

DISAPPEARANCE OF PERSONS IN NUEVO LEON

A SYSTEMATIZATION OF EXPERIENCES
IN SEARCH OF JUSTICE AND TRUTH



First edition, November 2014

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Disappearance of Persons in Nuevo Leon
A systematization of experiences in search for justice and truth
Victims-Authorities-CADHAC meetings

INDEX

Prologue	5
Introduction	13
I. Background	15
 1.1 Context	
 1.2 Beginning of the meeting	16
II. Meetings between Victim-Authorities-Cadhac for the review of progress in the cases of missing persons	18
 2.1 Parties present at the meetings	
a) <i>Victims</i>	
b) <i>Authorities</i>	
c) <i>CADHAC</i>	
 2.2 Methodology of the CADHAC-Victims meetings	19
 2.2.1 Prior work at CADHAC	
a) <i>Registration of cases by CADHAC</i>	
b) <i>Request for copies of the files</i>	
c) <i>Review of the files (Victims-CADHAC)</i>	
d) <i>Organization of the families</i>	
 2.3 Work methodology of Attorney General's Office's for missing persons cases	22
 2.3.1 Prior work and internal process	
a) <i>Reception of complaints</i>	
b) <i>Procedure of complaints</i>	
c) <i>Canalization of complaints</i>	
 2.4 Methodology of the Authorities-CADHAC-Victims meetings	23
 2.4.1 Teamwork	
a) <i>Prior meeting at the Assistant Attorney's Office</i>	
b) <i>Round tables at the General Attorney's Office (review of the file by the Victims-Authorities-CADHAC)</i>	
c) <i>Agreements</i>	
d) <i>Authorities-CADHAC meeting</i>	
e) <i>Victims-Authorities-CADHAC closing meeting</i>	
f) <i>Press conference</i>	

III. Fundamental elements	26
a) <i>Mediation</i>	
b) <i>Dialogue</i>	
c) <i>Political will</i>	
d) <i>Teamwork</i>	
e) <i>Files review</i>	
f) <i>Empowerment of the victims</i>	
g) <i>Victims comprehensive assistance (other repairing actions, marches or training programs)</i>	
h) <i>Joint informational publicity Authorities-CADHAC</i>	
IV. Obstacles and Progress	28
4.1 Obstacles	
a) <i>Prejudices</i>	
b) <i>Emotional state of the victims</i>	
c) <i>Victims' fear of retaliation</i>	
d) <i>Organized crime's modus operandi</i>	
e) <i>Information disclosure in the media</i>	
f) <i>What was not done</i>	
g) <i>Lack of inter-institutional coordination and cooperation on the authorities' part</i>	
4.2 Progress	30
a) <i>Numbers</i>	
b) <i>Dialogue (immediate responses to concrete requests)</i>	
c) <i>Immediate Search for Missing Persons Protocol</i>	
d) <i>Internal improvement in the State General Attorney's Office</i>	
V. Conclusions.....	33
VI. Glossary.....	35
VII. Appendix.....	37
<i>A. Immediate Search for Missing Persons Protocol</i>	

Prologue

Towards a new strategy to search for missing persons

It is not simple to write a prologue for a publication that reflects the praiseworthy work that is being done to progress in the investigation of disappearances in Nuevo Leon. Therefore, rather than attempting to summarize in short paragraphs and pages the main elements that this document presents, I will try to put into context the practices of the meetings here explained and analyzed in regards to some elements that, in my opinion, define an efficient global strategy to search for missing persons.

I am convinced that it is imperative to develop new and better strategies to obtain satisfactory results when searching for missing persons. We cannot continue with the inertia, lack of interest, inefficiency, ineffectiveness and disdain. The good practices that this publication reflects are, without a doubt, a path to imitate and improve, as well as an invitation to reflect about the strategies to search for our missing persons. (And I would like to insist on the word "our"), they are not *the missing persons, their missing persons; they are our missing persons* because we all should have a commitment with the solution and the clarification of the truth.

I would like to use the good practices that this document summarizes to give them a national and global dimension. This is to highlight the need that all search strategy should begin with the recognition of the local methods of disappearances without ignoring that national strategies are always required, and in a lot of cases, international cooperation as well. Let us think of the disappearances in the Southern Cone in the context of the Condor Operation or of the current immigrants disappearances, to name a few obvious examples.

These good practices presented here reflect the reality and the local opportunity developed to respond to a problem that arose in Nuevo Leon. Commitment, willingness to dialogue, and persistence were required of all the parties involved, starting with the relatives, the Attorney General and his team, and CADHAC. But the following pages call us to think also about the results that could have been obtained if these practices had existed before the disappearances took place.

One of the obstacles that the document points out is time lapse and the deficiencies in the first investigative phases. In this sense, the first lesson and strategy that we have to consider is that all the states must have search protocols regardless of whether there occur enforced disappearances or not in the country. This is essential to be adequately prepared in case of a disappearance. Obviously, this is even more necessary in those countries (and entities belonging to the Federation like in the Mexican case) where disappearances occur. But the lack of

such search protocols may never be used as an excuse not to make all the adequate and necessary investigations to locate the missing person.

When facing a report of an enforced disappearance, the state reaction must be immediate. There cannot be waiting time, since the first hours and days are crucial to ensure the success of the search and, many times, to guarantee the life of the missing person.

The search for a missing person must assume, at the beginning, that the person is alive. Only before the existence of enough reasonable traces, the search must be focused on finding the remains of the person. From this perspective, we must also be aware that sometimes, it is not possible to find those who have gone missing. This is particularly true in the disappearance cases where the body of the victim has been destroyed or cannot be recovered for different reasons, or those that took place several decades ago and whoever may have had information regarding the whereabouts of the remains have died. However, even the impossibility of finding the remains of the missing persons does not relieve the states from acting with due diligence and adopting all possible and reasonable measures to find them. The very least the states must do is to establish the circumstances of the disappearances, including how and why they have occurred, what happened with the missing person, and who was responsible, should be prosecuted and sanctioned. All this is an essential part of the rights to the truth, justice, and reparation, and serves as a guarantee of non-repetition.

Any efficient search strategy, as this publication demonstrates, requires a serious and consistent political will and a persistent, sustainable, integral, coordinated, cooperative and collaborative policy. All policies must be assumed as state duties and not as duties of governments in particular and must not depend on the victims. When reading the following pages, the importance of institutionalizing the basic principles and directives that guide the search in Nuevo Leon and in any other place becomes clear. We read this document as the foundations for the institutionalization of this mechanism no matter who is in charge of the government or of the Attorney General's Office. The states should develop an appropriate legislative framework and guarantee the delivery of financial and human resources, as well as technical equipment for forensic investigations of enforced disappearances. In addition, recognizing the dimension of the enforced disappearances problem is a necessary step in order to develop such integral and effective measures. If it is not accepted and recognized that there is a problem that needs to be faced, there is no possibility of developing public policies concerning it.

States with a considerable number of enforced disappearances must establish, besides the protocols, a national program to search for missing persons. Think about the results that might have been obtained in Nuevo Leon and in Mexico in

general if there had been or if there were an efficient national program to search for missing persons that would include, among other things, a) the ex officio search without delay; b) the coordination of the efforts of the different security agencies to locate the person, the removal of any legal or factual obstacle that may reduce the effectiveness of the search or prevent the start of it; c) highly qualified staff (including in the exhumation and identification of mortal remains) with the financial, logistical, scientific, and any other resources needed for the search's success; d) checking the report of the missing person against all the databases that exist on the subject; e) giving priority to the search zone where it would be more probable to find the missing person, without arbitrarily discarding other areas or possibilities; and f) the execution of the search with plain budgetary and operative independency. Imagine the results that could be obtained if the strengthened, amplified, energized model of Nuevo Leon became nationalized and federalized. How many more cases of enforced disappearances might have been solved?

The suffering of the victims and relatives remains even when the very disappearance has ended. But for sure, there is anguish while the luck or the whereabouts of the missing person remains unclear. The philosophy on which this publication insists and that I fully share is that efficient policies must support the heroic efforts of various organizations whose labor tries to include and promote the perspective of the victims in the development of the programs and policies regarding enforced disappearance. All the efforts in this area require to take the victims point of view, and it is my conviction that the victims must have a central role in designing, carrying out and evaluating public policies in this subject. And these search policies require the sensitivity of the public servants to treat the victims with dignity and respect. This is precisely what these pages reflect.

The participation of the victims is not only required to guarantee their rights, but is also essential to achieve substantive progress. And when we talk about victims, we do so in the broad sense of the term as defined in Article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance, that is to say "*the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.*" The participation and recognition of the victims' rights, and particularly their roles as central actors in the criminal proceedings, are essential to break impunity patterns. The studies available at present, together with the personal experience of observing the region during the last decades, allow us to sense how the victims and their allies are the ones who have managed to keep open the judicial cases, boost investigations, and deepen the treatment of the kind of committed violations. In most countries, the victims were alone, occasionally with very little state support, and, in most of the cases, suffering great hostility and indifference. Experience also shows that the law enforcement agents can and should be allies of great importance in guaranteeing the rights of the victims. When the authorities assist the relatives in the search, concrete results can be obtained even decades after the disappearance, as has

been proven by Nuevo Leon's experience. In Argentina, the reunion of the president of the Grandmothers of Plaza de Mayo, Estela de Carlotto, with her grandson 36 years after his disappearance, shows the kind of results that can be obtained when the relatives of the missing persons and the organizations that represent them are fully supported by the states. It also constitutes a hope and an incentive for all the families in the world who unrelentingly keep looking for their loved ones.

