


Special Commission for the Investigation of Massacres and Disappearance of Migrants

The Committee on Enforced Disappearances of the United Nations (UN) took up again and supported the recommendation of Fundación para la Justicia regarding the need to create a Special Commission for the Investigation of Massacres and Disappearance of Migrants, in order to collaborate in the investigations on human rights violations and crimes, such as extrajudicial executions, massacres, disappearances and torture of migrant people.

20,000 
Kidnappings of migrants in two different periods of six months each

The impunity in the cases of disappearance surpasses




70,000 
cases of traffic and kidnappings of migrants documentary for Comisión Nacional de Derechos Humanos (National Commission on Human Rights), from 2011 to 2020¹

Fundación para la Justicia supports and assists more than

300 VICTIMS

of five massacres of migrants, and has confirmed and verified the lack of technical capabilities and willingness of the Mexican government to bring justice to these cases.



And in the cases of missing migrants, it is even more complex to compel the authorities to search and investigate, since the families of these people are not in the country where the events took place.

ZERO FINAL JUDGEMENTS

The Fiscalía General de la República (FGR) (National Attorney General's Office) does not have either the structure or the capabilities that allow it to investigate these cases. On the contrary, it has some bad practices, such as:

- Dividing and fragmenting the information.
- Lack of autonomy.²
- Little or no collaboration whatsoever among countries, institutions and the people involved in the investigation.
- In addition, the department that usually takes on these cases, the Fiscalía Especializada en materia de delincuencia organizada (FEMDO) (Specialized Attorney's Office on Organized Crime) of the FGR, tends to criminalize victims, defending people, experts and journalists.³

The Committee on Enforced Disappearances of the UN visited Mexico on November of 2021, verified and lamented that there still exists the generalized situation of disappearances in most of the Mexican territory:

- It pointed out that migrant people are particularly vulnerable regarding the issue of disappearances.
- The underlying causes of the disappearances have not been addressed properly, and the fight against impunity is pressing.
- It considered necessary the creation of a special multidisciplinary commission for the investigation of disappearances and massacres against migrants.

What is a Special Commission and what would it do?



It must include expert people of renowned experience and expertise, international organisms, non-profit organizations, universities and groups of victims.

It must have an international view of justice and search, with an approach on “macro-criminality” and a systemic analysis that includes countries of origin, transit and destination.

It must have technical autonomy in order to bring forth the causes of violence and systemic impunity in Mexico, ensuring:

- The right of non-repetition of events.
- The support to investigations aimed to fight impunity.
- The creation or strengthening of new methodologies to investigate complex international cases that involve grave violations to human rights.
- The fulfillment of works, recommendations and conclusions that could be taken into consideration by the FGR.

The importance of special commissions:



- Special commissions have been used in the region as extraordinary measures to investigate cases of serious violations to human rights in order to clear up the facts and ensure the right of the victims to the truth, justice and reparations in certain contexts of violence.
- Thanks to the impactful work of Fundación para la Justicia and the committees of families of murdered and missing migrants, in 2021 the FGR, through the Attorney’s Office of Human Rights, expressed the interest to receive technical assistance from the UN for the investigations of massacres of migrant people, which represented a significant step in the configuration of this mechanism.
- Once this Special Commission is formed in Mexico, Central American countries can be able to join this initiative, since it is required an international collaboration in order to investigate the criminal networks that operate in several countries.



1 See: CNDH, Informe Especial sobre Secuestro de Migrantes en México, February 22nd, 2011, at: <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", June 15th, 2009, at: https://www.cndh.org.mx/sites/default/files/doc/Informes/Especiales/2009_migra.pdf; "Informe Especial sobre secuestro de migrantes en México", February 22nd, 2011. Available at: https://www.cndh.org.mx/sites/default/files/doc/Informes/Especiales/2011_secnmigrantes.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", November 11th, 2021. Available at: https://www.cndh.org.mx/sites/default/files/documentos/2021-11/IE_Migrantes_2011-2020.pdf

2 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/fiscalometro/Balance a un año de Gertz frente a la FGR](https://www.fundacionjusticia.org/fiscalometro/Balance%20a%20un%20a%C3%B1o%20de%20Gertz%20frente%20a%20la%20fgr/)" and "Balance ciudadano del 2° 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

3 See "Abogada lucha por la justicia después de una masacre en México. Entonces el gobierno la convirtió en sospechosa" in the Washington Post, November 23rd, 2021. Available at: <https://www.washingtonpost.com/world/2021/11/23/mexico-disappeared-organized-crime/>