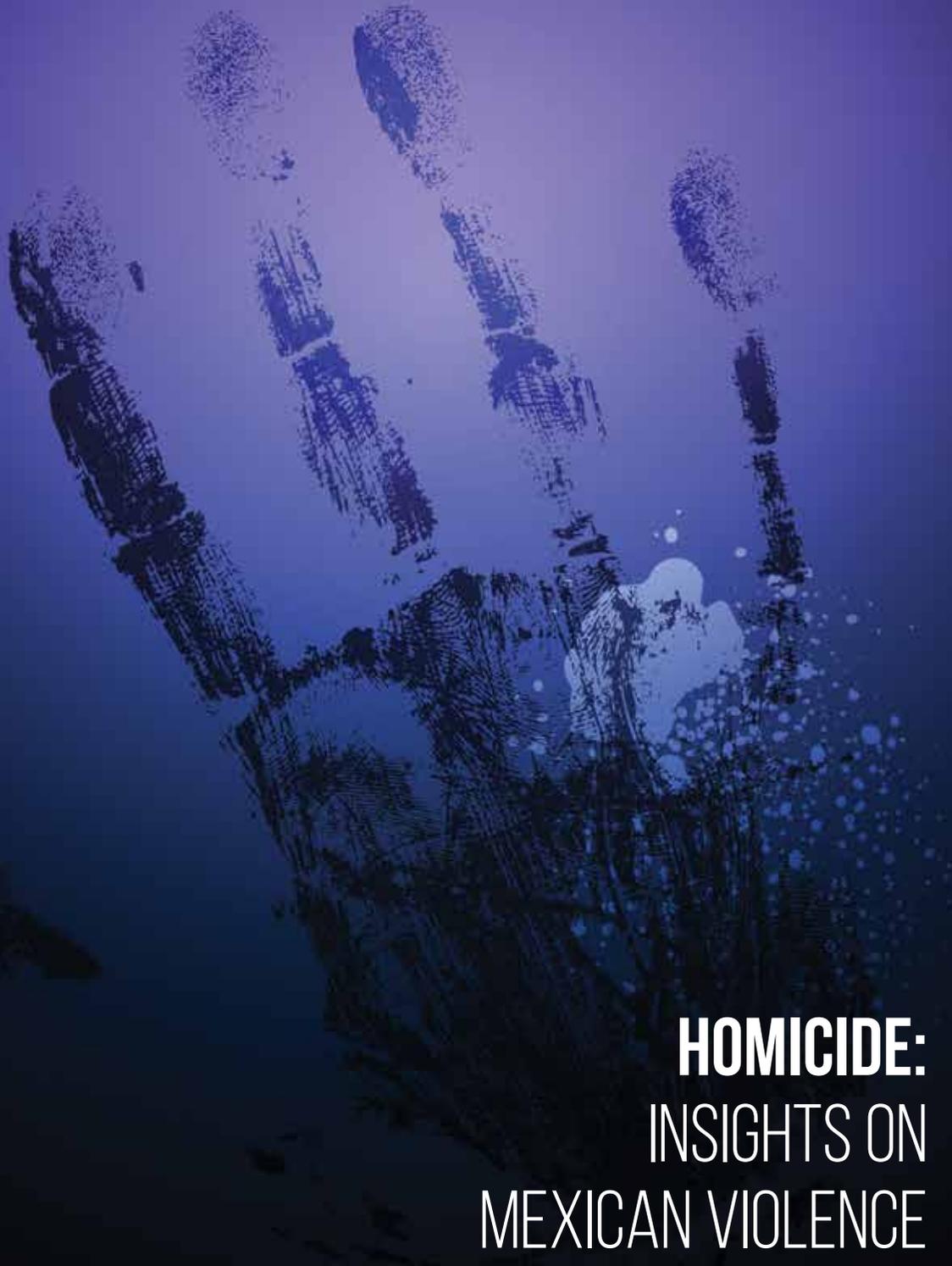




**OBSERVATORIO  
NACIONAL  
CIUDADANO**  
SEGURIDAD, JUSTICIA Y LEGALIDAD<sup>MR</sup>



**HOMICIDE:**  
INSIGHTS ON  
MEXICAN VIOLENCE



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**HOMICIDE:**  
INSIGHTS ON  
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# PRESENTATION

**FOR MORE THAN TWO DECADES**, the world has been referring to Mexico as a violent country. The great numbers of confrontations between the State and the drug cartels and among each other have left historic statistics: more than 100,000 deaths in 10 years, record numbers in homicides in states like Baja California, Chihuahua and Guerrero, international protests due to feminicides and a reduction in life expectancy due to this same fact.

A great number of materials have been written on homicides and its effects on Mexico. Mexican authorities sustain time after time that crime rates are on the decline, that they have levelled and that the best data is now available. Complacently, it seems that those who insist in improved statistical data, forget that less crime rates do not necessarily mean an improved quality of life or that the problem has been resolved. This is not solely due to the fact that official homicide rates represent only a part of homicides carried out in the country, but because there exists an underreporting of crimes as a result of institutional weaknesses, poor operational performance by prosecutorial personnel and a clear write-off of forced and involuntary disappearances and the possible link of these crimes with the discovery of multiple clandestine mass graves.

During the last 18 years, murder rates according to official data presented has been irregular: between 1997 and 2006 rates registered a sustained decrease and then a sharp rise in 2007 reaching a peak in 2011. Since then and until 2014, murder rates have begun a slight decrease, falling from 25 murders per 100 thousand inhabitants to only 16.

Nevertheless, these results although encouraging, must be further analyzed with close scrutiny if the overall goal is to improve life conditions for the population, strengthen access to justice and human rights and reduce crime-related violence.

Therefore, government authorities in Mexico must focus on analyzing homicides on how these affect society by classifying violence in its different categories and not merely based on legal definitions; they must also address crime locally and must understand homicides from its relation to other types of crime and respond to these using standardized methods.

If we are to understand violence by murder alone it becomes a sterile exercise if we do not include in the equation all homicides that are the result of other type of crimes such as murder after a kidnapping, a robbery, an extortion or rape.

Legal categories that lead to a judicial process and under which crime motives are based on do not necessarily help to understand the magnitude of day-to-day violence; violence experienced by those of us who are out on the streets and are target of crime. It seems ludicrous to categorize under a plain and simple category of homicide, regardless if this was a result of a car accident or as a result of a gun shooting due to resistance to a street assault. It seems unfair to the victim and is useless to government authorities if there exists a real interest in preventing future events and bringing justice to victims.

It also seems to show a lack of respect to society that a homicide committed as a result of a kidnapping is simply recorded as a mere death due to an illegal detention resulting from not paying a ransom and not recorded as the murder of a person. A lack of respect is also committed when these murders are not properly reflected in faulty statistics and that government authorities, incapable of providing security to its citizens are out saying how well security conditions are in place.

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In this same vein, an aggregate decrease in homicides must not distract the attention nor minimize Mexican states' situation where homicides rates are sustainably high, on the rise and where policies do not seem to combat crime.

Additionally, given the current national context, the apparent decrease in homicides should not distance itself from the forced and involuntary disappearances phenomenon, or the discovery of mass graves in Mexico, especially given the important institutional deficiencies and lack of crime investigations and crime collecting skills. This is of fundamental importance if we are to take into consideration the sheer amount of clandestine mass graves in Mexico and the number of victims lying therein awaiting justice.

Under these circumstances, the main challenge is combating the problem not by simulating legal reforms or grandiose statements from government authorities, but by all political actors recognizing responsibility. Evidence of this is the lack of operational protocols in almost half of the country regarding the murder of women or that forensic protocols are only being implemented in 6 Mexican states despite the national agreements reached in 2012; or the lack of specific government action geared towards protecting journalists, among other issues.

