

Disappearances in Mexico

This volume presents an interdisciplinary analysis of the practice of disappearances in Mexico, from the period of the so-called ‘dirty war’ to the current crisis of disappearances associated with the country’s ‘war on drugs’, during which more than 80,000 people have disappeared. The volume brings together contributions by distinguished scholars from Mexico, Argentina and Europe, who focus their chapters on four broad axes of enquiry. In Part I, chapters examine the phenomenon of disappearances in its historical and present-day forms, and the struggles for memory around the disappeared in Mexico with reference to Argentina. Part II addresses the political dimensions of disappearances, focusing on the specificities that this practice acquires in the context of the counterinsurgency struggle of the 1970s and the so-called ‘war on drugs’. The third section situates the issue within the framework of human rights law by examining the conceptual and legal aspects of disappearances. The final chapters explore the social movement of the relatives of the disappeared, showing how their search for disappeared loved ones involves bodily and affective experiences as well as knowledge production. The volume thus aims to further our understanding of the crisis of disappearances in Mexico without, however, losing sight of the historic origins of the phenomenon.

Silvana Mandolessi is associate professor of Cultural Studies at KU Leuven, Belgium and Principal Investigator of the ERC project ‘Digital Memories’.

Katia Olalde is associate professor at the Art History Department, Universidad Nacional Autónoma de México (UNAM-ENES Morelia).

Europa Country Perspectives

The *Europa Country Perspectives* series, from Routledge, examines a wide range of contemporary political, economic, developmental and social issues from areas around the world. Complementing the *Europa Regional Surveys of the World* series, *Europa Country Perspectives* is a valuable resource for academics, students, researchers, policymakers, business people and anyone with an interest in current world affairs.

While the *Europa World Year Book* and its associated Regional Surveys inform on and analyse contemporary economic, political and social developments at the national and regional level, Country Perspectives provide in-depth, country-specific volumes written or edited by specialists in their field, delving into a country's particular situation. Volumes in the series are not constrained by any particular template, but may explore a country's recent political, economic, international relations, social, defence, or other issues in order to increase understanding.

Ukraine

Contested Nationhood in a European Context

Ulrich Schmid

Political Party Dynamics and Democracy in Sweden

Developments since the 'Golden Age'

Tommy Möller

Barcelona, the Left and the Independence Movement in Catalonia

Richard Gillespie

The Taiwan Issue

Problems and Prospects

Edited by Benjamin Schreer and Andrew T. H. Tan

Facets of Security in the United Arab Emirates

Edited by William Guéraiche and Kristian Alexander

Disappearances in Mexico

From the 'Dirty War' to the 'War on Drugs'

Edited by Silvana Mandolessi and Katia Olalde

For more information about this series, please visit: www.routledge.com/Europa-Country-Perspectives/book-series/ECP.

Disappearances in Mexico

From the 'Dirty War' to the
'War on Drugs'

Edited by

Silvana Mandolessi and Katia Olalde



Routledge
Taylor & Francis Group

LONDON AND NEW YORK

Cover image:

Title: Huellas de la Memoria (Footprints of Memory)

Year: 2015

Photograph: © Guillermo Reynoso López

The editors are grateful to Alfredo López Casanova and the Huellas de la Memoria Collective for sharing this image and for helping the editors get the permission to reprint it on the book's cover.

First published 2022

by Routledge

4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge

605 Third Avenue, New York, NY 10158

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2022 selection and editorial matter, Silvana Mandolessi and Katia Olalde; individual chapters, the contributors

The right of Silvana Mandolessi and Katia Olalde to be identified as the authors of the editorial material, and of the authors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

The Open Access version of this book, available at www.taylorfrancis.com, has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record has been requested for this book

ISBN: 978-0-367-77055-6 (hbk)

ISBN: 978-1-032-19661-9 (pbk)

ISBN: 978-1-003-16961-1 (ebk)

DOI: 10.4324/9781003169611

Typeset in Times New Roman

by Taylor & Francis Books

Contents

<i>List of illustrations</i>	vii
<i>List of contributors</i>	viii
<i>Acknowledgements</i>	x
<i>Abbreviations</i>	xi
Introduction—Disappearances in Mexico: From the ‘dirty war’ to the ‘war on drugs’	1
SILVANA MANDOLESSI	
PART I	
Historical dimensions of disappearances	29
1 Responsibilities in the system of enforced disappearance of people in Argentina: A historical perspective	31
EMILIO CRENZEL	
2 Recasting history to cast off shadows: State violence in Mexico, 1958–2018	50
EUGENIA ALLIER MONTAÑO, CAMILO VICENTE OVALLE AND JUAN SEBASTIÁN GRANADA-CARDONA	
PART II	
Political dimensions of disappearances	73
3 Disappearance and governmentality in Mexico	75
PILAR CALVEIRO	
4 Violence regimes and disappearances: Some reflections from the north-east region of Mexico	97
KARINA ANSOLABEHERE AND ALVARO MARTOS	

PART III

Legal dimensions of disappearances 125

- 5 State acquiescence to disappearances in the context of Mexico's
'war on drugs' 127

LENE GUERCKE

- 6 Fate and whereabouts: The two elements that make up the right
to know about the victims of forced disappearance 150

RAINER HUHLE

PART IV

**Affective and experienced dimensions of the search and the
social mobilisation for the disappeared** 167

- 7 *Pedagogies of searching* in contexts of dispossession 169

CAROLINA ROBLEDO SILVESTRE

- 8 The right to search in the case of disappeared persons: A right
constructed from below 187

JORGE VERÁSTEGUI GONZÁLEZ

- 9 Memorialising absence: Memorials to the disappeared in Mexico 210

MARÍA DE VECCHI GERLI

Index 230

Illustrations

Figures

4.1 Framework	103
4.2 Intentional homicide rate per 100,000 inhabitants by north-eastern states	109
4.3 Yearly disappearances by state	109
4.4 Type of perpetrator in north-eastern Mexico	112
4.5 State agents identified as perpetrators by government level in the north-eastern region	113
4.6 Availability of information on capture method by state	113
4.7 <i>Cifra negra</i> by state and at national level	115
9.1 The waiting room at the <i>Museo Casa de la Memoria Indómita</i> (House of the Indomitable Memory Museum)	216
9.2 People identified by H.I.J.O.S. as responsible for the disappearances of previous decades are symbolically put behind bars	217
9.3 Eureka's posters, banners, and pictures at the <i>Casa de la Memoria</i>	218

Tables

4.1 Logics of disappearances	104
4.2 Violence Regimes	105

Contributors

Silvana Mandolessi is associate professor of Cultural Studies at KU Leuven, Belgium, and Principal Investigator of the ERC project ‘Digital Memories’.

Katia Olalde is associate professor at the Art History Department, Universidad Nacional Autónoma de México (UNAM-ENES Morelia).

Eugenia Allier Montaño is researcher at the Institute of Social Research (IIS), Universidad Nacional Autónoma de México (UNAM), Mexico.

Karina Ansolabehere is researcher at the Institute of Legal Research of UNAM and FLACSO-Mexico and Principal researcher of the Observatory on Disappearance and Impunity in Mexico.

Pilar Calveiro is Professor at the Universidad Autónoma de la Ciudad de México (UACM) and member of the Sistema Nacional de Investigadores, México.

Emilio Crenzel is researcher at the National Scientific and Technical Research Council (CONICET) and Professor of the University of Buenos Aires (UBA), Argentina.

María De Vecchi Gerli is the Right to Truth Coordinator at ARTICLE 19 Mexico and Central America Office and is based in Mexico City, Mexico.

Juan Sebastián Granada-Cardona, is postdoctoral researcher at the Institute of Social Research (IIS), Universidad Nacional Autónoma de México (UNAM), Mexico.

Lene Guercke is doctoral researcher in Law at KU Leuven, Belgium.

Rainer Huhle holds a PhD in Political Science. He teaches Transitional Justice at the Centre for Human Rights at the University of Erlangen-Nürnberg. From 2011–2019 he served as a member of the UN Committee on Enforced Disappearances where he was a rapporteur drafting the ‘Guiding Principles for the search for disappeared persons’.

Alvaro Martos is Research Coordinator at the Observatory on Disappearance and Impunity in Mexico.

Carolina Robledo Silvestre is researcher and professor at the Centre for Research and Advanced Studies in Social Anthropology (CIESAS) in Mexico City, Mexico, and coordinator of the Ethnographic Observatory of Violences.

Jorge Verástegui González is a lawyer and co-founder of Fuerzas Unidas por Nuestros Desaparecidos en Coahuila (FUUNDEC). He was part of the team in charge of the technical drafting process of the General Law on Forced Disappearance of Persons.

Camilo Vicente Ovalle is an independent scholar, and holds a PhD in History from UNAM.

Acknowledgements

This book emerged from the workshop ‘Desaparición/es en México’ organised by the project ‘Digital Memories’ at KU Leuven, on 25 and 26 June, 2018. The workshop brought together scholars from diverse disciplines, countries, and perspectives, to examine the phenomenon of disappearances in Mexico in its historical and present-day form. We are grateful for the generous support we received from the European Research Council (ERC), for the organisation of the event and the publication of this book. We thank the participants of the workshop Eugenia Allier, Karina Ansolabehere, Pilar Calveiro, Gabriella Citroni, Emilio Crenzel, Lene Guercke, María de Vecchi, Ileana Diéguez, Rainer Huhle, Leigh Payne, Stephan Parmentier and Martín Zicari, for the lively debate. In addition, we would like to thank the contributors of this book who generously accepted the invitation to write a chapter, Jorge Verástegui and Carolina Robledo.

We would like to thank Cathy Hartley and Lucy Pritchard at Routledge. From the beginning they were always available to answer questions, guide us in the process and facilitate the completion of this volume. The editors are particularly grateful to Adriana Santoveña Rodríguez for her thorough copyediting of the chapters 1, 2, 6, 8, and 9. Chapter 3 ‘Desaparición y gubernamentalidad en México’ by Pilar Calveiro was originally published in the journal *Historia y Grafía* No. 56 (2020) 17–52. We thank the editors of the journal for the permission for reprinting the article in this volume.

We give special thanks to the ‘Digital Memories’ team, Bruno Cardoso, Sophie Dufays, Lene Guercke, Fabiola Navarro, Mariana Perez and Martín Zicari with whom we have discussed the issue of disappearance in Mexico over the last four years. These conversations are an essential part of this book. Special thanks go to Luis Oscar Gómez (1943–2017), in memoriam.

Finally, we would like to thank our families for their love and support.

Grant Support

The project leading to this publication has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (‘Digital Memories’ grant agreement No. 677955).

Abbreviations

ACNR	Asociación Cívica Nacional Revolucionaria (National Revolutionary Civic Association)
AFADDEM	Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México (Association of Relatives of the Detained, Disappeared, and Victims of Human Rights Abuses)
AFDD	Agrupación de Familiares de Detenidos Desaparecidos (Association of Families of Detained-Disappeared)
AFEDDEP	Agrupación de familiares de detenidos desaparecidos y ejecutados políticos de Calama (Calama's Association of Relatives of Executed and Disappeared Political Prisoners)
AHWG	Ad Hoc Working Group
ANFASEP	Asociación Nacional de Familiares de Secuestra- dos, Detenidos y Desaparecido del Perú (National Association of Relatives of the Kidnapped, Detained and Disappeared in Peru)
APDH	Asamblea Permanente por los Derechos Humanos (Permanent Assembly for Human Rights)
ARSIWA	Articles on Responsibility of States for Internationally Wrongful Acts
BNB	Brigada Nacional de Búsqueda de Personas Desaparecidas (National Search Brigade for Disappeared Persons)
CADHAC	Ciudadanos en Apoyo a los Derechos Humanos, A.C. (Citizens in Support of Human Rights, A.C.)
CADHU	Comisión Argentina para la Defensa de los Derechos Humanos (Argentine Human Rights Commission)
CAT	Committee Against Torture
CDG	Cartel del Golfo (Gulf Cartel)

xii *Abbreviations*

CDHDF	Comisión de Derechos Humanos del Distrito Federal (Mexico City Human Rights Commission)
CEAV	Comisión Ejecutiva de Atención a Víctimas (Executive Commission for Attention to Victims)
CED	Committee on Enforced Disappearances
CELS	Centro de Estudios Legales y Sociales (Centre of Legal and Social Studies)
CENAPI	Centro Nacional de Planeación, Análisis e Información para el Combate a la Delincuencia (Centre for Planning, Analysis and Information for the Fight Against Crime)
CIDE	Centro de Investigación y Docencia Económicas (Centre for Economic Research and Teaching)
CIESAS	Centro de Investigaciones y Estudios Superiores en Antropología Social (Centre for the Investigation and Study of Social Anthropology)
CISEN	Centro de Investigaciones en Seguridad Nacional (Centre for National Security Research)
CMDPDH	Comisión Mexicana de Defensa y Promoción de los Derechos Humanos (Mexican Commission for the Promotion and Defence of Human Rights)
CNB	Comisión Nacional de Búsqueda de Personas (National Search Commission)
CNDH	Comisión Nacional de Derechos Humanos (National Human Rights Commission)
CNPP	Código Nacional de Procedimientos Penales (National Criminal Procedure Code)
CNS	Comisión Nacional de Seguridad (National Security Commission)
CONADEP	Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons)
CPECZ	Constitución Política del Estado de Coahuila de Zaragoza (Political Constitution of the State of Coahuila de Zaragoza)
DFS	Dirección Federal de Seguridad (Federal Security Directorate)
EAAF	Equipo Argentino de Antropología Forense (Argentine Forensic Anthropology Team)
ENVIPE	Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (National Poll of Victimization and Perception on Public Security)
ERP	Ejército Popular Revolucionario (Popular Revolutionary Army)

Eureka	Comité ¡Eureka!, inicialmente Comité pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos de México (Eureka! Committee, initially Committee in Defence of Prisoners, Persecuted, Disappeared and Exiles for Political Reasons in Mexico)
FC	Fuerza Civil (Civil Force)
FEMOSPP	Fiscalía especial para la atención de hechos probablemente constitutivos de delitos federales cometidos directa o indirectamente por servidores públicos en contra de personas vinculadas con movimientos sociales y políticos del pasado (Special Attorney for the Attention of Facts that are Probably Constitutive of Federal Crimes Committed Directly or Indirectly by Public Servers Against People Involved in Social and Political Movements of the Past)
FGR	Fiscalía General de la República (Federal Attorney General's Office, Fiscalia)
FIDH	Federación Internacional por los Derechos Humanos (International Federation for Human Rights)
Fray Juan	Centro Diocesano para los Derechos Humanos Fray Juan de Larios (Fray Juan de Larios Diocesan Centre for Human Rights)
FUNDAR	Fundar, Centro de Análisis e Investigación (Fundar, Centre for Analysis and Research)
FUNDEM	Fuerzas Unidas por Nuestros Desaparecidos en México (United Forces for our Disappeared in Mexico)
FUNDENL	Fuerzas Unidas por Nuestros Desaparecidos en Nuevo León (United Forces for our Disappeared in Nuevo Leon)
FUUNDEC	Fuerzas Unidas por Nuestros Desaparecidos en Coahuila (United Forces for our Disappeared in Coahuila)
GAFES	Grupo Aeromóvil de Fuerzas Especiales (Military Special Operations Force)
GATE	Grupo de Armas y Tácticas Especiales (Special Weapons and Tactics Team)
GC	Geneva Conventions
GIEI	Grupo Interdisciplinario de Expertos Independientes (Interdisciplinary Group of Independent Experts)

GOPES	Grupo de Operaciones Especiales (Special Operations Group)
Guiding Principles	Guiding Principles for the Search for Disappeared Persons
HR Commission	United Nations Commission on Human Rights
HR Committee	United Nations Human Rights Committee
HRC	United Nations Human Rights Council
IACFDP	Inter-American Convention on Forced Disappearance of Persons
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IDHBP	Institut de formation en droits de l'homme du barreau de Paris (Training Institute in Human Rights of Paris Bar)
IHRL	International Human Rights Law
INEGI	Instituto Nacional de Estadística y Geografía (National Institute of Statistics and Geography)
INSYDE	Instituto para la Seguridad y la Democracia A.C. (Institute for Security and Democracy)
LADH	Liga Argentina por los Derechos del Hombre (Argentine League of the Rights of Man)
LC23S	Liga Comunista 23 de Septiembre (September 23rd Communist League)
LGD	Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas (General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals and the National Search System)
LGV	Ley General de Víctimas (General Victims' Law)
MAPP/OEA	Misión de Apoyo al Proceso de Paz. Organización de los Estados Americanos (Mission to Support the Peace Process in Colombia. Organisation of American States)
MNDM	Movimiento por Nuestros Desaparecidos en México (Movement for Our Disappeared in Mexico)
MPJD	Movimiento por la Paz con Justicia y Dignidad (Movement for Peace with Justice and Dignity)
OCG	Organised criminal group

ODIM	Observatorio sobre Desaparición e Impunidad en México (Observatory on Disappearance and Impunity in Mexico)
OHCHR	United Nations Office of the High Commissioner for Human Rights
ONC	Observatorio Nacional Ciudadano (National Citizen Observatory)
Open Society	Open Society Justice Initiative
PAN	Partido Acción Nacional (National Action Party)
PdIP	Partido de los Pobres (Poor People's Party)
PF	Policía Federal (Federal Police)
PFM	Policía Federal Ministerial (Federal Ministerial Police)
PFP	Policía Federal Preventiva (Federal Preventative Police)
PGR	Procuraduría General de la República (Federal Attorney General's Office)
PHB	Protocolo Homologado para la Búsqueda de Personas Desaparecidas y No Localizadas (Approved Protocol for the Search for Disappeared Persons and Persons Not Accounted For)
PNR	Partido Nacional Revolucionario (National Revolutionary Party)
PRD	Partido de la Revolución Democrática (Party of the Democratic Revolution)
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party)
PRM	Partido de la Revolución Mexicana (Party of the Mexican Revolution)
Protocol Add. to GC.	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1). Adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. Entry into force: 7 December 1979, in accordance with Article 95
PROVÍCTIMA	Procuraduría Social de Atención a las Víctimas de Delitos (Social Prosecution for Attention to Victims of Crimes)
PST	Partido Socialista de los Trabajadores (Socialist Workers Party)
REDEFADDE	Red de Defensoras y Defensores de Derechos Humanos y Familiares con Personas

	Desaparecidas (Network of Human Rights Defenders and Relatives of Disappeared Persons)
REN	Red de Enlaces Nacionales (Network of National Links)
RNPDNO	Registro Nacional de Personas Desaparecidas y No Localizadas (National Registry of Disappeared Missing Persons)
RNPED	Registro Nacional de Datos de Personas Extraviadas o Desaparecidas (National Registry of Information of Missing or Disappeared Persons)
Rome Statute	Rome Statute of the International Criminal Court
RUVTE	Registro Unificado de Víctimas del Terrorismo de Estado (Unified Registry for Victims of State Terrorism)
SCJN	Suprema Corte de Justicia de la Nación (Supreme Court of Mexico)
SEDENA	Secretaría de la Defensa Nacional (Ministry of Defence)
SEGOB	Secretaría de Gobernación (Ministry of the Interior)
SEIDO	Subprocuraduría Especializada en Investigación de Delincuencia Organizada (Assistant Attorney General's Office for Special Investigations on Organised Crime)
SEMAR	Secretaría de Marina (Department of the Navy)
SEMEFO	Servicio Médico Forense (Forensic Medical Service)
SERAPAZ	Servicios y Asesoría para la Paz (Services and Counseling for Peace)
SESNSP	Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (Executive Secretariat of the National Public Security System)
SNB	Sistema Nacional de Búsqueda de Personas (National Search System)
SNSP	Sistema Nacional de Seguridad Pública (National System of Public Security)
Torture Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UN	United Nations
UNDPED	United Nations Declaration on the Protection of all Persons from Enforced Disappearance
UNGA	United Nations General Assembly
UNTOC	United Nations Convention Against Transnational Organised Crime

UTSL-HR Clinic

University of Texas School of Law Human Rights
Clinic

WGEID

Working Group on Enforced or Involuntary
Disappearances



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Introduction—Disappearances in Mexico

From the ‘dirty war’ to the ‘war on drugs’

Silvana Mandolessi

On the night of September 26, 2014, a group of students from the rural teachers’ college *Raul Isidro Burgos* in Ayotzinapa, the state of Guerrero in Mexico, headed to Iguala to commandeer buses to attend the annual commemoration march of the Tlatelolco massacre when they were intercepted and attacked by municipal police acting in collusion with criminal organisations. Numerous other branches of the Mexican security apparatus were also involved in the assault, including state and federal police forces and the military. As a result of the attack, six people were extrajudicially executed—including three students, over 40 people were wounded, and 43 students were subjected to enforced disappearances. The total number of direct and indirect victims is calculated to be over 700 (GIEI 2015, 7–9).

The Ayotzinapa case, as it became known, is only the tip of iceberg of the phenomenon of disappearances in Mexico. According to the most recent official data registered by the *Comisión Nacional de Búsqueda de Personas* (National Search Commission, CNB for its Spanish initials), over 85,000 persons have disappeared or gone missing since the onset of the ‘war on drugs’ in 2006 (CNB 2021). Following its visit in loco to Mexico, in September 2015, the Inter-American Commission on Human Rights (hereinafter IACHR) concluded that ‘disappearances are generalised in Mexico and that the tragedy of Ayotzinapa is not an isolated case’ (OAS 2015).

For different reasons, the Ayotzinapa case can be considered illustrative of the phenomenon of disappearances in Mexico. First, the disappearances in the framework of the ‘war on drugs’ are perpetrated by a myriad of actors—state forces and organised crime or both acting in collusion, as demonstrated in this case (IACHR 2015, 33–41). Furthermore, the disappearances are committed against vulnerable victims who are considered ‘insurgents’ (Paley 2020) or simply ‘disposable’ (Ansolabehere et al. 2021). The motives behind the Ayotzinapa students’ disappearance are difficult to establish. According to the report of the Interdisciplinary Group of Independent Experts (hereinafter GIEI), the attack appears to be ‘completely out of proportion and devoid of sense’ (GIEI 2015, 9) in comparison to the presumed level of risk posed by the students. The very decision to make the students disappear and the indiscriminate nature of the attack, in which

the police did not hide their identity, is contradictory in the eyes of the public: ‘Several surviving *normalistas* even asked why they had survived, or why the wounded had been evacuated, if soon the rest were going to be made to forcibly disappear’ (GIEI 2015, 24).

Second, the case became an emblem of the government’s impunity policy. In an attempt to close the case, the government constructed a fraudulent narrative—‘Verdad histórica’ (Historical truth)—according to which the students had been assassinated by the cartel *Guerreros Unidos* and then incinerated in the Cocula landfill. Pressured by massive rallies held by those who were sceptical of the government’s version of events, the federal government agreed that a special group—the GIEI, set up by the IACHR—would investigate the case. Based on forensic expertise the report presented by the GIEI on September 6, 2015 not only refuted the official version, but also pointed out fundamental flaws in the criminal investigation, such as the impossibility that the bodies could have been burned in the Cocula municipal waste dump, as claimed by the ‘historical truth’. The report also denounced the mishandling and destruction of evidence, and its failure to consider alternative motives, which exemplifies ‘the political obstruction that prevents Mexico from achieving genuine criminal accountability for atrocity crimes’ (Open Society 2016, 96). In sum, despite the exceptional mechanisms established to investigate the case, including the participation of the GIEI and the Special Follow-up Mechanism for the Ayotzinapa Case (MESA, for its Spanish initials), as well as the Commission for Truth and Access to Justice for the Ayotzinapa Case in Mexico, not a single official has been convicted and the fate and whereabouts of the students remain unknown.

Third, Ayotzinapa can be situated at the crossroads of different temporalities of disappearances: on the one hand, it is representative of the crisis of disappearances in Mexico in the framework of the ‘war on drugs’; on the other hand, Guerrero was at the centre of state repression during the so-called ‘dirty war’ (Radilla Martínez and Rangel Lozano 2012) and is the state with the largest number of disappearances during that period (Comisión de la verdad de Guerrero 2014, 58; Vélez Salas 2016). In this sense, Ayotzinapa is a meeting point where ‘new’ and ‘old’ forms of disappearance converge, in which memories of past violence are painfully reactivated with the use of the same ‘political technology’ (González Villareal 2012) in the present, even when procedures, actors and motivations change adapting to new contexts.

Finally, this event catalysed a social movement to seek and demand justice for the disappeared. Although the existence of associations and groups of relatives predates the disappearance of the 43 students, the magnitude of this case in the public sphere contributed to making the problem visible and giving legitimacy to their demands.