However, in many parts of the world—and Mexico is not the exception—the threats, intimidations, and retaliations against the families of the missing persons, as well as against the human rights activists that assist them, not only persist but also seem to increase in intensity. Policies of search for missing persons cannot be dissociated from the necessity for the states to take specific measures to prevent such acts, to punish those responsible, and to provide due protection to activists and relatives.

Another important element that I would like to highlight is the recollection and generation of statistical data, disaggregated by gender, age, place, and allegedly involved authorities, about enforced disappearances. For this, a database should be created and permanently updated with the personal information available about the victims of enforced disappearances. Full access to such register should be guaranteed for the prosecutors, police investigators, relatives, lawyers, human rights activists and any other interested person.

The right to the truth and the right to justice, as this publication shows, are intimately related, and they should complement each other, but without confusing the act of searching for the missing persons with the investigation to determine criminal responsibility. Criminal investigation can and generally does contribute to the clarification of the disappearance cases. An effective criminal investigation can allow the provision of incentives so that those who hold information that may be relevant render it to the authorities doing the search for missing persons; for example, article 4.2 of the Declaration on the protection of all persons from enforced disappearance contemplates establishing mitigating circumstances for those who, having participated in enforced disappearances, contribute to bringing the victims forward alive or voluntarily provide information that helps clarify cases of enforced disappearance. It should also be allowed for the victims to participate actively, not in the search as these practices indicate, but in the efforts in the matter of justice and, particularly, in the criminal proceedings. Obviously, the relatives must be regularly provided with information about the progress in the criminal investigations just as much as about the search investigations, and it must be assured that the burden of proof does not fall upon them.

Particularly, it should be guaranteed that all information that may serve to shed full light on the disappearances is available and accessible. In this sense, all kinds of archives where this information could be found should be open to the public, and laws regarding access to information that would allow requesting information from the state should be adopted. Circumstances such as national security, state secrets and the like should not preclude, in principle, the access to information relevant to establishing the luck and whereabouts of the missing persons.

Also, the use of forensic advances and experiences and of DNA tests should be expanded, besides making an appropriate use of all available technological and scientific measures like satellite images, geophysical studies, and computational models, among others. Even though DNA tests are only useful when a body is found, due to the irrevocable course of time it is important to take samples from the relatives to be available in case the body is found. For this, the creation of genetic banks with samples from relatives looking for missing persons is an indispensable step. If mass graves or human remains buried anonymously in cemeteries are found and the DNA of such remains can be identified, but there is not any genetic database, it will not be possible to solve enforced disappearance cases. Thus, a database with the available personal information of the enforced disappearance victims should be created nationally and permanently updated; it would include genetic information, particularly the DNA and tissue samples obtained from mortal remains and from the victims' relatives, with their prior consent. The State must permanently protect the personal information contained in these databases. This national registry of missing persons should guarantee that the relatives, lawyers, human rights activists and any other interested person will have plain access to this registry.

All these measures require a permanent training of the civil servants in charge of investigating enforced disappearances and of searching for missing persons. Enforced disappearance is a serious, complex and permanent violation that requires the civil servants involved in the investigations to understand these characteristics. It is not the same to investigate a disappearance and much less an enforced disappearance, than to investigate a robbery or a homicide. Likewise, it is not the same to investigate an enforced disappearance that requires the state participation or connection of the offender and the refusal to recognize the deprivation of liberty, as to investigate an abduction that is precisely looking to obtain a reward, and where, therefore, the deprivation of liberty is recognized. The training for the search for missing persons must strengthen the abilities of the civil servants to investigate these cases with a systematic vision to understand the pattern of the enforced disappearances, including the chain of command. The training programs must also lead to a better understanding of how to develop specific investigation lines according to patterns of the area, time, period, and/or involved authorities.

Neither the victims, nor the organizations that assist them, nor the civil servants who investigate the disappearances should be left alone, marginalized and/or stigmatized. Hence, efficient search policies require the development of sensitivity campaigns for society as a whole to help them raise their awareness about this phenomenon, to ease the provision of evidence for whom may hold them, and to give support and solidarity to the victims.

The precautionary measures against enforced disappearance must also be connected to those of the search for missing persons. So, for example, the guarantee of the full identification of all the competent authorities in the apprehension of persons, may bring about quick progress in the investigation of the luck and whereabouts of a missing person. The establishment and strengthening of a central apprehension registry makes it possible to monitor the physical location of detainees. Monitoring this registry guarantees that it will be permanently updated and harmonized with other databases and includes strict controls with regard to the authorities responsible for the apprehension registry, and appropriate sanctions for those who do not do it. The apprehension registry must indicate the motives for the apprehension; the exact hour of arrival of the detainee to the place of custody; the length of the deprivation of liberty; the identity of the authorities that ordered the apprehension of the person, as well as of the officers in charge of it; the chain of custody of the detainee; precise information about the place of custody; and the moment in which the detainee is presented for the first time before the judicial authorities or any other competent authorities. All this not only prevents disappearance, but also facilitates its clarification in case it occurs.

In all these strategies, the gender perspective must be incorporated, considering the particular characteristics of the violence against women, as well as the social responses that such situation requires, with the purpose of eliminating the enforced disappearances of women, attending the particular needs, and overcoming the special obstacles that women suffer when searching for their loved ones. In fact, this publication shows how an organization mainly composed of women is the one that leads the struggle for the clarification of disappearances in Nuevo Leon. This is a phenomenon that can be seen replicated in almost the whole world. Women lead the efforts against enforced disappearances.

Twenty years ago, I visited Mexico for the first time, and in these two decades, I have had the opportunity to work with victims (and I hope that others can say that I have worked for the victims). In the following paragraphs, I would like to include some more personal reflections in relation to this journey alongside the victims. I have understood that talking about the victims in a generalized way conceals the fact that each victim is a unique human being who is positioned and lives the situation in his/her particular way. We can talk about victims but without losing sight of the fact that many times, they may have different visions before their cases, requests, hopes, disappointments, and commitments. As these pages

show, it is not the same to be the victim of an enforced disappearance as an ongoing crime as being a victim of any other crime. All rights are equal; all victims have suffered a violation of one or more of their rights, but manifestations, sequels, and impacts are different. It is not the same when a victim is a woman, a native, an immigrant, a girl, a rural worker, as a middle-class professional white male. Those are different experiences that many times we render invisible. As a lawyer, I must understand these similarities and differences, these individualities and collectivities.

Secondly, when talking about and working with victims, I do not pretend to idealize them. Personally, I respect them and recognize what it means to have one's rights violated, but I can dissent or agree only partially with their approaches. In other words, I do not think that the victims always hold the truth, the correct position, or the best strategy. They have one position, one strategy, one truth, the one of the victim or victims. And this takes me to the third learning. We who represent the victims and the victims are not the same. The victims' agenda and the agenda of the organizations with which we work are different. They frequently coincide. But, sometimes, they diverge. To represent a victim in a concrete case can signify justice, truth, and reparation for the victim. However, the human rights organization may be looking for a jurisprudential development, or a case that could give visibility to the organization or that would make the strengthening of a court possible, among other things. The victim may be thinking just about his/her case, but the organization may be thinking in the past and future cases and in the consequences that his/her case may have for other persons. This requires a high level of professional responsibility in order always to have in mind that the case is of the victim and that the human rights organizations must serve the victims.

Finally, what I have learned the most is that I always learn from the victims. I learn law, not the law from the books that I can read in my office or the one from the court rulings, but the law of real life, i.e., how human rights are lived, how they translate into daily life: how rights are made manifest in the interaction with state authorities, with security forces, with judges, with prosecutors, and also with the non-government actors, such as transnational corporations, organized crime, or maras. The law that this publication fathoms. I learn to have a realistic view, not to create false expectations, to be professionally responsible, how to think strategically. The document that I preface summarizes this law in action.

This publication is not only a compilation of good practices, but, for me, it is an invitation to remember that behind each one of the meetings held, the reviewed files, and the proceedings carried out, there is a personal, human story. A story of pain, fear, sadness, distress, unrest. But also a story of hope, strength, courage, love for those dear to one. In each good practice, there is a mother, a father, a brother, a wife, children, friends, colleagues, partners.

To conclude, these pages demonstrate that the moment of promises has passed. We are facing the time to act. It is urgent to approach the anguish of the relatives of the missing persons and to revitalize the investigations of disappearance cases. The experience here represented and accumulated is an essential starting point that must serve as a model.

At a recent visit that the Working Group on Enforced or Involuntary Disappearances of the United Nations made, the mother of a missing person requested us to pose this question to all authorities: "If your son had disappeared, what would you do?" This question not only summarizes the calvary that families suffer, but also synthesizes the call for the adoption of effective and efficient public policies to ensure the rights to the truth, justice, reparation, and memory.

Ariel Dulitzky
Austin, October 30th, 2014

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Introduction

Due to the irreversible sequels that the wave of violence in Mexico has left in our country, some civil organizations that are committed to society and to victims have gathered with the Mexican authorities to promote together actions and public policies to the benefit of society, and to prevent, investigate and penalize crimes and violations of human rights. The recognition of the results of some of these actions and their usefulness encourages us to systematize the practices that have brought the best results.