Due to each of the different aforementioned issues, the Homicide: A View to Violence in Mexico study, carried out by the ONC, should serve as an important input to understand what has been occurring in the last years, not only through the analysis of the incidence of homicides but also under the light of its relation with other crimes and the multiple social costs. We should recognize that any crime is not merely an event, but it carries with it a series of psychosocial, political and economic consequences that should not be ignored. How can we ignore the amount of orphaned children left as a result? How can we ignore the decrease in life expectancy of Mexicans as a result?

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In summary, an objective evaluation of implemented actions and public policies is required in order to evaluate its effectiveness in human security in Mexico. This will lead us to design and implement new public policies focused on homicides in general based on quantitative and qualitative classifications of the crime and the criminal dynamics surrounding it. We need to develop and implement the necessary policies in order to attend the costs of homicides from a holistic perspective focusing on gender and human rights.

When designing and evaluation the results of the referred policies geared towards reducing homicides, potential links between kidnappings and forced or involuntary disappearances must be factored in, but above anything else, a true commitment among law enforcement and justice administration stakeholders that transcends a mere photo-op and one that truly impacts the dire situation. A perspective on crime in Mexico from a homicide-only perspective provides us only but with a one-sided view of the situation and in order to face it head-on, fundamental actions must be taken. These actions necessarily have to consider not only the effects but also the root causes that lead the OECD to rank Mexico in the last position in overall security rankings.

**FRANCISCO RIVAS**  
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## SPECIAL THANKS

Friedrich Naumann  
STIFTUNG **FÜR DIE FREIHEIT**

*We wish to recognize and express our appreciation to the Friedrich Naumann Foundation for Freedom (FN), to its Regional Director, Birgitt Lamm and her team who have accompanied the efforts carried out by the National Citizen Observatory for Security, Justice and Lawfulness (ONC) in pursuing the strengthening of the rule of law in Mexico and the world.*

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*FN and the ONC will surely continue searching for the respect of rights and freedom of individuals and of society as a whole.*

**FRANCISCO RIVAS**  
Director General

# INTRODUCTION

**AT THE ONC,** we are conscious of the multiple consequences generated by traditional and organized crime, the insecurity climate and chronic impunity that affects the country's citizens. In light of this, it is important that the phenomenon's analysis be very rigorous, balanced and focused. For this reason, we are convinced that this paper will aid to understand in detail the evolution, dimensions and the reach of homicides in Mexico. This document will provide all decision makers in Mexico, with the appropriate elements that will generate strategies to alleviate the direct and indirect consequences of this crime.

The goal of this research is to describe the evolution of homicide as a social and public security problem from a qualitative and quantitative perspective that provides the reader with a wide, precise and very enriching context. Consequently, the reaches of this paper requires a solid conceptual base taken from disciplines such as law, economics and sociology, a holistic view of kidnappings in Latina America as well as some knowledge of its economic consequences. Additionally, what differentiates this document from similar ones is the use of proposed analytical categories from the United Nations Office against Drugs and Crime (ONUDD) that distinguishes 3 main categories of intentional homicide.

The content of this document is structured in six parts: the first chapter describes the consequences, categories and the legal framework of homicide; the second chapter presents specific data of the crime on the national, state and municipal levels; the third chapter presents information on homicides linked to criminal activities as well as those taken place under a kidnapping or robbery scenario and those committed in a correctional center setting; in the fourth chapter, the problem is approached from specific sociopolitical kinds of homicides such as murders against women or journalists; the fifth chapter analyzes the discovery of clandestine mass graves and the forensic capacity of law enforcement institutions; and finally, the sixth chapter sets out to measure the non-monetary costs associated with homicide during 2003 and 2013.

The relevance of this study is based on the fact that this specific type of crime reached its historic peak in 2011 and its tapering off according to information

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provided by police reports provided by Mexican state governments to SESNSP. This context provides us with important results as to develop a diagnostic of current conditions and the most important challenges ahead. It is important to note that given the nature of official statistical data, it is not possible to distinguish with absolute clarity the behavior of homicide specific to each type of category and therefore, it is difficult to produce a more accurate approximation.

This study, "Homicide: A View of Violence in Mexico", carried out by the National Citizen Observatory on Security, Justice and Lawfulness (ONC) provides a solid theoretical framework based on quantitative and qualitative evidence and sets out to understand the complexity and evolution of the homicide in Mexico. It not only provides an analysis of its incidence and its possible link with other types of crime, but also provides the reader with an approximation of the social costs involved.

This last element is of the utmost importance since the homicide problem is not solved by a mere decrease in its prevalence, but other issues must be taken into account such as a decrease in life expectancy, social capital, a loss of quality of life, forced displacement of people as well as its repercussions on regional economic growth. The ONC uses an innovative methodology to identify, quantify and monetize the social costs associated solely with the effects of death rates in Mexico on the national and state levels.

Just as an example of this phenomenon, life expectancy in the states of Chihuahua, Guerrero, Sinaloa, Durango, Baja California, Nayarit, Morelos, Michoacán, Oaxaca, Tamaulipas, Colima and Sonora from 2003 to 2013, registered a decrease in months higher than the national average. Notably, Chihuahua, Guerrero and Sinaloa registered a decrease of one year which is 2.5 to 4 times greater than the national rate.

These findings not only leads us to confirm that homicide is an unresolved security problem but that there is much work to do in order to stem and provide incentives to reduce it. These analytical studies carried out by civil society organizations in Mexico are a fundamental tool for the development of comprehensive public policies aimed at this phenomenon.

## EVOLUTION AND HISTORICAL BEHAVIOR OF HOMICIDES.

Homicide has been identified as one of the main problems affecting society in distinct moments in Mexico. A sample of this are the different murder rates registered during the past decades. However, despite the rates recorded in the past, it is undeniable that since 2006, we have experienced both as witnesses and victims a spike in rates and in the violence involved during their commission.

A prime example of this occurred in Uruapan, Michoacán, in September 2006 when several persons were beheaded and their heads were thrown into a bar according to several journalistic sources. This was the beginning of these kinds of scenes and became frequent in several parts of the country.

This situation became even more complex starting in December 2006 when former President Felipe Calderon implemented the National Security Strategy (NSS) that involved a series of operatives carried out by the Federal Forces against organized crime. Also, this was the beginning of the diversification of criminal activities of these crime organizations and implicated a transformation of the organizations' nature.

Derived from this situation, this chapter intends to present a qualitative description and analysis of this crime's evolution. Likewise, we intend to analyze the historic behavior of police reports statistics that began to be recorded as both intentional and accidental homicides between 1997 and 2014 in the three levels of government, national, state and municipal according to information presented by the Executive Secretariat of the National Public Security System (SESNSP).

### 1. What do are interviewees say about homicide?

Mexico has been characterized as a violent country according to statistics from the past decades. However, a distinction should be made on the differences in the nature of murders during the 80's and 90's compared to those carried out today.

*"Mexico has always been a country that has sought solution to its problems through violence if we analyze the death rates derived from homicides during the 80's and 90's and it would surprise us very much when we see that these rates are very similar to what we have today. What was the difference? The difference is that the crimes back then involved land disputes, community differences, and problems among people and therefore, these stories did not make the front lines. Today, most of homicides carried out are actually due to organized crime and as such, the spotlight puts these under a larger scrutiny and takes center stage.*

**Government official**

Although we have sought solving our problems through homicide in the past, we cannot ignore that recently several factors have arisen that have led to a rise in murders in Mexico. These factors include the easy availability of fire arms, drugs, life or death situations and the cost of living. Also, the perpetrators committing these crimes are younger and younger and are convinced that in order to reach a certain hierarchy or recognition in society, the acquisition of riches is the only way to achieve it and therefore a moral dilemma has also been brought to the front. Experience tells us that the more violent the crime, the more profitable and efficient the crime is in order to acquire consumer goods with the least effort and with the least amount of time. Otherwise, it would be much more complicated or practically impossible.