The essays gathered in this book offer an analysis from different disciplines of key aspects to understand the phenomenon of disappearance in contemporary Mexico. This is the first volume that addresses the phenomenon

considering the historical, political, legal and social dimensions of disappearance. While each chapter addresses a specific issue, the chapters form a dialogue, complementing individual perspectives to propose a holistic understanding of the practice of disappearance in the complexity it acquires in the contemporary scenario.

The purpose of this introduction is to provide an overview of recent scholarship on the topic for each dimension of the phenomenon. The overview is not exhaustive but presents some arguments that are particularly relevant for the chapters that follow, with the aim of introducing the reader to some of the underlying issues and theoretical approaches to analysing the phenomenon of disappearances in Mexico.

Genealogy of disappearance in Mexico: from the ‘dirty war’ to the ‘war on drugs’

Although the Ayotzinapa case put the issue of disappearances firmly on the agenda, this phenomenon is far from being exclusive to the present. The disappearance of Epifanio Avilés Rojas on May 19, 1969 is often cited as the first case of enforced disappearance in Mexico (González Villareal 2012). However, this form of political repression was already present, at least, since the 1930s, in what we could consider as ‘primitive’ forms of disappearance. These first cases were in a liminal zone with criminal categories such as kidnapping or abuses of authority including arbitrary detention. Because their use as a repressive practice lacked the systematisation that it would later acquire, Vicente Ovalle proposes to differentiate between ‘practice’ and ‘strategy’. In his view, although enforced disappearance was a repressive practice from the very moment of the construction of the post-revolutionary state, from the 1970s onwards we witness the reintroduction of this old practice as part of a new strategy for the containment and elimination of political dissidence (Vicente Ovalle 2019, 48–49).

The first part of the book, ‘Historical dimensions of disappearances’, places the practice of disappearance in a broader historical context. In Chapter 2, Allier Montaño, Vicente Ovalle and Granada-Cardona present a detailed periodisation of violence, from the 1950s to the present. This section provides a brief characterisation of the two phases that give the title to this book.

Scholars agree in recognising two main periods in which a large number of disappearances took place in Mexico: the period known as the ‘dirty war’, from the mid-1960s to the early 1980s, and the period beginning with the declaration of the ‘war on drugs’ by President Felipe Calderón, whose policy of militarisation resulted in what is described as a crisis of disappearances today (WGEID 2011; Robledo Silvestre 2016; Vélez Salas 2016; Ansolabehere et al. 2017; De Vecchi Gerli 2018). Between these two periods, there is a transition phase, in which the ideological-political axis shifts, anticipating the forms that disappearance would take in the framework of the ‘war on drugs’.

Scholars have pointed out that this transition was marked by the continuation of the practice of enforced disappearance against the support bases of the *Ejército Zapatista de Liberación Nacional* (Zapatista Army of National Liberation, EZLN for its Spanish initials) in Chiapas and the *Ejército Popular Revolucionario* (Popular Revolutionary Army, EPR for its Spanish initials) in Guerrero (Pozos Barcelata 2018), as well as against social activists (Romo and Yaiza 2010).

The 'dirty war'

In the context of the Cold War, a number of anti-communist and authoritarian governments in Latin America resorted to the practice of enforced disappearance as an instrument to eliminate political dissidents. Disappearance was not equally employed in the region, and the number of victims varies greatly from country to country. Most of the enforced disappearances followed a common pattern: the victims were selected, abducted, taken to secret detention centres where they were tortured and killed, and finally their bodies were disposed of in unknown locations. The common denominator was the denial of the detention itself and of any information about the fate or the whereabouts of the disappeared persons. Within the framework of the counterinsurgency strategy, enforced disappearance served three main objectives: to get information from the victims, to eliminate those considered political opponents with impunity, and to terrorise the population (Dulitzky 2019, 434).

Although enforced disappearances were also carried out in Mexico in the 1970s, academic research about the region has devoted most attention to countries such as Argentina, Chile, Guatemala and El Salvador, to name just the most studied. Not surprisingly, the place that the 'dirty war' occupies in the collective memory, both in Latin America and Mexico itself, is only marginal (Herrera Calderón and Cedillo 2012, 9; Karl 2014, 2; Mendoza García 2016). As Sylvia Karl states, 'The Mexican Dirty War is a somewhat forgotten event, both in Mexican and international conflict recollection. For the families of the disappeared though, this conflict is quite the opposite of a forgotten era' (Karl 2014, 2).

In the mid-1960s, a new cycle of political and state violence began in Mexico, characterised by the emergence of a new type of political dissidence, whose maximum expression was the armed movements of the 1970s. About 30 armed urban and rural guerrilla groups arose in 23 states of Mexico (Karl 2014, 3). The most representative of the rural guerrillas were Lucio Cabañas and his *Partido de los Pobres* (Poor People's Party, PdIP for its Spanish initials) and Genaro Vázquez and his *Asociación Cívica Nacional Revolucionaria* (National Revolutionary Civic Association, ACNR for its Spanish initials), mostly in the southern state of Guerrero. Among the urban guerrillas was *Liga Comunista 23 de Septiembre* (September 23rd Communist League, LC23S for its Spanish initials), which was present in several states

(Mendoza García 2016, 127–28). To contain or eliminate dissidence, the government deployed a series of repressive practices targeting not only the armed movements—the guerrillas—but their support bases, and by extension, anyone suspected of sympathising with these ideologies. These practices included illegal detention, torture, extrajudicial executions, mass arrests, persecution, sieges, strategic hamlets and military barricades, and indiscriminate attacks against the population aiming to repress any sign of opposition to the regime (Herrera Calderón and Cedillo 2012, 7–8; Mendoza García 2016, 128).

The use of enforced disappearance during the counterinsurgency was not introduced immediately into the repressive repertoire of the state as a technique of elimination (Vicente Ovalle 2019, 109). It was configured in an extensive process that involved the creation of new national security agencies, the training of special groups in anti-subversive techniques and in new ways of obtaining information from political dissidents. The Mexican state was modified, articulating itself to the needs raised by the incorporation of this technique to the counterinsurgency strategy. Coordination—both operational and administrative—between the various public and national security agencies was central, something that contradicts the dominant historiographical interpretation according to which the police and the military divided up different areas: the army fought the rural guerrillas and the police the urban ones. The most representative group of this type of coordination was the *Brigada Especial*, popularly known as the *Brigada Blanca*, created in 1976. Coordination was also expressed in the transfer of prisoners between clandestine prisons in different parts of the territory. As a matter of fact, Vicente Ovalle reports 17 clandestine centres located in the Federal District, Guerrero, Oaxaca and Sinaloa, among which the *Campo Militar Número 1* (Military Camp Number 1) in Mexico City and the *Cuartel Militar de Atoyac de Álvarez* in Guerrero stand out, being the camps through which the largest number of disappeared detainees passed (Vicente Ovalle 2019).

The practice of enforced disappearance during the counterinsurgency period not only consisted of police-military actions that carried out the circuit of disappearance but also involved the creation of a counterinsurgency discourse that sought to undermine the very meaning of their opposition to the regime. The violence exercised on the bodies was preceded and supported by a symbolic violence that deprived the militancy of its political subjectivity. According to the government discourse, guerrilla groups were ‘common criminals’, ‘bandits’ and ‘cattle thieves’ or groups that ‘have alienating ideas’, ‘violence professionals’ or ‘terrorists’ who must be treated with the full ‘weight of the law and the state’ (Mendoza García 2016, 129). By depriving them of their ideological motivation, the depoliticisation of dissidence not only delegitimises the demands, avoiding to recognise the need for the social change they promoted, but also contributes to legitimising the repressive action, turning it into a mere persecution of common crime: there is no political repression if there is no political motivation.

One of the main characteristics of the disappearances during the counter-insurgency period was the selectivity of their execution. Unlike the national scope that this had in other Latin American countries, in Mexico it was selectively applied in certain regions, with the sierra of Guerrero being the epicentre of repression. Enforced disappearance did not follow a homogeneous pattern during the ‘dirty war’. As Vicente Ovalle states, the implementation of enforced disappearance was differentiated:

due to both the construction and political-ideological treatment of the enemy (it was not implemented in the same way for the entire group of dissents), and the dynamics of confrontation at the local and national level (it was not implemented in the same way or at the same time in the different conflict scenarios.

(Vicente Ovalle 2019, 109)

Regarding the figure of *desaparecidos* during the period, there is no officially agreed upon number. This varies according to the sources. The *Comisión Nacional de Derechos Humanos* (National Human Rights Commission, CNDH for its Spanish initials) in its 2001 report documented 532 cases of alleged enforced disappearance, the *Fiscalía especial para la atención de hechos probablemente constitutivos de delitos federales cometidos directa o indirectamente por servidores públicos en contra de personas vinculadas con movimientos sociales y políticos del pasado* (Special Attorney for the Attention of Facts that are Probably Constitutive of Federal Crimes Committed Directly or Indirectly by Public Servers Against People Involved in Social and Political Movements of the Past, FEMOSPP for its Spanish initials) reported 797 cases, while civil society organisations reported an estimated 1,350 enforced disappearances, including 650 in Guerrero (WGEID 2011, 13).

The difficulty of establishing a definitive number of disappearances not only reflects the clandestine character of this practice but also a policy of systematic denial of human rights violations committed by the state. The first effort to address these human right violations took place at the beginning of the 21st century, during the so-called Mexican ‘transition’ when president Vicente Fox created the FEMOSPP. The FEMOSPP had three main objectives: to achieve justice, to find the truth and to provide reparations. Nevertheless, there is consensus that the results of this process have been meagre. According to Aguayo and Treviño, three characteristics of the project were key to its failure, namely, the absence of a precise strategy, the lack of institutional coordination, and a solemn but lacking content rhetoric (Aguayo Quezada and Treviño Rangel 2007).

In terms of achieving justice, the FEMOSPP team opened 600–1,000 criminal investigations over five years, by various accounts leading to 15–19 indictments, 20 arrest warrants, and eight persons charged, but resulting in only six arrests. Available information indicates that the Special Prosecutor’s Office achieved only one conviction (Open Society 2016, 26).

The most substantial accomplishment of the Special Prosecutor's Office was the production of a report on the history of the past abuses (HRW 2006, 70). The FEMOSPP had access to a large amount of documentation from various previously inaccessible archives. This documentation demonstrates the systematic nature of state violence and indicates the perpetrators' guilt. In fact, it is the most complete description to date of the repressive machinery of the state (Aguayo Quezada and Treviño Rangel 2007, 729). Yet, unlike other cases, such as the *Nunca Mas* report in Argentina, which served to change the military's narrative about the Argentine dictatorship and which established an authoritative story about what happened (Crenzel 2011), the report prepared by the FEMOSPP was not even formally presented. Although it documented human rights violations, it did not shape a truth that explained and challenged the official version of events, or served as a documentary basis for prosecuting the perpetrators. This ambivalent transitional justice process of the 'dirty war' not only led to systematic 're-dehumanization for the families of the disappeared' (Karl 2014, 2) but also perpetuated the impunity that paved the way for the current crisis of disappearances in the framework of the 'war on drugs'.

The 'war on drugs'

The second period of disappearances in Mexico begins in 2006, when the then-incoming president Felipe Calderón launched a 'war' on drug-trafficking organisations, which implied the deployment of military forces in order to fight drug-trafficking organisations and support or replace police forces.

The militarisation of drug policy was not an invention of Calderón administration (Open Society 2016, 24–25). In fact, drug related violence had already erupted during the government of Vicente Fox (Serrano 2018). Nevertheless, the Calderón strategy exacerbated the violence in unprecedented ways, which was made evident in the exponential increase of homicides, torture, and disappearances. As Mónica Serrano (2018) explains, the kingpin strategy, which consists of fighting cartels with high-profile arrests and leaders' assassinations, led to the fragmentation of criminal organisations and turf wars with active involvement of local, regional and federal law enforcement agencies. Calderón's choice of anti-narcotics policy and drug enforcement played a key role in exacerbating criminal violence. Similarly, Carlsen argues that the 'broad militarization' implemented by Calderón administration, which gave the military and police forces free rein with almost no accountability, 'has led to the massive erosion of the rule of law and a rapid deterioration in public safety' (Carlsen 2018, 82).

Although we do not have exact figures, it is estimated that since the launch of the 'war on drugs' around 85,000 persons have disappeared, 275,000 persons have been killed (AlJazeera 2020), over 300,000 persons have fled their homes (Rubio Díaz-Leal 2019) and the use of torture has become 'generalised', as the UN Special Rapporteur on Torture, Juan Méndez claimed in the

report following his visit to Mexico in 2014 (HRC 2014). Due to the scale of violence, Mexico is now considered to be the scenario of a ‘humanitarian’ (Serrano 2018) and ‘human rights crisis’ (Anaya-Muñoz and Frey 2019b) in which disappearances play a fundamental role. Despite the alarming figure of 85,000 disappeared, it is likely that this number does not reflect the real dimension of the phenomenon, since many disappearances—as happens with other crimes—are unreported. As a matter of fact, according to the *Instituto Nacional de Estadística y Geografía* (National Institute of Statistics and Geography, INEGI for its Spanish initials) 92.8% of the crimes committed in 2014 were either not reported or no preliminary investigation was initiated (INEGI 2015). The problem with data and the lack of an adequate register of missing and disappeared people has been a persistent issue in the last decade. According to a report by the Open Society Foundation, ‘[d]ata on crime and justice in Mexico is notoriously incomplete and unreliable, with a bias toward undercounting the extent and gravity of atrocities’ (Open Society 2016, 12). There are also gaps in different periods, local registers that do not coincide with federal figures, or confusing criteria. Moreover, these figures do not discriminate between disappearances, enforced disappearances or ‘missing’ people, making it very difficult to understand the dynamics behind the phenomena. Even if this lack of certainty has been partly assigned to the complex bureaucratic agencies involved in the counting (Observatorio Nacional Ciudadano 2017), the main force driving this inefficacy in providing reliable information appears to be a deliberative will of the government to obscure the phenomenon, and therefore, to evade—or at least minimize—its responsibility in the current crisis (Open Society 2016).

The context in which disappearances occur today is clearly different from the Cold War. Inspired by the Latin American experience, the ‘legal narrative’ (Dulitzky 2019) translates the ‘social narrative’ (Vélez Salas 2016) of the disappearance characteristic of that period, in which the state resorts to this practice as an instrument for the elimination of political dissent. Thus, the perpetrator—the state, the victims—the political dissidents, and the motives—elimination of the enemy, construct a coherent narrative regarding the circuit, the actors and the motives that constitute the disappearing dispositive. In the framework of the ‘war on drugs’ this narrative is no longer effective because it does not capture the multiplicity of forms that disappearance acquires in the present. In contemporary disappearances, the victims, the perpetrators and the motives differ from previous forms of disappearances such as the Latin American disappearance practices of the 1970s, institutionalised in the international legal framework.

There is no single characteristic that unifies victims of disappearances in Mexico today, which is illustrated by a statement in a 2013 report on the issue of disappearances in Mexico by Amnesty International: ‘Anyone can be a victim of disappearance or enforced disappearance in Mexico’ (Amnesty International 2013, 5). Unlike the traditional victims who are represented in the figure of the detainee-disappeared, the majority of cases in Mexico are

not linked to activism or political dissidence. However, there is also no evidence, contrary to what the official discourse has repeatedly maintained, that the majority of the disappeared are linked to the world of criminal organisations. In certain cases, the victims are members of professional groups whose purpose is to perform specialised forced labour, such as doctors, architects or engineers. In recent years, evidence has also come to light about forced recruitment by criminal organisations. Another group of victims corresponds to vulnerable populations, such as migrants in transit to the US, one of the most pressing and invisibilised problems. ‘Disposable’ populations also include poor and marginalised, often indigenous populations, who inhabit territories with certain economic or extractivist value. Another vulnerable group is women, whose disappearance may be the result of trafficking or gender-based violence. Journalists and social activists who denounce the situation of violence have also been frequent victims of disappearance, in what we could consider a continuity of the traditional objective of this practice, which is to silence any kind of dissidence. Finally, disappearances also include state agents and members of the security forces. This brief overview illustrates that there are many different types of victims of disappearances in Mexico, which also reflects the multiplicity of causes of this crime in the country.

Although there is no sufficient investigation to ensure who is responsible in each case, existing documentation has shown that disappearances are committed by both state agents and organised crime groups, acting independently or in collusion. One of the paradigmatic examples of the joint participation of state agents and organised crime is the three-day attack on the towns of Allende and Piedras Negras in the northern State of Coahuila—known as the Allende massacre—carried out by the criminal organisation ‘the Zetas’ in collusion with state agents in 2011.

The motives behind the disappearances are also manifold. They range from commercial or sexual exploitation to human trafficking or forced labour requiring particular expertise for the operation of both criminal and extractive industries. In the contemporary context, disappearance has also been used to disarticulate social movements opposed to megaprojects or to discipline dissident voices that question the structural conditions of exclusion. In other cases, disappearances have been used to settle power disputes between criminal organisations. Finally, in a climate of generalised violence, one cannot exclude the possibility that disappearance can also occur without any particular reason, as a response to police brutality in the context of arrests, or as a way of settling disputes between rival gangs that end up in a murder and the concealment of the remains (Pozos Barcelata 2018, 196–97).

A final important aspect in present-day disappearances in Mexico is the existence of a forensic crisis in the country. There are almost 39,000 unidentified dead bodies and many instances of negligent practices and mishandling of human remains by the authorities. Moreover, there are more than 4,000 clandestine mass graves spread across the country (EAAF/

CEDEHM 2021). Even with the establishment of extraordinary mechanisms, and with all the needed expertise, identifying such a large number of bodies would take decades.

Political dimensions of disappearances

This complexity—coupled with a permanent refusal of the state to recognise not only the scale of the phenomenon but also its role in it—poses specific challenges. These challenges are addressed in the second part of the book, which examines the political dimension of disappearances. This section provides an overview of different explanations for violence, including disappearances in Mexico, and the extent to which the state plays a role in this. These explanations include neoliberalism-capitalism, as well as the nexus between crime and the state and the political transition. The complexity of disappearances in present-day Mexico raises the question about what role the state plays in the current crisis.

Here, again, Ayotzinapa is illustrative. During the protests that took place after the disappearance of the 43 students, the slogan *Fue el estado* (It was the state) became the emblem of the movement. On October 22, 2014, the Mexican collective *Rexiste* painted the phrase ‘Fue el Estado’ on the floor of the Zócalo, Mexico City’s main square. Although it was quickly erased by security forces, the phrase spread, becoming one of the most used hashtags in the digital activism and then reproduced in marches, articles, and essays, becoming the motto with which Mexican society refuted the government narrative that blamed organised crime. Moreover, both the initial performance and subsequent reinscriptions of ‘It was the state’ do not limit their denunciation to the Ayotzinapa case. They construct, instead, a genealogy of state violence that recovers the memory of past violence, summoning archived repertoires, affects and meanings (Zicari 2021).

Just as ‘It was the state’ countered the official narrative, pointing out that the current violence should not be attributed primarily to organised crime or to a failed security strategy in which the victims were only ‘collateral damage’ of the crossfire—that is, undesirable consequences of a ‘just war’ (Illades and Santiago 2014), scholars have emphasised that the state plays a fundamental role in the dynamics of contemporary violence. It is not the same state as that of the Cold War, an autonomous and cohesive state that exercised violence in a direct and targeted manner. In this new context, which has been characterised as ‘gore capitalism’ (Valencia 2018), ‘*capitalismo criminal*’ (Estrada Álvarez 2008), ‘Neoliberal war’ (Paley 2020), ‘neoliberal governmentality’ (Pilar Calveiro, Chapter 3 of this volume), the state appears as a fragmentary structure, with relatively autonomous local powers, and strongly penetrated by global criminal networks. It is a governmentality in which the state weaves alliances with organised crime that, although mobile and dynamic, responding to the changing needs of specific territories and circumstances, is at the same time structural. That is to say, the explanation

as ‘excess’, or corruption of certain isolated cells is not sufficient to account for the scale and systematicity of the human rights violations committed in the framework of this war. They have to be understood, on the contrary, as constituting a new phase of capitalism in which state and organised crime form an ‘assemblage’ (Deleuze and Guattari 1987), an entity composed of heterogeneous elements that enter into relation with one another, marked by fluidity and exchangeability.

Following this logic, scholars argue that the main objective of the violence deployed in the war on drugs would not be—as has been claimed—to combat organised crime, regardless of the errors or failures of the process, but to exercise social control over the population and over the territory in order to guarantee the expansion of transnational capital. As Dawn Paley (2020) argues:

in the Neoliberal War, the fight against crime and drugs serves as a pretext, appealing to national security, to deploy forms of violence that weaken the strength of multiple community practices of struggle and resistance, contain the disputes led by the popular insurgency and facilitate its control.

These practices represent ‘barriers to capitalist accumulation and expansion in the midst of the intense dispute over material wealth that has occurred in recent decades’ (Paley 2020, 56–57). In this framework, Paley reinterprets the dynamics of disappearance characteristic of the ‘dirty war’ in terms of expansion. In the ‘dirty war’, the object of counterinsurgency was the so-called ‘subversives’, those who opposed the regime—a category that although it always had diffuse and flexible limits retained a certain precision allied to a political position. In the neoliberal war it is a question of an ‘expanded counterinsurgency’ [*contrainsurgencia ampliada*] in which the term ‘insurgent’ becomes polysemic, extending ‘towards broad popular and community sectors in strategic zones of the country’. Insurgency here becomes synonymous with ‘non-obedience’ or ‘active rebellion in defence of life and territory’ (Paley 2020, 68) but also, beyond that, it includes those who, by the mere fact of inhabiting a territory coveted by capital, become an obstacle to accumulation. In this respect, Paley, like other scholars, stresses the key importance of territory in the new dynamics of disappearance. As research shows (Schmidt Nedvedovich et al 2017) the spatial pattern of violence is correlated with drug consumption and production territories, distribution routes and the presence of natural resources. The territorialisation of violence contributes to explaining the war in terms of dispossession and social control (Paley 2020, 43). In this sense, there is continuity between the objectives served by disappearance in the ‘dirty war’—the elimination of those considered enemies or obstacles and the social control of the population through fear—and those of the neoliberal war. If during the 1970s state-sponsored violence paved the way for the implementation of neoliberalism,

today, the state-crime assemblage guarantees capitalist expansion and accumulation in the global regime.

Another essential political dimension of disappearances lies in the pervasive impunity that dominates both periods. In its mission to Mexico in 2011, the WEIGD noted that ‘impunity for crime in general and for enforced disappearances in particular remains a major challenge in Mexico at the federal and local levels’ (WGEID 2011, 9). The report not only states that ‘impunity’ is a ‘chronic pattern’ but it also concludes that ‘it would seem that Mexico is unwilling or unable to conduct effective investigations into cases of enforced disappearance’ (WGEID 2011, 16). Similarly, Anaya-Muñoz and Frey highlight that, in addition to the ‘war on drugs’, impunity is the ‘key explanatory variable of Mexico’s human rights crisis’, since it is, at the very least, ‘the central enabling condition in which that crisis has flourished’ (Anaya-Muñoz and Frey 2019a, 3). Impunity thus appears as allowing, nurturing and perpetuating the present violence, being itself a form of ‘microviolence’ (Robledo Silvestre 2018, 167) against the victims who desperately try to find out about the fate of their loved ones.

Finally, another aspect of the political dimensions of present-day disappearances address the question of the ontological and historical relationship between state and organised crime, or the ‘crime-governance nexus’ (Pansters 2018).

Traditionally, the ontological link between state and crime has been conceived as one of opposition and competition, in a zero-sum relationship: the state tries to eliminate organised criminal groups (hereinafter OCG) and OCGs try to keep the state out of the criminal underworld. According to this view, OCGs proliferate in spaces not governed by the state or where the state is—at least partially—absent, what O’Donnell called ‘brown areas’ (O’Donnell 1993).

Challenging this idea, Trejo and Ley (2020, 31–32), for instance, argue that:

organised crime is ontologically associated with the state and that the intersection of the spheres of crime and the state gives rise to an ecosystem in which OCGs emerge and that defines the incentives for peace and violence in the criminal underworld.