The meetings to review the files that the victims, the Attorney General's Office of Nuevo Leon and *Ciudadanos en Apoyo a los Derechos Humanos* ([Citizens in Support of Human Rights] CADHAC) have held for over three years, are a clear example of these positive practices, they have made it possible to build a way of collaboration between the parties (Victims, Authorities and CADHAC), based on good faith and on the fulfillment of commitments. However, even though great goals have been accomplished, there have been few in comparison to the magnitude of the violence problem.

Given this scenario, the purpose of this document is to systematize the experience of these practices through the detailed explanation of the processes that have made possible that the meetings held between civil organizations and the authorities be successful and may serve as an example in other states or countries.

Therefore, this document begins by explaining the background of this dynamic, i.e., in what social moment they (the processes) arose, which was the level of insecurity, and how the Caravana del Consuelo [Caravan of Comfort] of the Movimiento por la Paz [Movement for Peace], led by Javier Sicilia, was born. The first meeting between victims, the Attorney General's Office and CADHAC will also be described, since it was this meeting that gave rise to the next twenty meetings that have been held so far.

In another section, we will describe each part of the process for the meetings, since it is not enough just to attend at the hour and on the day scheduled, but it is also necessary to have made one's prior job in order for the meetings to work. We will also describe the roles that each one of the parties involved in the meeting plays.

Once the process has been presented, we will explain the aspects that we consider to be indispensable elements, since they have played a notable role in the success of the said meetings.

Then, we will talk about the main advances and obstacles that we have had during more than three years of following this dynamic. With this, we can identify which are the areas of opportunity that allow us to improve, and of course, which are the

mistakes that cannot be made again if we want to accomplish the final purpose of finding the missing persons.

In the conclusions, we will mention which have been the most important lessons and what still has to be done.

At the end, we attach materials that illustrate the facts narrated in this document, such as the Immediate Search of Missing Persons Protocol and the State Form for Urgent Search (FEBU [its Spanish acronym]), which were created in the exercise of these work dynamics.

We are aware that there is a long way to go, and it is clear to us that as long as we ignore the whereabouts of missing persons, the search and the efforts must not cease; what is more, new ways of searching can and must be created when the traditional search methods are not sufficient.

I. Background

1.1 Context

Due to the situation in some states of the country where murders related to organized crime had increased in a disturbing manner during the prior months, on December 11, 2006, just a few days after taking office as president of the Mexican republic, Felipe Calderon openly declared the war on drugs.

That same day in which he declared war, militarization was consummated, first in the state of Michoacan, and then in other states of the republic. The complaints against abuses by the military before the *Comisión Nacional de Derechos Humanos* ([National Commission for Human Rights] CNDH) systematically increased year after year. Indeed, in 2006, the CNDH received 182 complaints against the *Secretaría de la Defensa Nacional* ([Department of Defense] SEDENA); in 2007, there were 367 complaints, and in 2008, 1230 complaints were filed.¹

Homicides, torture, and disappearances have been constant and generalized practices in the country.

In Nuevo Leon, disappearances did not seem to be an issue of concern. It was not until September 2009 that CADHAC documented the first case of disappearance, which was followed by many more. Hence, a genuine concern arose that something serious was happening. The years 2010 and 2011 were the ones with the most cases of disappearances. To this date, disappearances of persons keep occurring and new cases are being filed, but not as many as in previous years.

Since 2009 to 2014, CADHAC has registered 1,249 missing persons, from which 26% correspond to enforced disappearances directly carried out by public servants, while 74% were allegedly carried out by organized crime.

From this register of missing persons, 104 have been found, from which 59 were alive and 45 were identified by means of a DNA compatibility test.

In June 2011, the Attorney General together with CADHAC and the victims established a dynamic of case review for disappearances, with the purpose of establishing a clear and effective process that would bring legal certainty and trust to the victims.

From that time and until October 24, 2014 when we celebrated the 20th meeting, we had analyzed 87 cases with 211 missing persons (178 men and 33 women). Thanks to these investigations, 60 persons have been apprehended for their alleged criminal responsibility, from which 12 have already been condemned.

¹ CNDH activity reports of 2006, 2007 and 2008. Consulted on October 3, 2014, at: <www.cndh.org>.

1.2 Beginning of the Meetings

As mentioned earlier, in 2009, CADHAC received the first cases of missing persons. Mothers who since 2007 or 2008 had been looking for their sons and daughters whereabouts, approached CADHAC looking for help, since despite their legal actions and their attempts to talk with the authorities, they did not seem to find any way out of the situation that they were in.

Frequent meetings were scheduled with these mothers of missing sons and daughters with the purpose of following each one of the cases. However, the incidence of legal proceedings was even lower at that time. It was not until June 2011, in the rise of social violence in the country and after the passing of the *Caravana del Consuelo* through Monterrey, that it was possible to begin a serious process of dialogue between CADHAC and the relatives of missing persons on the one hand and the Attorney General on the other.

The year 2011 was very important in the battle against the executions and enforced disappearances in Mexico, since occurrences of these crimes expanded and worsened in most of the country. Nuevo Leon was one of the most affected states. In this context and after one of the many disgraceful events in the country—the death of Juan Francisco Sicilia in Cuernavaca—the poet Javier Sicilia (father of Juan Francisco) called for a national mobilization against the violence and terror that the Mexican population was experiencing. From this mobilization, the *Movimiento por la Paz con Justicia y Dignidad* [Movement for Peace with Justice and Dignity] emerged, which CADHAC joined at that time.

In June of that year, from the newly emerged Movement, the creation of the Caravan of Comfort was proposed, caravan which left from Mexico City and arrived in Ciudad Juarez, Chihuahua. Before its passage through Nuevo Leon, CADHAC, together with other groups, organized the reception. We managed for the Bernardo Grousset School to become involved and offer space to host the people who were part of the contingent, and everything needed to receive them was organized.

Groups such as the *Colectivo Plural de Mujeres* [Women's Plural Collective], *Zihuame Mochilla, Alianza Cívica* [Civic Alliance], among others, as well as enthusiastic youth and members of the church, gathered and elaborated posters, flyers, silhouettes and other materials that represented the missing or executed persons. All of them participated integrating singers and poets, and, most of all, accompanying some relatives of the missing persons. On June 7th, 2011, the latter exposed their testimonies at the *Plaza del Colegio Civil*. Paradoxically, violence gathered a part of the population at that plaza.²

² A video with images of this event can be found at the following website: <<https://www.youtube.com/watch?v=sLNcK24kr2w>>.

As a part of the public event, it was agreed to have an encounter with the Attorney General for him to listen to the requests from the mothers who were looking for their missing sons and daughters. After midnight, Attorney General Adrián E. de la Garza Santos received the contingent integrated by Javier Sicilia, Emilio Álvarez Icaza, nine relatives of missing persons, as well as Sister Consuelo Morales, director of CADHAC, and two lawyers from the team. This was the beginning of a series of meetings that allowed the review of each one of the investigative caseworks.

The urgent requests made at the meeting were the immediate localization of the missing persons, as well as justice and truth for the victims. To take advantage of the Attorney General's good will, a second meeting was proposed in order to review technically each one of the files of the cases of missing persons whose families were present that night.

The interlocution with the government was not easy, since the history of the struggle of the civil organizations in Mexico has shown that dialogue with the government is not common, neither that there be any progress, nor that a relationship between the two parties last for a long time. In addition to the historical difficulties of that relationship, there is the liability that falls upon the Mexican state and, consequently, upon all its institutions for the recent social violence, which is the result of a mechanism full of corruption and impunity that still has not been repaired. Since the beginning, both issues had generated hostility.

In this first encounter and the ones that followed, the presence of Javier Sicilia and Emilio Álvarez Icaza from the *Movimiento por la Paz con Justicia y Dignidad* was fundamental. The political and ethical character acquired by Javier Sicilia for being the leader of the movement, besides his previous experience in the defense of justice, and the strategic and political contribution of Álvarez Icaza were of great help to make the first and subsequent meetings truly successful, with very clear and concrete requests, and to maintain an important level of dialogue.

Likewise, CADHAC and its director, Sister Consuelo Morales, significantly brought their political and legal experience in the defense of human rights, for being an organization of reference that, for over two decades, has been working in the pursuit of justice in Nuevo Leon.

This combination of experiences and the families' trust, together with their clarity in their demands for justice, opened the door to the first meetings between the relatives of missing persons, the *Movimiento por la Paz con Justicia y Dignidad* and CADHAC, not to mention the Attorney General's willingness to attend them and really progress in the localization of the missing persons.

II. Meetings between Victims-Authorities-CADHAC for the review of progress in the cases of missing persons

2.1 Parties at the meetings

The purpose of this section is to mention the duties and characteristics of each one of the parties involved in the round-table talks held at the Attorney General's Office with the purpose of reviewing the progress in the cases of missing persons.

a) Victims (*Characteristics*)

It is very important for the victims to have an open mind and a cooperative attitude with the authorities in order to reach agreements. Likewise, it is essential for them to have legal advice and constant psychosocial help to make their requests.

b) Authorities (*Attorney General, Assistant Attorney, Director, Coordinator, Prosecutor*)

Attorney General: This is the person who verifies that the agreements be carried out, provides all the necessary resources for the proceedings of the investigative caseworks, and removes the barriers that families face when trying to solve the cases; but his/her most important responsibility is for him/her to make the families feel confident that all the agreements will be fulfilled.

Assistant Attorney and Directors: They are in charge of verifying that the agreements made at the meetings be carried out efficiently, as well as of pursuing the ongoing investigative caseworks, and of assuring that all the needed proceedings are indeed being made for their resolution.

