accounts and the testimony of witnesses in a U.S. trial against an individual accused of money laundering and of arranging deals between Los Zetas and parts of Veracruz's political elite, Los Zetas' precursor, La Compañía, was granted free passage to establish itself in the state in exchange for financing local political campaigns.<sup>61</sup> Herrera has denied all allegations of wrongdoing from his time as governor.<sup>62</sup>

Many locals collaborated with Los Zetas for a chunk of wealth and power, enabling it to become the dominant force in a variety of illicit activities such as drug sales, auto theft, kidnapping and extortion of migrants, counterfeiting, oil siphoning, human trafficking, kidnapping, and extortion of businesses.<sup>63</sup> Simultaneously, it pushed deep into the licit economy, setting up money laundering structures and forcibly taking over businesses and real estate. The diversification of income, and the violence used to consolidate this empire, is common to a number of Mexican criminal organisations, and was taken up in Veracruz by competing groups or offshoots from Los Zetas when it lost its dominance in the state after 2010. But extreme coercion is a particularity of Los Zetas' modus operandi.<sup>64</sup> A former Veracruz intelligence officer active when it took root in the region said: "Among the cartels, Los Zetas are the poor ones, they came here without money, and to enter the fight for trafficking routes they turned to the easy solution of kidnapping and extortion, all with the protection of the state".<sup>65</sup>

### C. Criminal Security Forces

Like in a number of other Mexican states, the source of much of Veracruz's worst violence can be found in the de facto merger of regional and local police forces with organised criminal groups. Media reports have pointed to the alleged presence of certain individuals in both criminal organisations and local police forces, either sim-

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<sup>61</sup> "Ligan en indagatoria a Fidel Herrera con Los Zetas", *Excelsior*, 16 December 2011; see court transcripts of U.S. District Court Western District of Texas Austin Division, Docket no. A 12-CR-210 (6) in "Expediente de Pancho Colorado: 'Zetas' pagaron protección en Veracruz", *Aristegui Noticias*, 9 September 2014; "Secretos de un jefe...", op. cit.

<sup>62</sup> President Peña Nieto named Herrera Consul of Mexico in Barcelona, Spain, in 2015. He resigned in January 2017 after being accused by Veracruz authorities of participation in a scheme which delivered counterfeit chemotherapy treatment to cancer patients in the state. No arrest warrant has yet been issued against him. "Herrera renuncia a puesto de Cónsul; dice que es electorera la acusación sobre quimios falsas", *Animal Político*, 22 January 2017; "No hay orden de aprehensión contra Fidel Herrera: fiscal", *Milenio*, 19 February 2017.

<sup>63</sup> "Veracruz, uno de los estados con más incidencia en trata de personas", *Sociedad trespunto cero*, 15 December 2016.

<sup>64</sup> Los Zetas' original line-up consisted of former elite soldiers of Mexico's armed forces, who were hired by the Gulf Cartel to act as a specialised enforcement unit. The group, known for its violence, also vis-à-vis civilians, experienced a rapid growth, both in terms of members and territorial presence, and finally cut ties with the Gulf Cartel in 2010. Diego Enrique Osorno, *La Guerra de Los Zetas* (Mexico City, 2012).

<sup>65</sup> Crisis Group interview, November 2016.

ultaneously or in quick succession.<sup>66</sup> Upon taking office, Duarte dissolved Veracruz's Inter-Municipal Police, supposedly due to its collusion with organised crime.<sup>67</sup> His former secretary of public security, Arturo Bermúdez Zurita, was quoted as saying that Veracruz's municipal police "respond to another boss".<sup>68</sup>

Outside of the state's main cities, police and criminal groups connived with one another to carve out semi-autonomous spaces for illicit activity. A local observer said José Cardel, a town strategically situated half-way between the state capital of Xalapa and the port of Veracruz, and close to flows of drugs and migrants, became a hub for Los Zetas' kidnapping and sex trafficking operations.<sup>69</sup> Upon identifying José Cardel as the possible whereabouts of a family member who had been abducted in 2011, a woman from another Veracruz city reported that she demanded action by the FGE, but was told by a high-ranking official that "there is nothing I can do since ... [José] Cardel belongs to Los Zetas".<sup>70</sup>

The reality of criminal power was made apparent to freshly redeployed police officers. A former agent of the FGE's public ministry said he was abducted and beaten by members of the local Zetas cell upon arrival in a station in southern Veracruz. According to the individual, after members of the criminal groups were arrested, he was subjected to "the usual visit" by a Zetas commander, who gave additional weight to his demand for "his boys" to be released by having the agent's superior repeat the command on the phone. The superior then ordered the prosecutor to destroy any related paperwork, he said.<sup>71</sup>

The criminalisation of state security forces reached an extreme in the Secretariat of Public Security (SSP), of which both of Veracruz's principal police forces, the Civil Force and the State Police, form part. According to many accounts, including by a former police officer, the former FGE case officer mentioned in the previous paragraph and local journalists, from 2011 onwards the SSP became an authoritarian-criminal enclave that served as a means to curb free speech, as a criminal structure in its own right and as a key mechanism to facilitate and shield organised criminal activity, including by generating judicial impunity.<sup>72</sup> Top-down control systems enforced within the State Police secured lower ranks' compliance with commands and criminal groups' demands. Bermúdez himself, a former soldier who held under-secretary positions in

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<sup>66</sup> "Cae 'El Indio', jefe 'zeta' en Veracruz y expolicía", *Animal Político*, 24 December 2011; "Secretos de un jefe de Los Zetas", op. cit.

<sup>67</sup> Duarte stated the lack of trustworthiness of inter-municipal police forces had been established through tests carried out by Mexico's SNSP. "En la mira, extinción de policías intermunicipales de Poza Rica y de Coatzacoalcos: Buganza", *Al Calor Político*, 30 December 2011. Academic observers and local journalists said the dissolution of the force was intended to concentrate control within the local Secretariat of Public Security (SSP), and to employ police for other criminal interests. Crisis Group interviews, Veracruz, October, November and December 2016.

<sup>68</sup> "El escandaloso archivo del ex secretario de Seguridad de Veracruz", *Milenio*, 8 August 2016.

<sup>69</sup> Crisis Group interview, local political observer, Veracruz, October 2016.

<sup>70</sup> Crisis Group interview, Veracruz, October 2016.

<sup>71</sup> Crisis Group interview, Veracruz, November 2016.