Organised crime can only exist in the grey zone in which criminal groups enjoy some level of informal government protection, which is typically provided by agents from state security forces and judicial institutions. Outside the grey zone, criminal groups are simply common criminals and states are law enforcement agents. The grey zone of state/criminal relations has a political history that, in the case of Mexico, goes back to the ‘dirty war’. According to Trejo and Ley, in authoritarian governments, leaders rule by co-optation or coercion. In order to exercise coercion, they create ‘state specialists in violence’—special units within the armed forces and the police—

which specialise in the gathering of information and the use of coercive means and operate with impunity, guaranteed by a judicial network of prosecutors. All this makes them potentially dangerous because they can turn against authoritarian leaders. In order to prevent this, authoritarian leaders share with them part of the institutional power or allow state specialists in violence to profit from the criminal underworld as a way to keep them faithful. During Mexico's 'dirty war', the government allowed special military units fighting rural and urban guerrillas to run major drug operations, as Adela Cedillo (2019) demonstrates, for instance, in the case of the Plan C6ndor, 'which played a key role in enabling the rise of authoritarian state specialists in violence as regulators of the drug trafficking industry' (Trejo and Ley 2020, 44). In this sense, 'networks of state repression, corruption, and criminality emerge and reinforce each other under authoritarian auspices' (Trejo and Ley 2020, 46)

The key to understanding the present-day connections that constitute the grey zone lies in the transition—or better, the lack of an adequate transition between authoritarian rule to democracy. What is crucial is that only a real transition, that is the implementation of transitional justice mechanisms that punish previous human rights violations and dismantle the networks of state repression, corruption, and criminality, can avoid that these previous networks are maintained—and even flourish—in the present. The lack of results of the FEMOSPP in terms of criminal accountability is illustrative in this regard, which suggests that a failed transition—at least in terms of the prosecution and dismantling of state/criminal networks—can be considered a fundamental factor in explaining the current state/criminal collusion. In light of Trejo and Ley's argumentation, the collusion between state forces and organised crime has to be thought of not as an exception to the normal function of the state but as ontological relation in certain regimes. The nature of this relation is political, with politics being the key factor to understanding the changes—temporal as well as geographical—that are observed in the evolution of state/criminal and inter-cartel wars.

Legal dimensions of disappearances

Another core debate raised by the situation of present-day disappearances is the discussion around the legal framework: to what extent are existing international instruments adequate to address the challenges presented by contemporary disappearances? Is the legal framework flexible enough to include these cases, or on the contrary, is it necessary to adapt or 'vernacularise' (Mata Lugo 2017) the legal definition of enforced disappearance? In Part 3, the different chapters examine the debates about legal issues. These issues include, on the one hand, questions of legal responsibility because of the involvement of non-state actors as perpetrators of disappearances, as well as the difficulty of defining boundaries between state and criminal actors. The question of state responsibility, especially the meaning of the word

‘acquiescence’ in the international definition of enforced disappearance, is discussed in more detail by Lene Guercke in her contribution. On the other hand, as Rainer Huhle addresses in his chapter, when it comes to the search for the disappeared, certain open questions remain in relation to the precise content of state obligations. Beyond these specific chapters, the question about the necessity to expand or reformulate the notion of enforced disappearance is also addressed in the contributions by Pilar Calveiro (Chapter 3), Carolina Robledo Silvestre (Chapter 7) and Jorge Verástegui González (Chapter 8).

In a recent published book chapter, Barbara Frey (2021) explores the pitfalls of the international instruments to address disappearances in the post-transition era. Frey addresses the hurdle posed to the contemporary context by the definition of enforced disappearance in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in relation to the role of the state in disappearances committed by non-state actors. According to Frey, the concepts of ‘acquiescence’ and ‘due diligence’ are key to rethinking the responsibility of the state as regards those disappearances carried out by organised crime or other actors and which cannot be directly attributable to the state. Frey (2021) highlights that:

in situations characterised by life-threatening circumstances, failure to search or to investigate is tantamount to tacit consent by the state, arising to the threshold of acquiescence. This legal approach would tie impunity to responsibility for the underlying crime of enforced disappearance, eliminating the jurisprudential gap between acquiescence and the due diligence responsibilities of the state called for under other treaties.

Therefore, Frey advocates for a new jurisprudence on acquiescence, which recognises a state’s failure to search and investigate as constituting a direct connection to the disappearance itself, especially in the context of generalised violence and impunity, when the state knew or should have known the risks to the victim. In other words, the state’s failure to search for the disappeared or to investigate the crime should be enough to prove acquiescence.

In a similar vein, Lene Guercke has argued for a need to re-examine state responsibility from an international legal perspective based on an analysis of the failure to protect victims of human rights violations committed by organised criminal groups. She bases this argument on the relationship between state and criminal forces and the often-historic failure of the state to combat non-state actors, as illustrated by the Mexican context (Guercke 2021).

While the scholarship above explores ways of rethinking enforced disappearances from *within* the legal framework, scholars from different disciplines have pointed out the need to rethink the definition of disappearance *beyond* the legal framework. The current context poses a challenge to understanding the phenomenon and therefore the need to consider alternative definitions—or at least to reconsider some aspects/dimensions of the notion (Ansolabehere et al.

2017; Karl 2014; Mata Lugo 2017; Robledo Silvestre 2015; Yankelevich 2017; Yankelevich 2019, Calveiro, Chapter 3 of this volume). In this vein, Mata Lugo states that it is necessary to translate or ‘vernacularise’ the category (Mata Lugo 2017, 33). Mata Lugo points to the crucial inefficacy of the state to localise and identify a person, whether in detention centres or forensic service centres—the notorious clandestine and mass graves.

Here the idea of disappearance seems to be no longer an act perpetrated by an agent or group of the state or a private individual, with or without its acquiescence, but rather the inability of the state to determine the identity of a person, whether he or she is found alive in a detention centre or not.

(Mata Lugo 2017, 61–62)

Following this passive character, Mata Lugo advances the term ‘administrative disappearance’ to characterise them.

A different perspective is advanced by Yankelevich, who proposes to keep a ‘minimalist’ definition of disappearance. According to Yankelevich disappearance ‘consists of severing—violently and totally, temporarily or permanently—the communicative links of a network of human interaction. It isolates one or several of the members (or nodes) of the network, preventing them from communicating with the rest; and, simultaneously, it prevents the rest from obtaining information on the whereabouts or fate of the isolated nodes’ (Yankelevich 2019, 40). To define disappearance from this perspective permits to better understand how the victims are affected, the principles of solidarities held by the movement of relatives of disappeared in Mexico, as well as the obligations of the state regarding this problematic (Yankelevich 2019, 52). For the families of disappeared persons the identity of the perpetrator does not essentially change the suffering that the crime inflicts on them. From their perspective, the defining characteristic of a disappearance is the absence of their loved ones and the uncertainty that surrounds their absence. As a mechanism of repression, disappearance is characterised by the absence of information: all information about what happened is lacking, the most important being the fate of the victim. Defining the disappearance from the perspective of the families might be essential if we consider that—given the absence of any remains, and traces of the person—it is only through their denunciation that the *desaparecido* is constituted as such. Expanding the spectrum, without a society which testifies to the existence of that person, the crime as such does not exist. It comes into existence, it is a human rights violation, only through the act of denouncing.

Affective and experienced dimensions of the search for the disappeared

Faced with the state inaction and lack of response, the families of the disappeared, for several decades, but particularly in recent years, have organised

themselves to search for their loved ones. The role of families has been essential in the history of disappearance in Latin America (Jelin 2017; Frey 2009; Dulitzky 2019). It was the families who, even during dictatorships, confronted the state to demand the whereabouts of the disappeared and, with the return of democracy, promoted the search for truth, justice and memory. Along this path, the relatives were also key, together with human rights organisations, in promoting innovative techniques to find their relatives. Without the courage and creativity of the relatives, carrying out their struggle in hostile and uncertain contexts, the expert knowledge that we have today—including laws, mechanisms, forensic techniques and specific institutions to fight against enforced disappearance—would not have been possible.

The contributions in part 4 examine the social mobilisation of the relatives of disappeared in Mexico, as well as the memory work carried out by civic society.

The situation of disappearances in contemporary Mexico is unprecedented compared to previous scenarios. The scale of the crisis, with more than 85,000 disappeared persons and 4,000 mass graves, calls for an immense mobilisation of resources to confront it, which contrasts with the lack of political will of the state to provide the minimum answers; in addition, it is an ongoing conflict, which means that it is necessary to simultaneously deal with historical disappearances and to attend to the urgency of current cases. This presents a panorama of a multiplicity of searches: ‘searches in life that are conducted immediately, historical searches, legal searches, judicial searches, forensic searches, human identification searches, and all those that we can think of, which we are just beginning to conceptualise’ (EAAF/CEDEHM 2021, 19). It is in this framework that in recent years a powerful social movement of relatives has arisen. The organisation of relatives of the disappeared in Mexico, apart from demanding a response from the state, is promoting the search by their own means.

The organisation of relatives of the disappeared in Mexico dates back to the ‘dirty war’, with two emblematic organisations: the *Comité ¡Eureka!*, inicialmente *Comité pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos de México* (Eureka! Committee, initially Committee in Defence of Prisoners, Persecuted, Disappeared and Exiles for Political Reasons in Mexico) founded in 1977, and the *Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México* (Association of Relatives of the Detained, Disappeared, and Victims of Human Rights Abuses, AFADEM for its Spanish initials), consolidated in 1978.

In the context of the ‘war on drugs’, family members began to search their missing relatives early on—individually or in small groups—forming local organisations that carried out pioneering work. In 2011, the *Movimiento por la Paz con Justicia y Dignidad* (Movement for Peace with Justice and Dignity, MPJD) emerged, which managed to articulate and to make the victims visible, questioning the official narrative of criminalisation and pressuring the government to address the effects of violence. The disappearance of the Ayotzinapa students in 2014 constitutes a new milestone in citizen

mobilisation. As mentioned above, it can be seen as a trigger for the sudden visibility of both enforced disappearance as an endemic crime in contemporary Mexico and the general presence of clandestine mass graves that was revealed by self-organised search brigades (Huffschnid 2020, 19).

Until October 2014, the collective actions of citizens searching for disappeared persons consisted of pressuring the government to search for the disappeared, dead or alive. In 2014, the citizen search ‘would take a leap and acquire new forms’ (Martos and Jaloma Cruz 2017, 96). The discovery of clandestine graves in Guerrero and in the rest of the country, encouraged dozens of relatives to search themselves, and independently of the state, for their relatives, whose disappearance in many cases they had not even reported. From then to April 2016, citizen searchers found more than 100 graves from which the authorities would exhume more than 130 bodies (Martos and Jaloma Cruz 2017, 97).

In the beginning, these citizen searches were done in a precarious manner, with picks, shovels and metal rods. Initially, the precariousness of these searches was controversial. Forensic experts, NGOs or government officials pointed out the practice as dangerous, not only because it endangered those who carried it out, but also because, lacking expert knowledge, evidence could be destroyed. In this sense, the citizen search was interpreted as a ‘warning and a symptom of desperation’ (Huffschnid 2015, 198). From another perspective, the disruptive character of these ‘forensic grassroots techniques’ was emphasized.

Transgressors who are looking for a missing loved one—via the disinterment of bodies—are testing the boundaries established by the state, scientific institutions, mass media, and public opinion regarding the proper treatment of corpses; they are also redefining the roles established for experts and mourners.

(Schwartz-Marin and Cruz-Santiago 2016, 485–86)

Today, we are in a different situation. During their long journey, the relatives of the disappeared acquired technical knowledge about how to search. This knowledge was gained through experience, in the field, and in training received by human rights organisations and forensic experts. The *Brigadas Nacionales de Búsqueda de Personas Desaparecidas* (National Search Brigades for Disappeared Persons) are the culmination of these efforts. The First Brigade took place in April 2016 and five have been conducted to date. As Martos and Jaloma Cruz (2017) point out, the realisation of each Brigade includes a series of stages and activities, including: 1) a first preparation stage, made up of prior contacts with local actors, context analysis and risk diagnosis, request for protection measures and elaboration of the security scheme, communication in the public sphere; 2) the search stage, which includes the formation of work teams, the first raking and ‘combing’ of the terrain, excavations, signalling and delivery of the effective points to the

authorities; and 3) a last monitoring stage, after the search, in which the results are disseminated and the steps and diligences undertaken previously are followed up.

Martos and Jaloma Cruz conclude that the Brigades represent two significant changes: the concrete articulation at the national level of family members and the participation of a broad spectrum of actors including human rights organisations, members of the Catholic Church, solidarity individuals, independent forensic experts and state officials. They also add that, despite the advances, far from linear, the processes of accumulation and change are complex and traversed by multiple tensions that shape, at each stage, the dynamics of advance and retreat of the searches (Martos and Jaloma Cruz 2017, 115).

Finally, the efforts made by relatives are complemented by the indispensable work of forensic experts. In a recent publication, the *Equipo Argentino de Antropología Forense* (Argentine Forensic Anthropology Team, EAAF for its Spanish initials) presented new technologies in forensic search. These technologies can help detect changes in ground surfaces, subsoil or spaces where a clandestine grave might be found, they can help visualize the data obtained or, through probabilistic models, they can predict where graves are most likely to be found (EAAF/CEDEHM 2021, 15). New technologies include the use of drones, LiDAR, geospatial images, 3D models, georadar and probabilistic models. These forensic tools do not replace the search of the relatives; rather they complement it. An alliance between citizen searchers and forensic experts is indispensable to carry out the task to find the disappeared. As the EAAF states:

Family collectives and organisations have come a long way to strengthen the search for disappeared persons. The lessons learned along the way indicate that in the face of the challenges that lie ahead, it is crucial to build alliances and exchange knowledge.

(EAAF/CEDEHM 2021, 18)

Structure of the book

Disappearances in Mexico is divided into four parts. The first part of the book, ‘Historical dimensions of disappearances’ places the practice of disappearance in a broader historical context, tracing different periods of violence in Mexico, as well as the responses by the civil society who in the 1970s started to denounce and make sense of what was happening. This section of the book goes back to the ‘origins’ of the practice of (enforced) disappearance to show how difficult it was to understand and to ‘name’ the phenomenon before the current definitions that we have today were established and institutionalised in existing international conventions and treaties.

In Chapter 1, Emilio Crenzel reflects about how the responsibilities in the enforced disappearance of people in Argentina during the last dictatorship

(1976–1983) were conceived. The author shows how difficult it was in the beginning to recognise that the system of disappearances was a plan designed and executed from the state by the military junta. ‘Local and transnational human rights organisations, victims’ relatives, political parties, even on the left, and foreign governments rejected or hesitated to identify the disappearances as a system of state repression’. The knowledge about the responsibility of the state was elaborated in a ‘procedural manner’, a process in which the first report of the IACHR and the Paris Colloquium in 1981 played a key role. With the return of democracy in 1983, and the wide dissemination of the *Nunca Mas* (Never Again) report, the concept of ‘state terrorism’, which had been developed during the dictatorship, became the hegemonic interpretation of the role of the state in the policy of disappearance. However, this discourse will become more complex on the 20th anniversary of the coup when business and union responsibilities are acknowledged in the disappearances, expanding, thus, the actors who played a role in and who facilitated the political violence exercised by the state.

Although this chapter focuses on Argentina, and not Mexico, its inclusion aims to trace the initial debates regarding state responsibility for disappearances. As developed in the following chapters, the social and legal definition of disappearance is directly inspired by the Southern Cone countries, among which Argentina played a central role. This chapter then goes back to the origins of the construction of knowledge about disappearance, before this knowledge became canonical, and illuminates the current context in Mexico, in which the assignment of criminal responsibility for the disappearances is the object of ongoing debate.

In Chapter 2, Eugenia Allier Montaño, Camilo Vicente Ovalle and Juan Sebastián Granada-Cardona trace a genealogy of the various periods of political violence in Mexico, from the 1950s to the present. Each period implies different logics, objectives and methods of political violence. In the first period, from the late 1950s to the late 1960s, violence was organised and deployed to ensure the functioning of governmental mechanisms (co-optation, negotiation) involving massacres, selective assassinations and political imprisonment. The second period was marked by the counterinsurgency strategy, where forced disappearances took on special relevance. In the 1990s we witnessed a ‘transitional violence’. Finally, the authors explore the contemporary situation, starting with the launching of the ‘war on drugs’. This chapter contributes to a reinterpretation of Mexican authoritarianism and the role that political violence played in the exercise of power. It also proposes a ‘map’ to understand the different modes of political violence: how it was exercised, against whom and with what objectives in different historical periods. It shows that to get a better understanding of the situation of contemporary violence it is indispensable to understand these historical differences, instead of homogenising violence of a different nature under a common denominator.

The second part of the book deals with the political dimensions of disappearance. In Chapter 3, Pilar Calveiro addresses the continuum of

enforced disappearance in Mexico, focusing on the specificities that this technology of repression acquires in the context of the counterinsurgency struggle of the 1970s and the so-called 'war on drugs'. The author argues that these two periods are marked by different governmentalities: a populist governmentality with a strong centralised and authoritarian state in the 1970s and a neoliberal governmentality marked by a fragmentary state, with relatively autonomous local powers penetrated by large legal and illegal corporations. Following the different types of state and the governmentality on which it is based, the practice of disappearance is also articulated differently, in terms of its perpetrators, its victims and the modalities with which it operates.

As a political phenomenon—Calveiro argues—disappearance exceeds the legal definition. In this sense, the legal characterisation is insufficient, as, for instance, it does not include some components that are fundamental, such as torture, in various forms, and the concealment of remains, whether carried out by the state or by individuals. Calveiro further stresses two crucial points: although disappearance follows a pattern—tracking the victim, kidnapping, hiding the whereabouts, torture, death or murder and concealment of the remains—in some cases not all the steps are taken. Therefore, even if the body of a disappeared person may be dumped or exhibited in the public space, this is still a disappearance, because the core of the phenomenon—the appropriation of people in order to do anything to them—is present. The second point concerns the much-debated distinction between disappearance and 'enforced disappearance'. The author claims that it is necessary to think of the disappearance of persons as a phenomenon linked to enforced disappearance, firstly, because all involuntary disappearance is literally forced and, secondly, because in a large number of cases where the responsibility of the state is not explicitly identified, the state is nevertheless behind the disappearance in a clandestine manner.

In the Chapter 4, Karina Ansolabehere and Álvaro Martos address the political dimensions of disappearance by proposing a novel framework to understand the complex diversity that the practice encompasses in a post-transitional context such as Mexico. The authors propose the concepts of 'logics of disappearance' and 'violence regime' to capture the stable traits as well as the different dynamics. 'Logics of disappearance' resumes the main attributes of this practice, beyond the different contexts in which it can be—or has been—effectively used: these four logics comprise clandestinity, the characterisation of the disappeared as disposable people, a sense of ambiguous loss for the families, and the political economy of disappearance. The notion of 'violence regime', on the contrary, seeks to capture the different conditions in which disappearances take place. As defined by the authors, 'violence regime' refers to 'the set of formal and informal rules governing the access, use and circulation of violence'. It seeks to operationalise categories to map the different dynamics in specific contexts. In this sense, if notions such as 'necropolitics' or 'neoliberal capitalism' are focused on the general underlying structures that regulates life and death in this phase of capitalism,

the concept of violence regimes seeks to recover the mezzo level in the analysis, thus not opposing but complementing the previous framework. Moreover, the notion pays attention to the local dynamics, which in Mexico becomes essential to understand the phenomenon.

The third part of the book shifts the focus from the political to the legal dimension.

Lene Guercke addresses the issue of state acquiescence in Chapter 5. The author examines whether the Mexican state could be considered as bearing direct responsibility for disappearances committed by non-state actors, particularly organised criminal groups, due to the existence of pervasive impunity. After outlining the development of the international legal framework on enforced disappearances and explaining how this framework deals with disappearances committed by non-state actors, Guercke addresses the different ways in which a state can be held responsible for disappearances committed by non-state actors, focusing on the question of whether impunity could be considered as a form of acquiescence. The author concludes that, on the basis of current jurisprudence, it is unlikely that impunity itself can be considered as a form of acquiescence, given the relatively high, albeit unclear, threshold for acquiescence in existing case law. Rather, in cases involving organised criminal groups, the relationship between state actors and these groups leads to both a failure to prevent disappearances and widespread impunity. Guercke concludes that this should be considered for the purpose of establishing acquiescence.

In Chapter 6, Rainer Huhle traces the complex relationship between the right to truth, the duty to search and the obligation to investigate throughout the history of the terms ‘fate’ and ‘whereabouts’ as used in the legal and political language dealing with enforced disappearance. He points out that there is generally an inconsistent use of these terms that circumscribe these two aspects of the right to the truth, for instance, by the way in which they are coupled by the conjunctions ‘and’/‘or’, the clearest example being the Article 30 of the ICPED. In some legal instruments the conjunction ‘or’ seems to imply that it is enough if one of the two actions are fulfilled while the conjunction ‘and’ would imply the contrary. Nevertheless, the analysis of the jurisprudence on enforced disappearance does not suggest that the use of one or the other formula implies different meanings. Therefore, the use of ‘and’ or ‘or’ does not necessarily mean the demand to clarify both things in the first case, or only one of them in the second. In practice, it is difficult to separate the obligations to search and to investigate. In the final part of the chapter, the author examines the ‘Guiding Principles for the Search of the Disappeared Persons’ by the UN Committee on Enforced Disappearance adopted in 2019, which are aimed at giving the right to be searched its due place in this relationship.

The social movement of the relatives of the disappeared, the memory work fostered by civic society and the issue of the search is addressed in the fourth and final part of the book.

In Chapter 7, Carolina Robledo Silvestre argues that enforced disappearance is a form of dispossession that, through processes of ‘*ocupación*’ and ‘*dueñidad*’, serves as a tool of the neoliberal project. This process of dispossession, expressed in the enforced disappearance of people among other forms of violence, is contested by a group of practices carried out by relatives in the search of their loved ones. The search becomes here a ‘pedagogy’, a process of learning that is essentially affective, embodied and collective. It is a situated knowledge, not only because it is essentially tied to the physical territories of the search, but, more profoundly, because it is located in the body, inseparable of the affects that create bonds between the people involved in these practices. Robledo tells us the story of Ana Enamorado, who is looking for her son Óscar Antonio López Enamorado, a young Honduran, disappeared in Mexico. The story of Ana shows us that:

In those spaces where the occupation and lordship of bodies, territories and minds sustain expulsion, inequality and indifference, the *pedagogies of searching* create new horizons of humanity. These practices make the invisible visible, weave memory against oblivion, and make the disappeared appear.

Jorge Verástegui González approaches the right to search and its legal inscription from a different perspective, focusing on its development in Mexico. In Chapter 8, he examines the role that the social movement of relatives of the disappeared has played in the country, particularly with respect to the recognition and advancement of rights. The author traces the formation and development of different organisations, starting with the pioneering work of *Fuerzas Unidas por Nuestros Desaparecidos en Coahuila* (United Forces for our Disappeared in Coahuila, FUUNDEC for its Spanish initials) and *Centro Diocesano para los Derechos Humanos Fray Juan de Larios* (Fray Juan de Larios Diocesan Centre for Human Rights, Fray Juan), the first organisations to document cases of disappearance in Coahuila as well as in the accompaniment of family members. He then moves on to examine key moments in the development of the movement, such as the emergence of the MPJD in 2011, the Ayotzinapa case and the subsequent formation of the *Movimiento por Nuestros Desaparecidos en México* (Movement for Our Disappeared in Mexico, MPDM for its Spanish initials), which was key in the adoption of the *Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas* (General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals and the National Search System, LGD for its Spanish initials), approved in 2017.

Verástegui concludes that the movement ‘has made significant contributions in terms of the rights of disappeared persons’. The movement has effectively contested the state’s narrative of denying its own responsibility, underlining that the state is not only responsible when it perpetrates the

crime, but also when it does not adequately address the situation. Second, it has contested from the outset the terms used to name the phenomenon—specifically, the term ‘*levantones*’, which obliterates enforced disappearance under the sign of a dispute between criminal organisations. Third, it has promoted a new legal framework that has been concretised in the LGD. Verástegui underlines the importance of the law as it is the result of years of struggle by the collectives. At the same time, he stresses that the law has ‘broad limitations to the fulfilment of its mission’. Verástegui’s chapter offers us a nuanced and essential vision from experience and demonstrates how this experience is capable of transforming the Mexican law and the social field.

In Chapter 9, María De Vecchi Gerli, addresses the struggles for memory around the disappeared in Mexico. De Vecchi contrasts two memorials, the *Museo Casa de la Memoria Indómita* in Mexico City, created by the Eureka! Committee, and the memorial in Allende, Coahuila. In her analysis, the author explores the differences between the two. The *Casa de la Memoria* is a memorial built by relatives of the disappeared of the dirty war—the Eureka! Committee—to commemorate the disappeared of the ‘dirty war’. Through a detailed description of the memorial, the author shows how this space contests the silence and oblivion promoted by the official discourse, becoming a space of ‘counter-memory’. Moreover, the *Casa de la Memoria* also links the memory of both periods—the ‘dirty war’ and the ‘war on drugs’—challenging the impunity that dominates both.