Area coordinators: Their main duties are to supervise directly the cases of missing persons, to assure that the victims are being attended, to create the direct connection with the victim to build an environment of trust, and to coordinate their teamwork for the progress and resolution of each case.

Prosecutor: It is essential for the prosecutor to approach the victim in order for him/her to get to know the particular person in charge of the investigation of his/her case and to know where to find him/her. It is important to create a direct connection between the victim and the prosecutor to generate trust. What is more, the victim has to be informed of any change of prosecutor.

The main duty of the prosecutor at the round tables is to inform directly the victim about any progress in the investigation of his/her case, in order for him/her to feel confident and to provide any other information that may be useful for the investigation.

c) CADHAC

There are several team members of CADHAC who participate. The direction, communication, education, public relations, legal and social services departments participate directly in the meetings at different times. The main role of each one of them is to create an appropriate environment to establish an effective communication between the victims and the Attorney General's Office, always looking for respect for the victims' rights.

Concretely, at the round tables, the member of the legal department who is in charge of the case is present and makes sure that all the agreements from the previous meeting are addressed whether they have been carried out or not, in which case the reasons why it was not possible to carry it out must be made clear to the victim. Also, the member of the legal department makes propositions when he/she considers it pertinent.

2.2 Methodology of the CADHAC-Victims meetings

2.2.1 Prior work at CADHAC

a) *Registration of cases*

The experience of CADHAC in the reception of cases of disappearances has allowed us to keep improving an attention model according to the needs that have arisen from 2009 to 2014.

The first cases of enforced disappearance that CADHAC received were managed directly by the legal department.

This part of the process can be described as follows:

1. The receptionist is the first person with whom the petitioner has contact. Once the receptionist is informed that the reason for the visit is the disappearance of a person, he/she provides the FEBU to the petitioner. The information requested about the missing person is private and personal, so only the people closest to him/her know it. The more information we gather on the FEBU, the better the chances are that, when the missing person is found, he/she can be identified more quickly and with greater certainty. Therefore, we request from the petitioner who fills in the form to do so with close attention and to try to remember and include as much information as possible.
2. Then, a member of the social services department sees the petitioner and listens to the story of the disappearance. After listening to the complete story, the social worker fills in another form with the contact information and some personal data both of the petitioner and of the missing person. On this form, there is a section to register the how, when and where of the disappearance, trying to include as many details as possible.

Thereafter, there is another segment where to write down all the actions and requests the petitioner has made before his/her visit to CADHAC, such as the number of the complaint or detailed report, or possibly a DNA compatibility test. A picture or piece of identification of the missing person is requested and attached to the form.

3. Once the forms have been filled in, the petitioner is invited to participate at the weekly meetings of AMORES³ at CADHAC, where he/she will interact with other families that are also looking for a missing relatives or friend. At these meetings, the persons share their difficult times, they strengthen on another, they organize, and together they look for a new way of living with this painful reality.
4. Later, the petitioners are informed about the role that CADHAC plays in offering free social and legal assistance for their cases, as well as their own roles as subjects of rights, and everything that not only their active participation in AMORES, but also their collaboration with CADHAC and the authorities entails while the search for the missing person is carried out.
5. Once each of the previous points has been explained, the petitioner is taken to the legal department for an interview to collect information which is simultaneously captured in the electronic database. In the said database, there are several fields that require information from the social services department and others that require legal knowledge, so this document relies on both areas in order to create a complete case file.

b) Request for copies of the files

In the legal department, the first thing that gets verified is whether all the information in the form and in the electronic database is complete. After carefully listening to the petitioner, he/she is explained the importance of knowing very well the content of the testimonies and procedures. To do this, we provide him/her with a personalized letter to the Prosecutor's Office, so that he/she can request a copy of his/her file. This is the first thing that it is asked from him/her in order for him/her to start realizing that he/she is a fundamental part of the process, so that later he/she can periodically request from the authorities copies of the respective investigative casework and come into contact with the Prosecutor's Office as frequently as he/she wants or considers convenient.

This request for copies, while it can be used at any time, must be made at least one week before the general meeting at the Attorney General's Office, in order for the lawyer and the victim to have enough time to review and analyze the latest progress.

Once a copy of the file has been obtained, we request the petitioner to review personally the content of the said copies, to highlight and annotate anything that calls their attention. Once the copies are reviewed, the petitioner turns them in to the CADHAC lawyer in charge of following his/her case, who first proceeds, together with the

³This acronym refers to the *Agrupación de Mujeres Organizadas por los Ejecutados, Secuestrados y Desaparecidos de Nuevo León* [Group of Organized Women for the Executed, Kidnapped and Missing Persons of Nuevo Leon].

petitioner, to the analysis of the proceedings made, then makes a specialized study of the progress and/or difficulties, and is a constant communication with the petitioner and the authorities in order to propose specific actions depending on the results of the progress.

c) Review of the files (Victims-CADHAC)

The review of the files is one of the key pieces in this process. If it is not done in the best possible way, the results could be scant. Therefore, it is essential for the lawyer and the petitioner to work together on the review.

The steps for the review are the following:

1. The relatives of the victims must turn in to the lawyer in charge of their case the copies of the progress in their investigative casework at least one week before the scheduled meeting, in order to be prepared for the general meeting with the Attorney General's Office. However, as has already been mentioned, the petitioner must request copies of the proceedings as many times as he/she considers it necessary, and these also must be analyzed by the CADHAC lawyer.
2. The petitioner must fully read the copies and then turn them in personally to the lawyer in charge of his/her case. It is important to mention that they must be highlighted or annotated with any comment that the petitioner considers to be relevant.
3. When receiving the copies, the lawyer must take note of what the petitioner considers important, as well as comment anything the former considers pertinent with regard to the suggestions of proceedings that the petitioner may have.
4. The lawyer must fully and analytically read each one of the proceedings or actions mentioned in the copies, in terms of common sense and from a legal point of view, so that he/she may find any relevant mistake in any of the circumstances concerning the time, manner and place of the events. Also, the reading must draw comparisons with any previous actions or any other case in which the suspects have participated, in order to contribute to the investigation.
5. Within a week, the lawyer must read the copies of all the relevant cases. However, it is preferable for the lawyer to have more time to do so and, during the time between one general meeting and the next one, to be in constant communication with the petitioner and the authorities in order to be familiar with the proceedings described in the copies.
6. Before the scheduled meeting, the lawyer must hold a final interview with the petitioner to inform him/her about anything he/she considers important in the latest copies, and, in case of having any suggestion, also to inform the petitioner of them.

7. Thereafter, the lawyer, together with the petitioner, set up a list including the agreements from any of the earlier meetings that were not carried out, as well as proposals for actions to be taken that have emanated from the analysis of the copies or from another action.
8. These agreements and/or new petitions are then written on a single form that will be used in all round tables in order to enjoy greater fluidity.

d) Organization of the families

Simultaneously, CADHAC provides group support for the families to strengthen their organization and to effect a better job with the CADHAC lawyers and the authorities.

Experience tells us that these meetings of missing persons' relatives is vital for the search process as well as for the emotional strengthening of his/her family.

2.3 Work methodology of Attorney General's Office's for missing persons cases

2.3.1 Prior work and internal processes

a) Reception of complaints

The victim goes to the Orientation and Complaint Center ([Centro de Orientación y Denuncia] CODE) or directly to the Specialized Group of Immediate Search ([Grupo Especializado de Búsqueda Inmediata] GEBI) to file a complaint of a missing person.⁴

b) Procedure of complaints

In the case where the complaint has been filed at a CODE (Orientation and Complaint Center) and concerns a recent disappearance, it is immediately remitted to the GEBI (Specialized Group of Immediate Search), which sets out on the urgent search of the missing person with the purpose of finding him/her within the next 72 hours and solving the case within that period. This process is carried out according to the Procedure for the Search and Investigation of Missing Persons, together with the use of the Protocol of Immediate Search for Missing Persons.⁵

In the case of a non-recent disappearance, the complaint is directly served by the Prosecutor's Office located in the geographical area where it is known that the disappearance took place.

⁴ It is important to mention that the Specialized Group of Immediate Search started to function in 2014.

⁵ As has been mentioned earlier, the procedure before the Specialized Group of Immediate Search was applied for the first time in 2014. Hence, in earlier years, there wasn't any urgent search within the first 72 hours. The procedure unravels as described in subsection c) of this section.

c) Canalization of complaints

If the 72 hours have passed and the GEBI has not found the missing person, the investigation is remitted to the Prosecutor's Office to continue with the investigation of the case and with the search for the missing person until they find him/her.

During the investigation of the events, the Prosecutor must be in touch with the victim to collect all the information necessary to discover the whereabouts of the missing person and to clarify the facts.

2.4 Methodology of the Authorities-CADHAC-Victims meetings

2.4.1 Teamwork

a) Prior meeting at the Assistant Attorney's Office

As mentioned earlier, before the moment in which the victim, CADHAC and the authorities sit at the round table of the Attorney General's Office, several actions of preparation are carried out. The prior meeting is the last step before that day, so it is sought for it to take place one week earlier.

This meeting is held at the Assistant Attorney's Office, and the CADHAC lawyers, the organization's director, the coordinator and the regional coordinators of the Prosecutor's Office, the directors of Preliminary Investigations, and the Assistant Attorney are present.