<sup>72</sup> Crisis Group interviews, former FGE case officer, Xalapa, October, November and December 2016; former police officer at the Secretariat of Public Security in Veracruz, December 2016; local journalists, October, November and December 2016. "El escandaloso archivo...", op. cit.

finance and public security under Herera and Duarte, is reported to have gone from “a nobody to millionaire in no time” after ascending to the post of secretary.<sup>73</sup>

A former police officer said that, shortly after taking command of operations in the centre of a major Veracruz city, he was handed envelopes by organised crime members on several occasions. His determination to make official reports of these incidents, he said, was met with pressure from superiors, threats against himself and his wife, and violence from organised crime members. Continuing to refuse bribes, he said he was stripped of his semi-automatic rifle and bulletproof vest, and told he would be redeployed to one of the state's most violent areas. He resigned, and the convoy he was supposed to travel in the next day was ambushed, leading to the death of three of his peers. Out of his police academy cohort of 40, he said, 10 are still alive today to his knowledge.<sup>74</sup> “Within the police”, a local journalist said, “they created a regime of terror. [Police] told me that, if they didn't do what [superiors] said, [they] tied them up ... for days, and they weren't fed”. Rooms to torture police officers in were in various locations, he said.<sup>75</sup>

Through coercion from superiors and organised crime groups, as well as payoffs offered to officers, the resources of the State Police were refitted to serve criminal purposes.<sup>76</sup> One way was to adopt a passive response to crime. Officers were explicitly instructed to reject citizens' requests of help and assistance, to arrive late at crime scenes, to not report sightings of suspicious vehicles and armed individuals or groups, and to stay clear of ongoing armed confrontations, according to a former police officer. “Our order was to simulate action and do nothing”, he said. Active participation in criminal operations, including kidnappings-for-ransom and forced disappearances, formed another part of police operations. An informal “elite squad”, composed of former members of the armed forces, was employed for the “dirty work”, he said.<sup>77</sup>

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<sup>73</sup> Crisis Group interviews, local journalists, Veracruz, October, November and December 2016. Bermúdez stepped down in August 2016 after Governor-elect Yunes accused him of having set up twenty companies to launder embezzled funds. “El escandaloso archivo...”, op. cit. “Bermúdez, el inocente”, *Gobernantes*, 19 July 2016. Bermúdez was arrested on 3 February 2017 on embezzlement charges, but has protested his innocence. “Detienen al exjefe policial de Duarte; es acusado de enriquecimiento ilícito”, *Animal Político*, 3 February 2017.

<sup>74</sup> Crisis Group interview, Veracruz, December 2016. According to information released by the Mexican navy about the interrogation of a regional Zetas leader detained in 2011, the latter distributed the equivalent of \$1.5 million per month to police forces across the state. “‘El Lucky’, jefe de Los Zetas, destapa red en Veracruz”, *Terra*, 20 May 2012. Sending non-compliant agents to the state's most violent areas was, according to former officials of the *Ministerio Público* and FGE, a common punishment in other institutions too. A former FGE agent equated this to a “death sentence”. Crisis Group interviews, October 2016. There is no reliable data on police fatalities. Local journalists who have tracked specific cases said deaths of former police officers were common. Crisis Group interviews, Veracruz, November, December 2016.

<sup>75</sup> Crisis Group interview, November 2016. Abuse of officers' human rights by superiors, including physical violence, is no exception in Mexico. Edith Olivares Ferreto, “Condiciones sociolaborales de los cuerpos policiales y seguridad pública”, Friedrich Ebert Stiftung, December 2010.

<sup>76</sup> Unless indicated otherwise, the following information and quotes are derived from Crisis Group interviews with the former police officer.

<sup>77</sup> The aforementioned journalist told Crisis Group: “People who worked close to [a high-ranking element] said [there was] a special group ... to make people disappear and to kidnap .... They also committed crimes for business”. Crisis Group interview, Veracruz, November 2016.

This group was provided with cloned patrol cars, distributed throughout the state and used to lure victims in.

Police also gathered intelligence about federal activities. Officers were instructed to immediately report sightings of federal forces to the State Police Command Centre even when they were off-duty, according to the former officer. Each time a sighting was reported, a patrol car followed federal forces. When called on to take part in joint operations, “we were only sent to see what they were doing. We were *halcones*”, he said.<sup>78</sup>

#### D. *Killings and Disappearances*

The worst phase of Veracruz's violence and disappearances occurred under Duarte, who became governor after Herrera, his political mentor, left office in November 2010. According to a local political analyst, “Herrera positioned Duarte as his successor, thinking that he could keep on governing through him”.<sup>79</sup> But relations soon soured between the two as Duarte strove for independence.

Among other things, Duarte deviated from Herrera's line of not collaborating with the federal government on matters of security, largely because the president at the time was from a different political party. Duarte worked in conjunction with President Felipe Calderón from the National Action Party (PAN), who was himself desperate to produce results in a militarised anti-organised crime campaign widely considered a failure, and to undertake joint state-federal operations against Los Zetas, which had become one of his primary targets.<sup>80</sup> This increased coordination led to the arrest of a number of high-ranking Zetas members. As a result, the group splintered into smaller cells, which not only competed with one another, but also acted even more aggressively against civilians within their tightly circumscribed areas of territorial influence.<sup>81</sup>

In this context, more criminal groups pushed into Veracruz. During training at Veracruz's police academy early in Duarte's term, recruits were told that seven organised criminal groups were active in the state.<sup>82</sup> The resulting competition for markets and territories generated a spike in reported homicide rates and forced disappear-

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<sup>78</sup> *Halcones*, or falcons, in Mexican parlance, designates lookouts. They are fundamental elements of cartels' systems of territorial control.

<sup>79</sup> Crisis Group interview, Jorge Rebolledo, Xalapa, 20 October 2016.

<sup>80</sup> Op. cit. and Vanda Felbab-Brown, “Calderón's Calderon Lessons from Mexico's Battle Against Organized Crime and Drug Trafficking in Tijuana, Ciudad Juárez, and Michoacán”, Brookings, September 2011, p. 40. “Mexico Seems To Favor Sinaloa Cartel In Drug War”, National Public Radio, 19 May 2010.

<sup>81</sup> According to human rights lawyer Volga de Pina, who has compiled local intelligence as part of her support of the search of Veracruz's disappeared, in the area around the northern Veracruz city of Poza Rica alone, eight different such cells are active today. Crisis Group interview, Mexico City, 11 November 2016. The fragmentation and predatory turn against civilians has been an outstanding trend among Mexico's organised crime groups. See eg, Viridiana Ríos, “Why Did Mexico Become so Violent? A Self-Reinforcing Violent Equilibrium Caused by Competition and Enforcement”, *Trends in Organized Crime*, 2013; Crisis Group Report, *Disappeared: Justice Denied*, op. cit.; and Crisis Group Briefing, *Justice at the Barrel of a Gun*, op. cit.

<sup>82</sup> Crisis Group interview, December 2016.

ances from 2010 onwards.<sup>83</sup> The state government either sought to deny the magnitude of the problem, or resorted to explanations based on the perceived competition and fighting between rival criminal groups, as well as the assertion that victims must have had some involvement in illicit activities.<sup>84</sup> These official versions of events obscured both the complexity of the violence, in which multiple groups of perpetrators were acting according to various logics, and the evidence that the victims of many murders and disappearances were innocent civilians.