Homicide has also become a mode of messaging targeted not only to other rival criminal groups, but also to government authorities and the community in general in a certain region. Therefore, the increasingly nature of crime has become a sort of novel communication strategy among criminal groups.

*"Homicide as a messaging strategy. We can extrapolate this crime to what is actually done to the corpses once the murder has been performed.... we are not simply experiencing a mere bullet to the head or heart or a simple murder with a knife or ax. We are actually observing a sort of butchery, horrid things that are done to the bodies, such as cutting off fingers, tongue, placing a pig's head on the human head or trepanation of the skull and extracting the brain out. Adriana Cavarero describes these acts as "horrorism". She states that death is the ultimate and unavoidable end for each person but this is not the way to go.*

**Specialist**

*In prior times, one would say "Oh, such or such person received the coup de grace or final blow to the head", but now we see the cutting off of fingers, arms, torture and the evermore increase in the levels of violence. Therefore, murder does not impact society as murder per se, but in how it was carried out. Once you see the levels of violence during the act, then you can identify the murder as that carried out by organized crime. Additionally, others will tend to copy the murders with the hopes of raising the bar and adding to the competition.*

**Former government official**

Regardless of who the perpetrators are, it's a fact that murders have become an instrumental in messaging and a facilitator mode of increasing economic or territorial profits. In this sense, a former government official states that homicide has not really evolved but is more a change in mentality. As an example, he mentions that murder used to be a mere deprivation of life but now it has become a fundamental element in organized crime's strategies involving extortion. Also, the imitations of such crimes have become a means of extracting evermore increasing profits.

Who are the victims of these kinds of crimes? Although we cannot mention nor identify a specific profile of victims, it is a fact that the tendency seems to involve you men between the age of 15 and 29 as we can clearly see in Ciudad Juarez, Chihuahua.

*For example, el Ivancito, el Banda, el Lagrima, el Sonrics, etc, all began to behead their victims since the early age of 12. What is the common factor that has these boys in jail today? They all come from poverty-stricken homes and Beccaria reappears in this situation again; non-existent family ties due to internal family quarrels, an absent church who should work in this area and of course social control institutions such as marriage and family. When I was a kid and I had a problem with another kid, we would just punch it out and end of story. Today, kids bring with them guns, rifles, Kalashnikovs and AK-47's. This will only get worse due to poorly-designed criminal policies and blatant indifference by government authorities.*

### Specialist

Mexico's homicide problems bring in all these intrinsic factors mentioned by the specialist and include: a lack of access to quality education, a job, health services, and to dignified shelter. In other words, a lack of fundamental rights and guarantees and an easy access to fire arms. A lack of legal job opportunities translates to easy, quick, efficient and very profitable means of income such as homicide. This we touched upon in the prior paragraphs. This situation creates incentives for young men to become hit men, a phenomenon that we have seen in different regions in Mexico.

In Ciudad Juarez alone, hit men receive a monthly salary pf 6,000 pesos and free drugs, whether they murder 1 or 10 persons, and is triple the amount of what they would make in a factory or maquiladora. Moreover, as an extra benefit, there is complete impunity of the crime.

*"There are several incentives that promote young men to pursue this criminal activity. Before, we would tell these kids that if you study and work hard your social and economic advancement would be*

*guaranteed. This no longer exists. Today, violence and the capacity to carry out criminal activities now provide status. Also, the pursuit of consumer goods has also become a huge incentive for young men."*

### Specialist

The rising role of young men who become both victims and murderers represent one of the most alarming phenomena in our country. Most importantly because this has become a process of social phenomenon that has not necessarily concluded since it has not been dealt with appropriately nor resolved in a holistic way. In order to illustrate this, we should provide a brief summary of the different actions that have been implemented and refer to emblematic situations occurred at the end of 2006 when homicide patterns in Mexico began to change.

The NSS began operating at the end of December 2006 by the Federal Forces in Michoacán. President Calderon administration's reason for this deployment was the diversification of criminal activities of organized crime organizations that increased public insecurity.

Calderon government officials informed the public that the strategy had five main components: containment and weakening of criminal organizations, an increase in the State's capacity to prevent and penalize crimes, institutional transformation, reconstruction of the social fabric and finally, shared responsibility and international cooperation. However, the joint special operatives carried out by the Federal Forces was the most publicized and evident activity.

In light of the aforementioned, increased expectations by society to see criminal activity decrease was largely exaggerated. Contrary to the government's objectives, criminal activity saw a spike in extortion, kidnapping, robbery and homicide. Due to this significant increase in violence and victims, the government began to track crime statistics in an orderly fashion. This led to an increase in the numbers of murders and violence carried out not only by organized crime groups, but also by gangs, ordinary citizens and even by government authorities.

The government's argument for such a spike in homicide and violence rates was that these were only collateral damage or that the victims were in some way related to organized crime. As a result of the public's concern and outrage, on January 11, 2011 and under the framework of the Security Dialogues implemented by the government, the Organized Crime-Related Database that due to public criticism its name was changed to Alleged Crime Rivalry-Caused Deaths Database. This data platform began to provide statistics on deaths due executions, clashes, and direct aggression among other causes.

*"Felipe Calderon's government through its social communications strategy, insistently tried to convince us that 90% of all deaths were all related to organized crime vendettas and that all those involved where indeed members of organized crime as if this what these persons deserved and as if government had no responsibility in its occurrence since it was the government who had actually created this hostile situation. The government was responsible, society decried, of not creating alternative livelihoods for the young. Today, we are now taking note that all those murders were not actually related to crime and that it was a mere simulation. However, that is another story."*

### Specialist

As Azaola (2012) stated, "the violence that we can attest to today is no a product of criminal groups' activities, but also, part of the problem can be attributable to the institutions and government policies that have attempted to contain it". Spreading blame only to the criminal actors may be simplifying the security problem. As an example is the murders occurred in Villas de Salvatcar where the reasons behind this horrendous act were not precisely what the government had argued.

As all the specialists have consistently stated, the availability of guns and fire arms is a factor that cannot be underestimated. A great part of homicides in Mexico have been carried out by fire arms according to official numbers published by the SESNSP. Today, homicide in Mexico is used as an instrument to settle not only crimes, but also to provoke fear among the public and rival groups and also as an effect of impunity, citizens' right to defend themselves and mistrust of government institutions.

## 2. Facts Derived from the Analysis of Crime Reports on the National, State and Municipal Levels.

This section analyzes the evolution of intentional and non-intentional homicides according to the official databases published by the SESNSP. This analysis is a description of the different patterns and characteristics of crime reports from 1997 to 2014. The importance of this exercise is to observe in an aggregate fashion, what the evolution of this crime has been throughout the years and to evaluate the effectiveness of security policies.

The following graph tries to represent the number of crime reports for both intentional and non-intentional homicide on a monthly basis and per government administration. Also, for each series, a tendency was extracted based on an econometric filter.

Between 1997 and 2008 crime reports for non-intentional homicide were greater than intentional and between 2009 and

2013 intentional homicide were greater than non-intentional. This pattern has reverted since 2014. This is attributable to the fact that intentional homicide has decreased considerably since 2011 while non-intentional homicides have increased only slightly between 2013 and 2014.

The period between 1997 and 2006 register a decrease in both types of homicide. An unusual number is the drastic increase in non-intentional homicides recorded at the end of 1998 while at the same time; we can appreciate a fall of intentional homicides. This record behavior can most possibly be caused by a change in how homicide data is recorded or an anomaly in the information itself. However, differences in both variables remain relatively constant which reflects stability in this specific crime.