The purpose of this meeting is to review the agreements of each case left pending in the last general meeting held at the Attorney General's Office. This space for teamwork makes it easier for all parties present to contribute with solutions or to comment about the difficulties that have not allowed the fulfillment of some of the agreements.

The internal dynamic of the meeting is the following: one by one, the coordinators expose the main results and obstacles of the proceedings carried out after the last meeting. In the face of this, mainly the CADHAC lawyers ask questions or complement some information, since the idea of the round tables at the Attorney General's Office is for CADHAC to act as only a mediator between the victims and the authorities.

This helps apply the proceedings that have been successful to similar cases, thus learn from one another. The overall feelings of the victims and those actions that we can carry out jointly to solve the problems that were expressed in each case are also discussed.

b) Round tables at the General Attorney's Office (review of the file by the Victims-Authorities-CADHAC)

Every two months, as a result of the work achieved, the relatives of the missing persons, the prosecutor in charge of each case's investigation, the coordinator of the Prosecutor's Office of each area, and, as mediator, the CADHAC lawyers in charge of each case meet at the Attorney General's Office. The Attorney General, Assistant Attorney, the Director of Preliminary Investigations, the Director of Homicides and CADHAC's director also attend the meeting. However, the latters cannot be present at the four tables at the same time, so they take turns as required to solve practical issues.

Until recently, there were four coordination offices, one for each area, north, south, east, and west, but due to organic modifications, the Attorney General's Office currently has three regional prosecution services: northern, central, and southern. However, aiming at stability and continuity in the proposed process, as well as at constant communication and full knowledge of the cases by the parties involved, the dynamic of installing four round tables for the particular review of the cases was maintained. It is important to highlight that such stability and continuity of the parties involved has contributed to the successful progress of the investigations.

Given that the analyses are done on a case-by-case basis, the petitioners wait for their turn to sit at the corresponding table, together with the prosecutor in charge of their case.

The dynamic begins with the detailed explanations of the prosecutor together with the area's coordinator about the actions that have been carried out in the previous two months, which have to coincide at least with the agreements of the previous general meeting. At the same time, the fulfillment of the agreements made at the previous meeting is reviewed and, as the case may be, the prosecutor exposes why some of the agreements were not fulfilled. The petitioner listens, comments, and expresses his/her main concerns in regard to the investigation, depending on the exposed progress or the issues still not concretized.

The function of the CADHAC lawyer is to mediate between the authorities present at the round table and the relatives of the missing persons. In this sense, he/she is in charge of assuring that the communication between the parties be effective and that the concerns of the petitioners be heard and considered. In addition, the lawyer brings contributions from a legal point of view in case he/she considers that they have not been raised and as long as they are important to the investigation's progress, always focusing the attention on the victims.

c) Agreements

Depending on the progress or obstacles detected while discussing each one of the reviewed cases, specific actions are proposed for the next two months. As a conclusion to the work done at the tables, a list is clearly established with the actions that the authorities

will carry out, which are registered both by the prosecutor and by the CADHAC lawyer, in order for the petitioner and CADHAC to be able to supervise them permanently until their fulfillment. Likewise, any pending commitment on the petitioner's part is registered.

On the one hand, it is important for the agreements to represent concrete and feasible actions, and on the other, to be properly identified by all the parties at the round table, so each one takes on his/her respective responsibility in the fulfillment of the agreements.

As was mentioned in the review of the files section, a form has been designed for the agreements, form that it is used at CADHAC for all the round tables.

d) Authorities-CADHAC meeting

Once the individual reviews of each case with the petitioners are over, a single round table is established where the four area coordinators, the Director of Preliminary Investigations, the Director of Homicides, the Assistant Attorney and the Attorney General, as well as the staff of CADHAC, including its director, are present.

At that moment, a general discussion takes place around the main progress of each round table, as well as the feeling of satisfaction or disappointment detected on the petitioners' part. On the other hand, we analyze the main barriers or obstacles that have been faced during the investigations, aiming at finding the best solutions in coordination with the parties in accordance with their respective functions. Finally, a general assessment of the meeting is made, highlighting the main advances or obstacles presented, as well as their possible solutions.

e) Victims-Authorities-CADHAC closing meeting

Once the authorities from the Attorney General's Office and CADHAC have concluded the assessment, the whole group of petitioners and all the participating authorities meet in a common space, where the director of CADHAC, the Assistant Attorney and the Attorney General share their conclusions regarding the meeting and highlight the main advances.

At that moment, direct communication between the Attorney General and the petitioners is facilitated in such a way that a space is opened for the latters to express their concerns or general requests to the Attorney General and for him to respond in a personal, close, and direct manner.

f) Press conference

Once the last meeting is concluded, we hold a press conference. Generally, here, the Attorney General and the director of CADHAC share their vision in regard to the results of the meetings and they respond directly to the questions of the media.

Press conferences are considered important, since they provide a greater public weight to these meetings, generating a greater commitment for all the parties involved.

III. Fundamental elements

a) Mediation

The role of mediator that a civil organization must play in this kind of practices is decisive. Generally, the victims do not trust authorities and vice versa; therefore, there must be an entity whose role is to achieve an effective communication between both parties.

Tragedies of the magnitude of a human disappearance unleash strong feelings in the victims, which occasionally cause the loss of objectivity in the investigations. On the other hand, the authorities' daily practice can affect the treatment given to the cases, since the workload and the violence that they constantly see can cause the actions to be repeated mechanically.

Hence, it is very important for the victims to be able to count on support from different sides (even though in this phase, they mainly need legal advice) with the purpose of having another person in whom they can trust besides the authorities and who will explain to them what is objectively feasible in the investigations.

It is essential to mention that at the end, only the authorities will decide which actions or proceedings will be carried out for each case, since the prosecution is the one with the faculty and the legal responsibility of directing the criminal investigations.

b) Dialogue

Constant dialogue has propitiated the generation of important agreements and commitments.

To the extent that the victims, authorities, and civil organization are open to the versions of the other parties, it will be possible to establish agreements and commitments.

Even with their ups and downs, tolerance and respect have been two qualities that have characterized the dialogues between these three parties. It is considered that if one of these qualities were missing, the harmonious dynamic that has allowed progress would be impaired.

c) Political will

Definitely, the political will of the Attorney General's Office has been crucial. This is an unusual case where one of the institutions that tends to be most hermetic because of the issues that it handles, has opened its doors in such a way as to foment the success of the round tables.

The collaboration between the three parties involved has reached important interdependency levels; indeed, the support from each party to the others has been

unqualified to ensure the success of some proceedings. However, the active participation that this group of victims has had in the investigations would not have been possible if the doors of the Attorney General's Office had been closed.

d) Teamwork

As has been mentioned above, the success of the round tables is due to the active participation of all parties and, of course, to the fulfillment of the commitments and agreements.

Teamwork has been the foundation to accomplish the success of the round-table talks, since all the parties are committed to carrying out certain tasks and fulfilling them, adhering as closely as possible to the agreements.

e) Files review

The review of files by the victims and CADHAC has promoted the full involvement of these two parties in the investigations. Even if the authorities are the ones who carry out the investigations and document them on paper, the best way to find out about the what, how and when of the investigation's progress is by carefully reading the file.

This has also become a sort of accountability in regard to the agreements and/or commitments that the authorities take upon themselves at the meetings, since the motto is that everything that has been carried out has to be written down and identifiable by means of copies to check whether the agreements and/or commitments were fulfilled or not.

f) Empowerment of the victims

At CADHAC and at the Attorney General's Office, we seek for the victims to assume their roles as subjects of rights and to feel that they are part of the process. Therefore, it is important for them to request the needed documentation and information themselves, to visit the corresponding Prosecutor's Office and to request the carrying out of proceedings, whenever this is necessary in their view or on a lawyer's advice.

To the extent that the victims are committed to follow up personally the investigation, they will feel empowered to claim their rights.

g) Victims comprehensive assistance (other repairing actions, marches or training programs)

Since CADHAC received the first cases of missing persons in 2009, there have been frequent meetings with the mothers of those who had suffered the deprivation of their liberty and whose whereabouts were unknown. In 2011 the group of relatives of missing persons started to grow and strengthen itself, which recently gave rise to the *Agrupación de Mujeres Organizadas por los Ejecutados, Secuestrados y Desaparecidos de Nuevo León* ([Group of Organized Women for the Execute, Kidnaped and Missing Persons of Nuevo Leon] AMORES).

This is how, since 2009, the relatives of missing persons, mostly women, have been meeting weekly at CADHAC to define group activities, analyze the context, assist one another and to listen each other. These meetings represent a space of mutual contention, as well as the generation of ideas and actions for public incidence. The support that CADHAC provides to the weekly group is part of the comprehensive assistance that is offered to the families of missing persons, which includes, besides legal assistance, psycho-emotional, social, and educational guidance and community awareness.

The group space is very important for the families, since it brings spiritual and emotional strength while the public incidence and the sensitization actions become overwhelming. Each time that a meeting takes place at the Attorney General's Office, one attends a mass demonstration where one wears symbols that the families themselves have prepared: handprints, hearts, silhouettes, besides the posters and pictures of their loved ones. This demonstration is held outside while the technical review of the cases is carried out inside.

But there is public incidence not only at the Attorney General's Office, but also at the State Congress and in public spaces where information is divulged to the citizens. Plays, video projections, distribution of flyers and brochures, masses at churches, workshops, cultural events have been organized; there is participation in forums, recording of testimonies, and placement of posters in public places. Campaigning for the characterization of disappearance, CADHAC, politics, and relatives have assumed the technical part.

h) Joint informational publicity (Authorities-CADHAC)

In order to inform the citizens about what to do before a case of enforced disappearance, the Attorney General's Office, jointly with CADHAC, has created brochures and flyers that explain that and the procedure to report this crime.