The disappearance of over 50 people, predominantly young women, within three days in Veracruz in 2011 stands out as one of the state's worst atrocities. All had been hired to be present at parties attended, they had told family members and friends, by high-ranking politicians and members of Los Zetas cartel.<sup>85</sup> According to the aforementioned former case officer in Veracruz's state attorney's office, the FGE, this perceived indiscretion earned them a kill order from the criminal groups.<sup>86</sup> Victoria Delgadillo and Carlos Aldaña, whose son and two daughters were among the victims, have presented the FGE with leads on witnesses, possible perpetrators and their children's whereabouts. None of the latter has been acted upon, with witnesses' existence denied; the former FGE case officer, who was sympathetic to the parents, was fired and threatened.<sup>87</sup>

This case is symptomatic of various strategic uses of murder in Veracruz. These include:<sup>88</sup>

- ❑ Inter-cartel violence such as cleansing operations against alleged members and affiliates of enemy groups, including complicit state officials. State involvement, eg, of Veracruz's State Police, Civil Force and inter-municipal police, has been alleged and/or documented in numerous cases.<sup>89</sup>
- ❑ Violence in the context of kidnappings-for-ransom, prominently against migrants from Central America, and against non-compliant individuals and their family members in the context of extortion schemes.
- ❑ Criminal groups' violence against civilians to create a general climate of fear and thereby compliance, to break civil society and community resistance to large-scale private sector developments such as hydraulic dams.
- ❑ Violence against accidental witnesses and collaborators to destroy evidence.

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<sup>83</sup> Whereas, during the first four years of Herrera's term, Mexico's National System of Public Security registered 1,848 homicides, this number rose to 3,208 during Duarte's first four years in office. "Con Duarte, en Veracruz crecen delitos de alto impacto", *El Financiero*, 19 August 2015.

<sup>84</sup> "Victims and Counter-Victims in Contemporary Mexico", *Política Común*, 2015.

<sup>85</sup> Crisis Group interviews, Victoria Delgadillo, Xalapa, 22 October 2016; Carlos Aldaña, Mexico City, 10 November 2016.

<sup>86</sup> Crisis Group interviews, former FGE case officer, Xalapa, October, November and December 2016. He showed Crisis Group official FGE case files, which detail these claims.

<sup>87</sup> Crisis Group interviews, Victoria Delgadillo, Carlos Aldaña, former FGE case officer, Veracruz, Mexico City, October, November 2016.

<sup>88</sup> This list is based on open-source data as well as information provided by family members of disappeared persons, victims' and human rights organisations, former Veracruz state officials, political analysts and local journalists. For each item, more than one case has been documented.

<sup>89</sup> See, eg, "Impunidad. Policías de Veracruz, detrás de desapariciones", *El Universal*, 28 October 2016.

- ❑ Violence against journalists to impede free speech, criticism and to veil criminal operations.
- ❑ Organised crime groups' as well as federal armed forces' violence against small-scale criminals to enforce organised crime groups' monopoly over activities such as hydrocarbon theft from pipelines.
- ❑ Veracruz and federal forces' cleansing operations against alleged members of criminal groups in the context of joint anti-organised crime operations from 2010 onwards.<sup>90</sup>
- ❑ Internal state violence, eg, against non-compliant and former officials.

### E. *Systematic Obstruction of Justice*

Official statistics on homicides and disappearances have tended to underestimate the real totals. A low-level official in Veracruz's Security Council, who was in charge of compiling crime statistics, said he was given explicit instructions not to incorporate any kidnapping-for-ransom cases.<sup>91</sup> It was made clear that his refusal to do so would lead to his dismissal.<sup>92</sup> The aforementioned FGE case officer stated that he alone received 1,000 criminal complaints from 2011 to 2013 concerning disappearances. In the same city, which is not one of the state's most violent hotspots, two other officers each had a comparable caseload.<sup>93</sup> But the true dimension of killing and disappearances in Veracruz is slowly coming to light through the persistence of civil society.

Victims' organisations, formed by family members of disappeared people who have taken the search for clandestine graves into their own hands, also say the true numbers far surpass official figures. In an area of wasteland in the Colinas de Santa Fe on the outskirts of the port of Veracruz, which Crisis Group visited on 15 November 2016, members of the victims' organisation *Solecito de Veracruz* have so far identified more than 100 clandestine graves. While most of them have yet to be excavated, an activist estimated that in the 10 per cent of the 70-hectare site explored until now, they expect to find a total of 500 to 570 bodies. The identification process has been slow because most of the corpses were cut into pieces.<sup>94</sup>

Human rights lawyer Volga de Pina, who has been involved in the search for clandestine graves in the Córdoba-Orizaba area, which is believed to be among the most affected in Veracruz, said two major sites were discovered within days. In one, 17,000 human fragments were found; in the other, 11,000.<sup>95</sup> Gamboa Torales of the Veracruz Truth Commission estimated the total number of disappeared in the state under

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<sup>90</sup> When the PGR, in late 2015 and based on a small sample, published its first official "map" of forced disappearances in Mexico, it stated that Veracruz accounted for one in four. "Primer mapa oficial de desapariciones en México; en Veracruz 1 de cada 4 casos del país", *Animal Político*, 21 December 2015.

<sup>91</sup> The Security Council is a Veracruz state government body supposed to act as a coordinating body for all actors and questions relating to the provision of public security.

<sup>92</sup> Crisis Group interview, November 2016.

<sup>93</sup> Crisis Group interview, October 2016.

<sup>94</sup> Crisis Group interview, November 2016.

<sup>95</sup> Crisis Group interview, Mexico City, 11 November 2016.

Herrera and Duarte to be at least 5,000.<sup>96</sup> Overall, estimates by victims' organisations oscillate between 4,000 and 20,000. The latter figure rivals the official nationwide number of 27,659 disappearances provided in February 2016.<sup>97</sup>

Denial of these crimes, and of justice for victims, was part and parcel of the self-protection the Veracruz state and its criminal associates guaranteed themselves between 2004 and 2016. Together with capacity constraints due to the lack of qualified staff, limited training and poor working conditions, as well as a shortfall in financial resources, a variety of methods were used to produce conditions of almost total impunity. The FGE, as the state's main investigative body, played a particularly important role in this regard. According to the case officer cited above, the FGE was criminally infiltrated to a degree comparable to that of the SSP, while similar control mechanisms were applied. In total, this source added, an estimated 50 former FGE officials have disappeared and/or been killed.<sup>98</sup>

Techniques to cover up crimes during the Duarte administration included:

- ❑ State officials contravening legally binding protocols for the search of disappeared persons by refusing or trying to dissuade family members to file reports.<sup>99</sup> They commonly asserted that the missing person "probably just ran off with her lover", that "these things happen" and that "there was nothing to worry about".<sup>100</sup>
- ❑ The refusal and/or incapacity of FGE officials to conduct investigations caused by a backlog in cases, a lack of resources or financial incentives, political interference or the risk the officials faced due to the political sensitivity of the case.<sup>101</sup>
- ❑ The shifting around of cases between multiple officers, undercutting familiarity with cases and the possibility of progress in investigations.
- ❑ The shutting down of investigations when advances had been made to control the risks faced by alleged perpetrators, including political power-holders, and the isolation, firing and threatening of judicial officials (as in the aforementioned case of Delgadillo and Aldaña).
- ❑ The refusal by state and federal officials to act on concrete leads and intelligence about sites of clandestine graves, which later proved factually accurate.<sup>102</sup>

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<sup>96</sup> Crisis Group interview, Xalapa, 20 December 2016.