The pattern observed in non-intentional homicide seems to not been affected by the spike in crime registered during Felipe Calderon's reign. In contrast, intentional homicide suffered a sharp spike beginning in 2007 and reaching its peak in 2011. From then on, this tendency began to fall. The levels of intentional homicide in 2014 are equal to those registered at the end of 2008 and 1998. This does not necessarily mean the security and violence conditions remained the same. Also, it is important to note the tendency of non-intentional homicide at the start of 2011 for it registers a slight increase which is confirmed in 2013.

Another notable characteristic in the numbers is the seasonality of the crime. In other words, there are specific months where crime tends to either increase or decrease. Historically, intentional homicide has increased during March, May, October and December and falls during January, February, April, June, September and November. Likewise, non-intentional homicide increases during March, May, October and December and falls during January, February, April, June and September.

In sum, the composition of intentional homicide police reports present 3 parts: 1997 to 2001, 2002 to 2008 and finally, 2009 to today. The first stage was characterized by a decreasing trend of crime reports. The change in composition seems to be attributable to a change in the registration parameters as we can see in the disaggregation of intentional and non-intentional homicide. The second stage distinguishes itself by an ever increasing rate of intentional homicide carried out by a fire arm. This number increases from 20% to 39% from 2002 to 2008. This pattern occurred during a period where intentional homicide was both falling and then spiking from 2002-2006 and 2007-2008 respectively. Finally, and in the third stage, the composition of homicide leans more towards intentional homicide with fire arms while at the same time a notable decrease in the line item category without any data and little noticeable changes UN homicides with the use of fire arms. However, regardless of the fall in homicides, there is no significant change in the composition of police reports.

## HOMICIDES LINKED TO CRIMINAL ACTIVITIES, ANOTHER APPROACH TO VIOLENCE

According to the different classifications described at the beginning of this study and that we explained would be used, this chapter seeks to set forth homicides linked to criminal activities, either related to organized or traditional crime. In order to do this, we sent various information requests to law enforcement agencies in order to identify the different features of these illicit activities. We considered pertinent to obtain all the possible information of data related to organized crime in order to account for the numbers from where federal authorities confirm a decrease in crime rates. Although the ONC set out to carry out an exercise in transparency, it was not possible to obtain the requested information from 2011 to 2014. Despite this fact, we will still consider the different features from which authorities refer to when linking homicides with organized crime.

“Three overall categories were established: firstly, the one that is most commonly known as a “levanton” (pick-up). Secondly, when a clash among rival gangs takes place and finally, the kind occurring within prison facilities among gangs or groups clearly identified as pertaining to criminal organizations. From this, let me describe the 16 characteristics belonging to what we call “pick-ups”. If we discover that that at least three of these sixteen are present on the body, we will classify this to be related to organized crime. What are these characteristics? Torture, bodily mutilations, tying tape around the wrists as handcuffs which pretends to send a “narco-message”.

*The second category refers to clashes among two rival gangs and requires at least the occurrence of three features. These are the use of fire arms solely reserved for the use of the military, the three identified above and clashes within a prison facility which seeks to establish or take control of the installations.*

### Government authority

As a result of this exercise in transparency and with the goal of analyzing the sub-types of homicide that could be linked to criminal activity, we set out to investigate specific cases of robbery and kidnapping that ultimately end in a homicide, as those that took place within a prison facility. In this context, there is little information available. Unfortunately, on occasions this is not only due to a weakness in statistical gathering but of the police investigation itself.

With respect to the sub-types of homicides that will be analyzed in this chapter, organized crime’s ultimate and final goal is not the murder itself, but it is only a component of the overall goal sought out such as the elimination of any witnesses or to diminish any possibility of arresting the perpetrators. Regardless of the level of difficulty to solve

these homicides, the ONC sustains the importance of researching these in order to establish a link. Should we continue to develop diagnostics that set out to identify the relationship between the different kinds of crime behaviors, it will be even more difficult to develop public policies with a specific focus depending on the type of crime.

## 1. Homicides as a result of kidnappings

In our study, “A Comprehensive Analysis of Kidnappings in Mexico, Understanding the Problem”, we referred to the available information as an existing area of opportunity with respect to this crime. The existing information relating to the particular characteristics of the victim or the kidnapping itself (payment of ransom, arrests) is very scarce. Thanks to the information provided by the National Commission on Kidnappings (CONASE) and to freedom of information requests, we were able to obtain information relating to deaths occurring as product of kidnappings.

We discovered that the main goal of most of these crimes was clearly a financial reward. The death of the victim is not the essential objective but a) a strategy used to decrease the possibility of an arrest, b) the ultimate recourse of the kidnapers. How are these acts recorded for statistical purposes when both, kidnapping and homicide occur? We at the ONC would mention that the answer is easy to state however, this is not the case due to the critical route that the crime report CIEISP format follows, principally that it is not of public access. Therefore, it unknown if these kind of cases are even considered or if there is a specific criterion that only takes into account the first crime that occurred. If, for example, the mere first crime is the one actually recorded, then we can confirm an under-recording of homicides. Unfortunately, this fact not only exposes crime recording criteria, but also those used during the investigations and the penalties issued for these kinds of crimes.

*“In the legal context, there are cases where the legislator links homicide with another type of crime. If such is the case where I read within the legal text that should a kidnapping take place and a death occurs as a consequence, this will be deemed as a crime linked to organized crime. In the case of kidnappings, article 11 of the Anti-Kidnapping Law as it is known for, a deprivation of freedom will penalize the perpetrator with 140 years in prison. In this case in particular, the legislator is implying that the crime would necessarily have led to the death of the victim.”*

Specialist



As we can observe in this specific homicide as result of a kidnapping, this crime is clearly considered under the General Law for the Prevention and Sanctioning of Crimes Related to Kidnappings, under the Regulation of Article 73, Fraction XXI of Mexico's Constitution. However, in many cases, the homicide is treated as non-intentional due to the fact that the ultimate goal of the crime was not the murder of the victim, but the mere deprivation of freedom. We interviewed several officials and this is what they had to say.

*"I believe it is difficult to establish a generic classification of the crime in these specific cases, particularly when a kidnapping occurs. In the majority of cases, the intention of the perpetrator is not the murder of the victim. It is only during the cases where the victim is able to recognize the kidnapper of when something goes wrong.... where we consider that the death of the victim should not necessarily be classified in on or the other crimes."*

#### **Government authority**

This classification of a homicide is highly questionable given the context where the government is constantly

stating that important strides are being made in the quality of crime statistical collection.

*"There are many cases where homicides are recorded as kidnappings and they are usually registered as "pick-ups" and this horrid term is commonly used in both homicides and kidnappings.*

#### **Expert**

From this statement, those crimes commonly called as "pick-ups" are also commonly recorded as kidnappings in the case where from a criminology-perspective; an explicit intent to deprive a person of his/her liberty is implied. From this mere example, it is evident that crime statistics are highly questionable since the final verdict on how to categorize the crime is made purely at the whim of law enforcement operators.

Mexico's crime statistics collection is highly lacking in accuracy after having discovered that many, if not all of homicides occurring as result of kidnappings are not even recorded as deaths but as a mere deprivation of freedom. Much work is required in the advancement of crime collection and training of the law enforcement community.

## OPEN MASS GRAVES: AN APPROXIMATION TO THE INSTITUTIONAL WEAKNESSES IN THE PURSUIT OF JUSTICE IN MEXICO

Taxco, La Barca, Cristobal Colon, San Fernando, Cadereyta, Tumbiscatio, Emiliano Zapata, Tinguindin, Cosamalopan, Tlamanalco, Zapopan, Apatzingan, El Fuerte, Iguala, Ahome, Praxedis G. Guerrero, Penjamo, Tijuana, Ciudad Juarez, Padilla, Anahuac, Coatzacoalcos and Saltillo are only but a number of municipalities where mass graves have been found in the last eight years. Javier Sicilia has declared that Mexico as a whole is "a huge mass grave". This could easily seem an exaggeration or appropriate to a state of war. However, this statement that seems to be certain has also been made by families of persons who have gone missing, human rights defenders and journalists.