Unlike *Casa de la Memoria*, which challenges the official ‘forgetting’, the Allende memorial furthers the local government’s narrative on the ‘war on drugs’. By blaming organised crime for what happened, the government not only denies state responsibility but also promotes an image of collaboration with civil society and concern for the disappeared. By remembering only this case, isolated from the broader phenomenon of disappearances in the region, the official discourse contributes to forgetting more than to memory. This chapter contributes not only to illustrating existing disputes over memory, embodied by different actors and the complex relationship between official and grassroots initiatives, but also highlights what is at stake in memory battles around the disappeared.

Unless otherwise indicated all translations from Spanish are ours.

Acknowledgments

I want to thank Lene Guercke for her valuable comments and suggestions on a previous draft of this chapter.

Bibliography

Aguayo Quezada, Sergio, and Javier Treviño Rangel. 2007. ‘Fox y el pasado. La anatomía de una capitulación’. *Foro Internacional*, XLVII (4): 709–739.

- AlJazeera. 2020. 'Mexico Murder Rate Hits Record High in 2019'. *AlJazeera*, January 21, 2020. <https://www.aljazeera.com/news/2020/1/21/mexico-murder-rate-hits-record-high-in-2019>.
- Amnesty International. 2013. 'Confronting a Nightmare: Disappearances in Mexico'. AMR 41/025/2013.
- Anaya-Muñoz, Alejandro, and Barbara Frey. 2019a. 'Introduction'. In *Mexico's Human Rights Crisis*, edited by Alejandro Anaya-Muñoz and Barbara Frey, 1–23. Philadelphia: University of Pennsylvania Press.
- Anaya-Muñoz, Alejandro, and Barbara Frey, eds. 2019b. *Mexico's Human Rights Crisis*. Philadelphia, PA: University of Pennsylvania Press.
- Ansolabehere, Karina, Barbara A. Frey, and Leigh Payne, eds. 2021. *Disappearances in the Post-Transition Era in Latin America*. Oxford: Oxford University Press.
- Ansolabehere, Karina, Barbara Frey, and Leigh Payne. 2017. 'La "constitución" de la desaparición forzada: Vínculos entre los significados legales y sociales de la desaparición'. In *Desde y frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich. Mexico City: Suprema Corte de Justicia de la Nación.
- Carlsen, Laura. 2018. 'Effects of Militarization in the Name of Counter-Narcotics Efforts and Consequences for Human Rights in Mexico'. In *Beyond the Drug War in Mexico: Human Rights, the Public Sphere and Justice*, edited by Wil G. Pansters, Benjamin T. Smith, and Peter Watt, 76–94. London and New York: Routledge.
- Cedillo, Adela. 2019. 'Intersections Between the Dirty War and the War on Drugs in Northwestern Mexico (1969-1985)'. Ph.D. Dissertation, Madison, WI: University of Wisconsin.
- CNB. Comisión Nacional de Búsqueda de Personas. 2021. 'Informe de Búsqueda e Identificación de Personas Desaparecidas al 8 de Abril'. Mexico City: Comisión Nacional de Búsqueda de Personas. <http://www.alejandrocinas.mx/wp-content/uploads/2021/04/INFORMEBÚSQUEDA8ABRIL2021.pdf>.
- Comisión de la verdad de Guerrero. 2014. 'Informe Final de Actividades'. Mexico: COMVERDAD.
- Crenzel, Emilio. 2011. *Memory of the Argentina Disappearances: The Political History of Nunca Mas*. London: Routledge.
- De Vecchi Gerli, María. 2018. '¡Vivxs Lxs Queremos!: The Battles for Memory Around the Disappeared in Mexico'. Ph.D. Dissertation, London: University College London.
- Deleuze, Gilles, and Félix Guattari. 1987. *A Thousand Plateaus: Capitalism and Schizophrenia*. Translated by Brian Massumi. Minnesota: University of Minnesota Press.
- Dulitzky, Ariel E. 2019. 'The Latin-American Flavor of Enforced Disappearances'. *Chicago Journal of International Law*, 19 (2): 423–489.
- EAAF/CEDEHM, ed. 2021. *Nuevas tecnologías en búsqueda forense: Recursos para la crisis de desapariciones en México*. Chihuahua: EAAF/CEDEHM.
- Estrada Álvarez, Jairo. 2008. *Capitalismo criminal*. Bogotá: Universidad Nacional de Colombia.
- Frey, Barbara A. 2009. 'Los Desaparecidos: The Latin American Experience as a Narrative Framework for the International Norm against Enforced Disappearances'. *Hispanic Issues on Line*, 5.1: 52–72.
- Frey, Barbara A. 2021. 'Conceptualising Disappearances in International Law'. In *Disappearances in the Post-Transition Era in Latin America*, edited by Karina Ansolabehere, Barbara A. Frey, and Leigh Payne. Oxford: Oxford University Press.

- GIEI. Grupo Interdisciplinario de Expertos Independientes. 2015. 'Ayotzinapa Report: Research and Initial Conclusions of the Disappearances and Homicides of the Normalistas from Ayotzinapa/Summary'. Mexico City: GIEI.
- González Villareal, Roberto. 2012. *Historia de La Desaparición: Nacimiento de una tecnología represiva*. Mexico DF: Editorial Terracota.
- Guерcke, Lene Charlotte. 2021. 'State Responsibility for a Failure to Prevent Violations of the Right to Life by Organised Criminal Groups: Disappearances in Mexico'. *Human Rights Law Review*, 21 (2): 329–357. doi:10.1093/hrlr/ngaa061.
- Herrera Calderón, Fernando, and Adela Cedillo. 2012. 'Introduction: The Unknown Mexican Dirty War'. In *Challenging Authoritarianism in Mexico: Revolutionary Struggles and the Dirty War, 1964–1982*, edited by Fernando Herrera Calderón and Adela Cedillo, 1–18. New York and London: Routledge.
- HRC. Human Rights Council. 2014. 'Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on His Mission to Mexico (21 April to 2 May 2014)'. A/HRC/28/68/Add.3.
- HRW. Human Rights Watch. 2006. *Lost in Transition: Bold Ambitions, Limited Results for Human Rights under Fox*. New York: HRW.
- Huffschnid, Anne. 2015. 'Huesos y humanidad. Antropología forense y su poder constituyente ante la desaparición forzada'. *Athenea Digital. Revista de Pensamiento e Investigación Social*, 15 (3): 195–214. doi:10.5565/rev/athenea.1565.
- Huffschnid, Anne. 2020. 'The Human Remains: Forensic Landscapes and Counter-Forensic Agencies in Violent Presents — the Mexican Case'. DSF Forschung research report 54.
- IACHR. Inter-American Commission on Human Rights. 2015. 'Situation of Human Rights in Mexico'. OEA/Ser.L/V/II. Doc. 44/15.
- ICPPED. International Convention for the Protection of All Persons from Enforced Disappearance. 2006. 1726 UNTS 3.
- Illades, Carlos, and Teresa Santiago. 2014. *Estado de guerra: de la guerra sucia a la narcoguerra*. Mexico City: Ediciones Era.
- INEGI. Instituto Nacional de Estadística y Geografía. 2015. 'Encuesta Nacional de Victimización y Percepción Sobre Seguridad Pública (ENVIPE): Principales Resultados'. Mexico City: INEGI. https://www.inegi.org.mx/contenidos/programa_s/envipe/2015/doc/envipe2015_presentacion_nacional.pdf.
- Jelin, Elizabeth. 2017. *La Lucha por el pasado: cómo construimos la memoria social*. Buenos Aires: Siglo XXI Editores.
- Karl, Sylvia. 2014. 'Missing in Mexico: Denied Victims, Neglected Stories'. *Culture & History Digital Journal*, 3 (2).
- Martos, Alvaro, and Elena Jaloma Cruz. 2017. 'Desenterrando el dolor propio: Las Brigadas Nacionales de Búsqueda de Personas Desaparecidas en México'. In *Desde y frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich, 75–128. Ciudad de México: Suprema Corte de Justicia de la Nación.
- Mata Lugo, Daniel Omar. 2017. 'Traducciones de la "idea de desaparición (forzada)" en México'. In *Desde y frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich, 27–73. Ciudad de México: Suprema Corte de Justicia de la Nación.
- Mendoza García, Jorge. 2016. 'Reconstructing the Collective Memory of Mexico's Dirty War: Ideologization, Clandestine Detention, and Torture'. *Latin American Perspectives*, 43 (6): 124–140. doi:10.1177/0094582X16669137.

- OAS. Organisation of American States. 2015. 'Observaciones Preliminares de La Visita in Loco de La CIDH a México'. <http://www.oas.org/es/cidh/prensa/comunicados/2015/112A.asp>.
- Observatorio Nacional Ciudadano. 2017. 'El registro estadístico de la desaparición: ¿delito o circunstancia?' Mexico City: Observatorio Nacional Ciudadano de Seguridad, Justicia y Legalidad.
- O'Donnell, Guillermo. 1993. 'On the State, Democratization, and Some Conceptual Problems'. Kellogg, Working Paper Series 192.
- Open Society. 2016. *Undeniable Atrocities: Confronting Crimes against Humanity in Mexico*. New York: Open Society Foundations.
- Paley, Dawn Marie. 2020. *Guerra Neoliberal: Desaparición y búsqueda en el norte de México*. Mexico City: Libertad bajo palabra.
- Pansters, Wil G. 2018. 'Drug Trafficking, the Informal Order, and Caciques. Reflections on the Crime-Governance Nexus in Mexico'. *Global Crime*, 19 (3-4): 315-338. doi:10.1080/17440572.2018.1471993.
- Pozos Barcelata, Astrid Adriana. 2018. 'El cuerpo ausente como sujeto político: El proceso de construcción de la desaparición de personas en México como un problema de acción pública (1969-2018)'. Doctorat en Science Politique. Montréal: Université du Québec à Montréal.
- Radilla Martínez, Andrea, and Claudia E. G. Rangel Lozano, eds. 2012. *Desaparición forzada y terrorismo de estado en México: Memorias de la represión de Atoyac, Guerrero durante la década de los setenta*. Mexico City: Plaza y Valdés.
- Robledo Silvestre, Carolina. 2015. 'El laberinto de las sombras: Desaparecer en el marco de la guerra contra las drogas'. *Estudios Políticos*, 47: 89-108.
- Robledo Silvestre, Carolina. 2016. 'Genealogía e historia no resuelta de la desaparición forzada en México'. *Íconos. Revista de Ciencias Sociales*, 55: 93-114.
- Robledo Silvestre, Carolina. 2018. 'Combing History against the Grain: The Search for Truth amongst Mexico's Hidden Graves'. In *Beyond the Drug War in Mexico: Human Rights, the Public Sphere and Justice*, edited by Wil G. Pansters, Benjamin T. Smith, and Peter Watt, 164-185. London and New York: Routledge.
- Romo Cedano, Pablo y Ariana Rodríguez Yaiza eds. 2010. *Desapariciones forzadas en México. Documentos del proceso de mediación entre el PDPR-EPR y gobierno federal*. México: Serapaz.
- Rubio Díaz-Leal, Laura. 2019. 'Violence-Induced Internal Displacement in Mexico, the Inter-American Commission on Human Rights, and Official State Responses'. In *Mexico's Human Rights Crisis*, edited by Alejandro Anaya-Muñoz and Barbara Frey, 43-62. Philadelphia, PA: University of Pennsylvania Press.
- Schmidt Nedvedovich, Samuel, Luis Ernesto Cervera Gómez, and Adrián Botello Mares. 2017. 'México: Territorialización de los homicidios. Las razones de la violencia en el norte del país'. *Realidad, Datos y Espacio Revista Internacional de Estadística y Geografía*, 8 (2): 81-95.
- Schwartz-Marin, Ernesto, and Arely Cruz-Santiago. 2016. 'Pure Corpses, Dangerous Citizens: Transgressing the Boundaries between Experts and Mourners in the Search for the Disappeared in Mexico'. *Social Research*, 83 (2): 483-510.
- Serrano, Mónica. 2018. 'Mexico: A Humanitarian Crisis in the Making'. In *Beyond the Drug War in Mexico: Human Rights, the Public Sphere and Justice*, edited by Wil G. Pansters, Benjamin T. Smith, and Peter Watt, 53-75. London and New York: Routledge.
- Trejo, Guillermo, and Sandra Ley. 2020. *Votes, Drugs, and Violence: The Political Logic of Criminal Wars in Mexico*. Cambridge: Cambridge University Press.

- Valencia, Sayak. 2018. *Gore Capitalism*. Los Angeles, CA: Semiotext(e)/MIT.
- Vélez Salas, Alejandro. 2016. *Narrativas interdisciplinarias sobre desaparición de personas en México*. Ciudad de México: CNDH.
- Vicente Ovalle, Camilo. 2019. *[Tiempo Suspendido]: Una historia de la desaparición forzada en México, 1940–1980*. Ciudad de México: Bonilla Artigas Editores.
- WGEID. Working Group on Enforced or Involuntary Disappearances. 2011. 'Report of the Working Group on Enforced or Involuntary Disappearances on the Mission to Mexico (18 to 31 March 2011)'. A/HRC/19/58/Add.2.
- Yankelevich, Javier. 2019. 'Un concepto comunicativo de la desaparición de personas y dos notas jurídicas al respecto'. *Revista Mexicana de Ciencias Penales*, 2 (8): 37–55.
- Yankelevich, Javier. 2017. 'Introducción'. In *Desde y frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich, xi–xxi. Ciudad de México: Suprema Corte de Justicia de la Nación.
- Zicari, Martín. 2021. 'Fue el estado ('It was the state'): Embodied practices of memory and the re-writing of Mexico's genealogy of violence'. *Memory Studies*: 1–17. doi:10.1177/17506980211017959.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Part I

**Historical dimensions
of disappearances**



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

1 Responsibilities in the system of enforced disappearance of people in Argentina

A historical perspective

Emilio Crenzel

Introduction

After the coup d'état of March 24, 1976, the enforced disappearance of persons became a systematic practice in Argentina. There are registered cases of enforced disappearance since the 1950s. Furthermore, this criminal practice became regular under the constitutional government of María Estela Martínez de Perón (1974–1976), when the Armed Forces were authorised to intervene in the 'anti-subversive struggle'. However, according to the *Registro Unificado de Víctimas del Terrorismo de Estado* (Unified Registry for Victims of State Terrorism, RUVTE for its Spanish initials), 90% of the cases registered in the country occurred during the last military dictatorship (1976–1983) (RUVTE 2016, Annex IV: 1566).

Despite its importance, the relationship between various political and social actors and the military dictatorship has been scarcely addressed in academia and has been strained by two simplifying and generalizing views. On the one hand, after the return of democracy, the *Nunca Más* (Never Again) report—prepared by the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on the Disappearance of Persons, CONADEP for its Spanish initials), and created to investigate the fate of the disappeared by President Raúl Alfonsín—posited the idea that society ignored the characteristics of repression (CONADEP 1984, 9–10). On the other hand, in the mid-1990s, in line with global processes that highlighted an understanding of mass crimes among the societies in which they were perpetrated (Browning 1992; Johnson and Heiz-Reuband 2006, among others), an inverse, but just as totalising representation grew in Argentina, postulating that society was aware of and legitimised repression (Crenzel 2008, 155–165). This chapter—based on the diachronic and synchronic examination of documentary and oral sources—postulates that the understanding of the state's responsibility in the system of disappearances was heterogeneous and assumed a procedural character even among its active denouncers.

This heterogeneity was a product of denial and disbelief mechanisms generated by experiences of extreme violence (Cohen 2001) through the violation of moral frameworks and the challenging of the resources of representation

(Friedlander 1992, 22–23). Specifically, the determination of the state's exclusive responsibility in the disappearance system came into conflict with an ideological representation of the state as a provider of rights. With an equal significance, for an important portion of society, the Armed Forces represented the agent ensuring the establishment of order and moral values. Thus, many found it difficult to think that, within the state, the Armed Forces were responsible for a criminal system.

In a similar vein, the articulation within the system of disappearances between its public phase—the kidnappings—and its clandestine phase—the captivity, torture and extermination of most of the disappeared, and the concealment of their remains—made it difficult for it to be intelligible as a system and complicated the identification of the perpetrators. Finally, the dictatorship promised to recover the state's monopoly of force, while denying the existence of the disappeared and any responsibility for their fate. This discourse gained acceptance, even among those who denounced the disappearances, based upon the fact that the coup took place in a scenario marked by *guerrilla*, state and para-state violence, which delayed the emergence of a universalised identification of state responsibility.

Based on these ideas, this article proposes a more complex look at the elaboration of understanding and its obstacles in determining responsibilities in the cases of enforced disappearances in Argentina, tracing its trajectory from the dictatorship to the present and showing its links with historical-political contexts which, it is proposed, model the epistemic frameworks for the interpretation of reality (Foucault 1968). The case study demonstrates that the controversies over criminal authorship, as demonstrated by Pilar Calveiro in this volume for the case of Mexico, also experienced a classic period of enforced disappearance, one whose victims were political and social militants, and whose main perpetrator was the state.

The very source of terror

[...] the fiction of right-wing gangs has been won out. These presumed heirs to López Rega's Triple A, that are somehow capable of crossing the largest garrison in the country in military trucks, carpeting the Río de la Plata with corpses, or throwing prisoners into the sea from the transports of the First Air Brigade, without General Videla, Admiral Massera or Brigadier Agosti finding out. Today the Triple A are the Three branches of the Armed Forces, and the Junta that you preside over is not the tipping of the balance between 'terrorism of different signs' nor the just arbiter between 'two parties of terrorism', but the very source of terror.

(Walsh 1977)

This paragraph is part of the '*Carta abierta de un escritor a la Junta Militar*' (Open letter from a writer to the Military Junta), written by Rodolfo Walsh—member of the Montoneros Peronist *guerrilla* organisation, on the first anniversary of the coup. Walsh was not looking to convince the Military

Junta. In fact, after the coup, he founded the '*Agencia de Noticias Clandestina*' (Clandestine News Agency), whose cables denounced state responsibility in the system of disappearances (Vinelli 2002). Rather, his allegation in the letter challenged a wide political spectrum, including even people who denounced the dictatorship and who had accepted the Military Junta's discourse claiming to be equidistant from 'terrorism of different signs' and its adjudication of the disappearances to right-wing gangs still uncontrolled by the state.

This representation began to take shape under the Peronist governments (1973–1976), during which 8,509 armed events took place and 1,543 civilians and military men were assassinated for political reasons by the *guerrillas* and by the Triple A (*Alianza Anticomunista Argentina*/Argentine Anticommunist Alliance), a para-police organisation led by the Minister of Social Welfare, José López Rega, that murdered hundreds of intellectuals, union leaders and students (González Jansen 1986). In this context, in 1975 the constitutional government authorised the Armed Forces to 'neutralize and/or annihilate the subversion', initially in the province of Tucumán, where a *guerrilla* focus was located, and later throughout the country. The Armed Forces positioned themselves as the agent that would restore order and the state monopoly of force despite their use of enforced disappearances as a repressive methodology (Quiroga 1996, 36).

Walsh confronted this interpretation by proposing that the Triple A had subsumed itself into the Armed Forces, aware that the Military Junta's discourse had penetrated into society in general and even into some of the people denouncing kidnappings and political assassinations.

Indeed, Horacio Ravenna—delegate to the leader of the *Unión Cívica Radical* (Radical Civic Union Party, UCR for its Spanish initials), Raúl Alfonsín, in the *Asamblea Permanente por los Derechos Humanos* (Permanent Assembly for Human Rights, APDH for its Spanish initials), a body founded in December 1975 that brought together representatives of the main political parties and religious faiths—recalls the difficulty that many members of the APDH experienced to understand and become aware of the illegality of the repression after the coup (Ravenna 2003). Indeed, this body included actors who firmly believed that the dictatorship would monopolize the use of force and that General Jorge Rafael Videla would dismantle the ultra-right gangs, which they believed acted autonomously. This idea was based on the belief that Videla represented a moderate wing of the Military Junta, as opposed to a Pinochet-like sector that sought to harden the repression. Six days after Walsh sent his *Carta abierta*, Methodist pastor Carlos Gattinoni, member of the APDH and the *Movimiento Ecueménico por los Derechos Humanos* (Ecumenical Movement for Human Rights), claimed that 'the tough ones' presented a challenge to 'the moderate policies of President Videla' (United States Embassy in Buenos Aires, 1977, memorandum of conversation 85D366 13769, quoted in Lvovich 2020,167). Only a few months later, the APDH invited Videla to participate in a human rights conference, held on

August 27, 1976. The dictator did not attend, but he did send his accession (Veiga 1985, 117). Still in September 1977, Emilio Mignone—lawyer and then member of the APDH whose daughter Monica had been disappeared since 1976—told Patricia Derian, Assistant Secretary for Human Rights and Humanitarian Affairs of the US State Department, while she was visiting Buenos Aires, that Videla could not control the security apparatus, offering as an example the kidnapping of the Argentine ambassador to Venezuela, Hidalgo Sola. At that meeting, other members of the APDH asserted their support for the moderate sector of the government that, in their opinion, was headed by Videla (United States Embassy in Buenos Aires 1977, Cable 6621, quoted in Avenburg 2009, 94).

For their part, many relatives of the disappeared were unaware of the state's responsibility for the disappearances and their systematic and massive nature. They began to understand the latter when they found themselves complaining in police stations, courts, ministries and other agencies. Imagining the state as perpetrator meant displacing its representation as a protector of rights, and of the Armed Forces as guarantors of order. In fact, many members of the Mothers of the Plaza de Mayo had received the coup with relief, hoping that it would put an end to the violence. Even Azucena Villaflor, the first leader of the organisation 'shared the idea that Videla was not responsible for what was happening and thought it probable that he did not know its true dimensions' (Gorini 2006, 65). Nora Cortiñas, one of the founding mothers, thought the same (Cortiñas 2019). Only after countless attempts and after verifying that *habeas corpus* were invariably rejected did the Mothers decide to carry out, on April 30, 1977, *la primera ronda* (the first protest march) around the Plaza de Mayo in front of the Casa Rosada, seat of government. A few months later, relatives of the disappeared published the first petition demanding to know the truth about their relatives (Madres y esposas de detenidos – desaparecidos 1977, 9).

Before forming associations, the relatives of the disappeared turned to the *Liga Argentina por los Derechos del Hombre* (Argentine League for the Rights of Man, LADH for its Spanish initials), founded in 1937 in the context of the anti-fascist struggle and under the decisive influence of the Communist Party (Veiga 1985, 24 and 25). In keeping with the policy of the Communist Party, the LADH avoided holding the state and the Armed Forces responsible. Even in 1978, when 90% of the disappearances had happened, the LADH insisted on condemning terrorism of any kind, demanding that the state monopolise the use of force and discouraging the participation of relatives in the Madres' protest rounds (Casola 2015, 153–155). As Alberto Pedroncini, lawyer for the LADH and member of the Communist Party, self-critically pointed out, the party's slogan 'Recovering the monopoly of force for the state' denied state terrorism, attributing the disappearances to out-of-control gangs (Pedroncini 2003).

In fact, the Communist Party avoided using the term dictatorship and described the *guerrillas* as terrorists and provocateurs of the reactionary

forces (Casola 2015). In this context, the Communist Party argued that Videla represented a moderate sector of the Armed Forces, which it contrasted with a Pinochet-like and fascist sector personified by Luciano Benjamín Menéndez, commander of the III Army Corps based in the province of Córdoba, and generals Antonio Domingo Bussi and Ibérico Saint Jean, governors of the provinces of Tucumán and Buenos Aires, respectively.

A similar perspective was assumed by the Trotskyist-oriented *Partido Socialista de los Trabajadores* (Socialist Workers Party, PST for its Spanish initials), which three months after the coup highlighted the moderate characteristics of the repression compared to that exercised in Chile and Uruguay (Osuna 2015, 58). Peronism and radicalism—political movements represented by the two majority parties—kept silent about the repression and rejected international complaints of human rights violations. Furthermore, in the successive political dialogues convened by Videla and later by his successor Viola, Peronism and radicalism accepted, without formally committing themselves, not to review the actions of the Armed Forces in the ‘anti-subversive struggle’ (González Bombal 1991). For its part, the mainstream press based its information about violence on official reports, failed to disseminate information about human rights violations, rejected the complaints that blamed the dictatorship calling them foreign interference, and justified the repression based on the *guerrilla* threat (Iturralde 2016).