<sup>97</sup> "Hay 27 mil 659 desaparecidos; reporte oficial del gobierno", *Excelsior*, 11 February 2016.

<sup>98</sup> Crisis Group interview, November 2016.

<sup>99</sup> Protocolo Homologado para la Búsqueda de Personas Desaparecidas y la Investigación del Delito de Desaparición Forzada, PGR, 2015.

<sup>100</sup> Crisis Group interviews, family members of disappeared persons, Veracruz, October, November and December 2016.

<sup>101</sup> "Every step in investigations costs the FGE money. To send us out there, to a given place, costs ... and the FGE simply didn't want to spend that". Crisis Group interview, former FGE case officer, Veracruz, November 2016. "Typically, an agent will tell you that, in order to advance, he will ask you for a contribution, for instance for gasoline. If not, there will be no justice". Crisis Group interview, Narciso Peña Cortés, Xalapa, 17 November 2016. "The cases of disappearances simply didn't suppose a source of income, so most of them were shut down right away". "In the [FGE], nobody wants to take on cases of disappearances, because everybody knows what's coming to them". Crisis Group interview, former FGE case officer, November 2016.



- ❑ Threats against victims' organisations and family members carrying out their own investigations, as well as against witnesses, both by organised crime groups and political officials.
- ❑ Destruction of evidence, including the illegal burial of unregistered corpses by state forces, both in clandestine sites and in state cemeteries.<sup>103</sup>
- ❑ The criminalisation of civil society-led search for clandestine graves under the argument of undue interference with state privileges and alteration of crime scenes.<sup>104</sup>
- ❑ Malicious slander of disappeared and murdered people.<sup>105</sup>

#### F. *War on Transparency*

The suppression of free speech and media scrutiny of government action reached its heights during former Governor Duarte's mandate. "Shortly after Los Zetas were granted entry into Veracruz, attacks on journalists became more intense", said Miguel Angel Díaz González, a Xalapa-based journalist who temporarily went into exile after threats against his life.<sup>106</sup> Under Duarte, seventeen journalists working in Veracruz were killed and five disappeared, compared to six and two, respectively, under his predecessor.<sup>107</sup> Local journalists and representatives of the NGO Article 19 see overt violence as the most visible side of a two-tier system of governmental control over the media, which combined co-option and bribery with coercion and violence.<sup>108</sup>

A journalist from Xalapa, referring to the approximately \$430 million the Duarte administration spent on publicity contracts with national and local media, said that

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<sup>102</sup> Following pressure by victims' organisations on state actors to act on intelligence identifying Colinas de Santa Fe as a clandestine burial site, in the weeks prior to the discovery of the first graves, agents of FGE and SEIDO, the PGR's specialised organised crime unit, inspected the site but stated in their report that they had found nothing. "Los olores fétidos de la Fiscalía", *Notiver*, 17 September 2016.

<sup>103</sup> Crisis Group interviews, current FGE case officer, local journalists, Veracruz, October, December 2016. According to members of victims' organisations, undertakers said a number of more than 400 unregistered bodies were buried in one city's cemetery alone. Crisis Group interview, Veracruz, November 2016.

<sup>104</sup> Both members of the Solecito de Veracruz victims' organisation, in their search for clandestine graves in the Colinas de Santa Fe site, and human rights lawyer Volga de Pina said they were threatened by authorities with legal consequences were they to conduct searches on their own. Crisis Group interviews, members of Solecito de Veracruz, November 2016; Volga de Pina, Mexico City, 11 November 2016.

<sup>105</sup> Many parents of disappeared people told Crisis Group that authorities, and the FGE in particular, reacted in a hostile way to requests for assistance, and said there were told that "they should have taken better care [of their children] before they got on the wrong track", implying criminal activities that disqualified them from state support. The defamation of crime victims in Mexico is common and has been documented, among others, by Noé Zavaleta, *El infierno de Javier Duarte, Crónicas de un gobierno fatídico* (Mexico City, 2016).

<sup>106</sup> Crisis Group interview, Xalapa, 19 October 2016.

<sup>107</sup> "Veracruz: 24 periodistas...", op. cit.

<sup>108</sup> This system has deep historical roots in Mexico's authoritarian regime, and is by no means limited to Veracruz. Jacinto Rodríguez Munguía, *La otra guerra secreta: Los archivos prohibidos de la prensa y el poder* (Mexico City, 2007).

“we were all sucking on the state’s teat”.<sup>109</sup> These classified contracts, access to which has been denied to the public, are, in Mexico in general, handed to media firms in exchange for favourable reporting.<sup>110</sup> According to Leopoldo Maldonado of Article 19, discretionary funds are “*the* political control instrument” over the media, allowing governments to “reward and punish” media professionals, whose working conditions are generally precarious.<sup>111</sup> In Veracruz, it was successful insofar as there were “hardly any independent media”, said Díaz González. “But if you nevertheless opened your mouth, they harassed, threatened or simply killed you”.<sup>112</sup>

Díaz González said he received threatening phone calls after releasing a documentary film aiming to clear the name of Rubén Espinosa, a critical photojournalist who was killed in Mexico City and subsequently portrayed as a drug addict through information allegedly leaked to the media by Mexico City’s state attorney’s office (*Procuraduría General de Justicia del Distrito Federal*). The online media platform he ran was cyber-attacked, and State Police patrol cars were stationed in front of his home.<sup>113</sup> Espinosa himself had reportedly been subjected to a string of threats from and physical violence by state security officers.<sup>114</sup> He had covered government repression against social movements and, weeks prior to fleeing to Mexico City in search of a safe refuge, headed a commemorative event for Regina Martínez, the Veracruz correspondent for national news magazine *Proceso* who was killed there in 2012. Authorities characterised Martínez’s death as a robbery attempt before alluding to a crime of passion, ascribing to Martínez a “victimogenic character”.<sup>115</sup>

Moises Sánchez Cerezo, a journalist from Medellín del Bravo, a locality close to the city of Veracruz, reported receiving threats from local politicians before being abducted from his home by armed men, who also took his computer, mobile phone and camera, and murdered on 2 January 2015.<sup>116</sup> According to his son Jorge, Sánchez had dedicated himself to denouncing government inaction toward the wave of violence and crime around his hometown, as well as raising public awareness about the embezzlement of public funds intended for infrastructure. He refused pay-offs from municipal authorities, his son said. He added that local authorities failed to reach the scene of his father’s abduction, federal forces carried out official searches only three hours after it happened, and that witnesses observed criminals’ vehicles block-

<sup>109</sup> See “Javier Duarte gastó 4 mdp diarios en publicidad... y todavía dejó adeudos”, *Proceso*, 3 December 2016. This number does not include informal pay-offs, which local journalists said were common. Crisis Group interviews, Xalapa, October 2016. Crisis Group interview, October 2016.