At the ONC, we are very concerned of this reality and the mass grave issue has been in a way been relegated to the sidelines. Therefore, we have taken this issue to task from different perspectives as we have resorted for the opinions of experts, journalists and government authorities. Likewise, we have carried out an extensive study from journalistic and other sources such as the Infomex System in order to request information on the subject from both federal and state government agencies.

### 1. Historical context.

Mass graves have not always implied a negative connotation. During the Black Plague in Europe in the mid-14th century and through the works of Giovanni Boccaccio, mass graves were used since there was a lack of space for burials in cemeteries. Also, mass graves were resorted to in order to prevent the spread of diseases by way of bodily fluids from corpses that were left on streets or beside housing buildings. Likewise, during famines in China, Ukraine and Nigeria, government authorities allowed these mass burials by decree in order to prevent cannibalism.

These kinds of burials are also necessary during certain natural disasters. Such was the case of the Lisbon earthquake in 1755 that practically destroyed the whole city. Little was known of the death toll from this event until 2007 when a mass grave was discovered containing 3,000 bodies on the land of a Franciscan convent.

Mass graves have also been linked to wars and armed conflicts. Many bodies have been exhumed from mass graves product of the U.S. Civil War, the Spanish Civil War, the First and Second World Wars and from recent military conflicts such as the Vietnam War and the Guatemalan Civil War. In this context, the military have resorted to mass burials in order to bury their own but also to bury the opposite party and deny the enemy a proper burial according to its customs.

Clandestine burials have also been a common under authoritarian rule. Such is case of Irak under Saddam Hussein, in Cambodia under the Khmer Rouge rule and in Argentina between the years of 1968 and 1983 under military rule. The final goal of these clandestine burials was to cover up the murder of dissidents, guerrillas, activists, professors, union workers, etc. and also to hide any trace of human rights' violations and provide a distorted version of what really occurred.

Mexico also shares this historic trend during 1968 and 1983, a period also known as the Dirty War or in Spanish, "La Guerra Sucia". This period covered the administrations of many presidents such as Gustavo Diaz Ordaz (1964-1970), Luis Echeverria Alvarez (1970-1976) and Jose Lopez Portillo (1976-1982) and which also covered the period of the Cold War where many regimes opted to repress and eradicate any leftist, insurgent or revolutionary movements. Many of these accusations lay the blame on the military, paramilitaries and personnel of the former Federal Security Directorate (DFS). This former government agency was dissolved in 1985 and many of its former employees accused of assassinations, torture and enforced disappearances, were never processed in court. During the administration of President Miguel de la Madrid, the DFS would become the National Investigations and Security Directorate (DISEN) and further along the road, the Investigations and National Security Center (CISEN), which still exists till today.

During this period, the Mexican government, in light of the resurgence of armed groups, resorted to "dirty" methods such as: extrajudicial killings, torture, enforced disappearances, throwing persons to the sea from airplanes, also known as death flights and of course, included were mass burials in clandestine graves. Suspicions surround the State of Guerrero and notably, the city of Atoyac de Alvarez that concentrates a great part of the people who have gone missing during that period. A small fraction of these persons have been found being the discovery back in 2002 of Lucio Cabañas, founder of the Party of the Poor in Atoyac de Alvarez the exception to the rule.

However, it was only after the enforced disappearance in August 25, 1974 of Rosendo Radilla Pacheco where the Interamerican Court for Human Rights (CIDH) handed over a sentence ruling against the Mexican State for this crime. In 2001, Tita Radilla, daughter of Rosendo and Vice-President of the Mexican Association of Families of Victims of Disappearances and Victims of Human Rights Violations (AFADEM) filed a complaint against the Mexican State personal liberty violations, right to life, right to personal integrity, judicial guarantees and judicial protection en prejudice of Rosendo Radilla. Although the ruling took

close to 8 years to actually be handed-over, it is very clear with regard to the State's responsibility in its obligation to search for Radilla either dead or alive. Paragraph 336 states the following:

The State must, as a reparation of the right to the truth that all victims have, it shall continue to effectively continue its search and immediate location and/or of any remainings, either through a criminal investigation or any other appropriate and effective means. All required activities geared towards the whereabouts of Mr. Radilla Pacheco or recovery of his human remains shall be carried out in the presence of Mr. Radilla's family members, forensic experts and legal representatives. Moreover, in the event that his remains are found and recovered, these will be delivered to the family after appropriate DNA identification as soon as possible and without any cost to the affected party. The State must cover all funeral expenses according to the religious beliefs of the Radilla Martinez and in agreement with them.

After the CIDH's ruling, Mexican and foreign anthropologists have participated in various activities at the former Atoyac military post and other sites with the aim of finding the remains of not only Mr. Radilla, but also of hundreds –perhaps thousands- of persons who during the Dirty War. Different organizations and families hoped that with the launch of the Specialized Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP) during President Vicente Fox's administration, that the government would commence a process for the pursuit of "truth and justice". However, this was not the case for many homicides and extrajudicial killings have remained intact.

During the 90's, several media outlets began to use the term "narco-fosas" or in English something similar to a "narco-mass grave" when referring to clandestine mass graves found in Tijuana, Chihuahua, Ciudad Juarez, Durango and other regions historically tied to narco-trafficking. Such is the case of the 12 bodies found in a ranch compound in Juarez, Nuevo Leon, property of Juan Garcia Abrego in 1996 following his arrest.

An unprecedented joint PGR/FBI operative took place in 1999, several excavations around Ciudad Juarez were carried out in order to trace the remains of various FBI informants presumably murdered by the Amado Carrillo Fuentes criminal organization. Although the press warned of more than 200 bodies that could potentially be found in Rancho La Campana, only 6 bodies were exhumed and another three in the burrough known as "Granjas Santa Elena".

Also, during the Vicente Fox administration, another mass grave was discovered in Ciudad Juarez in the neighborhood complex known as Las Acequias back in 2004. Fernandez Mendez (2004) had this to say:

"The discovery of narco-mass graves in Ciudad Juarez only confirms the diagnostic carried out by the United Nations: all Mexican institutions were broken. Institutions have been corrupted by organized crime and thus, violence and the lack of any controls has become the norm. In Juarez, kidnappings, rape and murder of women, disappearances for men and women take place. Moreover, it appears that mass graves have been dug in the same gardens and patio areas of the investigative police.

The discovery of mass graves became more and more common during the administration of President Calderon and right after the National Security Strategy came into place, the discovery of these graves became more common. For example, several months after the launch of the Michoacán Joint Operative on January 5, 2007, a mass grave was found in Uruapan containing 9 bodies with signs of torture. Until 2010, states that had uncovered mass graves included Jalisco, the State of Mexico, Chihuahua, Aguascalientes, Coahuila, Guerrero and Tamaulipas. In 2010, 72 bodies of migrants were exhumed in Tamaulipas in a ranch called San Fernando. Eight months after and in the same municipality, at least 314 bodies were uncovered. However, several experts and locals have stated that many more bodies have yet to be exhumed but the government simply halted the search.

The situation is no less optimistic for President Peña Nieto's administration. The discovery of mass graves has multiplied and has put Mexico's institutions in grave doubt in dealing with this humanitarian tragedy. The enforced disappearance of the 43 students from Ayotzinapa carried out on September 26, 2014 and the investigations following this event and carried out by the PGR, Mexico's Attorney General's Office with joint support from the Argentinean Anthropology Forensics Team (EAFF), did prove at least in the State of Guerrero that burials using mass graves was a common practice of criminal organizations.