IV. Obstacles and Progress

4.1 Obstacles

a) Prejudices

As mentioned above, at the first meetings of the victims and CADHAC with the Attorney General's Office, an atmosphere of mistrust and secrecy was perceived as a consequence mainly of prejudices in regard to the actions of each one of the parties. As to the victims and ONG's, they are stigmatized as people who "attack" the authorities in order to obtain full compliance with any demand, frequently without listening to any argument. On the other hand, the stigma that falls upon the authorities is the belief that they are corrupt and dishonest bodies in which no one can trust.

In these first meetings with the authorities, the victim did not say everything that he/she knew, because sometimes the missing person was related to criminal acts and

he/she thought that the authorities was not going to act favorably for that reason. Therefore, he/she omitted important information that could have related the disappearance with other cases. From the moment the victim's trust in the authorities is gained, the relatives start providing more information, but this takes a long time.

The fulfillment of the commitments and the dialogue were the elements that managed to erase progressively these prejudices, at least among the parties that intervene in these processes, such as AMORES, the Attorney General's Office, and CADHAC.

b) Emotional state of the victims

As was already mentioned, the emotional impairment before a disappearance is severe. The loss of a relative due to violence and the uncertainty of not knowing whether the person is alive or dead make the grief process necessary to achieve resignation very difficult.

In this sense, victims can lose objectivity due to anger and impotence since they consider that, regardless of the progress that the investigations may show, if the final purpose is to find the missing person and this is not achieved, any efforts made by the authorities prove to be insufficient.

c) Victims' fear of retaliation

Another obstacle to getting to the core of the facts was the fear that the victims expressed in relation to organized crime. If there were witnesses, they were unwilling to provide any information to the authorities for fear of retaliation.

d) Organized crime's modus operandi

In addition, one of the main obstacles for the investigation of the whereabouts of the missing persons has been the *modus operandi* of organized crime for the disappearance of the bodies, making it, in some cases, almost impossible genetically to identify the victims.

e) Disclosure of information in the media

A few years back, the media represented an obstacle to the proper development of the investigations, since they disclosed confidential information in advance, in order to be the first in publishing the news. Hence, frequently, the information presented to the public was not totally correct, thus impairing the communication between the parties.

f) What was not done

One of the main obstacles that this dynamic has faced is time. Specifically, there are disappearance cases dating back to 2007 when the insecurity in the state was even more severe. Some public and private institutions were paralyzed in their work for fear

of retaliation. So, on one hand, when the authorities were made aware of some disappearance, there were occasions when no urgent proceedings was carried out that could have really brought results about the person's whereabouts, and on the other, some families of missing persons were also paralyzed and therefore did not report the disappearance immediately, letting go immediate proceedings options that could have marked the investigations.

It is important to mention that there are proceedings whose success depends on the promptness of their execution. However, there are investigations that began with a delay of months or even years and for which, consequently, there is information that it is almost impossible to recover.

g) Lack of interagency coordination and cooperation on the authorities' part

One of the biggest issues that the public administration generally faces is the lack of coordination between its dependencies. The judicial system is no exception. On many occasions, the reply time of warrants for Attorney General's Offices by other states is excessive. Even sharing information between different authorities is sometimes slow or impossible.

Another clear example is the secrecy that marks Mexico's Attorney General's Office [PGR], since even though it obtains information from local authorities, it does not share it although it could help with a local investigation.

4.2 Progress

a) Numbers

From 2009 to 2014, CADHAC has registered 1,249 missing persons, from whom 26% correspond to enforced disappearance cases carried out directly by public servants, while 74% were allegedly carried out by organized crime.

From this register of missing persons, 104 have been found—59 alive and 45 identified by means of a DNA compatibility test.

As mentioned above, in June 2011, the victims and CADHAC began working jointly with the Attorney General's Office to review the cases and to progress in the investigations. Since that date and until we celebrated the 20th meeting, 87 cases with 211 missing persons (178 men and 33 women) have been analyzed. From the investigations that have been discussed at the round tables at the Attorney General's Office, 60 persons have been apprehended for their probable criminal responsibility, from whom 12 have been already condemned.

In addition, the criminal characterization of enforced disappearance in the Criminal Code was achieved in December 2012, and the promulgation of the *Ley Estatal de*

Atención a Víctimas [Victims Assistance State Law] in December 2013, all this not only thanks to the CADHAC's legislative proposals, but also to the insistence and strength of the families, mainly derived from the group assistance.

b) Dialogue (immediate replies to concrete requests)

In addition to the development of the round tables mechanism where the disappearances investigation files are reviewed, there have been other goals reached through this dynamic. One of them has been the immediate and clear dialogue between the victims, CADHAC, and the authorities.

When there is a concrete request or doubt, depending on the difficulty to answer it or carry it out, it is resolved as fast as possible by the authorities, which has generated more trust in them.

c) Immediate Search for Missing Persons Protocol

One of the most significant advances of this dynamic is, without a doubt, the Immediate Search for Missing Persons Protocol, which gave rise to the Specialized Group of Immediate Search of the Attorney General's Office and the application of the State Form for Urgent Search.

As a consequence of all the joint knowledge that has been shared at the round tables, we thought of formalizing into a protocol the concrete actions that are decisive when searching for a missing person within the first 72 hours of the event.

This is related to what was mentioned in the "What was not done" subsection, since the experiences have made it very clear which have been the omissions that occurred in the years when the insecurity was most severe, and, in order not to repeat them, the steps that should be followed within the next 72 hours of a disappearance were written down in a document.⁶

d) Internal improvement at the Attorney General's Office

Until 2013, the crime of enforced disappearance was investigated by the Prosecutor's Office of the municipality depending on the place where the event had occurred.

In the same year, a group was created within the Judicial Police of Investigating Agents whose purpose is to creating a direct connection with the victim during the process to contribute to obtaining information and to make the process of the investigation easier.

⁶This protocol can be found in the Appendix A.

In early 2014, an Investigation Unit dedicated exclusively to the search for missing persons was created inside the Attorney General's Office. The unit is composed as follows:

- By the GEBI, which comprises a prosecutor, assistant public prosecutors and clerks.
- By a group of judicial policemen dedicated to the actions necessary to the search for and localization of the victim as required by the investigation of the incident.

Both groups are ruled by a standardized work scheme, due to the fact that the Procedure for the Search and Investigation of Missing Persons is documented and applied.

Additionally, among other matters, special forensic equipment has been acquired, such as the Georadar, for the search for missing persons. This equipment detects the softening of the ground and allows the localization of bodies of persons whose whereabouts were unknown until then.

In regard to human resources, it should be noted that, because they have worked directly with the victims and with society, the public servants of the Attorney General's Office have grown in sensitivity, empathy and awareness before the situation that victims of this crime experience. For this reason, they have not ceased to search for missing persons and for those responsible for these crimes, so that the latter may be punished.

V. Conclusions

In this document, we have expressed all the factors that have influenced the establishment of the dynamics at the general meetings with the Attorney General's Office, as well as those that intervene in the development of the round tables. Each one of the components here described is essential in order for the results to be favorable. Also, each one of the parties involved and their characteristics are decisive.

We have also explained the procedure that it is followed in each one of the steps before sitting at the round tables at the general meetings, as well as the one that is followed during the meetings.

The good practices here identified have been factors or products of this relationship between the victims, the authorities and CADHAC, and the relevance that each one of these practices has leads to the conclusion that if one of them should be missing, it might be impossible to continue with this dynamic that has benefited society in Nuevo Leon.

Finally, and as a consequence of this journey, the main advances and obstacles that made themselves manifest were identified.

It is considered that the main acquired learning has been to prove that the prejudice that victims, civil organizations and authorities cannot work hand in hand, or else, that they can only do it for a very short period, is wrong. The commitment of all parties has generated a dialogue that has made possible to progress constantly together. Therefore, it is even considered that when facing these serious issues, a better practice to find solutions is involving the three parties, victims, authorities and civil society organizations.

By virtue of the effectiveness that the dynamic of holding general meetings to review files of missing persons at the Attorney General's Office has demonstrated, several national and international organizations, as well as public bodies, have visited Nuevo Leon to witness how the said round tables are implemented and have made positive comments about them.

Therefore, and taking into consideration that the disappearance of persons is a problem that affects the whole country, it has been contemplated to replicate this dynamic which may prove useful in other states of the Mexican republic.

The Attorney General's Office of Tamaulipas has expressed its interest in replicating this work model, so the process began in April of 2014. Three meetings have taken place, and it is thought that the conditions are ripe to keep holding them despite the distance that makes the work more complex.

As mentioned earlier, there have been difficulties throughout the process and initial skepticism; however, the formula seems to be working, since there have been twenty meetings in Nuevo Leon. Although all the parties admit that there is still much to be done, since one cannot talk of justice until all the missing persons are found, it is important to recognize that progress is undeniable.