<sup>110</sup> “Javier Duarte compraba prensa ... pero no pagaba”, *Proceso*, 29 December 2016. *La otra guerra secreta*, op. cit.

<sup>111</sup> Crisis Group interview, Mexico City, 7 November 2016.

<sup>112</sup> Crisis Group interview, Xalapa, 19 October 2016.

<sup>113</sup> This information was released, eg, through: “Peritaje de PGJDF revela consumo de cocaína y marihuana en ejecutados de Narvarte”, *SDP Noticias*, 13 August 2015. Crisis Group interview, Xalapa, 19 October 2016.

<sup>114</sup> “Asesinan al fotoperiodista Rubén Espinosa en DF; Había salido de Veracruz por amenazas”, *Artículo 19 press release*, 1 August 2015.

<sup>115</sup> *El infierno de...*, op. cit., pp. 171-182.

<sup>116</sup> “En asesinato de Moisés Sánchez, un año de impunidad: Artículo 19”, *Aristegui Noticias*, 4 January 2016.

ing off the roads surrounding Sánchez's home prior to his abduction while nearby police patrol cars did not intervene.<sup>117</sup>

On 3 January, Duarte publicly said Sánchez worked as "a taxi driver".<sup>118</sup> Most cases of assassinations and/or disappearances of journalists in the state have been preceded or followed by efforts to link the crimes to matters unrelated to their profession, or to individuals' collusion with organised crime groups.<sup>119</sup> In conjunction with an estimated 99.75 per cent impunity rate for violence against media professionals in Mexico – in Veracruz, a recent report found no case has been fully resolved – this has fostered a climate of terror and fear that prevents critical reporting and encourages self-censorship.<sup>120</sup> A number of local journalists said direct threats had been conveyed to them by state officials, and in some cases by colleagues or superiors in media companies.<sup>121</sup> Sandra Segura, a city of Veracruz-based journalist who reported on human rights abuses suffered by a colleague incarcerated for eight months on manslaughter charges, said she was told by a colleague "that if I didn't back down, I'd be next".<sup>122</sup> Mutual trust and unity within the journalism community are commonly undermined as "many receive bribes ... or have been turned into state informants" while others "receive money by the narcos for [publishing] only authorised content".<sup>123</sup>

Following national and international pressure, protection measures have been implemented both at the state and federal levels. Jorge Morales, a delegate of the Veracruz State Commission for Attention to and Protection of Journalists (*Comisión Estatal de Atención y Protección a Periodistas*, CEAPP), said the institution was little more than a window-dressing exercise as members, appointed by Duarte, "refused to fulfil their obligations or even show up".<sup>124</sup> Maryjose Gamboa of Veracruz's Truth Commission, also a former journalist, said it remains "unclear what happened to the [CEAPP's] 70 million [Mexican peso] budget", of which an estimated 85 per cent was spent on salaries and running costs. Due to the lack of transparency, its claims to have supported 1,200 journalists is impossible to verify.<sup>125</sup> At least one journalist was killed while under CEAPP protection.<sup>126</sup>

The federal Mechanism for the Protection of Journalists and Human Rights Defenders works only inasmuch as such measures raise the costs of attempts on jour-

<sup>117</sup> Crisis Group interview, Jorge Sánchez, Boca del Río (Veracruz), 15 November 2016.

<sup>118</sup> "Subestima Duarte labor de reportero levantado: 'Es conductor de taxi y activista vecinal', dice", *Proceso*, 3 January 2015.

<sup>119</sup> "Veracruz: el estado mexicano que es un 'infierno' para los periodistas", BBC Mundo, 9 February 2015; "Priístas difaman a reporteros antes de su muerte; ya inician con Noé Zavaleta", *La Jornada Veracruz*, 10 August 2016.

<sup>120</sup> "Exigen proteger a periodistas", *El Economista*, 27 December 2016. "Veracruz: journalists and the state of fear", Reporters without Borders, 30 January 2017.

<sup>121</sup> Crisis Group interviews, Veracruz, October, November 2016.

<sup>122</sup> Crisis Group interview, Sandra Segura, Port of Veracruz, 17 November 2016.

<sup>123</sup> Crisis Group interview, Miguel Ángel Díaz González, Xalapa, 19 October 2016.

<sup>124</sup> Crisis Group interview, Xalapa, 20 October 2016.

<sup>125</sup> Crisis Group interview, Xalapa, 20 December 2016.

<sup>126</sup> "La Comisión de Protección a Periodistas en Veracruz no sirve; es un órgano del gobierno estatal: Artículo 19", *Emequis*, 10 November 2016.

nalists' lives.<sup>127</sup> A total of 500 journalists have been provided with protection measures ranging from panic buttons to personal bodyguards and resettling in safe locations inside and outside Mexico since the mechanism's creation in 2012.<sup>128</sup> But according to Leopoldo Maldonado of Article 19, its reach and operations are still unable to match the number of journalists in need given that 1,142 attacks were recorded by the organisation from the beginning of Peña Nieto's term, on 1 December 2012, to March 2016. Apart from bureaucratic hurdles that delay rapid response measures, a major problem lies in the provision of personal protection by state-level actors, who are often the main perpetrator of attacks. The fundamental concern, said Maldonado, is that "four years after its creation, [the mechanism] remains purely reactive. ... They are focusing on the consequences, and not the causes. So ultimately, those who want journalists to shut up are winning".<sup>129</sup>

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<sup>127</sup> Crisis Group interview, Noé Zavaleta, Xalapa, 21 October 2016. Zavaleta, the Veracruz correspondent for the national news magazine *Proceso*, was given a bodyguard following threats against him and stated this made attempts on his life less likely.

<sup>128</sup> "México: hay 500 periodistas protegidos por Derechos Humanos", *Primera Plana Noticias*, 13 July 2016.

<sup>129</sup> "Segundo Informe Trimestral", Artículo19, August 2016. Crisis Group interview, Mexico City, 7 November 2016.

#### IV. Change and Reform?

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Miguel Ángel Yunes Linares is faced with the difficult task of reestablishing lawful governance within a two-year term.<sup>130</sup> Deep structural reforms cannot be expected nor accomplished in this short timeframe, and without federal government collaboration. But efforts can be made to reestablish public trust in the state government and hold it, as well as political officeholders elsewhere in Mexico, to higher standards. Given the horrific recent history of Veracruz, transparency and institutional effectiveness – in the provision of justice, the removal of corrupt officials, and the handling of public finances – should be at the heart of any reform process.