Doubts about state responsibility for disappearances also ran through non-governmental human rights organisations such as Amnesty International. On the same day that Walsh circulated his Letter, Amnesty published its report with the conclusions of its inspection carried out in the country in November 1976 after receiving hundreds of denunciations. Its report strongly affirmed that despite official promises to monopolize violence, reports of murders, torture, deaths of persons in custody, and summary executions doubled after the coup. It indicated that the number of disappeared varied but that, according to various sources, it was close to 15,000. The report included a provisional list and required the government to publish a complete one. Based on the denunciations received by Amnesty, the report also presented a list of 18 ‘unofficial detention centres’, which could not be described because the organisation was not allowed to inspect them (Amnesty International 1977, 7, 37, 43, 44, 69, 95 and 118). With regard to the perpetrators of the kidnappings, tortures and murders, the report fluctuated in proposing that they were committed ‘both by vigilante groups and by official bodies’, although it affirmed that ‘there are overwhelming elements of evidence according to which some disappeared persons are in fact being deprived of their liberty by the security services’ (Amnesty International 1977, 14–15, 47, 67 and 84).

In order to counter the reports from Amnesty International and other transnational human rights networks, the Military Junta deployed an intense international campaign that focused on differentiating itself from the Chilean dictatorship by demonstrating that the repression in Argentina was in

accordance with the law. The attempt had some success, as evinced by telegram 2061 of May 29, 1976, from the US embassy in Buenos Aires addressed to Washington and entitled 'Videla's Moderate Line Prevails'. In this telegram, Ambassador Hill claimed that after the coup 'Videla and his moderate colleagues were keeping the hawks at bay' (quoted in Avenburg 2009, 30 and 31), and limited his doubts to Videla's ability to control them, without questioning his good faith. Peronist politicians, radicals, Papal Nuncio Pío Laghi and members of the World Jewish Council declared before representatives of the United States government that Videla was the one person who could contain the excesses that, as they admitted, were committed within the 'anti-subversive struggle' (quoted in Avenburg 2009, 51 and 52).

At the same time, in September 1976, lawyers Gustavo Roca and Lucio Garzón Maceda—members of the *Comisión Argentina para la Defensa de los Derechos Humanos* (Argentine Human Rights Commission, CADHU for its Spanish initials), which was created in February 1976 by lawyers defending political prisoners—were received by the Subcommittee on International Organisations and Movements of the US Congress. Donald Fraser, the subcommittee president, organised these hearings to analyse the human rights situation in different countries and, following the hearing, succeeded in incorporating a clause to section 502B of the 'Foreign Assistance Act', prohibiting military aid to governments responsible for serious and systematic human rights violations (Forsythe 1988, 2–3).

During the meetings, Fraser and some members of Congress repeatedly questioned the members of the CADHU about the existence of moderate and hard wings in repressive matters, as well as Videla's possible willingness and ability to eliminate 'the existing reign of terror' and to control both right- and left-wing violence. Unlike other actors, Roca and Garzón Maceda dismissed the existence of differences within the dictatorship regarding repression, as well as the idea that Videla embodied a moderate wing that sought to control right-wing violence, and they linked these ideas to the Military Junta's propaganda, which was internationally reproduced by the Communist Party. After President Jimmy Carter's inauguration in 1977, the hearings resulted in the cancellation of military aid to Argentina. According to Garzón Maceda, this event constituted the first international defeat of the Military Junta (Garzón Maceda 2006, 246–249, 259, 261, 262, 264, 265, and 266).

The discourse that denied the state's responsibility in the system of disappearances also circulated in other international spheres. Rodolfo Mattarollo, lawyer for political prisoners and member of the CADHU, made the first denunciation of enforced disappearances in August 1976 before the United Nations Subcommittee on Human Rights. He recalled that:

In the session of the following year, where I was once again spokesperson for the denunciation, I put in the record the idea that enforced disappearances were a practice of 'state terrorism' and a systematic plan

of the Junta. The Soviet Union sought to block my intervention by proposing to cancel the consulting status of the NGOs that gave us their rostrum in the session. In this case, it was none other than the International Commission of Jurists. The Soviet position, which was the result of trade agreements with the dictatorship, impacted us left-wing exiles. To our surprise, we find solidarity in liberal and social democratic governments in Western Europe.

(Mattarollo 2004)

Only after one and a half years of dictatorship, on September 9, 1977, did Videla refer to ‘the disappeared’, at a press conference he gave while visiting the United States. He pointed out that:

In every war there are people who survive, others who are crippled, others who die and others who disappear [...]. The disappearance of some people is an unintended consequence of this war. We understand the pain of that mother or wife who has lost her son or husband, of whom we cannot give news, because he clandestinely joined the subversive ranks, having been prey to cowardice and not having been able to maintain his subversive attitude, because he has disappeared when he changed his name and clandestinely left the country, or because in a warlike encounter his body, after suffering an explosion, fire or projectiles, was extremely mutilated and could not be recognised, or due to excessive repression.

(Videla, quoted in Verbitsky 1995, 78)

Thus, Videla explained the disappearances as a result of the state of war, as practices of the victims’ own ‘subversion’, or as isolated events, eventual ‘excesses’, blaming subordinate personnel and thus feeding the idea that they were not part of plans and orders of the Military Junta and that the state, still, did not control these practices.

As is evident from 1976 to 1977—a period when 90% of the disappearances occurred (CONADEP 1984, 298 and 299)—there was a marked heterogeneity among the accusers regarding the knowledge and recognition that the system of disappearances was a plan designed and executed by the state through the Military Junta. Local and transnational human rights organisations, victims’ relatives, political parties, even on the left, and foreign governments rejected or hesitated to identify the disappearances as a system of state repression.

The interpretive turn

At the end of 1977, the dictatorship was forced to account for the disappeared. At the same time, the first report establishing state responsibility for disappearances was published. The report’s title was *Argentina: proceso al*

genocidio (Argentina: the Process to Genocide), and it was written by Gustavo Roca—who testified before Fraser in the United States Congress—and Eduardo Duhalde, both defence attorneys for political prisoners, members of the CADHU. This report—published in Madrid and translated into French, German and, partially, English, Dutch and Italian—had a wide circulation among exiles and transnational human rights networks. In the report, Roca and Duhalde proposed state responsibility in the system of disappearances, which they considered to be part of ‘state terrorism’. Simultaneously, the report qualified the crimes as ‘genocide’, proposing that its victims were religious groups, ‘the Jews’, ‘the Catholic Church’ or professionals such as ‘the press and journalists’, and people working in ‘education and culture’. Furthermore, the report linked the crimes to the dictatorship’s economic plan.

The originality of the report resided in the use of the concepts of ‘state terrorism’ and ‘genocide’. Until then, the term ‘terrorist’ was circumscribed to the exercise of indiscriminate violence by non-state actors (Sluka 2000). In the end of the 1970s, Noam Chomsky and Edward Herman introduced the concept of ‘state terrorism’ to qualify the political violence exercised from the state by National Security regimes under the influence of the United States which, in the context of the ‘Cold War’, sought to protect the capitalist regime through the legal and illegal use of force against enemies classified as subversives and terrorists against civil society (Chomsky and Herman 1979).¹ The classification of ‘genocide’ was based on the interpretation that specific groups were being victimized—religious, ethnic and socio-professional—although the report did not provide evidence of this. Instead, it provided evidence of persecution carried out for political reasons (Crenzel 2019). Both conceptualizations posited the state as the sole party responsible for the system of disappearances, and the whole of civil society, or specific groups within it, as its victims.

The CADHU report was followed by a series of testimonies made by the survivors of the *Centros Clandestinos de Detención* (Clandestine Detention Centres) before this commission, European parliaments and transnational human rights organisations. In all their testimonies, the survivors asserted the responsibility of the state in the system of disappearances. In April 1978, Domingo Maggio gave testimony before the CADHU about his captivity in the *Escuela de Mecánica de la Armada* (Navy School of Mechanics, ESMA for its Spanish initials) (CADHU 1978, 6 and 7). This testimony was later sent to the Argentine Episcopal Conference, to the national and foreign press, to embassies, unions and political parties. A year and a half later, on October 12, 1979, in the French National Assembly, Ana Martí, María Milla de Pirlés and Sara Solarz de Osatinsky, survivors of the ESMA, denounced the Navy for its responsibility in the violations perpetrated in that clandestine centre and in the murder of almost 5,000 detainees (CADHU 1979, 39–42). Furthermore, in February 1980, two survivors asserted the responsibility of the state in their captivity and torture in various clandestine centres (Amnesty International 1980).

Although the state's responsibility for the disappearances was already public knowledge at the time—given that human rights organisations, as late as May, 1978, informed the United States ambassador about it (Avenburg 2009, 123)—many family members refused to accept that the state was guilty of an extermination. Trusting the assertions of military personnel who were able to access official quarters and units, and official information reproduced by the commercial press (Somos 1977, 8–9), some 'clung to the illusion that their relatives were being held in 'recovery farms' in *el Chaco* or the south (Fernández Meijide 2004).

These views began to change after the Inter-American Commission on Human Rights (hereinafter IACHR) of the Organisation of American States visited the country in September 1979, after it had received hundreds of complaints of disappearances. The IACHR received complaints from Buenos Aires and various cities within the country. Furthermore, its representatives interviewed military and religious authorities, human rights organisations, political leaders, businessmen, journalists, and former presidents. It also inspected various sites such as the ESMA, the *Coordinación Federal* (Federal Coordination) and *La Rivera* in Córdoba, which had been denounced as clandestine detention centres, and public cemeteries, for it had been informed that there were nameless tombs. The report, published in April 1980, was the first document to officially use the concept of 'state terrorism.'

The report specified that the IACHR had received 5,580 accusations of disappearances and described the disappeared as persons 'apprehended in operations that, due to the conditions in which they were carried out and due to their characteristics, make it possible to presume the implication of the public security forces' (IACHR 1984 [1980], 13–18). This definition was agreed upon by the organisations considered by the IACHR and, for political tactical reasons, avoided holding the dictatorship fully responsible for the disappearances. Despite this, the report recounted how police interventions created a 'free zone' for kidnappings, the transfer of people 'to different military establishments' where they were tortured, and the subsequent official denial of any information to their families.

The report also gave a detailed account of the places that, according to the testimonies, were 'clandestine detention centres', and of the displacement of captives from the places that were to be inspected by the representatives. In its conclusions, the report validated the denunciations by attributing responsibility for the disappearances to a decision of the 'highest levels of the Armed Forces', executed by 'autonomous and independent operational commands in their actions against alleged or actual subversives'. The report also stated the '[IACHR's] concern for the thousands of disappeared detainees who, for the reasons set out in this report, can be reasonably presumed dead' and recommended, among other measures, that the perpetrators be prosecuted and punished (IACHR 1984 [1980], 13–18 and 148–152).

To confirm the organic nature of the repression, the IACHR transcribed a number of paragraphs taken from the speech that General Santiago Riveros,

Commander of Military Institutes and head of the Campo de Mayo region between 1976 and 1979, addressed before the Inter-American Defence Board in Washington DC, on February 12, 1980. In said speech, General Riveros acknowledged that:

We waged war with doctrine in hand, with the written orders of the Superior Commands. We never needed, as we are accused, paramilitary organisations [...] This war was conducted by the generals, admirals and brigadiers of each force [...] The war was conducted by the Military Junta of my country, through the Top Ranks.

(IACHR 1984 [1980]: 13–18 and 148–152)

This statement constituted a qualitative change in the official position. The military leaders assumed organic responsibility for the repression both in its planning and in its execution.

After the IACHR's visit, Emilio Mignone, already working at the Centre for Legal and Social Studies, prepared the report 'The Argentine case: Enforced disappearances as a basic and generalized instrument of a policy. The doctrine of global parallelism,' which was presented by Conte at the Colloquium '*La política de Desaparición Forzada de las Personas*' (The Policy of Enforced Disappearance of Persons) held in Paris between January 31 and February 1, 1981 (Mignone 1982, 150–183).

The Colloquium was spearheaded by the *Grupo de Abogados Argentinos Exiliados en Francia* (Group of Argentine Lawyers Exiled in France, GAAEF for its Spanish initials), which brought together 30 lawyers from different political backgrounds (Aragón 2003). The group obtained significant sponsorships: the French government, the International Association of Democratic Jurists, the International Centre for the Independence of Judges and Lawyers, the International Commission of Jurists, the International Federation of Human Rights, the International Movement of Catholic Jurists, the International Union of Lawyers, the Christian Action for the Abolition of Torture, the French Association for Peace and Justice, the *Comité Inter-Mouvements Après Des Évacués* (Inter-Movement Committee for Evacuees, CIMADE, for its French initials), the Catholic Committee against Hunger and for Development, and the *Institut de formation en droits de l'homme du barreau de Paris* (Training Institute in Human Rights of Paris Bar, IDHBP for its French initials) (Jensen 2016, 119 footnote 70).

The Colloquium was held in the French Senate, under the honorary presidency of the 1980 Nobel Peace Prize laureate, Adolfo Pérez Esquivel. Among the participants were the overthrown presidents Lidia Gueiler of Bolivia and Arturo Illia of Argentina, the ministers of the overthrown Chilean government of Salvador Allende, Carlos Altamirano and Clodomiro Almeida, as well as Peronist leader Vicente Saadi, and the 'Mothers of the Plaza de Mayo'.

For two days, the Colloquium analysed the legal, moral and geopolitical context in which the disappearances were perpetrated, as well as the official

responses and those of the international community. It also identified ‘a close relationship between the existence of emergency regimes and that of enforced and involuntary disappearances’ (Luna 1981, 5). Moreover, it highlighted the states’ tendency to avoid responsibility for disappearances, imputing them to ‘uncontrolled or terrorist groups.’

Mignone’s paper included these ideas. Furthermore, it described the structure of the repressive system in Argentina. According to the report, this system was two-sided: its first facet was public and consisted of a rule of exception sanctioned before and after the 1976 coup d’état, while the second one was of a secret and clandestine nature, and its main instrument was the disappearance of persons, for which the state denied having responsibility. It remarked that the clandestine system was organised on a cellular basis, with independent and relatively autonomous hierarchies, but that both facets were under the authority of the Military Junta and the superior officers of the Armed Forces. Thus, Mignone’s paper dismissed the idea that the disappearances were the work of out-of-control subordinates and, like the IACHR, cited the statement of General Riveros to support this (Mignone 1982). The work was published in French as part of the proceedings of the Colloquium, then edited in Spanish in Mexico, and finally translated into English (Mignone 1991: 54–56).

The Colloquium agreed that enforced disappearance combined different human rights violations, but that it required a specific legal instrument, an autonomous norm in international human rights law, a convention, to prevent it and punish those who committed it (López Cárdenas 2017, 175). Two of the three drafts of the proposal came from Argentina. They were presented by the APDH and the LADH, organisations that by that time were already proposing state responsibility in this system. The third one was presented by the IDHBP (Joinet 1982, 293–306).

The APDH proposal—*Propuesta para la Convención Internacional contra la Política de Desaparición Forzada de Personas* (International Convention against the Policy of Enforced Disappearance of Persons)—prepared by Alberto Pedroncini, suggested creating an international registry of disappeared persons, drawing up a series of presumptions about the government’s responsibility for disappearances, and establishing enforced disappearance as an imprescriptible crime under international law, a measure that would keep perpetrators from benefiting from amnesties or the right to asylum (Pedroncini 2003; Pedroncini 1982, 283–287). The IDHBP presented the ‘*Proyecto de Convención Internacional sobre la Desaparición Forzada de Personas*’ (Proposal for an International Convention on Enforced Disappearance of Persons) that defined ‘enforced or involuntary disappearance’ as any act capable of threatening the physical, psychological or moral integrity or safety of any person. It classified enforced disappearance as a crime against humanity and proposed creating an international committee to search for the disappeared and promote the eradication of enforced disappearances (IDHBP 1987, 277–282). Finally, the ‘*Projet de convention de la*

Ligue Argentine des Droits de l'homme' (Proposal for the Convention of the Argentine League for the Rights of Man) established a regulation that governments had to follow after a detention or arrest (LADH 1982, 339–346). The Colloquium asked the UN Human Rights Commission on enforced disappearances that 'cases that reveal a massive or systematic nature, with rational ends of elimination of political opponents or attributable to administrative causes, be classified as a crime against humanity' (Luna 1981, 5).

If the IACHR report was the first report by a supranational body that established state responsibility for disappearances and called for their prosecution, the Paris Colloquium was the first attempt, promoted by human rights organisations, to legally classify enforced disappearance and establish an international convention to prevent it, as well as to judge and punish those who committed it.

After the return of democracy, the notion of 'state terrorism' began to displace in the public discourse the term of 'anti-subversive struggle' to characterize dictatorial violence. This process was influenced by the official discourse, but also by Eduardo Luis Duhalde's *El Estado Terrorista argentino* (The Argentine Terrorist State), a book published in 1983 that immediately became a best seller, reaching eight editions. Duhalde, who was a member of the CADHU and later Secretary of Human Rights of the Nation under the presidency of Néstor Kirchner (2003–2007), proposed this concept arguing that, under the dictatorship, the state was organised monolithically and exercised absolute control, imbued with the National Security Doctrine over civil society (Duhalde 1983, 54). Highlighting his training under previous military dictatorships, especially under the government of Perón's widow (1974–1976), Duhalde posited the 'terrorist state' as the expression of the counter-insurgent state that represses through legal and clandestine instruments, including the system of disappearances, in order to discipline society and regressively transform its economic structure.

In this scenario, where the ways of conceptualizing repression were changing, on December 10, 1983, Raúl Alfonsín took office as constitutional president. On December 13 he ordered the trial of the *guerrilla* leaders and the Military Junta and on December 15 he created the CONADEP to investigate the fate of the disappeared. The *Nunca Más* (Never Again) report made official, for the first time in the country, the concept of 'state terrorism'. The report presented the system of disappearances as the result of a 'state of the State', the dictatorial state which, based on a 'semantic delusion' resulting from the National Security Doctrine, displays indiscriminate violence. On the other hand, society is portrayed as a whole in a dual position: as victim of the terrorist state, since state violence affected 'anyone, no matter how innocent', or as an outsider who, due to the prevailing terror, justifies the illegal violence (Crenzel 2011).

Despite the fact that the *Nunca Más* report had already mentioned the existence of disappeared persons and clandestine centres in 1975, under the government of María Estela Martínez de Perón, it proposed an institutional

periodization of violence that restricts the responsibility of the disappearance system to the military dictatorship. This representation, functional to Alfonsín's goal of restricting criminal prosecution to the heads of the dictatorship, silences the political and moral responsibilities of the Peronist government, the representatives of political and civil society in the disappearances before and after the coup (Crenzel 2011).

This representation of responsibility in disappearances became hegemonic and began to erode only on the 20th anniversary of the coup. The human rights movement's speeches in the massive acts of repudiation linked the dictatorship with the establishment of a neoliberal economic model and underlined the complicity of the Catholic Church and the Judiciary, as well as the role of large companies in the coup and their responsibility in the disappearance of union activists and leaders (Lorenz 2002, 83–88). A few years later, the '*juicios por la verdad*' (trials for the truth)² accompanied this interpretive turn. Despite not having criminal consequences, and being held for the sole purpose of satisfying the 'right to the truth' for those close to the disappeared, they exposed responsibilities of businesses—like Ford Motors and Mercedes Benz, among others, unions—the Union of Mechanics and Automotive Transport Related Workers, student groups, doctors, nurses and members of the clergy (Andriotti Romanín 2013).

After the economic, social and political crisis of 2001, and in the context of a strong criticism of the neoliberal model, this new representation of responsibilities in the system of disappearances was enshrined as a state policy by Peronist president Néstor Kirchner (2003–2007) and later by the governments of his wife Cristina Fernández (2007–2011; 2011–2015).

Under Kirchner's mandate, the impunity laws that prevented criminal trials were annulled by Congress, a decision endorsed by the Supreme Court of Justice. The new trials, carried out throughout the country, evinced the repression at the local level and re-signified the idea that certain communities in the provinces had about the relationship between said repression and the disappearances. In some cases, such as the trial for 'Operativo Independencia'—a counterinsurgency campaign developed in the province of Tucumán, the focus was on the responsibility in the disappearances of the constitutional government of María Estela Martínez de Perón. Thus, the new trials transcended the institutional periodization that had been enshrined by CONADEP and the Military Juntas' trial that limited responsibilities to the dictatorship, while also investigating the responsibility of priests, doctors, businessmen, judges and lawyers in the disappearances (Filippini 2011, 43), thus abandoning the identification of men in uniform as the only perpetrators and, at the same time, the representation of civil society as a group of either outsiders or victims of their crimes.

This change in the judicial scene occurred in parallel with the emergence of academic research that addressed the responsibilities of civil society actors in enforced disappearances (Ministerio de Justicia y Derechos Humanos de la Nación, et al. 2015; Verbitsky and Bohoslavsky 2013; Payne, Pereira and

Bernal Bermúdez 2020; Bohoslavsky 2015). These transformations were composing a more complex image of the disappearance system and its perpetrators by deconstructing two premises established during the dictatorship, but also enshrined as official truths when democracy returned to the country: the alienation of constitutional governments and of civil society from this crime. Thus, this new perspective on enforced disappearances, their supposed perpetrators and victims implied—returning to Calveiro (in this volume) and Foucault (2006)—the elaboration of a different representation of the governmentality that perpetrated enforced disappearances as compared to the one that prevailed during the first years of democracy and that restricted responsibility to the state and the dictatorship. In examining the regular practice of disappearances under the government of Perón's widow (1974–1976), the new trials—carried out in the country starting in 2005 after the repeal of the impunity laws and the renewal of academic research on recent history and social memory—abandoned the exclusive association of this crime with a specific political regime, the dictatorship. The new trials also revealed corporate and civil responsibilities in its perpetration and, at the same time, the complex complementary relation between the state apparatus and private interests. This new perspective even challenged the very concept of 'state terrorism' as a satisfactory designation to account for the network of social relations that made enforced disappearances possible.

Conclusions

This work has demonstrated the procedural and heterogeneous nature of the development of knowledge concerning the persons responsible for the system of disappearances, even among its denouncers. As noted, this heterogeneity had various roots: first, the mechanisms of denial and disbelief that complicate the recognition of the perpetrators of extreme violence, in this case reinforced by the dominant ideological representations of the state and the Armed Forces; second, the combination of public and clandestine phases of the disappearance system, which complicated the identification of the perpetrators; and third, the dictatorial intervention, denying or minimising the existence of the disappeared, but always detaching itself from any responsibility for their fate. In this framework, the declared dictatorial will to regain the monopoly of force by putting an end to violence of any kind, was accepted by a notable variety of actors, even within the universe of the denouncers. The political scene in which the coup took place, marked by *guerrilla*, state and para-state violence, contributed to the acceptance of this idea.

The expectation that the dictatorship would put an end to violence, the portrayal of kidnappings and murders as products either of right-wing gangs not yet subdued to the will of the state, or of autonomous subordinate personnel, together with the belief that General Videla was trying to restore the order and put an end to violence, illustrate the heterogeneity that ran

through the movement of denunciations regarding the knowledge and recognition of the nature of the system of disappearances and the people responsible for it. This heterogeneity began to dissipate after the IACHR report confirmed, with a different legitimacy, what reports such as CADHU's or the testimonies of the survivors of the clandestine centres had asserted about state responsibility in the disappearances. The Paris Colloquium, with the strong initiative of the Argentine political exile and human rights organisations, established the first international precedent for an international convention against enforced disappearance.

The return of democracy, with the wide dissemination of the *Nunca Más* report, would mean the consecration of the concept of 'state terrorism', developed during the dictatorship as the dominant characterization of responsibilities in crime. Stripped of any association with particular material interests, the concept of 'state terrorism' corresponded to the policy of prosecution limited to the Military Juntas that was promoted by Alfonsín.

This perspective began to erode starting with the 20th anniversary of the coup and the holding of the '*Juicios por la verdad*', in which the coup was associated with the implementation of a neoliberal economic model, and business and union responsibilities were revealed in the disappearances. This new representation would be nationalized under the Kirchner administrations, demonstrating the transformation in the interpretation of responsibilities in this criminal system and re-signifying the very meaning of the coup d'état.

The trajectory analysed here poses a more complex look at the elaboration of understanding and its obstacles in the determination of responsibilities in massive and systematic crimes, and shows the changing character, subject to historical and political contexts, of the representations and interpretations of criminal responsibilities.

Notes

- 1 The concept was also used by Jorge Tapia Valdés (1981), an ex-minister in Salvador Allende's government (D'Antonio and Eidelman 2019, 361–383).
- 2 In the mid-1990s, [...] the CELS [*Centro de Estudios Legales y Sociales*/Centre of Legal and Social Studies] decided to press the courts to investigate a few emblematic cases. [...] These "truth trials" (*juicios por la verdad*), as they became known, were an innovation in Argentine justice, and possibly in the rest of the Americas. They were unlike ordinary criminal trials in that judicial action was expressly limited to investigation and documentation, without there being a possibility either of prosecution or punishment. They were based on the right (both of the relatives and of society as a whole) to know the truth, and the right of the relatives to bury and mourn their dead (*derecho a duelo*)' (Brett 2001; see also Andriotti Romanín 2013).

