



FUNDACIÓN PARA LA
JUSTICIA

SPECIAL COMMISSION FOR THE INVESTIGATION OF MASSACRES AND ENFORCED DISAPPEARANCES OF MIGRANT PEOPLE

In the last decade, several massacres have been committed in Mexico, the victims in these events have come from the migrant population, along with other general and systematic violence migrants are subjected to in the countries of the region. Almost 20 thousand kidnappings of migrant people have also been documented in two different 6-month periods, the National Commission on Human rights has documented, between 2011 and 2020, almost 70 thousand cases of human trafficking and kidnappings¹ of migrants. The Foundation for Justice and the Democratic State (FJEDD) accompanies the relatives of around 81 direct victims from 5 different massacres of migrants and has been able to witness the lack of technical capacities as well as the lack of willingness from the Mexican State to bring justice to these cases. Some of these massacres took place over 10 years ago and not one person has been sentenced. In the same way, impunity in cases of enforced disappearances surpasses 99 percent in the country and in the cases of disappeared migrants it is even more complex to drive the search and investigation when the victim's relatives are not based in the country where the facts took place.

The Attorney General's Office (FGR) does not have

the structure to allow it to investigate and analyze these cases; segmentation and fragmentation of information represent great obstacles to accessing the truth and contribute to impunity. Besides the questionable autonomy of the FGR there is little to no collaboration between countries, institutions, and the different actors involved in these investigations. In addition, within the unit traditionally in charge of these cases, The Specialized Prosecutor's Office for the Investigation of Organized Crime (SEIDO) impunity is generated and perpetuated, and the victims, defense actors, experts, and journalists are criminalized.³

Given the historic impunity in the cases mentioned before, the Foundation for Justice and the committees of disappeared migrants of the region propose the **creation of a Special Commission for the Investigation of massacres and enforced disappearances** of migrants, under the protection of an international mechanism, **whose objective be:** to collaborate in the investigations of human rights violations and crimes such as extrajudicial executions, massacres, enforced disappearances, and torture of migrants.

1 See: CNDH, Informe Especial sobre Secuestro de Migrantes en México, 22 de febrero de 2011, en: <https://www.cndh.org.mx/documento/informe-especial-sobre-secuestro-de-migrantes-en-mexico> Informes de la Comisión Nacional de los Derechos Humanos (CNDH). "Informe Especial sobre los casos de secuestro en contra de migrantes", 15 de junio de 2009, at: <https://www.cndh.org.mx/documento/informe-especial-sobre-secuestro-de-migrantes-en-mexico>; "Informe Especial sobre secuestro de migrantes en México", 22 de febrero de 2011. Available at: https://www.cndh.org.mx/sites/default/files/doc/Informes/Especiales/2011_secuimigrantes.pdf "Informe Especial de la CNDH sobre el estado que guarda el tráfico y el secuestro en perjuicio de personas migrantes en México 2011-2020", 11 de noviembre de 2021. Available at: https://www.cndh.org.mx/sites/default/files/documentos/2021-11/IE_Migrantes_2011-2020.pdf

2 See: "Abogada lucha por la justicia después de una masacre en México. Entonces el gobierno la convirtió en sospechosa" en Washington Post, 23 de noviembre de 2021 Disponible en: <https://www.washingtonpost.com/world/2021/11/23/mexico-disappeared-organized-crime/>

3 For more information on the lack of autonomy of the Mexican Attorney General's Office see "Fiscalómetro ¿Cómo enfrenta nuestro país la impunidad? available at: https://www.fundacionjusticia.org/wp-content/uploads/2020/11/FISCALO%CC%81METRO-2_compressed.pdf "Balance a un año de Gertz frente a la FGR" available at: https://www.fundacionjusticia.org/wp-content/uploads/2020/01/FINAL_DIGITAL_A-UN-A%C3%91O-DE-JUSTICIA-Y-AUTONOMIA.pdf and "Balance ciudadano del 2º año de gestión del Fiscal General de la República: "Deudas pendientes con la justicia" available at: https://www.dplf.org/sites/default/files/diagrama_fgr_v3.pdf



The proposal is that the Special Commission is **integrated by expert individuals of renown experience – nationally and internationally –, international organizations**, (UN-OAS- Amnesty International among others), civil society organizations, public and private universities, and victim collectives.

The Special Commission must have a **transnational vision of justice and search**, with a systemic macro criminality and analysis approach that includes countries of origin, transit and destination.

To fulfill its role, we suggest that the commission have **technical autonomy** so it can bring to light the causes of systemic violence in México, thus guaranteeing the right to non-repetition for victims; support investigations to combat impunity; create or strengthen new methodologies to investigate complex transnational cases and serious human rights violations; and produce work, recommendations and conclusions, that can be taken into consideration by the FGR.

The UN committee on Enforced Disappearances visited México in November 2021 and lamented witnessing the generalized situation of disappearances is still ongoing in great part of the Mexican territory. The Committee underlined the fact that the migrant population is particularly vulnerable in the issue of disappearances and pointed out that in view of this reality, the deep causes of disappearances have not been addressed and the fight against impunity is urgent and **it considered necessary to create a special multidisciplinary commission for the investigation of enforced disappearances and massacres against migrants**, formed by national and international experts that support the investigation of facts with a regional approach.

Special commissions have been used by the region as

extraordinary measures in the investigation of cases of grave violations of human rights to bring light to the facts and to guarantee the rights of victims to truth and justice in certain contexts of violence.

Thanks to the advocacy work of the FJEDD and the committee of relatives of disappeared and murdered migrants, in 2021 a breakthrough was made when in 2021 the FGR, through the Human Rights Attorney's Office, manifested interest in receiving technical assistance from the UN in the investigations of massacres of migrants. This represented an important step towards forming this mechanism.

It is necessary to continue working to achieve such a Commission. This effort will require continuous work with the different mechanisms and procedures of the United Nations, with the Office of the High Commissioner on Human Rights and with the Mexican authorities to achieve its establishment.

To this day, the Foundation has a Special investigations Team who is examining, analyzing and systematizing the information of the 5 massacres (approximately 500,000 pages). This work will be crucial to have a clear diagnosis of the investigations carried out by the Attorney General's Office so that there can be at least a basis to propose alternatives to the investigations.

Once the Special Commission is constituted in México, central american countries can join this initiative, as transnational collaboration is needed to investigate the criminal networks that operate in different countries. Building transnational mechanisms as well as the Special Commission is fundamental as it is a first step that represents an island of justice that can guarantee the rights of migrants through a regional approach.