During his campaign, Yunes announced wide-ranging measures to address insecurity in Veracruz, including close cooperation with federal forces to “reduce common jurisdiction crimes by 50 per cent”, breaking ties between police commanders and organised crime groups, expelling “2,273 untrustworthy police officers” and “raising the dignity of police officers [through] fair wages, housing, life insurance and scholarships for their children”.<sup>131</sup> Upon taking office, he maintained that significant changes would be felt before the end of his term, while also admitting that the “cleansing [of police forces] ... has to be balanced” so as not to undermine “our operational capacity”.<sup>132</sup> The new under-secretary for operations in Veracruz’s public security ministry, Narciso Peña Cortés, concurred that a purge of State Police was inevitable. Speaking of his recent role as a navy captain in charge of public security in the port of Veracruz, he also warned against attempts to militarise the provision of security: “the armed forces do not have the necessary sensitivity to deal with citizens. We are made to destroy the enemy”.<sup>133</sup>

Yunes has already repealed plans to unite local police forces under the national Sole Command (*Mando Único*), on the basis that a single police force is more easily corrupted, and initiated the reestablishment of municipal police in a locality.<sup>134</sup> To date, no further concrete steps, such as constant surveillance of police stations and geo-referencing of patrol car movements, have been announced nor taken to achieve substantial reform of the police forces and prevent their involvement in future disappearances. Early on in Yunes’ term, the provision of public security in Veracruz remains both reactive and militarised. A total of 40 organised crime-related deaths were recorded in the first ten days of December alone, half of which were alleged organised crime members killed by state forces in the south of the state.<sup>135</sup> In four

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<sup>130</sup> Veracruz’s congress, in December 2014, approved an initiative by Duarte to limit his successor’s term to two instead of six years in order for federal and state elections to be held simultaneously in 2018. “Corte aprueba Gubernatura de dos años en Veracruz”, *Milenio*, 11 June 2015.

<sup>131</sup> “Acciones para rescatar la seguridad en Veracruz”, Yunes online campaign platform “Yo con Yunes”. No information accounting for the precise number of “untrustworthy police officers” has been shared with the public.

<sup>132</sup> “Una disyuntiva, depurar a policías en Veracruz: Yunes”, Radio Formula, 22 December 2016.

<sup>133</sup> Crisis Group interview, Xalapa, 17 November 2016.

<sup>134</sup> “Buscará Yunes Linares reactivar policías municipales; desaparecerlas fue un error”, *Al Calor Político*, 29 January 2017.

<sup>135</sup> “En 10 días del Gobierno de Yunes en Veracruz la violencia deja 40 muertos, uno cada seis horas”, *Sin Embargo*, 10 December 2016.

different areas of Veracruz, joint operations with federal armed forces have been undertaken, one of which followed a spike in crime rates in December.<sup>136</sup>

#### A. *Financial Plight and Party Politics*

The incentives to improve governance are many. Local political analysts contend that Yunes' goal is to hand over power to one of his sons up in 2018, and that doing so will depend on having achieved a clear improvement in Veracruz's public life and security conditions. State elections will coincide with Mexico's presidential election, and if the PAN is to retake power at the federal level, securing a majority in Veracruz, a region with the third highest number of votes after the state of Mexico and Mexico City, will be crucial.

But the same is true for the PRI. Allowing the PAN to outshine the PRI in terms of the provision of governance and security in Veracruz would further undermine the current ruling party's already slim prospects of clinging on to the presidency. Mexican states' dependence on federal resources means that the PRI has considerable leverage over the fate of the Yunes administration, although a certain degree of collaboration between the PAN and the PRI could be propelled by their shared interest in impeding a successful presidential bid by Andrés Manuel López Obrador, outspoken leader of the left-wing MORENA party who is currently rising in opinion polls as tensions with the new U.S. administration escalate.<sup>137</sup>

Until now, the federal government has sent mixed signals with regards to its willingness to assist the Veracruz government. On one hand, the transfer of approximately \$20 million allegedly embezzled by Duarte from the PGR to the Veracruz state government signals a modest change to the federal government's inertia toward the state.<sup>138</sup> Multiple judicial proceedings were also started against Duarte shortly before his flight to an unknown location, and he has been officially expelled from the PRI.<sup>139</sup> Similar steps against other high-level officials tied to Duarte and accused of various crimes have been initiated.<sup>140</sup> Action against others, some of whom occupy seats in Mexico's federal legislature, has yet to be taken.

On the other hand, the federal finance ministry discarded a bailout for the state, and denied any responsibility for its financial plight. It also threatened to bypass the state government by providing resources directly to municipalities, and called upon it to reduce spending and turn to other sources of income.<sup>141</sup> This intransigence could force Yunes to recur to unpopular measures such as raising taxes, thereby un-

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<sup>136</sup> "No habrá complacencia para la delincuencia en Veracruz: Yunes Linares", *Al Calor Político*, 15 January 2017. "Desarticulan banda de 37 plagiarios en Veracruz", *Milenio*, 3 January 2017.

<sup>137</sup> "AMLO, favorito para ganar en el 2018; el PAN rebasa al PRI en preferencia: Encuesta", *Proceso*, 23 September 2016.

<sup>138</sup> "PGR entrega a Veracruz recursos desviados por Duarte", *Milenio*, 10 January 2017.

<sup>139</sup> "Los delitos por los que la PGR investiga a Duarte", *Milenio*, 12 October 2016. "PRI expulsa a Javier Duarte de sus filas", *La Jornada Veracruz*, 25 October 2016.

<sup>140</sup> "Jueces han solicitado más órdenes de aprehensión contra ex funcionarios: TSJE", *XEU*, 24 January 2017.

<sup>141</sup> "No habrá rescate financiero para Veracruz, dice Hacienda aunque da opciones para pagar adeudos", *Animal Político*, 1 November 2016.

dermining the PAN's pro-business profile.<sup>142</sup> While credits worth \$350 million were contracted to cover payments for December 2016 alone, it remains unclear how salary and benefit obligations to state employees will be met in 2017 and 2018 and how the provision of services, including public security and health, can be maintained.<sup>143</sup> Political analyst Alberto Olvera said the administration will have to make cuts and renegotiate contracts with unions and other social organisations, thus "guaranteeing a permanent state of political conflict ... until 2018".<sup>144</sup>

### B. *Truth Commission*

If party politics prevail over attempts to restore responsible governance, Veracruz's budget crisis risks not only undermining Yunes' incipient reform process but also overshadowing issues at the heart of the state's malaise. Yunes' electoral promise to bring Duarte to justice, even if successful, would by no means end the practices of corruption, collusion and illegality that have given rise to the criminal capture of Veracruz's institutions. Authentic progress requires that accusations against Yunes himself are pursued impartially, transparently, and without political interference. Yunes, who for decades served the PRI in various capacities before leaving the party in 2005 and switching to the PAN in 2008, is being investigated by the PGR for allegedly having embezzled \$11.5 million in public funds to acquire 26 properties for himself and family members during his time at the helm of the federal Institute for Social Security and Services for State Workers (*Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado*). Yunes has dismissed the accusations as a smear campaign by Duarte and Herrera.<sup>145</sup>