Bibliography

Amnesty International. 1977. *Informe de una misión de Amnistía Internacional a la República Argentina*. Barcelona: Amnistía Internacional.

- Amnesty International. 1980. *Testimonios sobre los campos secretos de detención en Argentina*. Barcelona: Amnistía Internacional.
- Andriotti Romanín, Enrique. 2013. *Memorias en conflicto. El Movimiento de derechos humanos y la construcción del Juicio por la Verdad de Mar del Plata*. Mar del Plata: Editorial de la Universidad Nacional de Mar del Plata.
- Aragón, Raúl. 2003. Interview with the author, Buenos Aires, December 3.
- Avenburg, Alejandro. 2009. 'Entre la presión y el apoyo a los "moderados". La política de derechos humanos de Carter y el régimen militar argentino (1976–1978)'. MA dissertation in International Relations and Negotiations. Buenos Aires: Facultad Latinoamericana de Ciencias Sociales, Universidad de San Andrés.
- Brett, Sebastian. 2001. 'IV. The "Truth Trials"'. In *Argentina. Reluctant Partner. The Argentine Government's Failure to Back Trials of Human Rights Violators*. Human Rights Watch Reports, vol. 13 issue 5 (B) (December). Accessed July 2, 2021 <https://www.hrw.org/reports/2001/argentina>.
- Bohoslavsky, Juan, ed. 2015. *¿Usted también doctor? Complicidad de jueces, fiscales y abogados durante la dictadura*. Buenos Aires: Siglo XXI.
- Browning, Christopher. 1992. *Ordinary men. Reserve Police Battalion 101 and the Final Solution in Poland*. New York: HarperCollins.
- CADHU. Comisión Argentina para la Defensa por los Derechos Humanos 1977. *Argentina: proceso al genocidio*. Barcelona: CADHU.
- CADHU. Comisión Argentina para la Defensa por los Derechos Humanos. 1978. 'Testimonio ofrecido por Horacio Domingo Maggio, fugado en un traslado desde la Escuela de Mecánica de la Armada el 17 de Marzo de 1978 ante la CADHU'. Barcelona: CADHU.
- CADHU. Comisión Argentina para la Defensa por los Derechos Humanos. 1979. 'Testimonios de los sobrevivientes del genocidio en la Argentina'. Barcelona: CADHU.
- Casola, Natalia. 2015. *El PC argentino y la dictadura militar. Militancia, estrategia política y represión estatal*. Buenos Aires: Imago Mundi.
- Chomsky, Noam, and Edward Herman. 1979. *The Washington Connection and Third World Fascism: The Political Economy of Human Rights: Volume 1*. Montreal: Black Rose Books.
- Cohen, Stanley. 2001. *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Cambridge University Press.
- IACHR. Inter-American Commission on Human Rights. 1984 [1980]. *El informe prohibido. Informe sobre la situación de los derechos humanos en la Argentina*. Buenos Aires: OSEA and CELS.
- CONADEP. Comisión Nacional sobre la Desaparición de Personas. 1984. *Nunca Más. Informe de la Comisión Nacional sobre la Desaparición de Personas*. Buenos Aires: EUDEBA.
- Cortiñas, Nora. 2019. Interview with the author, Buenos Aires, July 11.
- Crenzel, Emilio. 2008. *La historia política del Nunca Más. La memoria de las desapariciones en la Argentina*. Buenos Aires: Siglo XXI.
- Crenzel, Emilio. 2019. 'The crimes of the last dictatorship in Argentina and its qualification as genocide: a historization'. *Global Society*, 33 (3): 365–381.
- Crenzel, Emilio. 2011. *Memory of the Argentina Disappearances: The Political History of Nunca Más*. New York: Routledge.
- D'Antonio, Débora, and Ariel Eidelman. 2019. 'Usos y debates en la Argentina sobre la categoría del Estado terrorista'. *História, Debates e Tendências*, 19 (3): 361–383.

- Duhalde, Eduardo Luis. 1983. *El Estado terrorista argentino*. Buenos Aires: Editorial Argos-Vergara.
- Fernández Meijide, Graciela. 2004. Interview with the author, Buenos Aires, October 20.
- Filippini, Leonardo. 2011. 'La persecución penal en la búsqueda de justicia'. In *Hacer justicia. Nuevos debates sobre el juzgamiento de crímenes de lesa humanidad en Argentina*, edited by Centro de Estudios Legales y Sociales and Centro Internacional para la Justicia Transicional, 19–47. Buenos Aires: Siglo XXI.
- Foucault, Michel. 1968. *Las palabras y las cosas. Una arqueología de las ciencias humanas*. México: Siglo XXI.
- Foucault, Michel. 2006. *Seguridad, territorio, población*. Buenos Aires: Fondo de Cultura Económica.
- Forsythe, David. 1988. *Human Rights and U.S. Foreign Policy: Congress Reconsidered*. Gainesville, FL: Florida University Press.
- Friedlander, Saúl, comp. 1992. *Probing the Limits of Representation: Nazism and the 'final Solution'*. Cambridge, MA: Harvard University Press.
- Garzón Maceda, Lucio. 2006. 'Testimonio. La primera derrota de la dictadura en el campo internacional'. In *Argentina 1976–2006. Entre la sombra de la dictadura y el futuro de la democracia*, compiled by Quiroga, Hugo, and César Tcach, 233–270. Rosario: UNL-Homo Sapiens.
- González Bombal, Inés. 1991. 'El diálogo político: la transición que no fue'. Buenos Aires: Documento CEDES/61.
- González Jansen, Ignacio. 1986. *La Triple A*. Buenos Aires: Editorial Catálogos.
- Gorini, Ulises. 2006. *La rebelión de las Madres. Historia de las Madres de Plaza de Mayo tomo I (1976–1983)*. Buenos Aires: Norma.
- IDHBP. Institut de formation en droits de l'homme du barreau de Paris. 1987. 'Proyecto de Convención Internacional sobre la Desaparición Forzada de Personas'. In *La desaparición: Crimen contra la humanidad*, edited by Asamblea Permanente por los Derechos Humanos, 313–336. Buenos Aires: APDH.
- Iturralde, Micaela. 2016. *El terrorismo de Estado en noticias. Itinerarios discursivos del diario Clarín ante las violaciones a los derechos humanos (1975–1985)*. Tesis de Doctorado en Ciencias Sociales. Buenos Aires: Universidad Nacional de General Sarmiento-IDES.
- Jensen, Silvina. 2016. 'Exilio y legalidad. agenda para una historia de las luchas jurídico- normativas de los exiliados argentinos durante la última dictadura militar'. *História: Questões & Debates*, 64 (2): 97–122.
- Joinet, Louis. 1982. 'Rapport général'. In *Le refus de l'oubli – la politique de disparition forcée de personnes (Colloque de Paris janvier–février 1981)*, edited by Edmond Jouve, 293–306. Paris: Berger-Levrault.
- Johnson, Eric, and Karl Heiz-Reuband. 2006. *What We Knew: Terror, Mass Murder, and Everyday Life in Nazi Germany. An oral history*. Cambridge, MA: Basic Books.
- LADH. Liga Argentina por los Derechos del Hombre. 1982. 'Projet de convention de la Ligue Argentine des Droits de l'homme'. In *Le refus de l'oubli – la politique de disparition forcée de personnes (Colloque de Paris janvier–février 1981)*, edited by Edmond Jouve, 339–346. Paris: Berger-Levrault.
- López Cárdenas, Carlos. 2017. 'La desaparición forzada de personas en el Derecho Internacional de los Derechos Humanos: estudio de su evolución, concepto y reparación a las víctimas'. Ph.D. thesis. Madrid: Facultad de Derecho, Universidad Complutense de Madrid.

- Lorenz, Federico. 2002. '¿De quién es el 24 de Marzo? Las luchas por la memoria del golpe de 1976'. In *Las conmemoraciones: las disputas en las fechas in-felices*, edited by Elizabeth Jelin, 53–100. Madrid: Siglo XXI.
- Luna, Lucía. 1981. 'En París, los juristas piden castigo para los autores de las desapariciones forzadas'. *Proceso*, February 21.
- Lvovich, Daniel. 2020. 'El mito de la moderación de Videla: extensión social y funciones de una creencia compartida'. *Contemporánea*, 11 (12): 155–174.
- Madres y esposas de detenidos – desaparecidos. 1977. 'We mothers and wives of the disappeared only ask for the truth.' They noted that 'The truth we ask is to know if our DISAPPEARED ARE ALIVE OR DEAD AND WHERE THEY ARE'. *La Prensa*, October 5.
- Mattarollo, Rodolfo. 2004. Interview with the author, Buenos Aires, April 5.
- Mignone, Emilio. 1982. 'Les déclarations abusives de disparitions, instrument d'une politique'. In *Le refus de l'oubli – la politique de disparition forcé de personnes (Colloque de Paris janvier–février 1981)*, edited by Edmond Jouve, 150–183. Paris: Berger-Levrault.
- Mignone, Emilio. 1991. *Derechos humanos y sociedad: el caso argentino*. Buenos Aires: CELS.
- Ministerio de Justicia y Derechos Humanos de la Nación, Centro de Estudios Legales y Sociales, Facultad Latinoamericana de Ciencias Sociales. 2015. 'Responsabilidad empresarial en delitos de lesa humanidad. Represión a trabajadores durante el terrorismo de Estado'. Accessed April 19, 2020. http://www.cels.org.ar/common/Responsabilidad_empresarial_delitos_lesa_humanidad_t.1.pdf.
- Osuna, Florencia, 2015. *De la 'Revolución socialista' a la 'Revolución democrática'. Las prácticas políticas del Partido Socialista de los Trabajadores/Movimiento al Socialismo durante la última dictadura (1976–1983)*. La Plata: Universidad Nacional de La Plata; Los Polvorines: Universidad Nacional de General Sarmiento; Posadas: Universidad Nacional de Misiones.
- Payne, Leigh, Gabriel Pereira, and Laura Bernal Bermúdez. 2020. *Transitional Justice and Corporate Accountability from Below Deploying Archimedes' Lever*. Cambridge: Cambridge University Press.
- Pedroncini, Alberto. 1982. 'Projet de convention internationale'. In *Le refus de l'oubli – la politique de disparition forcé de personnes (Colloque de Paris janvier–février 1981)*, edited by Edmond Jouve, 283–287. Paris: Berger-Levrault.
- Pedroncini, Alberto. 2003. 'Testimonio de Alberto Pedroncini por Burak, Demián, camarógrafo | Carnovale, Vera, entrevistadora'. June 26 and July 7. Memoria Abierta-Archivo Oral, Buenos Aires. Repository identifier: AO0273A and AO0273B. http://catalogo.memoriaabierta.org.ar/cgi-bin/koha/opac-detail.pl?biblionumber=31971&query_desc=kw%2Cwrdl%3A%20pedroncini.
- Quiroga, Hugo. 1996. *El tiempo del proceso. Conflictos y coincidencias entre políticos y militares, 1976–1983*. Rosario: Homo Sapiens.
- Ravenna, Horacio. 2003. 'Testimonio de Horacio Ravenna 2por Carnovale, Vera, entrevistadora | Pintor, Pablo, camarógrafo | Rest, Marcelo, camarógrafo'. June 11 and 19. Memoria Abierta-Archivo Oral, Buenos Aires. Repository identifier: AO0266A and AO0266B. http://catalogo.memoriaabierta.org.ar/cgi-bin/koha/opac-detail.pl?biblionumber=31964&query_desc=kw%2Cwrdl%3A%20ravenna.
- RUVTE. Registro Unificado de Víctimas del Terrorismo de Estado. 2016. 'Anexo IV Cuadros estadísticos sobre víctimas y hechos del accionar represivo ilegal del Estado'. <http://datos.jus.gob.ar/dataset/registro-unificado-de-victimas-del-terrorismo-de-estado-ruvte>.

- Sluka, Jeffrey. 2000. 'Introduction: State Terror and Anthropology'. In *Death Squad: The Anthropology of State Terrorism*, edited by Jeffrey Sluka, 1–45. Philadelphia, PA: University of Pennsylvania Press.
- Somos*. 1977. 'Cómo viven los desertores de la subversión', *Somos*. December 16, 8–9.
- Tapia Valdés, Jorge. 1981. *El terrorismo de Estado. La doctrina de Seguridad Nacional en el Cono Sur*. Mexico City: Nueva Imagen.
- Veiga, Raúl. 1985. *Las organizaciones de Derechos Humanos*. Buenos Aires: Centro Editor de América Latina.
- Verbitsky, Horacio. 1995. *El vuelo*. Buenos Aires: Planeta.
- Verbitsky, Horacio, and Juan Bohoslavsky. 2013. *Cuentas pendientes. Los cómplices económicos de la dictadura*. Buenos Aires: Siglo XXI.
- Vinelli, Natalia. 2002. *ANCLA Una experiencia de comunicación clandestina orientada por Rodolfo Walsh*. Buenos Aires: La Rosa Blindada.
- Walsh, Rodolfo. 1977. *Carta abierta de un escritor a la Junta Militar*. Buenos Aires: Mimeo.

2 Recasting history to cast off shadows

State violence in Mexico, 1958–2018

*Eugenia Allier Montaño, Camilo Vicente Ovalle
and Juan Sebastián Granada-Cardona*

Understanding political violences in Mexico in the medium term

In Mexico, the talk about violence has been going on for too long. The statistics involved—always bleak, sometimes catastrophic—have placed us in conditions of a social emergency whose logic has imposed itself on public conversation. However, academic reflection on the sense and the role of violence in the configuration of social and government relations, and on specific forms of violence such as insecurity or political repression, has only begun quite recently.

This is surely related to the fact that, for a long time, the Mexican political regime was portrayed as exceptional owing to its stability and prolonged existence—made possible by its mechanisms of political inclusion and exclusion—and because this stability did not entail the transition to forms of dictatorship, as was the case in Central and South America, although neither did it lead to forms of democracy. The singular authoritarian configuration of the Mexican state may be identified in the historical process which developed between the 1930s and 1940s, by which time it had attained its general features: the centralization of power in the Executive; a dominant, hegemonic political party; corporate control over society; and political demobilisation. An important aspect, though usually not considered, is the place of political violence in this authoritarian configuration.

During this process, the forms of despotism inherited from the rule of Porfirio Díaz had to adapt to the new emerging national power; and they did so not in a relation of full subordination, but by negotiating and realigning their interests. The outcome of this dispute mostly benefited the central forces united in the political party of the revolution the *Partido Nacional Revolucionario* (National Revolutionary Party, PNR, for its Spanish initials), the *Partido de la Revolución Mexicana* (Party of the Mexican Revolution, PRM, for its Spanish initials), and the *Partido Revolucionario Institucional* (Institutional Revolutionary Party, PRI, for its Spanish initials). However, this did not entail a complete triumph over regional or local powers, since these managed to survive by negotiating; in particular, the dispute for power and its necessary component of violence was now mediated—or, to quote

Alan Knight, ‘modernized’—and integrated into the institutional structure. This gradually made it possible to project the appearance that political violence at a national level had been extinguished. These new dynamics opened the possibility of transferring violence from the national to the regional and local levels, since in the hope of building an institutional state based on the rule of law, regional factions integrated into the new hegemonic pact undertook the mediation of conflicts, before such mediation reached the national level. In this configuration, state violence is exceptional at the national level but commonplace, and in many cases extreme, at the regional level.

This was one of the reasons why analyses and studies of the authoritarian Mexican regime and political system focused on mechanisms of inclusion such as negotiation, co-optation, corporatism, and political and electoral reforms, as well as the social benefits that reached, among others, certain middle and working-class sectors. In this way they explained the system’s exceptional character while leaving aside state violences, which were viewed as a secondary feature. This understanding of Mexican authoritarianism, in which violence appears as exceptional, has been known as *pax priista* (‘PRIist peace’, from PRI, Institutional Revolutionary Party). The singular nature of the Mexican authoritarian regime in comparison to other experiences in Latin America was based on the consensus that its main feature was ‘its institutional and inclusive nature’ (Pansters 2012, 249), an idea that left out an analysis of the regime’s overtly repressive and violent mechanisms of exclusion.

While this type of discourse managed to establish itself in the public debate, it must be pointed out that, from early on, chroniclers (Rosales 1974; Mora 1972; López 1974; Guevara Niebla 1988) and witnesses attempted to question institutional discourse and to show that it served as a cover for very heterogeneous experiences of repression. However, it was not until the beginning of the 21st century—with the partial opening of the archives at the *Centro de Investigaciones en Seguridad Nacional* (Centre for National Security Research, CISEN, for its Spanish initials) and the urgent problem of enforced disappearance (Robledo Silvestre 2016)—that analyses and historiographical balances began more systematically to point out important problems in regard to violence (Oikión Solano and García Ugarte 2006; Sánchez Parra 2006; Calderón and Cedillo 2012; Rangel Lozano and Sánchez Serano 2015; Cedillo 2015; Cedillo and Herrera Calderón 2014; Gamiño Muñoz 2020). This made it possible to open lines of inquiry against the consensual discourse, and to engage in further studies about: 1) the experiences of insurgency and cycles of mobilisation; 2) enforced disappearance; 3) mass killings; and 4) the perpetrators of violence. Paradoxically, when these types of studies began to gain in importance, public life was disrupted by what was called the ‘war on drugs’. Research with a historical perspective lost strength in comparison to political science and economy, and little attention was paid to the relationship between violence and its political configuration (Trejo and Ley 2020).

For these reasons, we deem it relevant and timely to produce an essay on state violence with a historical perspective focused on the medium term. We believe, as part of our interpretive axis, that the exercise of state violence in Mexico went hand in hand with the configuration and consolidation of the authoritarian regime, and that this configuration also modelled the ways in which the practices and techniques of violence were deployed during that period. In other words, state violence used to control, contain or eliminate dissent, simultaneously reflected the relationship between the regime's configuration and governance strategies. Any outline of the history of state violence will need to take the nature of this relationship into consideration.

However, the focus of this text is not state violence in the authoritarian regime. We do believe it is necessary to continue debating the type of political regime that has existed in Mexico for the last few decades, both in the priista governments before 2000, and in the subsequent alternating governments. Have we reached a political democracy? Was there a transition to effective democracy? These are important questions, but not the focus of this article. We are interested in the study of political and state violences from a medium-term historical perspective that delves beyond individual political regimes into the continuities and ruptures in the practice of state violence, as well as in its intersection with other forms of violence (such as criminal violence) that have gained traction in later years. For this reason, we selected the period between 1958 and 2018. As we shall see, the focus is not on enforced disappearance, the main subject of this book, but on the different violences emanating from the state; this allows us to provide a historical framework for the origin of the disappearances in Mexico as well as of the events of the last few decades.

This timeframe was not chosen randomly: around the 1940s, the country took a turn that curbed the revolutionary impulse of 1910, and the regime's authoritarian configuration was defined. This is the moment when we can distinguish between the violence of the revolution from that of the state proper, understanding the latter as the exercise of force through coercive institutions, in order to contain, break up or eliminate those expressions, manifestations and organisations that present themselves as contenders against the established political power—that is, repressive violence, not always legitimate or legal.

We propose four timeframes, based on the patterns and features of violence as it was deployed and articulated in larger processes of governance. First of all, in the late 1950s and throughout the 1960s, violence was organised using a strategy marked by populist corporate mechanisms. During that time, violence was used to regulate the functioning of governmental mechanisms (coercion, negotiation, regulation of demands) from positions of force, a context in which mass killings, selective assassinations and political imprisonment were arranged and managed. Secondly, a violence of the counterinsurgent type, whose main feature was the inclusion of clandestine methods such as enforced disappearance, was deployed to face the crisis that

began in 1968. Spanning the 1970s and 1980s, this violence was part of the authoritarian regime's efforts to recover legitimacy and ideological hegemony using neopopulist strategies, on the one hand, and eliminating insurgencies, on the other. Thirdly, toward the 1990s, although they still included counterinsurgency actions, state violences began to take another direction, this time against the backdrop of popular demands caused by economic crises and the loss of rights. Finally, a new cycle of generalized violence began to develop approximately halfway through the decade of 2000, marked by the emergence of non-state actors, such as organised crime groups. The state has not disappeared, but has rather modified its position and its way of deploying violence within a new scenario where it is no longer the only actor.

Hence, the goal of this text is to study political and state violences in Mexico with a medium-term vision: an analysis of the rationale behind the different state and criminal violences that Mexico has experienced since the late 1950s (after the end of the revolutionary violence) and until today. For this reason, the article is divided into five parts: the four periods in which we consider this history of violences in Mexico must be understood, followed by some final considerations.

1958–1973: Violence in the consolidation of the authoritarian system

In the 1950s, Mexico experienced an important economic growth. The revolution of 1910 had allowed for a certain redistribution of wealth, the youth of the less favoured classes were able to go to college, and sometimes significantly improved their life situation (Pozas Horcasitas 2014). All of this went hand in hand with a great social mobilisation demanding democracy, particularly among the unions. During the Cold War, mass media in Mexico were controlled by the government and practiced a 'discreet anticommunism' (Meyer 2004). Furthermore, the so-called revolutionary violence (struggles and murders among revolutionary *caciques*) had been contained (González Casanova 1986).

A decade later, the country was still a land of economic and social opportunity. The Olympic Games were soon to be held, which seemed to confirm that the country was transitioning to modernity and the First World (Rodríguez Kuri 2020). However, people lived under an authoritarian political regime in which opposition was not only not tolerated, but it was also repressed (Meyer 2013). There was a succession of social movements, while in different parts of the country rural armed organisations were making themselves known. By the late 1960s, the first hints of the limitations of economic growth and social mobility appeared; meanwhile, the relationship between the state and the universities became increasingly tense (Álvarez Garín 1998).

It was the time of 'the years '68', a decade that figures prominently in international historiographies, but whose study has barely begun in Mexico (Marwick 1998; Pensado and Ochoa 2018). From this perspective, we

consider ‘the years ‘68’ in Mexico to be the period from 1958 to 1973, a period whose focus is the students’ movement of 1968 in Mexico City, but that nevertheless includes earlier impulses and later ebbs. It would thus include not only the student movements before 1968, but also other pro-democracy movements, as well as certain developments within the government that sought a burgeoning political democratization (such as the democratic reform of Luis Echeverría Álvarez), political processes of repression, and the radicalisation processes of students who took up arms. In those long Mexican 1968s, 1958 marked the beginning of union mobilisations with the railroad workers’ strike, and 1973 marked the end of the period with the definitive foundation of the *Liga Comunista 23 de Septiembre* (September 23rd Communist League, LC23S, for its Spanish initials), and the later counterinsurgency developed by the state.

Placing this wave of mobilisations in the 1968s is important, for it is starting from then that the government would no longer limit itself to coercion: since coercion did not work, repression gave a quantitative and qualitative leap; state violence ceased to focus on contention and became dissuasive. In 1958, the railway movement fighting for union democracy was contained mostly by the incarceration of its leaders; in 1964, the state used its control of mass media, harassment and repression against the doctors’ movement (Pozas Horcasitas 2014). In this manner, between 1940 and 1960 violence was organised and deployed on the basis of strategies which still retained their corporate populist mechanisms, such as coercion and negotiation (González Casanova 1986), but at the same time dissuasive state violence began to assume an increasingly important role. Repression by means of political imprisonment, selective assassinations and rural mass killings played a key role during this time.

The types of opposing forces faced by the government were not minor. Besides legal social movements, there were movements against the state, particularly through important rural mobilisations such as those of Rubén Jaramillo in Morelos, and Lucio Cabañas and Genaro Vázquez in Guerrero, besides the well-known mobilisation in Chihuahua with the *Grupo Popular Guerrillero* (People’s Guerrilla Group) (Castellanos 2007; Oikión Solano and García Ugarte 2006). Faced with this new kind of mobilisation, the state opted for new forms of control and repression.

Several mass killings took place in those years. One of the most emblematic is the 1967 massacre in Guerrero. A schoolteacher was fired from his post; the parents at the Juan N. Álvarez School protested, but their voices went unheeded (Castellanos 2007). The school defence front called a meeting at the main square of Atoyac on May 18. The situation became increasingly tense, until the government chose to unleash repression measures through agents of the judiciary police (FEMOSPP 2008). There were about 2,500 people in the square. Some authors believe that this massacre caused Cabañas to go underground into armed struggle (FEMOSPP 2008; Castellanos 2007).