VI. Glossary

- a. **AMORES:** Group of Organized Women for the Execute, Kidnaped and Missing Persons of Nuevo Leon (*Agrupación de Mujeres Organizadas por los Ejecutados, Secuestrados y Desaparecidos de Nuevo León*).
- b. **Attorney General:** State Attorney General of Nuevo Leon (*Procurador General de Justicia de Nuevo León*).
- c. **Attorney General's Office:** State Attorney General's Office of Nuevo Leon (*Procuraduría General de Justicia de Nuevo León*).
- d. **Assistant Attorney General:** State Assistant Attorney General of Nuevo Leon (*Subprocurador del Ministerio Público*).
- e. **Assistant Attorney General's Office:** State Assistant Attorney General's Office of Nuevo Leon (*Subprocuraduría del Ministerio Público*).
- f. **CADHAC:** Citizens in Support of Human Rights (*Ciudadanos en Apoyo a los Derechos Humanos, A. C.*).
- g. **CODE:** Orientation and Complaint Center (*Centro de Orientación y Denuncia*).
- h. **FEBU:** State Form for Urgent Search (*Formulario Estatal de Búsqueda Urgente*).
- i. **GEBI:** Specialized Group of Immediate Search (*Grupo Especializado de Búsqueda Inmediata*).

VII. Appendix

A: Immediate Search for Missing Persons Protocol



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 1 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

1 PURPOSE

Establish guidelines for action, standardize an urgent search procedure, design tools and ensure effective interagency coordination of public servants responsible for the search and investigation of the disappearance of a person, especially the GEBI, in order to discover their whereabouts, clarify the facts, identify and punish those responsible, and ensure the victims and injured's right to full compensation.

2 SCOPE

This procedure applies to all departments of the State Attorney General's Office of Nuevo Leon involved in the investigation and search for missing persons.

3 DEFINITIONS

Missing Persons: Those of whom their relatives have no news or whose disappearance has been acknowledged, on the basis of reliable information.

Victim: In the case of enforced disappearance, it is the missing person and any individual who has suffered injury as the direct result of an enforced disappearance or of the disappearance that is a result of a crime.

GEBI: Specialized Group of Immediate Search; dedicated to the urgent search for the missing person within a period of 72 hours. If the disappearance turns out to be a crime, what proceed is the integration of the corresponding preliminary investigation.

4 RESPONSIBILITIES*

Traditional Assistant Public Prosecutor (DMPT [its acronym in Spanish]):

To get the complaint, fill out the form and register it in the database and refer the complaint to the Specialized Taskforce of Immediate Search.

Specialized Group of Immediate Search:

- a) To direct the urgent search procedure, initiating the corresponding preliminary investigation.
- b) To transmit their orders to the Prosecution Officers and other personnel who should conduct the proceedings relating to the urgent search procedure.
- c) To manage, update and revise the database of missing persons, which will be fed with data from the State Form for Urgent Search.



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 2 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

- d) To have a personnel team through the Analysis and Information Agency, which will study the context, using the central database, which will allow it to identify causes, patterns, modus operandi, main forms of victimization and criminal responsibility.*
- e) To access through the Analysis and Information Agency the records of the databases of the other state government institutions in order to determine the whereabouts of the missing persons.

Prosecutor's Office's Investigative Agency Officer

To pursue the preliminary investigation initiated by the Specialized Group for Immediate Search of the disappearance of a person, until the latter is found.

Prosecution Officers

To undertake the necessary actions for the search and investigation of the victim as required by the investigation of the events.*

5

REFERENCES

- Constitution of the Mexican United States.
- International Instruments.
 - Universal Declaration of Humans Rights.
 - International Covenant on Civil and Political Rights.
 - American Declaration on Human Rights.
 - American Convention on Human Rights.
 - International Convention for the protection of all persons from enforced disappearance.
 - Inter-American Convention on forced disappearance of persons.
 - Declaration on the Protection of all persons from enforced disappearance.
 - Basic principles of justice for victims of crime and abuse of power.
 - Set of principles for the protection and promotion of human rights through action to combat impunity.
 - Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of International Human Rights Law and serious violations of International Humanitarian Law.
- General Law to prevent and punish crimes of kidnapping.
- General Law to prevent, punish and eradicate crimes of human trafficking and for the protection of and assistance to the victims of these crimes.
- General Law of Victims
- Constitution of the Free and Sovereign State of Nuevo Leon
- Fundamental Law for the State Attorney General's Office of Nuevo Leon
- Regulation of the Fundamental Law for of the State Attorney General's Office of Nuevo Leon.
- Law of the Public Safety System for the State of Nuevo Leon.
- Law of Attention and Assistance to the Victims and Injured of Crime for the State of Nuevo Leon.
- Regulation of Law of Attention and Assistance to the Victims and Injured of Crime the State of Nuevo Leon.



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 3 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

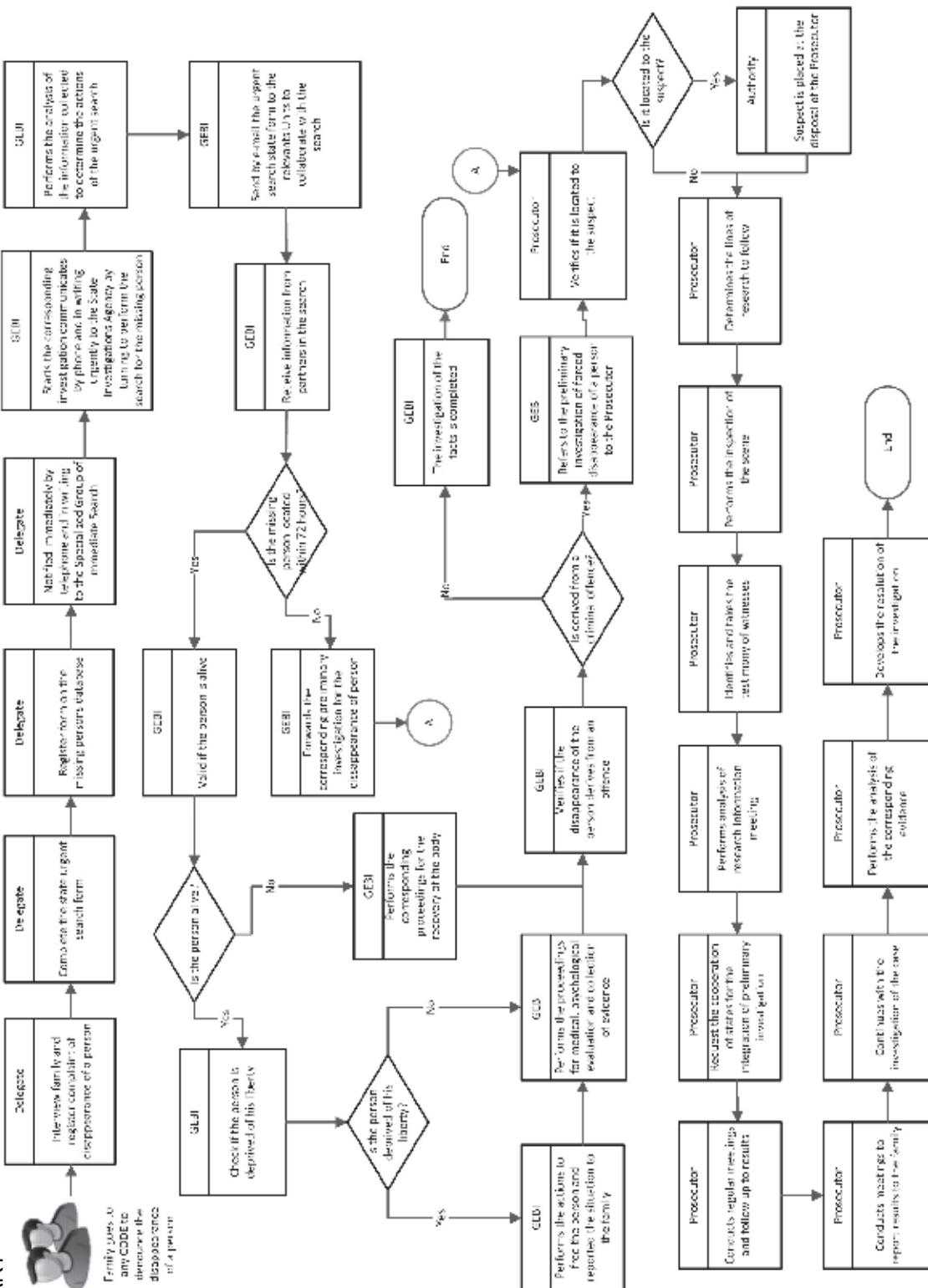
- Criminal Code for the State of Nuevo Leon.
- Criminal Procedure Code for the State of Nuevo Leon.
- Law to prevent, service, fight and eradicate human trafficking in the State of Nuevo Leon.
- Law of Transparency and Access to Information of the State of Nuevo Leon.
- Search and Investigation Protocol for Missing Persons
- Protocol of Istanbul
- Protocol of Minnesota



**PROCURADURÍA
GENERAL DE JUSTICIA
NUEVO LEÓN**

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

FLOW CHART



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PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 5 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

7 DESCRIPTION

RECEPTION OF COMPLAINT

- 7.1 Citizen goes to any Orientation and Complaint Center (CODE) to file a complaint for the disappearance of one or more persons, be they relatives, acquaintances, etc.
- 7.2 The Traditional Assistant Public Prosecutor conducts the interview and collects the Complaint of facts for missing person in the Justina System. Thereafter, he/she proceeds to fill in the State Form for Urgent Search and registers it in the missing persons database.
- 7.3 The Traditional Assistant Public Prosecutor immediately notifies by phone and by official notice to the Specialized Taskforce for Immediate Search who will take knowledge of the matter to take action in locating the missing person.