Changing these conditions in the medium and long terms will depend on a deeper knowledge of state officials' participation in crimes against humanity, as well as on measures to steer security and judicial institutions toward respect for legality and victims' demands. Representatives of the victims' organisation Solecito de Veracruz said during his electoral campaign, Yunes distinguished himself from his predecessors by actively seeking dialogue with them. According to one of them, Yunes "supports our cause ... he sits down with us to talk, and we felt greater sensitivity and levels of attention".<sup>146</sup> Two days after entering office, he also invited a number of victims' organisations' representatives to the local Congress, where he publicly recognised their struggle, handed them medals and reiterated his commitment that "this would not happen again, that those responsible will be sanctioned and that the disappeared will be found".<sup>147</sup>

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<sup>142</sup> Crisis Group interview, Alberto Olvera, Xalapa, 18 November 2016.

<sup>143</sup> "Tres créditos para rescate; gobierno estatal los adquirirá con bancos", *Diario Xalapa*, 20 December 2016. On 26 December 2016, Yunes asked the Veracruz Congress for 90 days to present an adjusted 2017 budget, which would cut the one passed under Duarte by \$930 million to about \$3 billion. "Gobernador Yunes buscará ajustar el presupuesto a la realidad de Veracruz", *El Financiero*, 26 December 2016.

<sup>144</sup> Crisis Group interview, Alberto Olvera, Xalapa, 18 November 2016.

<sup>145</sup> "Los Yunes: una cola tan larga como la de Duarte", *Proceso*, 10 November 2016.

<sup>146</sup> Crisis Group interview, Veracruz, October 2016.

<sup>147</sup> "Reciben 12 Ong medalla Adolfo Ruiz Cortines en Veracruz", *La Jornada*, 3 December 2016.

The creation on 25 November 2016 of Veracruz's Truth Commission, which is composed of a delegate of each party represented in the local Congress, marks a first step to transform these promises into action. The commission's head Gamboa Torres said that "we will try to reveal all those cases that have been happening for years and that the state has ... hidden". Given that it does not have proper funding and staff, but depends on contributions from its members, Gamboa described its role as a nagging voice toward the executive and state attorney's office. Victims, she said, will be "given copies of all requests made to the state attorney's office, and of its responses, and be part of all decisions made". This right, she added, would be formalised through legislation to be passed "soon".<sup>148</sup>

Human rights organisations and a representative of the Catholic Church involved in the search for Veracruz's disappeared have argued that the creation of the Truth Commission was approved by Congress without prior consultation of civil society. Volga de Pina said victims' organisations might embrace the idea of a Truth Commission without fully realising that, in its current shape, it might not produce the desired results. She said that if it is not combined with concerted action by the executive as well as the judiciary, the body might be used merely as "a publicity tool", which would exacerbate frustration, radicalise civil society actors and worsen public distrust of state institutions.<sup>149</sup> Academic observers in Veracruz underlined the body's potential, but added that, if not equipped with the proper powers, it risks degenerating into an "excuse for the state not to do its job".<sup>150</sup>

### C. State Attorney's Office

As it stands, victims' or other civil society organisations do not have chartered rights to steer the actions of the Truth Commission. Nor does the commission itself have rights to initiate criminal proceedings via the state attorney's office. Its success in prosecuting those responsible for serious crimes in Veracruz hinges on the latter. While some family members of the disappeared have voiced complaints that the current state attorney, Jorge Winckler Ortiz, has only received members of victims' organisations, he insists that he has shown an openness and willingness for dialogue comparable to Yunes'.<sup>151</sup> However, an official close to Winckler said "the governor's absolute priority to arrest Duarte" would be reflected in the state attorney's office's priorities, and that victims' pressure to make prosecutions are being received with "incomprehension ... since the vast majority of [the disappeared] were involved [in organised crime]".<sup>152</sup> The statement serves as a reminder that the state attorney's office could remain a tool of political reprisal.

The prospect of the state attorney's office becoming the principal investigator of the fate of Veracruz's disappeared and strengthen the rule of law in general will

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<sup>148</sup> Crisis Group interview, Xalapa, 20 December 2016.

<sup>149</sup> Crisis Group interview, Mexico City, 11 November 2016.

<sup>150</sup> Crisis Group interview, Alberto Olvera, Xalapa, 18 November 2016.

<sup>151</sup> "Se quejan familiares de desaparecidos de que Jorge Winckler no los recibe", *Formato Siete*, 19 December 2016. Only a fragment of disappeared persons' family members have joined victims' organisations. Crisis Group interviews, Veracruz, October, November 2016.

<sup>152</sup> Crisis Group interview, December 2016.



depend in large part on the extent to which the institution can be purged of its corrupt and criminally complicit officials. Romero Abrego, Winckler's personal secretary, said that "thousands of case files" would be reviewed to detect wrongdoings by judicial officials. He added that suspected perpetrators would be dismissed, but he could not specify whether and to what degree proceedings would also be brought against suspected criminal collaborators.<sup>153</sup>

The degree and persistence of the state attorney's office's infiltration presents Winckler with a dilemma. To guide it toward legality and to prevent in the short term the leakage of privileged information and destruction of evidence through continued access to case files, an in-depth institutional clean-up and investment in professionalisation appear indispensable. But an ad hoc purge would send a dangerous message by seeking to combat illegality with arbitrary decision-making.

Tracing the fate of the disappeared and cleaning up the prosecution service entail years of efforts, and risks bringing the state attorney's office close to paralysis, at least in the short term. That the latter can, under these circumstances, tackle its backlog of thousands of cases and simultaneously investigate and prosecute corruption in other institutions such as the SSP, is highly questionable. To make the search for Veracruz's disappeared a priority, it will have to bridge institutional boundaries and find ways to make up for its lack of expertise and resources. Thoroughly vetted and well-trained officials could be teamed with civil society organisations, which have built up expertise in the search for disappeared persons and gathered intelligence on alleged perpetrators, to form a joint task force. This body would work in cooperation with and give teeth to a Truth Commission that should be equipped with decision-making and oversight powers at a par with the state attorney. In turn, the commission should grant an equally strong role to civil society actors in its internal deliberations.

Such an exercise can succeed only if it counts on federal political, financial and technical support and through the secondment of qualified officials, particularly from the ranks of the PGR as well as the Federal Police. These efforts should also be harmonised with those of the federal government's Executive Commission for Victims' Attention (*Comisión de Atención a Víctimas*, CEAV), which has created an emergency fund to provide material support for victims in Veracruz. Revoking the recent cuts to the budget of the Specialised State Attorney's Office for the Search of Disappeared Persons, a sub-division of the PGR, is essential, as is cooperation in identifying the part played by federal officials in disappearances and in collaborating with efforts to trace the misuse of federal funds.<sup>154</sup> Recent federal and state judicial innovations, including the National Anti-Corruption System, should prove their autonomy and new national structures do not only exist on paper, and actively exercise their jurisdiction over organised crime-related cases.