It was neither the first nor the last massacre perpetrated by the government in rural areas. But with the student movement of 1968, the repressive strategy changed: there was no longer negotiation or coercion, but murder, and political imprisonment and exile for many survivors. What happened on the night of October 2, 1968 in Tlatelolco was planned (according to some authors, the planning began in September), as confirmed by the Galeana Operation and the use of the Olimpia Battalion (Aguayo 1998; Rodríguez Kuri 2020; del Castillo Troncoso 2012); however, so far no master plan has been found in the public archives. It has been considered that the government's intention was to 'apply a sufficient level of violence to: 1) arrest the student leadership; 2) destroy the movement's hard core; 3) intimidate the moderates and issue a warning for the future; and 4) do this in a way that would legitimize the use of force' (Aguayo 1998, 218).

The events of that afternoon at the Nonoalco-Tlatelolco apartment complex have been the subject of chronicles (Álvarez Garín 1998) and historical analyses (Aguayo 1998; Montemayor 2000; Rodríguez Kuri 2020; Carpenter 2018), but nowhere is it possible to find definitive numbers for the dead, injured and prisoners. On October 4, 1968, *Excélsior* mentioned 30 dead, 53 seriously injured and more than 1,500 arrested (*Excélsior* 1968, 1A). The *Dirección Federal de Seguridad* (Federal Security Directorate, DFS, for its Spanish initials) informed the President of 26 dead, while the general in charge of removing the dead in Tlatelolco mentioned 46 (Aguayo 1998). Historians have continued to investigate the issue; based on the analysis of several archives, the most recent works indicate between 38 and 40 dead (Rodríguez Kuri 2020).

The government considered that this warning was not enough. It arrested thousands of people at the Plaza de las Tres Culturas, and during the following months it launched a witch hunt (which was probably a prologue of what was to come in the 1970s against armed movements) throughout Mexico City to detain the members of the National Strike Council. Around 200 men and four women spent between one and two and a half years in the jails of Lecumberri and Santa Martha Acatitla. The government of Echeverría began to release them in December 1970, although for two dozen the release was conditional on their leaving the country, forcing them into political exile (Allier Montaño 2021).

Just when the students were returning from exile in Chile, a new student organisation called for a mobilisation in the country's capital on June 10, 1971 in support of the Autonomous University of Nuevo León. The students were attacked by the *Halcones* (Hawks), a paramilitary group trained by the DFS and the CIA. Echeverría denied any involvement and demanded the resignation of the city regent, Alfonso Martínez Domínguez. The Mexican government maintained a policy of paradox: political opening and violent repression against political movements, both legal and illegal.

The period between 1958 and 1973 presents two distinct moments in the Mexican state's policy of repression. Once the violence of the revolution had

ended, the different governments, faced with demands for the redistribution of wealth and union democracy, tried to coerce and negotiate with the emerging social movements. If this failed, the favoured repressive strategies were political imprisonment, selective assassinations and rural mass killings. However, a new wave of mobilisations at the end of the 1968 decade brought a modification of the repressive strategy, which turned to mass killings in urban areas targeting highly educated middle classes.

The government was preparing for a new turn in state violence, which it would organise by creating paramilitary groups specialised in the repression of political opponents and mass killings of students, who were beginning to stand out as the new political-social subjects in the opposition.

1965–1985: Counterinsurgent violence

The dramatic end of the 1960s, symbolised by the massacre of October 2, evinced a turning point in the Mexican authoritarian regime in two essential aspects. On the one hand, it showed the limitations and inabilities of the regime's populist-corporate mechanisms to assimilate the demands and obstruct the subjectivities of a new kind of dissent, which had begun to take shape by the late 1950s and which by the late 1960s had already manifested itself as a rupture and declared itself insurgent. On the other hand, this open crisis prompted the state to deploy a new type of violence, which modified the interactions of repression as part of the populist-corporate mechanisms.

Faced with the crisis, the government headed by Echeverría tried to infuse the regime with a new vitality and legitimacy by resorting to the old revolutionary nationalism—in ideological terms, and—in political-economic terms—to strategies that would at least retain the material conditions of populist-corporate control: increases in public spending and wages, and political negotiation among different sectors (González Casanova 1986; Lenti 2017; Saldívar 1980). In this regard, the strategy followed by Echeverría's government sought, on the one hand, to continue the logic of power and violence shown during the 1960s, which we presented in the previous section. However, on the other hand, by that time this was not enough, so a new articulation of state violence had to be devised. It is for this reason that these two periods are overlapping.

The political crisis that began in 1960 differed from the earlier ones, and not only in magnitude: the difference was, above all, qualitative. A new kind of dissidence emerged that, at different levels and by different means, did not seek to comply with the revolutionary positions that the regime had spread as their own ideology. The goal was now to transform the regime through a new revolution (peaceful or otherwise) of national and socialist character; at some points in time, the actions of this new dissidence did manage to configure insurgent situations.

This dissidence comprised those sections of society that had been excluded from the modernization project between the 1940s and 1950s—rural teachers,

peasants, workers, young people in lower and middle classes—and that shared life experiences under the authoritarian regime (De los Ríos Merino 2014). These sectors formed alliances based on class solidarities (García Aguirre 2015) or on common cultural and ethnic backgrounds (Campbell 1994; Rubin 1997), creating powerful popular, peasant, worker and even armed organisations. This was the context for student protests at the country's major universities, the emergence of independent syndicalism (Lenti 2017; Middlebrook 1995; Trejo Delarbre 1990), the mobilisation of peasant-popular organisations (Bartra 2019; Reina 2011), a renewed struggle for municipal autonomy and the struggle for political democracy (Rubin 1997), and the appearance of *guerrilla* organisations in several states, some of which achieved the capacity to operate at the national level (Castellanos 2007; Glockner 2019; Oikión Solano and García Ugarte 2006).

Within the populist-corporate strategy, which was dominant between the 1940s and 1960s, the role of state violence was to ensure the functioning of government mechanisms (coercion, negotiation, regulation of demands) based on positions of force. But the crisis, and the diminished capacity of the traditional mechanisms, underpinned the radicalisation of authoritarianism and the deployment of a counterinsurgent violence that now not only sought the containment and integration of dissident sectors, but also their elimination.

Political repression was a constant factor in the process of the authoritarian configuration of the post-revolutionary period. The novelty, without a doubt, was the implementation of a strategy of counterinsurgency, the use of clandestine structures for coercion, and the enforced disappearance of persons as one of the main techniques employed.

It is important to point out that the Mexican state's turn toward counterinsurgency took place in a context that favoured authoritarian radicalisation. The triumph of the Cuban revolution marked a change in the US security policy towards the hemisphere, which first adopted a counterinsurgency perspective (Grandin 2006) and then, from the Lyndon B. Johnson administration onward, a perspective of national security doctrine and strong support for the most conservative and authoritarian sectors throughout Latin America, in some cases even providing direct or indirect support for coups d'état (Grandin 2006; Schmitz 2006). However, aside from the direct or indirect intervention of the United States, the change in the hemisphere's geopolitics provided a space of acquiescence for authoritarian radicalisation, which the Mexican government used to its full advantage—without losing its international status as a democratic state—transitioning from a regime marked by anti-communist nationalism (Loeza 1988; Niblo 2008) to the implementation of a counterinsurgency policy.

By 1965 the government had already made important changes in its national security policy, such as the dissemination of the first counterinsurgency manuals, a specialization in counterinsurgency and, perhaps most relevantly, institutional changes like the creation of specialized groups.

Group C-047 was created in 1965 within the *Secretaría de Gobernación* (Ministry of the Interior, SEGOB, for its Spanish initials), and the *Brigada de Fusileros Paracaidistas* (Brigade of Paratrooper Fusiliers) and the *2° Batallón de Policía Militar* (2nd Battalion of the Military Police) were created in 1969 as part of the *Secretaría de la Defensa Nacional* (Ministry of Defence, SEDENA, for its Spanish initials). These groups played a key role in counterinsurgency operations. The largest known clandestine detention centre, the *Campo Militar Número 1* (Military Camp Number 1), was managed by the 2nd Battalion.

Two features stand out in the counterinsurgency process between 1969 and 1972: the federal government's coercive agencies recognised that they were facing a situation of insurgency which could reach national proportions, and they considered that the insurgency was still, at that stage, essentially a political-ideological challenge. In a first assessment in 1969, the Defence Minister, General Marcelino García Barragán, admitted that '[t]he situation of the *guerrillas* in the state of Guerrero cannot be considered special, because similar situations exist in most of the national territory', which made it necessary to implement a strategy not only in rural areas, but also in urban environments (Genaro Vázquez File 1969). This danger was identified as political action, for despite the fact that military and police action were already a relevant factor against insurgency, state political and social action were still considered capable of undermining the insurgency. This was reflected in the considerations of one of the most important plans of the time: the 1971 Plan Telaraña ('Spiderweb Plan'), designed by the Ministry of Defence and implemented with the support of the DFS to contain the mobilisation in Guerrero:

[...] the Federal Government has decided to execute a general plan intended to boost the economy of the state [of Guerrero] by means of an intensive programme of alphabetisation, electrification, provision of drinking water, decrease in food prices, provision of medical attention, with the goal of undermining the legitimacy of the alleged movement of the miscreants.

(Plan Telaraña 1971)

Although military actions were considered a 'last resort', an important novelty was the selective use of enforced disappearance. The design of Plan Telaraña contemplated the transfer of detainees to the *Campo Militar Número 1* for interrogation. This was the beginning of the implementation of enforced disappearance and torture in a systematic manner, not yet with the goal of elimination, but as a tactic to obtain information and to break up the insurgency, as shown by the fact that most people disappeared in 1971 and 1972 were eventually released.

Between 1970 and 1972 popular mobilisation increased. Student activism revived after 1968, became radicalised in several states, and reached out to worker and peasant movements. Furthermore, armed organisations began to

carry out actions, including some high-profile ones such as the kidnapping of businessmen and high-ranking officials. Although *guerrilla* organisations in Guerrero had grown most dramatically and shown the greatest capacity for action (Aviña 2014; Bellingeri 2003), other groups emerged throughout the country, as evinced by the arrests of dozens of militants of the *Movimiento de Acción Revolucionaria* (Revolutionary Action Movement), the *Asociación Cívica Nacional Revolucionaria* (National Revolutionary Civic Association urban command), and the *Frente Urbano Zapatista* (Zapatista Urban Front), among others. Perhaps most important in those years was the emergence of popular organisations such as the *Coalición Obrera Campesina Estudiantil de Oaxaca* (Coalition of Workers, Peasants and Students of Oaxaca), the *Coalición Obrera Campesina Estudiantil del Istmo* (Coalition of Workers, Peasants and Students of Istmo), the day laborers movement in Sinaloa, and many others which increased the perception of insurgency in the federal government's coercive agencies.

Faced with the increase in insurgent actions, Mario Arturo Acosta Charro, at the time a captain, issued the following warning in 1972: 'It is necessary [...] to employ the same techniques they do, using clandestine shock forces that act directly against the already identified and located members, in order to break them morally and materially, until we achieve their total destruction' (Brigada Campesina de Ajusticiamiento 1972).

Between 1972 and 1974, the various coercive agencies consolidated their counterinsurgency strategy, which we herein define as the deployment of state violence until the mid-1980s. Coordination among agencies was strengthened, not only in operational terms—meaning the regulated action of specific operations such as arrests, assaults against communities and seizure of organisations' facilities—but also administratively, through the creation of special groups formed by elements from several security dependencies.

On the other hand, enforced disappearances were consolidated as a counterinsurgent strategy during this period. This strengthening implied the articulation of different procedures in a clandestine circuit: Apprehension, arrest and torture, and the final disposition of people as disappeared, which produced two figures—permanent disappearance and temporary disappearance. Clandestine special groups were created, under a strong operational and administrative coordination, charged mainly with carrying out the disappearances (Vicente Ovalle 2019). The best-known special group was the so-called *Brigada Blanca* (White Brigade), created in 1976 to combat, in particular, the LC23S; however, other groups operating jointly with public and legal counterinsurgency structures had existed since at least 1973.

As part of the clandestine structures that accompanied the implementation of enforced disappearance, clandestine detention centres began to be used systematically; these were located throughout the country, mainly in military installations but also in private spaces such as houses and adapted ranches. Covert operations guaranteed impunity and diminished political costs for the Mexican government.

It is estimated that between 1972 and 1980 some 780 people were detained and permanently disappeared; between 1974 and 1979 about 1,500 people are alleged to have been subjected to torture while in conditions of disappearance; and a yet undetermined number of people are thought to have survived enforced disappearance. The Commission of Truth documented 205 cases only in Guerrero. Between 1975 and 1980 practically all *guerrilla* groups were eliminated, except some which resurfaced in the 1990s; and the most important social organisations would face dismantling or containment (FEMOSPP 2008).

Just as counterinsurgency reached its most radical period, the struggle against drug trafficking increased its intensity. This transformed the logic of violence and opened a new cycle of violences. Operation Condor, launched in 1977 and coordinated by SEDENA, was designed to combat drug trafficking in the frontier zone of Sinaloa, Durango, Chihuahua and Sonora. This Operation improved material and institutional conditions not only for the ongoing battle against *guerrilla* organisations, but also for the generalisation of counterinsurgency tactics towards the whole population, with the participation of federal agencies as well as state and municipal police forces. Torture, arbitrary detentions and disappearances increased their scope beyond the battle against *guerrillas*. In the first year of Operation Condor, more than 1,000 people were arbitrarily detained, and public discourse began to take on the notion of a non-declared ‘war’ of drug traffickers against the Mexican state.

This intersection between the configuration of a new enemy (drug traffickers) and counterinsurgency, beyond its political and economic dividends, caused a massive increase and a diversification in the use of techniques such as enforced disappearance. This phenomenon opened the way for a new logic and a new economy of violence in Mexico, whereby counterinsurgent violences were applied to other criminal areas—most ostensibly in the mid-1980s—and which was marked by direct links between the police, the military, and criminal organisations.

Between 1980 and 1986, the magnitude of the intersection between counterinsurgency structures and drug cartels became evident. Institutional corruption in agencies that took part in counterinsurgency—especially civilian institutions—carried with it a high political price for the government of Miguel de la Madrid and its ‘moral renovation’ policy. This finally led to the dissolution of several of the agencies involved, such as the DFS and the *Dirección General de Investigaciones Políticas y Sociales* (General Directorate of Political and Social Investigations). While the elimination of the DFS entailed the dismantling of the counterinsurgency complex, the Army continued to employ, with variations, counterinsurgency techniques during the 1990s.

1985–2006: Transitional violence

When Miguel de la Madrid became President in 1982, he was confronted with two issues. First, as a result of the presidential elections that brought

him to power, the problem of political democracy became the focus of national debates; and second, he faced a very serious economic situation.

The most serious results of his administration's economic policies include the impoverishment of the population; high unemployment; a deepening social inequality; a significant reduction in public spending in education, health and housing; and the decrease of the workers' effective buying power. It is not surprising that workers' strikes and social movements were continually breaking out. The figures for the informal economy, temporary work, and crime also increased (Gollás 2003).

As a consequence of this situation, large sectors of society demanded true democratic reform. Adding to this was the appearance of new media and the political transformations of the Mexican left. The left gradually set aside their 'Socialism/Communism' discourse in favour of a 'democratic' one (Woldenberg 2002), and held their last debate about the path to socialism in Mexico in 1987–1989 (Modonesi 2003).

These transformations had an important impact on the political system and on the opponent, 'enemy' of the government. The end of the crisis of the left coincided with the emergence of the *Partido de la Revolución Democrática* (Party of the Democratic Revolution, PRD, for its Spanish initials), a product of the union in 1989 of the *Partido Mexicano Socialista* (Mexican Socialist Party) and the old *Corriente Democrática* (Democratic Current), led by Cuauhtémoc Cárdenas. After the defeat of the armed movements in 1970–1980, the state faced new political opponents on the left, which seemed to be gradually gaining strength, as was the case in the 1988 presidential elections, strongly contested by the opposition on both the left and the right.

Faced with this new arrangement, the Mexican state reconfigured its repression strategy, carrying out selective assassinations and, again, mass killings in rural areas. In Mexico '[...] the nationalist regime of the hegemonic party was dying out, giving rise to a turbulent and bloody democracy that saw political crimes both of left-wing activists and PRI officials between 1988 and 1996' (Osorno 2020). A wave of violence was unleashed in 1988 with the deaths of Francisco Xavier Ovando Hernández and Román Gil Heraldez—collaborators of Cuauhtémoc Cárdenas—who were shot on July 2 of that year, four days before the presidential elections were held. In the early 1990s the PRD's National Council denounced this wave of violence, in which 56 PRD citizen members and sympathizers lost their lives, especially during electoral periods. The most affected states were Tabasco, Coahuila, Veracruz, Campeche and Chiapas. During the six-year administration of Carlos Salinas de Gortari, the PRD documented the assassination of 250 militants, all for political reasons. Halfway through the six-year administration of Ernesto Zedillo, the PRD had documented 313 crimes against sympathizers and militants, according to party figures. Throughout the decade, acts of aggression continued as a response to PRD regional victories, as was the case of Tila in August 1994 (Osorno 2020).

This selective violence continued against communities in Chiapas linked to the *Ejército Zapatista de Liberación Nacional* (Zapatista Army of National Liberation, EZLN, for its Spanish initials). The EZLN had emerged in the turbulent year of 1994, when violence was also directed against some PRI sectors, as is shown by the murders of Luis Donaldo Colosio Murrieta, the PRI presidential candidate, and José Francisco Ruiz Massieu, the PRI Secretary General. During the ongoing conversations between the government and the EZLN, there were multiple reports of kidnappings and forced displacements of entire populations in the municipalities of Tila, Salto de Agua and Tumbalá (Correa 1995).

Paradoxically, general violence in Mexico was diminishing. Starting in 1992, the homicide rate descended steadily—from 22 to eight murders per 100,000 inhabitants per year—but between 2008 and 2011, it tripled until it reached 24 murders per 100,000 inhabitants (Bataillon 2015). In 2009 Mexico had a murder rate similar to that of the United States (far from the rates in Colombia or Brazil) (Escalante 2009). But other, invisible forms of violence were taking shape. Available statistics indicate that, toward the end of the 1990s, the Northern frontier became a particularly violent region: 40% of Mexico's total crimes took place here (Escalante 2009).

Starting in the mid-1990s, market saturation in the United States had caused a growing volume of cocaine to be sold in the Mexican domestic market. This was an urban phenomenon (cities of more than 100,000 people) ruled by the logic of small-scale drug dealing, entailing the control of public squares, neighbourhoods and streets, and its associated violence: 'Patterns of violence, the roots of organised crime and the standards of lawbreaking are not haphazard, nor entirely unpredictable. In Mexico, they follow the organisation of the *priista* system and the ways in which it has been dissolving' (Escalante 2009, 86).

Between the late 1980s and the early 21st century, Mexico was in transition: in a political transition towards other forms of democracy (Labastida and López Leyva 2004); in an economic transition as it increased its dependence on the informal economy, namely crime; and in transition from a selective violence against political opponents towards multiple state violences.

2006–2018: Reorganising violences

The most striking feature of this last period is the overflow of violences, to the point that their plurality definitely imposes itself and efforts to conceptualize and delimit them are unconvincing, if not sterile. An example of this simplifying view is the fact that the complex phenomenon of contemporary violence is generally treated as a crisis of (in)security. Thus, many studies on the topic turned their attention to what seemed to be a new kind of violence, but in doing so did not consider violence's historical-structural logics, nor the relationship between violence and the configuration of regimes or forms of government.

This overflow of violences is partly due to changes in our perception of what is currently happening, itself a consequence of the information revolution and of the ensuing profuse flow—through a variety of media—of all types of data regarding the experiences of violence in Mexico (Bataillon 2015). Besides, the phenomenon which seems to justify and give a sense of reality to this perception is the so-called ‘war on drugs and organised crime’ declared during the six-year administration of Felipe Calderón (2006–2012) and continued under Enrique Peña Nieto (2012–2018). The increase in the numbers of homicides and disappearances (Bizberg 2016), together with the anti-drug strategy and discourse of these two administrations, has led many scholars (Rosen and Zepeda Martínez 2015; Alonso Meneses 2013; Bezares Buenrostro 2019) to understand this period through a prism conformed by the social and security crisis, the dependence on drug trafficking control strategies directed by the United States, and the weakening of the Mexican State. However, we consider that the so-called ‘war on drugs’ on its own would hardly explain the frenzy of violence—at both the quantitative and qualitative levels—currently suffered by Mexico. This ‘war’, as Escalante (2011) and Maldonado (2012) warn, is the context, not the explanation.

The case of Ayotzinapa in 2014 is a challenge to the simplistic explanation of reducing the dynamics of violence to confrontations between factions of organised crime. As indicated by the *Grupo Interdisciplinario de Expertos Independientes* (Interdisciplinary Group of Independent Experts, GIEI for its Spanish initials) (2018), the attack was complex and was launched from multiple places, using multiple practices, which included abuses, threats, shootings, torture and disappearances carried out by different actors, including police forces in two municipalities (Iguala and Cocula), members of the Federal Police, and members of illegal groups. Despite the fact that Ayotzinapa showed a problematic link between law enforcement (both Army and Police), political groups (mainly the municipal president of Iguala, José Luis Abarca Velázquez, and his family) and illegal actors (the *Guerreros Unidos*—United Warriors—group), the case has been mainly presented as an emblem for the ‘problem of the nearly 22,000 “disappeared” in Mexico’ (Lomnitz 2016), when in fact there is not one single explanation that covers all cases of enforced disappearance in Mexico today.

To avoid these one-dimensional explanations, which often do no more than repeat the official version of events, it would be necessary to identify the specific logics that allow these violences to take place. Besides Ayotzinapa, three other cases illustrate the complexity of contemporary violence. First, the rescue and violent eviction in San Salvador Atenco in May 2006 (Salinas et al. 2006; Kraus 2006), which included the action of 3,000 municipal, state and federal police agents against 400 activists who had taken 15 members of the police as hostages. During these events more than 100 people were arbitrarily detained and beaten.

The second case is the Tlatlaya Massacre on June 30, 2014 (López 2019) when, after having subdued a group of criminals, the Army murdered 22

people and altered the crime scene. The military justice court tried this event as a case of disobedience.¹

A third case is the massacre at the municipal palace of Apatzingán on January 6, 2015 (López 2019), a crime against humanity in which members of the Federal Police carried out several intentional and generalised attacks against civilians belonging to *Fuerza Rural* (Rural Force), which resulted in 44 arrests, 16 injured, 10 killed and three injured by firearm.

It is worth mentioning that in the case of San Salvador Atenco, the activists were defending plots of land in relation to the construction of a controversial new airport for Mexico City (Vergara 2013); in Tlatlaya, an effort was made to link the victims to illegal groups in Michoacán (Carrasco 2014); in Apatzingán, the *Fuerza Rural* self-defense group claimed that federal forces owed them payment for services rendered (Castellanos 2015). In the case of Ayotzinapa, the indifference of local and regional political institutions to the links of the Abarca Pineda family to groups of drug traffickers is an indication that the Mexican political class is not interested in solving the drug trade problem, because it is involved with and benefits from it (Lomnitz 2016). This makes it possible to recognise that there are bonds of cooperation and competence (which we define as mutualist) at different scales between various legal and illegal actors, and that the perpetrators of these violences are very dissimilar.

In line with this, a representative selection of research on contemporary violence in Mexico (Bezares Buenrostro 2019; Bataillon 2015; Bizberg 2016; Isunza Vera 2015) evinces the fact that municipal and federal police forces, groups of organised crime, popular armed organisations, citizens and migrant populations are interlinked by porous relations, which are not necessarily explained by the dissolution of the PRI regime.

To this extent, if the current Mexican complexity is to be understood, it is necessary to trace its causes not to the last phase of the democratisation process but to its early failures during the 1980s (Lomnitz 2016; Maldonado 2012; Isunza Vera 2015). It was at that point when 1) the democratic neoliberal transformation started; 2) the systematic deterioration of social conditions in the country began; and 3) the patterns of public policy decisions were modified to conform to the neoliberal reform.

If we take all this into consideration, we will be able to better understand the complex and fragile network of unstable relationships between the aforementioned actors (Bezares Buenrostro 2019), and also trace the differences between political and criminal violence without resorting to the simplistic notion that the state is infiltrated by crime (Aguayo 2015; Robledo Silvestre 2016). In other words, historical analysis allows for the observation of the complex relationships between various logics of violence. For example, the unfurling of neoliberalism during the late 1970s and the early 1980s coincides with the period of counterinsurgency. At one point during this period, two state strategies, distinct in their origins and purpose, coincided and showed their elective affinities: the strategy of counterinsurgency, and the

strategy of the struggle against drug trafficking, as the federal government called it. The intersection of counterinsurgency and the beginning of the war against drug trafficking caused political and social changes which still need to be gauged, and which we could define, at least hypothetically, as transformations of the political and economic structures. The analysis of these two forms of violence, their relations and determinations, can provide important explanations on the logics that violence has acquired in the present day, particularly when it comes to questioning the common idea that so-called 'criminal violence' is not related, or is a purely external relation, to the state and the political.