BEGINNING OF INVESTIGATION CONCERNING MISSING PERSON

- 7.4 Upon learning of the disappearance of any person either because a Complaint was filed or by any other means search, the Specialized Group of Immediate Search starts the corresponding investigation, phoning and simultaneously sending urgent official notice to the State Investigations Agency so they may dedicate themselves to the search and investigation of the facts. In addition they carry out some of the following actions, omitting those it deems detrimental to the urgent search or to the victim or his/her family:
 - Request pictures of the victim from the relatives.
 - Go to the site once there is information as to where the missing person was deprived of liberty to collect any possible evidence.
 - Request the necessary elements of proof from companies, businesses, commercial establishments, and other institutions.
 - Require from the mass media their collaboration in divulging the traits and characteristics, peculiarities and picture, if at all possible, of the missing person.
 - Request the collaboration of the Attorney General's Offices and other authorities, both local and federal, to locate the missing person, granting any available information.
 - Design and implement dissemination strategies to collect information useful to locate the missing person.
 - Verify whether the person is in some relevant public or private institution (Coroner Services, Penitentiary Centers, Rehabilitation Centers, Detention Centers, Medical Centers, Hospitals, Clinics or Psychiatric Centers).
 - Request the call log sheet of the missing person's cell phone from the corresponding phone company.
 - Request from the judicial authorities the corresponding orders to carry out searches and inspections in such private properties as may be relevant to the search.
 - Conduct any interview it deems necessary.



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 6 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

- In the event that it is presumed that the person is in custody or otherwise deprived of liberty by any federal authority, request information about the person and register the results.
 - Provide legal advice on the assumption that it is presumed that the person is in custody or otherwise deprived of liberty by any federal authority that has denied the whereabouts.
 - In the event that the missing person was driving or was in a car, take the necessary steps to enter the vehicle's data in the registry of Plataforma México⁷ and bring the facts to the knowledge of the Falcon Group [Grupo Halcón].⁸
 - Request the missing person's information from the Plataforma México.
 - In case there are grounds for believing that the missing person is in a detention center in the state, request verification from the manager (Director or Superior Officer of the said center) in order to find the victim in the said place.
- 7.5 Subsequently, the Specialized Group of Immediate Search performs the analysis of the information gathered to determine the actions of urgent search, considers the provisions of Appendix 1 and Appendix 3, coordinates itself and sends by mail the State Form for Urgent Search to the corresponding agencies so that they collaborate in the search. (See Appendix 2)*
- 7.6 Also the Specialized Group of Immediate Search communicates with the Analysis and Information Agency so that it verifies records of the databases of other agencies of the State Government in order to find the whereabouts of the missing person.
- 7.7 During the 72 hours of search, information is received from the collaborators about the search and investigation of the missing person.
- 7.8 Within 72 hours, the State Investigations Agency should render to the Specialized Group of Immediate Search a report about the actions implemented during the investigation of the event.*
- 7.9 If within 72 hours, the person is located alive, it is verified whether he/she is deprived of liberty; if so, the Specialized Group of Immediate Search performs the necessary actions to secure his/her release, or if he/she is detained by some authority, the appropriate information must be obtained.
- 7.10 Once information about the victim becomes available, the relatives or complainant must be notified of the reason, of the circumstances and of where the person is.

⁷ Plataforma México is a network of interagency connections to facilitate the exchange of information and so be more efficient in the fight against crime.

⁸ Grupo Halcón is a special force that intervenes in special operations to fight crime.



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 7 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

- 7.11 In case the person is located alive and is not deprived of liberty, carry out the proceedings with the victim for medical, toxicological and psychological evaluation and the recollection of evidences with their respective Chain of Custody, in addition to the official notice to COPAVIDE (Center of Orientation, Protection and Support to Crime Victims) for the corresponding follow up.
- 7.12 If the missing person is dead, the corresponding proceedings to recover the body are performed, collecting with their respective Chain of Custody evidences linked to the death depending on the circumstances of the find.
- 7.13 If it is verified that the disappearance was not due to a crime, the GEBI closes the investigation of the facts, issuing the resolution corresponding to the preliminary inquiry.
- 7.14 It is checked whether the said deprivation corresponds to a criminal act. If so, the preliminary investigation for the crime of disappearance is turned to the Prosecutor who will take knowledge of the matter so as to pursue the integration of the preliminary investigation till its resolution.
- 7.15 Once the 72 hours have passed and no search has located the missing person, the investigation for the disappearance is turned to the Prosecutor who will continue to process the case. Understandably, if after the time period mentioned above, the Specialized Group of Immediate Search receives additional relevant information, it must communicate it urgently to the Prosecutor who is pursuing the preliminary investigation.*
- 7.16 Likewise, regardless of the status of the missing person at the end of the 72 hours of search, the Specialized Group of Immediate Search must provide the family or complainant with information on the investigation and the results.*

PURSUANCE OF THE PRELIMINARY INVESTIGATION BY THE PROSECUTOR OF THE CORRESPONDING INVESTIGATIVE JURISDICTION

- 7.17 Once he/she has knowledge of the preliminary investigation, the prosecutor checks if there is information about the suspect or if he/she has been located, in which case he/she is turned over to former to pursue the investigation of the events and determine the line of investigation to follow, as well as carry out the proceedings relevant to the case.
- 7.18 The Public Prosecutor determines the line of investigation to pursue for the due integration of the preliminary investigation.
- 7.19 The Public Prosecutor performs the basic proceedings in case the GEBI missed any or complements them. (See Appendices 1 and 3).*
- 7.20 Proceeds to the identification and deposition of the witnesses. (See Appendix 4)



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 8 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

- 7.21 The Public Prosecutor holds a meeting of analyze and report on the investigation, and if necessary, requests the collaboration of Federal Entities for the research in the preliminary investigation.
- 7.22 The Public Prosecutor holds regular meetings to monitor results, as well as meetings to report on the results of the investigation to the relatives, and continues with the corresponding investigation.
- 7.23 Once he/she has all the elements of the investigation, the Public Prosecutor determines whether the events constitute a crime and the responsibility of the suspect to execute the corresponding resolution. (See Appendix 5)
- 7.24 In case there is no suspect of the crime, the investigation is pursued or the corresponding resolution is rendered.

8 DISTRIBUTION

Electronically to all those involved in the process through Portal de Calidad.⁹

9 APPENDICES

APPENDIX 1

BASIC PROCEEDINGS

- Request pictures of the victim.
- Obtain the data of victim's appearance (physical description, characteristics and clothing).
- Data of the victim's vehicle.
- Collect information about the victim's activities: work, friendships, conflicts, debts, relationships, etc.
- Collect information about communication teams for localization and to analyze the information.
- Take DNA samples from relatives to make the necessary comparisons.
- Offer legal advice and psychological support to relatives (referral to COPAVIDE).
- Send official notices to the various authorities or organizations as necessary for the investigation of the events.

APPENDIX 2

ENTITIES COLLABORATING IN THE URGENT SEARCH

- Coordinating Council of the Integral System of State Public Safety
- Municipal Police
- State Investigations Agency
- Attorney General's Office
- Ministry of the Interior
- Human Rights Commissions
- Any other institution

⁹ Website for better control and optimization of internal communication.



PROCURADURÍA GENERAL DE JUSTICIA NUEVO LEÓN

KEY: P-AV-02
PAGES: 9 de 9
REVISION: 3
ISSUED: 13/02/14
CANCELS: 15/11/13

PROCEDURE: SEARCH FOR AND INVESTIGATION OF MISSING PERSONS

APPENDIX 3

INSPECTION OF THE SITE OF THE EVENTS

- Take pictures or videos on the site of the events.
- Identify the witnesses.
- Identify the participating vehicles to collect evidence like fingerprints, DNA, fibers, hair, etc.
- Locate the video cameras in the area of the events.
- Identify possible tire marks.
- Collect any kind of evidence on the site of the events.

APPENDIX 4

WITNESS' DEPOSITION

- Obtain the description of participating vehicles.
- Obtain the description of suspects.
- Elaborate the police artist sketch.
- Obtain the description of weapons.
- Find out if the victim was injured and how.
- If necessary, offer assistance and protection to the witness in COPAVIDE.

APPENDIX 5

PROCEEDINGS TO PROSECUTE THE ACCUSED

- Disclosure statement.
- Witness statements.
- Inspection.
- Expert testimonies.
- Medical opinion.
- Psychological opinion.
- Exhibits.
- Resolution agreements
- Other legally enforceable proceedings

DISAPPEARANCE OF PERSONS IN NUEVO LEÓN

A SYSTEMATIZATION OF EXPERIENCES
IN SEARCH OF JUSTICE AND TRUTH



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NACIONES UNIDAS
DERECHOS HUMANOS
OFICINA DEL ALTO COMISIONADO

México

The joint work of civil society organizations and state authorities, launched in June 2011, aims the whereabouts of missing persons and the need to obtain justice in an environment where impunity prevailed.

The perseverance of the families of the Women's Group Organized by the Executed, Abducted and Missing in Nuevo Leon (AMORES), the opening of the Attorney General's Office in the State of Nuevo Leon and the support of Citizens in Support of Human Rights (CADHAC), together with the technical collaboration of national and international experts have made it possible to build small roads that bring us to eradicate disappearances in Nuevo Leon.

We will keep looking until we find these victims of violence in our state.

Monterrey, Nuevo Leon, Mexico
November 2014