Given Veracruz's plight, Governor Yunes Linares should ask for support from international institutions. Requests should be directed, among others, to the Inter-American Commission on Human Rights, whose Interdisciplinary Group of Independent Experts could expand its activities to Veracruz; the OAS, whose Mission to

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<sup>153</sup> Crisis Group interview, Xalapa, 21 December 2016.

<sup>154</sup> "Con 15,647 nuevos desaparecidos en 4 años, la PGR recorta casi 2 millones a la búsqueda en 2017", *Sin Embargo*, 23 December 2016.

Support the Fight against Corruption and Impunity in Honduras (MACCIH) has produced positive results in similarly challenging circumstances; and the UN, which collaborated with the Guatemalan government in setting up the International Commission against Impunity in Guatemala (CICIG). Prosecutorial as well as forensic support, both for state and civil society actors, are direly needed.

Failure of either the federal executive or the PGR to lend support to Veracruz should be met with pressure by the international community, and direct cooperation with Veracruz's government and civil society. The international community should emphasise, through diplomatic and business relations, the need to foster the rule of law in Mexico for the sake of long-term stability. International bodies and NGOs should consider channelling technical and financial assistance directly to local civil society actors to lower bureaucratic barriers and costs, and reduce the risk of funds being diverted and aid politicised. In parallel, they should invest in capacity building of key Mexican institutions, particularly the PGR, to support the search, excavation, and identification of bodies from clandestine burial sites.

## V. Conclusion

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As efforts to prosecute the emblematic figureheads of Veracruz's criminalised state apparatus forge ahead, it is crucial to remember that the state's atrocities are no anomaly in Mexico. The recent history of Veracruz, the gruesome details of which are starting to emerge, underlines the crisis not of one state administration but of the Mexican political system as a whole, where a well-intended democratic transition has fallen short of expectations and become corroded by organised crime. The ease with which political power-holders have been able to pursue criminal ambitions points to structural weaknesses in the democratic system. Shielding Veracruz's institutions against future illicit infiltration requires sustained and coordinated efforts by state and federal authorities, as well as nationwide reforms addressing impunity, corruption, and judicial failings. Quick progress cannot be expected, let alone by a single state government. But the Yunes administration enjoys a formidable opportunity to set a precedent for tackling the blight of political corruption and impunity across Mexico.

The creation of a Truth Commission marks an important albeit imperfect first step to address state involvement in crimes against humanity such as forced disappearances, and to begin reconstructing citizens' shattered trust in public authorities. Involving victims' organisations in this effort as equal partners, and not just a sporadic nuisance, could turn incipient civil society organisations into a counterweight to unchecked state-level political power. The full and impartial investigation of state-criminal networks by Veracruz's state attorney's office could establish the bases on which to protect institutions and political forces from recidivist illicit networks. Commitment to transparent state administration should be extended to collaboration with and protection of media professionals, whose vulnerability to targeted violence is notorious.

Proactive support by the federal government should prioritise public well-being over political and electoral expediency. Steps toward judicial independence, effective financial oversight and the resolution of crimes against humanity hinge on support and commitment from the federal level. The international community should exercise pressure on political leaders to address democratic and judicial deficits, and collaborate with civil society. A new approach driven by the pursuit of more open, effective and collaborative governance is more crucial than ever as the country seeks to navigate the quandaries posed by an "America First" U.S. administration and the intimidating presence of criminal groups on its soil.

**Mexico City/Bogotá/Brussels, 28 February 2017**

Appendix A: Map of Mexico



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Appendix B: Map of Veracruz

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## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown. Its Vice Chair is Ayo Obe, a Legal Practitioner, Columnist and TV Presenter in Nigeria.

Crisis Group's President & CEO, Jean-Marie Guéhenno, served as the UN Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013. Crisis Group's international headquarters is in Brussels, and the organisation has offices in nine other locations: Bishkek, Bogota, Dakar, Islamabad, Istanbul, Nairobi, London, New York, and Washington DC. It also has staff representation in the following locations: Bangkok, Beijing, Beirut, Caracas, Delhi, Dubai, Gaza City, Guatemala City, Jerusalem, Johannesburg, Kabul, Kiev, Mexico City, Rabat, Sydney, Tunis, and Yangon.

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**February 2017**

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**Appendix D: Reports and Briefings on Latin America since 2014**

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**Special Reports**

*Exploiting Disorder: al-Qaeda and the Islamic State*, Special Report N°1, 14 March 2016 (also available in Arabic).

*Seizing the Moment: From Early Warning to Early Action*, Special Report N°2, 22 June 2016.

*Watch List 2017*, Special Report N°3, 24 February 2017.

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*Venezuela: Tough Talking*, Latin America Report N°59, 16 December 2016 (also available in Spanish).

*In the Shadow of "No": Peace after Colombia's Plebiscite*, Latin America Report N°60, 31 January 2017 (also available in Spanish).

*Left in the Cold? The ELN and Colombia's Peace Talks*, Latin America Report N°51, 26 February 2014 (also available in Spanish).

*Venezuela: Tipping Point*, Latin America Briefing N°30, 21 May 2014 (also available in Spanish).

*Corridor of Violence: The Guatemala-Honduras Border*, Latin America Report N°52, 4 June 2014 (also available in Spanish).

*Venezuela: Dangerous Inertia*, Latin America Briefing N°31, 23 September 2014 (also available in Spanish).

*The Day after Tomorrow: Colombia's FARC and the End of the Conflict*, Latin America Report N°53, 11 December 2014 (also available in Spanish).

*Back from the Brink: Saving Ciudad Juárez*, Latin America Report N°54, 25 February 2015 (also available in Spanish).

*On Thinner Ice: The Final Phase of Colombia's Peace Talks*, Latin America Briefing N°32, 2 July 2015 (also available in Spanish).

*Venezuela: Unnatural Disaster*, Latin America Briefing N°33, 30 July 2015 (also available in Spanish).

*Disappeared: Justice Denied in Mexico's Guerrero State*, Latin America Report N°55, 23 October 2015 (also available in Spanish).

*The End of Hegemony: What Next for Venezuela?*, Latin America Briefing N°34, 21 December 2015 (also available in Spanish).

*Crutch to Catalyst? The International Commission Against Impunity in Guatemala*, Latin America Report N°56, 29 January 2016 (also available in Spanish).

*Venezuela: Edge of the Precipice*, Latin America Briefing N°35, 23 June 2016 (also available in Spanish).

*Easy Prey: Criminal Violence and Central American Migration*, Latin America Report N°57, 28 July 2016 (also available in Spanish).

*Colombia's Final Steps to the End of War*, Latin America Report N°58, 7 September 2016 (also available in Spanish).

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