## 2. Forensic protocols

Cinco Manantiales de Coahuila is located in the municipality of Allende. This municipality received world fame for having been the place where one of the most serious massacres occurred. Non-official sources report that at least 300 persons were kidnapped, murdered and incinerated or dissolved in acid by the criminal group known as The Zetas as revenge for the stealing of 800 kilograms of cocaine (Osorno, 2014). During an unprecedented, both federal and state authorities kept this under secrecy for three years until several details of this event filtered-out in 2014. In response, Governor Ruben Moreira ordered a mass operation in the region. The media reports of many police deployed but very few forensic experts. UNIVISION televised video coverage during this police operation and portrayed several journalists walking on the scene of the crime and the search team using a large

excavator tractor used for the exhumation of bodies. After watching the video, the Coahuila United Forces for our Missing Association (FUUNDEC), it expressed its disapproval and pulled out of the working groups that had been in the works with the State Government of Coahuila. It argued that during the excavation process, appropriate protocols had not been followed and had led to an important loss of evidence.

Due to the alarming number of mass graves found in Mexico in general, FUUNDEC's demands are more relevant than ever and we at the ONC have committed to investigate what are the protocols being used by the state governments for investigative purposes. For this goal, we have requested said information from the 32 state attorney generals' offices.

In this respect, the disciplines used to carry out investigations in the Forensic Science field are, archeology, anthropology, medicine (pathology) and dentistry. However, for the location, excavation, exhumation and identification of human remains, other disciplines are also used such as criminology, chemistry, psychology, radiology, law, computing, ballistics, and genetics among others. Many of these follow procedural protocols and some are even regulated by international standards.

For these kind of events, such as natural disasters or accidents, the International Committee of the Red Cross (CICR) or Interpol, have both developed best practices manuals and appropriate protocols for the identification of victims. These involve, *The Management of Corpses during Disaster Situations: A Practical Guide for Response Teams* published in 2006 and *the Guide for the Identification of Victims during Catastrophes* published and constantly revised by Interpol. The CICR in 2003 also published the report called *Missing Persons and their Families* which recommends a dignified management of remains and psychological support to family members.

In Mexico, as part of the technical training that in 2001 the United Nations High Commissioner's Office carried out, the *Model Protocol for Forensic Investigations of Deaths Suspected to be Committed in Violation of Human Rights* with the purpose of:

Providing the forensic and criminal science professional a protocol model to use when given the opportunity to participate in investigation that could involve human rights' violations. This practical protocol provides the minimum-required steps needed to document and analyze corpses that are either fresh, decomposing or skeletons in order to determine any signs of torture or physical abuse. (Findebrider and Mendonca, 2001).

Said protocol takes advantage of the experience obtained by the Forensic Anthropology Group of Argentina and their involvement in several Latin American countries under authoritarian rule or acute violence. However, it is also

applicable to the Mexican case. Although no one in 2001 forethought that Mexico's violence would spiral in 2006 given the reconfiguration of criminal organizations and the launch of Calderon's National Security Strategy and which first symptom was a spike in the homicide rate. Additionally, criminal groups also began to use murder as a means of messaging. They would hang bodies from bridges either mutilated or beheaded or accompanied by a shroud with a written threat; usually with serious grammar errors. Moreover, adding fuel to the fire, organized crime groups (several with government authorities' collusion) found it necessary to hide their criminal acts using mass graves, crematoriums, or "kitchens" where corpses were dissolved in caustic soda and boiling water.

Although the PGR (Attorney General's Office) released Agreement A/002/10 that establishes the "guidelines that all public servants must observe in order to preserve and process in the scene of the crime all findings, discoveries, fingerprints or any other crime evidence", the reality is that these processes have not been standardized throughout the Mexican states.

Currently, only 6 states have implemented the Protocol for Forensic Identification Management adopted during the XXV Conference of Attorney Generals. This protocol was adopted in order to unify forensic services standards as well as to coordinate all investigators' activities during identification. Nine state attorney generals' offices responded to our questionnaire stating the lack of any specialized or specific protocols for tending to clandestine mass graves and inhumation practices.

As an example, the State of Mexico's Attorney General's Office responded "we do not develop nor generate any protocols" nor did it specify if it makes use of any protocol during investigations. This is of great worry. It is precisely the State of Mexico where Mariana Elizabeth Reyes disappeared on September 17, 2014 after leaving her home to get some photocopies. This took place in Tecamac. Carrion (2015), a journalist, reports that the police report remained empty for months until her family was notified that the authorities had found the remains in a plastic bag in the Rio de los Remedios River and had been identified through DNA. No explanation was provided as to how they were able to find the body and how they were able to identify it or was the family allowed to access her police file. In response to these actions, Mariana's family resorted to hire independent forensic specialists in order to corroborate conclusions. The state prosecutors' office in the beginning expressed reluctance in accepting this independent investigator and limited the family to only one option, access to the file or exhuming the body, but not both. The family is still awaiting DNA confirmation.

The State of Hidalgo's Attorney General mentioned that is has not developed nor has it implemented any protocols because no mass grave has been found in its state. According to freedom of information and transparency request, the

national paper *El Universal*, this is incorrect since PGR reports that from 2006 to 2013, 112 bodies have been found in that state.

A little after this information was published, Governor Francisco Olvera Ruiz stated that “personally, he did not have this registered (...) and that surely, these crimes were committed in another state” (Rueda, 2015). Regardless if the mass graves are discovered by Hidalgo authorities or not, the authorities should always act professionally, ethically and according to international standards. In response, the Hidalgo State Attorney General responded that in the event that they were to find mass graves, it would use the Minnesota Protocol. As we have already mentioned, this protocol is geared toward preventing and investigating extrajudicial killings.

Another interesting case is that of Baja California where forensic investigations services stated that at the moment it was developing the necessary procedures to certify laboratories, and thus, they did not have any specific protocols. Irrespective of not having protocols, they do confirm the existence of specialized personnel with knowledge and understanding of preservation and processing at the scene of the crime or even, specialization in forensic anthropology. In a state where in 2009 several “kitchens” or processing centers where hundreds of bodies were dissolved in caustic soda, it is simply unacceptable not to have in place the highest forensic standards. Trained personnel are simply not enough.

The fact that several prosecutors’ offices simply responded as not having any protocols for search, location, excavation, exhumation and identification of human remains in clandestine mass graves is not possible. An expert interviewed by the ONC confirms that this lack of protocols is impossible not to have. Despite these responses to our queries, it is perhaps possible that the persons charged with responding our questionnaires simply did not know what these protocols referred to.

In relation to the states that did not respond to our questionnaires (Baja California Sur, Chihuahua, Coahuila, Colima, Jalisco, Nayarit, Nuevo Leon and Zacatecas), we firmly urge them to reveal to the public at large for the sake of transparency, the methods and/or protocols used during the search of bodies. This is especially important for states such as Chihuahua, Coahuila, Nuevo Leon and Jalisco where dozens of mass graves have been discovered during the last years and the victims’ family members expect that the search for their loved ones will be carried out with the use of the best protocols and most capable people.

### 3. Located clandestine mass graves, an exercise in transparency

As we mentioned in the beginning of this study, the crisis in forced and involuntary disappearances as well as the

discovery of clandestine graves cannot and must not separate itself from the homicide phenomenon and much less so from its alleged decrease. This is of great relevance if we are to consider the great institutional weaknesses in our law enforcement agencies as well the sheer lack of protocols.

*“A 70-year old man is murdered as well as a 3-month old toddler, a hit man belonging to the Templarios. This is a family whose remains were not left out in the open but were discovered as a matter of a message....they were buried clandestinely and were found by mere chance.”*

#### Specialist

The fact that bodies are discovered my mere chance and not by a formal search and find process is of great concern to the ONC and society in general. This only proves that organized crime groups are not only murdering people, but they are also resorting to clandestine burials, persons that most probably would have otherwise been reported as missing.

*“You hear stories when you personally know journalists or locals who tell you stories of how in Michoacán’s zona caliente, Guerrero, Tamaulipas or Durango, clashes occur with many, many deaths where each group collects their own and buries them clandestinely and death certificates are ever issued and hence, no statistics ever recorded of these deaths.”*

#### Specialist

Taking into account all statements made by different experts on the issue, a clear relation between disappearances and homicides exist, as well as a relation between killings and clandestine mass graves. Both relationships are clearly represents how criminal groups’ evolve in two cases: maintaining control of a specific region and secondly, a kind of strategy geared towards diminishing or neutralizing any kind of interference by government authorities in investigating deaths due to clashes.

*“Homicides decrease dramatically but when you speak to people such as journalists, artists or academics from these regions....they tell you that indeed homicides have fallen but missing persons have increased. This drives you to believe that violence is really not falling; it is just being covered-up. Perhaps you no longer see the bodies hung from bridges or thrown into ditches, they are simply dragged away and buried..or also dissolved in acid. Great attention should be directed towards discovering the relation between homicides and missing persons and is very difficult to establish in certain places due the reluctance of government authorities to both recognize the fact and/or provide information”*

#### Specialist

In recognition of the possible relationship between these crimes, we set out to obtain an approximation of the number of mass graves that have been discovered by federal agencies and those that have been or are currently investigated by law enforcement. The ONC sent out information requests to the Mexican National Defense Secretariat (SEDENA), the Mexican Navy (SEMAR) and to the Federal Police (PF) soliciting the number of mass graves identified and the number of bodies or human remains discovered in each one.

SEDENA was the only government agency that did not provide information in relation mass graves discovered in 2014. Also, SEDENA informed the ONC that since February 18, 2014 “this statistical information is no longer collected by SEDENA because it does not fall under their jurisdiction or competency”. This response is highly questionable since all public security, including military, must record all of their operations just like police do using the Standardized Police Report Form (Informe Policial Homologado or IPH).

Despite the lack of information, SEDENA representatives discovered 246 clandestine graves containing a total of 534 bodies on February 18, 2014. In 5 graves, no exact determination of the number of bodies was possible to reach. Fifty percent (50%) of all bodies were actually discovered in the State of Tamaulipas. Additionally, it is important to mention that 55 clandestine graves were found only in San Fernando containing 217 bodies.

### **Additional information in more detail can be found in the full report.**

SEMAR discovered the highest amount of both bodies and graves in Guerrero. Close to 85% of all cases occurred in the municipality of Acapulco. In Tamaulipas, the largest number of bodies and graves were found in Matamoros and San Fernando.

According to Mexico’s Federal Police (PF), between December 1, 2006 and December 31, 2014, the states with the largest number of bodies and graves were Guerrero, Jalisco, Durango, Chihuahua and Tamaulipas. These states concentrated close to 68% of human remains and 43% of all mass graves. Moreover, the greatest number of mass graves discovered took place in 2014 with 49 graves and 241 bodies were revealed.

Guerrero recorded 174 bodies and 25 graves, especially in the cities of Acapulco and Iguala. Just these two cities

registered 21 graves and 146 bodies alone. These two cities concentrate 80% of all cases.

Secondly, in Jalisco only 4 mass graves were located in 2013 and 2014 with a total body count of 111. The majority of these bodies were found in the municipality of La Barca by the Federal Police in 2013.

## **4. Forensic infrastructure**

The Medical Forensic Service (SEMFO) or the Forensic Sciences Institute (INCIFO) is an agency that provides support to the state or federal judicial authority in the administration of justice. Its mission lies in issuing scientific opinions on the different disciplines associated with the forensic sciences. SEMFO’s and INCIFO’s pertain to the judiciary in each state and support the prosecutors’ offices in forensic services and specifically, in cases of homicides in criminal investigations.

The ONC carried out an inventory of forensic infrastructure in each state during this uptake in violence and sent out to each state 32 questionnaires, including 21 questions regarding personnel, specialty fields, equipment, protocols, databases, statistics and facilities.

In addition to the appropriate protocols, in order to identify the bodies and human remains, certain technology is necessary along with appropriate facilities and well-trained personnel in fields such as anthropology, archeology, dentistry, legal medicine, pathology, genetics, dactiloscopia, among others.

Before getting into details of the transparency information requests, we would like to point out that the state government authorities of Aguascalientes, Baja California Sur, Chihuahua, Colima, Guerrero, Hidalgo, Nuevo Leon, Puebla, Queretaro, Tabasco, Tlaxcala and Yucatan did not respond to our information requests. The Aguascalientes Attorney General’s office informed the ONC that the information was reserved. Queretaro did not deny the information per se, however it informed us that the information would need to be delivered at its facilities in Queretaro; a situation that is totally contrary to how transparency and freedom of information practices allow, therefore an information denial technically. Tabasco denied us the information because they allow one single question per request. As we have already stated in the previous chapter, we urge all state attorney generals’ offices to commit to laws and regulations concerning transparency and freedom of information in Mexico.

# CONCLUSIONS AND GENERAL RECOMMENDATIONS

The study carried out by the ONC is a most valuable tool for decision-makers in the public security sphere. Additionally, it summarizes in a most integral way, homicide's incidence, characteristics, patterns, trends, among other factors associated to this crime between the years of 1997 and 2014. The study also presents both quantitative and qualitative evidence on the national and local levels all supporting our findings. The approach and classification used to distinguish the types and sub-types of homicide permits to differentiate both its incidence and characteristics. In so doing, this report constitutes an important source of information in order to design prevention and crime control policies specifically.

At the ONC, we are convinced that this ample and extensive analysis will help to point out the many factors that we once ignored in terms of numbers and concept. The relevance of this document is of the utmost importance since there is still sufficient time for government authorities to re-evaluate their policies in this issue. As a civil society organization, we are obligated as agents of change regarding security, justice and lawfulness and this document will in addition to being a valuable instrument for decision-making and an academic reference, it also represents an effort to improve the current security conditions of this country.

We should remember that homicide represents a serious obstacle to the freedom and liberty of people, in our case, to the right to life and as such, all freedoms that derive from this right. An important finding in this study is that generations born between the years of 2003 and 2013 already have a 5-month decrease in their life expectancy due to the increase in homicide rates. Following, are the main findings of this study.

Firstly, we must point out that despite a decrease in the levels of non-intentional homicide (taking into account all crime reports statistics initiated in SESNSP), persistent high levels of this crime are still a common in several regions of the country. To be more specific, 73 municipalities in Mexico exceeded the national average and 12 states recorded a higher or same rate as the national average for 2014. Therefore, homicide continues to factor in as an important human security issue still to be solved by government authorities, regardless of a decrease in official data.

There is still no certainty that the critical homicide rates on the local level will not repeat themselves in the short or medium term. This is based on the temporal correlation structure of criminal rates in the states classified as A. In other words, those states that presented a substantial increase in their homicide rates per each 100,000 people between 2007 and 2009 and began to fall between 2011 and 2012. Such is the case for states like Guerrero, Sinaloa, Chihuahua, Morelos, Durango, Tamaulipas, Colima, Coahuila, Nuevo Leon, Nayarit and Veracruz. This is the most frequent pattern nationally.

A clear and predictable increasing pattern exists for non-intentional homicide. Guanajuato and Tamaulipas are the two clear examples of this rising trend in at least 10 states. These states registered an above average homicide rate per 100,000 people for 2014. However, doubts on what type of homicides are able to be classified within this category since in at least 5 states (Durango, State of Mexico, Guanajuato, Quintana Roo and San Luis Potosi) a very similar pattern among them was detected for non-intentional homicide rates.

Secondly, Mexico experiences different kinds of homicides that are linked to criminal activities, either due to interpersonal or socio-political motives. However, insufficient official information is available to analyze this appropriately and refers us to a weakness in crime control and prevention public policies. Such are the cases of homicides of women, journalists and homicides derived from robbery, kidnapping and murders within prison facilities. Existing statistics are also insufficient to completely describe each kind of homicide.

In the case of murders involving kidnappings, the payment of ransom was no enough to guarantee the release of the victim and hence, their execution. Also, we found that the profile of persons more prone to suffer kidnapping were those whose occupations involved businesspeople, employees and students and the young population between the ages of 20 and 29.

We were able to arrive to non-conclusive evidence of homicide due to robbery given that only 11 states delivered the requested information and were only available for 2010 and onward. The ONC was able to observe a low response of requested information from several institutions. Several state governments continue to not respond to information requests, others do not process this data or some simply choose to deny the information arguing that they are not obligated to respond.

In relation to murders within the correctional system, the information collected shows a clear pattern of this crime's incidence within the state correctional system. An interesting pattern arises during the years of increased prevalence of intentional murder nation-wide and is coherent with the hypothesis that these were due to rival clashes among organized crime groups. Notably, the state of Tamaulipas registered a great number of homicides occurring within its prisons.

In regard to femicides or the murder of women particularly, several legal and institutional weaknesses still remain not only involving investigative capacities but also recognition of this type of crime in accordance with international standards. Both Chihuahua and Nayarit have not even codified this type of crime within their penal codes and only 20 state governments responded to the existence of protocols in dealing with them. Although these state governments accounted for specific

# CONCLUSIONS AND GENERAL RECOMMENDATIONS

protocols in pursuing this crime, it does not translate to them having adopted gender-based perspective stipulated by the Inter-American Human Rights Court's Resolution in the Cotton Field case wherein it should conform with the Istanbul Protocol and with the United Nations' Extrajudicial, Arbitrary and Summary Executions nor with the international standards regarding the search for enforced disappearances. The murder of women is strongly linked to the disappearance of girls and women in Mexico.

The absence of investigation protocols for femicides is very serious and translates to institutional deficiencies in recognizing the crime. The lack of an institutional and legal framework for pursuing this crime leads to prosecutors classifying the crime as suicides, a concern expressed by several victims' mothers and documented by journalists.

Femicide has been a historical problem in Mexico that should not be sidestepped as part of the human security problem as was proven in Ciudad Juárez, Chihuahua during the nineties. During 2014, approximately 500 were reported and involved the states of Chihuahua, State of Mexico, Mexico City, Veracruz, Jalisco, Sinaloa, Chiapas, Guanajuato and Guerrero.

Changes in legislation or other regulations do not enough to pursue this type of crime for the true interest and political will are also necessary. Gender violence is more oftentimes ignored by government authorities.

We must also not forget the murder of journalists in Mexico for this constitutes a sort of social control. Differences in the number of murder of journalists exist depending on the sources employed. According to federal authorities, between 2000 and 2014, 102 journalists have been murdered mainly in the states of Chihuahua and Veracruz. It is important to mention that many journalists who covered the events between 2007 and 2012 may have very well been victims of homicide, or threats made by either organized crime members or government authorities. The systematic violence against journalists impinges on their free exercise of their profession and civil rights in an alleged context or respect for human rights.

Homicide is not solved simply with a decrease in its prevalence but its costs must also be dealt with as is the case of a fall in life expectancy, social capital, a loss in general well-being, forced displacement and the effects on regional economic growth. The ONC implements an innovative methodology used to identify quantify and coin the social costs associated with death rates on the national and local level.

In quantifying years lost in life expectancy between the years of 2003 and 2013, the Mexican states of Chihuahua, Guerrero, Sinaloa, Durango, Baja California, Nayarit, Morelos, Michoacán, Oaxaca, Tamaulipas, Colima and Sonora, all

recorded a fall in months lost well above the national average. Notably, Chihuahua, Guerrero and Sinaloa experienced a loss greater than 1 year which is 2.5 to 4 times greater than the national average.

In GDP terms, Guerrero reached its peak where violence cost the state 109% of its state product. Other states with a similar situation were Chihuahua (87%), Sinaloa (57%), Durango (49%), Nayarit (45%), Oaxaca (43%), Michoacán (37%), Baja California (30%), Morelos (30%) and the State of Mexico (26%).

This study also made an important and most serious finding. The great number of murders linked with clandestine mass graves and organized crime puts any official statistic in a weak position. The gathered information suggests that the organized crime groups prefer to bury their victims in clandestine graves with the aim of not provoking additional turmoil in their respective territorial jurisdiction and thus not affecting their business. It is very likely that these homicides have not been taken into account by official crime statistics and also that investigations for these crimes have not even begun.

The ONC carried out a first approach in order to study clandestine mass graves from the federal government's perspective. We found evidence of a disparity of burial methods used by organized crime groups. If we take into account data from Mexico's Attorney General's Office (PGR), we find that the state with the highest amount of corpses found is Chihuahua. Three mass graves were found with a total of 54 bodies which is roughly 18 bodies per grave. Likewise, being Guerrero de state with the highest number of mass graves, we discovered a ratio of 3 bodies per grave. This would suggest diverse methods of burial among states since there is an important disparity among the number of bodies found per grave. We also found that Chihuahua (18), Veracruz (14), Tamaulipas (8) and Durango (8) report the highest number of bodies per grave. It is important to point out that a more serious and accurate analysis of this phenomenon should be carried out in light of the number of disappearances. The ONC plans to carry out a broader study of forced and involuntary disappearances in Mexico which is forthcoming.

Another factor of great relevance to the homicide phenomenon is the institutional capacity of security and enforcement agencies in Mexico and in specific relation to forensic investigations and protocols. Despite the approval of the "Protocol for the Treatment and Forensic Identification" during the XXV National Attorney Generals' Conference that seeks to standardize forensic services, only 6 Mexican states have actually implemented it. These are Morelos, Puebla, Querétaro, Quintana Roo, Sinaloa and Tamaulipas.

Important disparities in forensic capacities exist in Mexico that does not always guarantee the quality of investigations

# CONCLUSIONS AND GENERAL RECOMMENDATIONS

or effective access to justice by the victims. Sinaloa, Sonora and Tamaulipas have opted to adapt morgues to carry out necropsies. Oaxaca actually carries these out in cemeteries and Veracruz uses both morgues and hospital and university facilities. Michoacán for example, reports that some of the services are provided in rural areas although no specification is given as to how these are performed.

Another relevant finding in forensic matters is the common practice of the Jalisco Institute of Forensic Sciences (IJCF) that opts to incinerate all unidentified bodies and has been doing this since 1977. Although this may well be considered a dignified way of lying to rest a person, it goes against the spirit of striving to identify all persons who have disappeared. The ONC strongly condemns this practice and we call on the IJCF to halt all incinerations and seek the preservation of the bodies as an alternative with the hopes of someday identifying them.

## The ONC makes the following recommendations which are derived from the homicide report:

1. An objective assessment of actions and public policies implemented with the aim of evaluating their effectiveness.
2. The development and implementation of public policies aimed on homicides and carried out under a quantitative and qualitative perspective of the crime committed since each type of crime carries with it distinct criminal and violence dynamics.
3. The development and implementation of actions and public policies necessary to deal with the costs of homicide in a comprehensive fashion while taking into account gender and human rights issues.
4. The assessment of homicide and its relation to kidnappings and forced or involuntary disappearances.
5. The standardization of femicide crime nationally.
6. The development and implementation of a statistical register that allows to understand the motives of why crime reports were opened with the hopes of understanding how these crimes are reported and their subsequent follow-up.
7. The compliance to agreements carried out between government authorities involved in public security and justice in order to standardize protocols in issues such as first responders, forensics and the improvement of the National Medical Forensics Services (SEMEFO) and the standardization of homicide statistics nationally.





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