Contemporary violence in Mexico shows some patterns which help to differentiate it from other forms of violence that took place in the past. Setting aside any political significance, Escalante (2009) identifies a set of violent practices that includes decapitations and mutilations as a means of sending a message, mass killings, and attacks against authorities. To this we should add spectacular police-military interventions; kidnappings, robberies and murders; shootings; executions in broad daylight; confrontations between groups (Bezares Buenrostro 2019); and torture during arrests (Magaloni et al. 2018); all of which have their origin in violent practices of earlier years.

The intensified criminalisation of social protest, as in the case of San Salvador Atenco, is also symptomatic. In this case we find authorities exercising violence in various ways against citizens who are demanding their rights.²

Enforced disappearances are indicative of the banalisation and multiplication of everyday violence (Bataillon 2015; Lomnitz 2016), since they have ceased to be the exclusive prerogative of state agents and/or members of the Armed Forces who act on political motivation (Robledo Silvestre 2016; CMDPDH 2014). Instead, they are now committed by other, new actors who threaten even wider segments of the population. As noted by Robledo Silvestre (2016), in order to better understand the phenomenon of enforced disappearance, it is necessary to consider not only the State's direct responsibility, but also its responsibility in omitting the investigation and punishment of others who are guilty of this crime.

Far from being an error, these omissions and lack of transparency suggest an intention of maintaining the political and the criminal as indistinct. Perpetrators of violence can thus operate in uncertain territory, making it difficult to shed light on the political motivations of violence, the state embedded criminality, and the overlap between them. Present-day violence in Mexico exceeds the geography of drug trafficking, goes beyond the strategy of 'pacification', and is not limited to the experiences of a justice system that is inefficient or corrupt. It is thus clear that, even with the changes resulting from a weakened PRI, state institutions are functional and coexist with consolidated, corrupt interests, which are in no way exceptional (Isunza Vera 2015). Within this hybridisation, it is possible to be a public servant, a criminal agent and an agent of the *de facto* powers at the same time. This experience of violence is therefore much more global (both in conceptual and

geographical terms), and it has direct links with economic deregulation, with state reconfigurations at the regional level and with changes in the informal, illegal-criminal markets and the political market (Maldonado 2012).

Only this complex web explains the alarming figures of violence. Between 1964 and 2020, 77,171 people remain disappeared and have not yet been found in Mexico (RNPDO quoted in CNB 2020, 8) as a consequence of the different violences that are unleashed in the country, with only a small number of them taking place before 2006. To this we must add 4,092 clandestine graves (RNPDO quoted in CNB 2020, 2), 289,000 murders and 38,500 unidentified bodies (Tzuc and Turati, 2020).

Closing remarks

When listening to public opinion in Mexico, as expressed by mass media and through social and political actors, there appears to be a direct line of continuity between the political violence deployed in 1968 against the student movement and the disappearance of the 43 school students in Ayotzinapa in 2014, with other cases in between, such as the 1971 ‘Halconazo’, the counter-insurgency against armed movements in 1970–1980, the mass killings in Aguas Blancas, Acteal and Tlatlaya, and the disappearance of three students in Guadalajara in 2018. This is moreover asserted by several academics.³ History as a discipline, however, must serve to put an end to common senses and apparent similarities. The study and analysis of political violences in the medium term enables us to observe, by means of evidence and sources, not only that these violences are not one and the same, but that diverse logics and political configurations have existed and involved different modes of repression against different political enemies. This article originated precisely in the interest to analyse and understand the logics of violence in order to disprove some common senses which might prevail in the Mexican public sphere.

Between 1958 and 1973, the state abandoned its policy of coercion and made a quantitative and qualitative leap in repression, implementing disuasive state violence by means of political imprisonment, torture, selective assassinations and mass killings, and the creation of paramilitary groups dedicated to repression. As early as 1965 and at least until 1985, the state strengthened the coordination of agencies, as well as the creation of special groups for repression under the charge of high-ranking military and police officers. As part of its counterinsurgency policy, it implemented enforced disappearance as a privileged method of state violence. It also developed a network for battling drug trafficking, which meant that the various modes of violence were put into effect against all of the population. Between 1985 and 2006, a new twist brought about selective assassinations as well as mass killings in rural areas. Violence was decreasing at the national level, but the growth of criminal violence in northern Mexico would bring very serious repercussions in the following years. Starting in 2006, with the so-called ‘war against drug trafficking’, violences overflowed, making it difficult to

conceptualise and delimit them. The opacity of violence suggests the intention of keeping the political and the criminal as indistinct. For this reason, many social and political actors consider that the slogan ‘it was the State’ (*fue el Estado*) may be applied to cases where intentionality is not clear. However, as can be observed, violences are not the same today as they were in 1968, 1971 or the period of counterinsurgency.

Notes

- 1 As Cortez Morales (2008) observes, these violations, which are investigated within the military, are clouded by the lack of transparency characterising military institutions, particularly military justice.
- 2 Cortez Morales (2008) indicates that criminalisation targets particularly indigenous populations and activists for environmental rights, during meetings for cooperation and collective action, by means of arbitrary arrests and other violations of due process.
- 3 Analyses of these common senses and of the memories linking different violences may be found in the work of Eugenia Allier Montaño (2021).

Acknowledgments

This essay is part of the project *Hacia una historia del presente mexicano: régimen político y movimientos sociales, 1960–2010* (Towards a history of Mexico’s present: Political regime and social movements, 1960–2010).

Bibliography

- Aguayo, Sergio. 1998. *1968: Los archivos de la violencia*. Mexico City: Grijalbo, Reforma.
- Aguayo, Sergio. 2015. *De Tlatelolco a Ayotzinapa: Las violencias del Estado* (First). Mexico DF: Ediciones Proceso, Ideas y Palabras.
- Alonso Meneses, Guillermo. 2013. ‘Los años que vivimos horrorizados. Discursos y violencia asociada al narcotráfico en Tijuana 2007-2010’. In *Fronteras Culturales, alteridad y violencia*, edited by Miguel Aguilera Olmos, 115–151. Tijuana: El Colegio de la Frontera Norte.
- Álvarez Garín, Raúl. 1998. *La estela de Tlatelolco: una reconstrucción histórica del Movimiento Estudiantil del 68*. Mexico City: Grijalbo.
- Allier Montaño, Eugenia. 2021. *68, el movimiento que triunfó en el futuro. Historia, memoria y presente del movimiento estudiantil*. Mexico City: IIS-UNAM.
- Aviña, Alexander. 2014. *Specters of Revolution: Peasant Guerrillas in the Cold War Mexican Countryside*. Oxford: Oxford University Press.
- Bartra, Armando. 2019. *Los nuevos herederos de Zapata: Un siglo en la resistencia 1918–2018*. Mexico City: Fondo de Cultura Económica.
- Bataillon, Gilles. 2015. ‘Narcotráfico y corrupción: las formas de la violencia en México en el siglo XXI’. *Nueva Sociedad*, 255 (January–February): 54–68.
- Bellingeri, Marco. 2003. *Del agrarismo armado a la guerra de los pobres. Ensayo de guerrilla rural en el México contemporáneo, 1940–1974*. Mexico City: Juan Pablos Editores-Secretaría de Cultura de la Ciudad de México.

- Bellingueri, Marco. 1993. 'La imposibilidad del odio: la guerrilla y el movimiento estudiantil en México, 1960–1974'. In *La transición interrumpida: México, 1968–1988*, edited by Soledad Loaeza and Ilan Semo, 49–73. Mexico City: Nueva Imagen/Universidad Iberoamericana.
- Beristain, Carlos. 2017. *El tiempo de Ayotzinapa*. Madrid: Tres Cantos Madrid-Foca.
- Bezares Buenrostro, Héctor. 2019. 'Violencia, espacio y vida cotidiana en la guerra mexicana contra las drogas: Un análisis de Tijuana'. *Revista Austral de Ciencias Sociales*, 37: 231–252.
- Bizberg, Ilan. 2016. 'Mexique: de la violence et autres demons'. *Politique étrangère*, 3: 49–59.
- 'Brigada Campesina de Ajusticiamiento'. 1972. Public version, section 1/3, AGN, DFS, 'Estado de Guerrero,' July 7.
- Calderón, Fernando, and Adela Cedillo, eds. 2012. *Challenging Authoritarianism in Mexico: Revolutionary Struggles and the 'Dirty War', 1964–1982*. New York: Routledge.
- Campbell, Howard. 1994. *Zapotec Renaissance: Ethnic Politics and Cultural Revivalism in Southern Mexico*. Albuquerque, NM: University of New Mexico.
- Carpenter, Victoria. 2018. *The Tlatelolco Massacre, Mexico 1968 and the Emotional Triangle of Anger, Grief and Shame: Discourses of Truth(s)*. Cardiff: University of Wales Press.
- Carrasco, Jorge. 2014. 'Caso Tlatlaya: la "indisciplina" militar que mató a 22 personas'. *Proceso*, September 27. <https://www.proceso.com.mx/reportajes/2014/9/27/caso-tlatlaya-la-indisciplina-militar-que-mato-22-personas-137765.html>.
- Castellanos, Laura. 2007. *México armado, 1943–1981*. Mexico City: ERA.
- Castellanos, Laura. 2015. 'Las ejecuciones de Apatzingán: policías federales, los autores'. *Proceso*, April 18. <https://www.proceso.com.mx/reportajes/2015/4/18/la-s-ejecuciones-de-apatzingan-policias-federales-los-autores-145901.html>.
- del Castillo Troncoso, Alberto. 2012. *Ensayo sobre el movimiento estudiantil de 1968. La fotografía y la construcción de un imaginario*. Mexico City: Instituto Mora.
- Cedillo, Adela. 2015. 'Violencia, memoria, historia y tabú en torno a la Liga Comunista 23 de Septiembre'. In *La Liga Comunista 23 de Septiembre. Cuatro décadas a debate: historia, memoria, testimonio y literatura*, edited by Fabián Campos, Yllich Escamilla, Rodolfo Gamiño, and Rigoberto Reyes, 343–373. Mexico City: UNAM.
- Cedillo, Adela, and Fernando Herrera Calderón. 2014. 'Análisis de la producción historiográfica en torno a la llamada guerra sucia mexicana'. In *El Estudio de las Luchas Revolucionarias en América Latina (1959–1996): Estado de la Cuestión*, edited by Martín López Ávalos, Verónica Oikión Solano, and Eduardo Rey Tristán, 263–288. Zamora: El Colegio de Michoacán and Universidad de Santiago de Compostela.
- CNB. Comisión Nacional de Búsqueda de Personas. 2020. 'Búsqueda e identificación de personas desaparecidas (cierre al 30 de Septiembre de 2020)'. October 9. <https://www.gob.mx/cnb/documentos/informe-sobre-busqueda-e-identificacion-de-personas-desaparecidas-en-el-pais>.
- CMDPDH. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos. 2014. 'Informe sobre el incumplimiento de México a obligaciones derivadas de la Convención internacional para la protección de todas las personas contra la desaparición forzada. Elaborado para el examen del documento CED/C/MEX/1 presentado por el Gobierno de la República al Comité contra la Desaparición Forzada de la Organización de las Naciones Unidas el 11 de marzo de 2014.'

- October 7. <http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-informe-incumplimiento-de-mexico-a-obligaciones-convencion-internacional-proteccion-a-personas-contra-tortura.pdf>.
- Correa, Guillermo. 1995. 'Los asesinatos políticos'. *Proceso* 986, September 24.
- Cortez Morales, Edgar. 2008. 'Criminalización de la protesta social en México'. *El Cotidiano*, 150: 73–76.
- De los Ríos Merino, Alicia. 2014. "'La clase obrera va al paraíso". El recuerdo en obreras de la maquiladora sobre su militancia en la Liga Comunista 23 de Septiembre, Ciudad Juárez, Chihuahua'. In *La Liga Comunista 23 de Septiembre. Cuatro décadas a debate: Historia, memoria, testimonios y literatura*, edited by Fabián Campos, Yllich Escamilla, Rodolfo Gamiño, and Rigoberto Reyes, 503–516. Mexico City: UNAM.
- Dulitzky, Ariel. 2015. *La desaparición forzada en México: Una mirada desde los Organismos del Sistema de Naciones Unidas*. Mexico City: Comisión Nacional de los Derechos Humanos, Oficina en México del Alto Comisionado de las Naciones Unidas para los Derechos Humanos.
- Escalante, Fernando. 2009. '¿Puede México ser Colombia?: Violencia, narcotráfico y Estado'. *Nueva Sociedad*, 220: 84–96.
- Escalante, Fernando. 2011. 'Homicidios 2008–2009 La muerte tiene permiso'. *Nexos*, January 1. <https://www.nexos.com.mx/?p=14089>.
- Excelsior*. October 4, 1968.
- FEMOSPP. Fiscalía especial para la atención de hechos probablemente constitutivos de delitos federales cometidos directa o indirectamente por servidores públicos en contra de personas vinculadas con movimientos sociales y políticos del pasado. 2008. *Informe histórico presentado a la Sociedad Mexicana*. Ciudad de México: FEMOSPP.
- Gamiño Muñoz, Rodolfo. 2017. 'Fuerzas armadas, contrainsurgencia y desaparición forzada en Guerrero en la década de los sesenta y setenta'. *Letras históricas*, 17: 185–207.
- Gamiño Muñoz, Rodolfo. 2020. 'La historia vivida y el estudio de la violencia en México: conflictos historiográficos y dilemas metodológicos'. In *En la cresta de la ola. Debates y definiciones en torno a la historia del tiempo presente*, edited by Eugenia Allier Montaña, Camilo Vicente Ovalle, and César Iván Vilchis Ortega, 355–371. Mexico City: Bonilla Artigas Editores and UNAM.
- García Aguirre, Aleida. 2015. *La revolución que llegaría: Experiencias de solidaridad y redes de maestros y normalistas en el movimiento campesino y la guerrilla moderna en Chihuahua, 1960–1968*. Mexico City: Colectivo Memorias Subalternas.
- Genaro Vázquez Rojas file. 1969. Public version, AGN, IPS, 'Información del Estado de Guerrero,' April 25.
- Gollás, Manuel. 2003. 'Breve relato de cincuenta años de política económica'. In *Una historia contemporánea de México*, edited by Ilán Bizberg and Lorenzo Meyer, 223–312. Mexico City: Océano.
- Glockner, Fritz. 2019. *Los años heridos. La historia de la guerrilla en México, 1968–1985*. Mexico City: Planeta.
- González Casanova, Pablo. 1986. 'El Estado y las masas'. In *El estado y los partidos políticos en México: Ensayos*, edited by Pablo González Casanova. Mexico City: ERA.
- Grandin, Greg. 2006. *Empire's Workshop: Latin America, the United States, and the Rise of the New Imperialism*. New York: Henry Holt and Company.

- Greco, Témoris. 2016. *Ayotzinapa: Mentira histórica: estado de impunidad, impunidad de estado*. Mexico City: Ediciones Proceso.
- Grupo Interdisciplinario de Expertos Independientes. 2018. *Informe Ayotzinapa*. Washington DC: OAS.
- Guevara Niebla, Gilberto. 1988. *La democracia en la calle*. Mexico City: Siglo XXI.
- Hernández, Anabel. 2016. *La verdadera noche de Iguala: La historia que el gobierno trató de ocultar*. Mexico City: Grijalbo.
- Hirales Morán, Gustavo. 1977. *La Liga Comunista 23 de Septiembre: Orígenes y naufragio*. Mexico City: Ediciones de Cultura Popular.
- Hirales Morán, Gustavo. 1982. 'La guerra secreta, 1970–1978'. *Nexos*, 54 (June): 34–42.
- Isunza Vera, Ernesto. 2015. 'México: ¿Cómo hemos llegado hasta aquí?' *Cahiers des Amériques latines*, 79: 7–14.
- Kraus, Arnoldo. 2006. 'Atenco y Fox: la justa realidad'. *La Jornada*, May 10.
- Labastida, Julio and Miguel Armando López Leyva. 2004. 'México: una transición prolongada (1988–1996/97)'. *Revista Mexicana de Sociología*, 66 (4): 749–806.
- Lenti, Joseph. 2017. *Redeeming the Revolution: The State and Organized Labor in Post-Tlatelolco Mexico*. Lincoln, NE, and London: University of Nebraska Press.
- Loaeza, Soledad. 1988. *Clases medias y política en México. La querrela escolar, 1959–1963*. Mexico City: El Colegio de México.
- Lomnitz, Claudio. 2016. *La nación desdibujada: México en trece ensayos*. Barcelona: Malpaso.
- López, Emilio. 2019. 'El ejercicio del derecho a la información en casos de violaciones graves a los derechos humanos: Ayotzinapa, Tlatlaya y Apatzingán'. *Estudios Políticos*, 46: 151–185.
- López, Jaime. 1974. *Diez años de guerrilla en México: 1964–1974*. Mexico City: Posada.
- Magaloni, Beatriz, Magaloni, Ana Laura, and Razu, Zaira. 2018. 'La tortura como método de investigación criminal: el impacto de la guerra contra las drogas en México'. *Política y gobierno*, 25 (2): 223–261.
- Maldonado, Salvador. 2012. 'Drogas, violencia y militarización en el México rural: El caso de Michoacán'. *Revista Mexicana de Sociología*, 74 (1): 5–39.
- Marwick, Arthur. 1998. *The Sixties: Cultural Revolution in Britain, France, Italy and the United States*. Oxford: Oxford University Press.
- Mastrogiovanni, Federico. 2016. *Ni vivos ni muertos: La desaparición forzada en México como estrategia de terror*. Mexico City: Debolsillo.
- Meyer, Lorenzo. 2004. 'La guerra fría en el mundo periférico: el caso del régimen autoritario mexicano. La utilidad del anticomunismo discreto'. In *Espejos de la guerra fría: México, América Central y El Caribe*, edited by Daniela Spenser, 95–117. Mexico City: Porrúa-CIESAS-SER.
- Meyer, Lorenzo. 2013. *Nuestra tragedia persistente: la democracia autoritaria en México*. Mexico City: DEBATE.
- Middlebrook, Kevin. 1995. *The Paradox of Revolution. Labor, State, and Authoritarianism in Mexico*. Baltimore, MD, and London: Johns Hopkins University Press.
- Modonesi, Massimo. 2003. *La crisis histórica de la izquierda socialista mexicana*. Mexico City: Juan Pablos/UCM.
- Mónaco Felipe, Paula. 2017. *Ayotzinapa: Horas eternas*. Villa María: EDUVIM.
- Montemayor, Carlos. 2000. *Rehacer la historia: Análisis de los nuevos documentos del 2 de octubre de 1968 en Tlatelolco*. Mexico City: Planeta.

- Mora, Juan Miguel. 1972. *La guerrilla en México y Genaro Vázquez Rojas, su personalidad, su vida y su muerte*. Mexico City: Latinoamericana.
- Niblo, Stephen R. 2008. *México en los cuarentas: Modernidad y corrupción*. México City: Oceano.
- Oikión Solano, Verónica and García Ugarte, Marta Eugenia. 2006. *Movimientos armados en México, siglo XX*, 3 v. Zamora: COLMICH-CIESAS.
- Osorno, Diego Enrique. 2020. 'Los neoliberales'. *Milenio*, May 9.
- Padilla, Arturo. 2006. 'Revisión teórica sobre la historiografía de la guerrilla mexicana (1965–1978)'. In *Movimientos armados en México, siglo XX*, edited by Verónica Oikión Solano and Marta Eugenia García Ugarte, 111–127. Zamora: COLMICH-CIESAS.
- Pansters, Wil G. 2012. 'Zones of State-Making. Violence, Coercion, and Hegemony in Twentieth-Century Mexico'. In *Violence, Coercion, and State-Making in Twentieth-Century Mexico: The Other Half of the Centaur*, edited by Wil G. Pansters, 3–39. Palo Alto, CA: Stanford University Press.
- Pensado, Jaime and Enrique Ochoa, eds. 2018. *México Beyond 1968: Revolutionaries, Radicals, and Repression during the Global Sixties and Subversive Seventies*. Tucson, AZ: University of Arizona Press.
- Piñeyro, José Luis. 1985. *Ejército y sociedad en México: Pasado y presente*. Mexico City: Universidad Autónoma de Puebla-Universidad Autónoma Metropolitana-Azcapotzalco.
- 'Plan Telaraña'. 1971. AGN, SEDENA, file 286, box 97, March 2.
- Pozas Horcasitas, Ricardo. 2014. *Los límites del presidencialismo en las sociedades complejas. México en los años sesenta*. Mexico City: Siglo XXI-UNAM.
- Rangel Lozano, Claudia and Evangelina Sánchez Serrano, eds. 2015. *México en los setenta: ¿guerra sucia o terrorismo de Estado? hacia una política de la memoria*. Chilpancingo: UAG-Editorial Itaca.
- Reina, Leticia. 2011. *Indio, campesino y nación en el siglo XX mexicano. Historia e historiografía de los movimientos rurales*. Mexico City: Siglo XXI.
- Rodríguez Kuri, Ariel. 2020. *Museo del universo. Los Juegos Olímpicos y el movimiento estudiantil de 1968*. Mexico City: Colegio de México.
- Robledo Silvestre, Carolina. 2016. 'Genealogía e historia no resuelta de la desaparición forzada en México.' *Íconos. Revista de Ciencias Sociales*, 55: 93–114. doi:10.17141/iconos.55.2016.1854.
- Rosales, José Natividad. 1974. *¿Quién es Lucio Cabañas? ¿Qué pasa con la guerrilla en México?* Mexico City: Posada.
- Rosen, Jonathan and Roberto Zepeda Martínez 2015. 'La guerra contra el narcotráfico en México: una guerra perdida'. *Reflexiones*, 94 (1): 153–168.
- Rubin, Jeffrey. 1997. *Decentering the Regime: Ethnicity, Radicalism, and Democracy in Juchitán, Mexico*. Durham, NC: Duke University Press.
- Salinas, Javier, René Ramón, Gustavo Castillo, and Roberto Garduño. 2006. 'Al alba, 3 mil policías tomaron el control en San Salvador Atenco'. *La Jornada*, May 5.
- Saldívar, Américo. 1980. *Ideología y política del Estado mexicano (1970–1976)*. Mexico City: Siglo XXI.
- Sánchez Parra, Sergio Arturo. 2006. 'La guerrilla en México: un intento de balance historiográfico'. *Clio*, 6 (35): 121–144.
- Sánchez Parra, Sergio Arturo. 2012. *Estudiantes en armas. Una historia política y cultural del movimiento estudiantil de los enfermos 1972–1978*. Culiacán: Universidad Autónoma de Sinaloa-Academia de Historia de Sinaloa.

- Schmitz, David. 2006. *The United States and Right-Wing Dictatorships, 1965–1989*. New York: Cambridge University Press.
- Servín, Elisa. 2019. *La oposición política: Otra cara del siglo XX mexicano*. Mexico City: FCE-CIDE.
- Sierra Guzmán, Luis. 2003. *El enemigo interno: Contrainsurgencia y fuerzas armadas en México*. Mexico City: UNAM, Universidad Iberoamericana and Plaza y Valdés Editores.
- Solomon, Joel. 1999. *Abuso y Desamparo: Tortura, Desaparición Forzada y Ejecución Extrajudicial en México*. Washington DC: Human Rights Watch.
- Trejo Delarbre, Raúl. 1990. *Crónica del sindicalismo en México, 1976–1988*. Mexico City: Siglo XXI.
- Trejo, Guillermo and Sandra Ley. 2020. *Votes, Drugs, and Violence: The Political Logic of Criminal Wars in Mexico*. Cambridge studies in comparative politics. Cambridge: Cambridge University Press.
- Tzuc, Efraín and Marcela Turati. 2020. 'Un país rebasado por sus muertos'. *Quinto Elemento*, December 10. <https://quintoelab.org/crisisforense/un-pais-rebasado-por-sus-muertos>.
- Ulloa Bornemann, Alberto. 2007. *Surviving Mexico's dirty war: A political prisoner's memoir*. Philadelphia, PA: Temple University Press.
- Vergara, Rosalia. 2013. 'Amnistía Internacional apremia a la CIDH a resolver el caso Atenco'. *Proceso*, May 3. <https://www.proceso.com.mx/nacional/2013/5/3/amnistia-internacional-apremia-la-cidh-resolver-el-caso-atenco-117827.html>.
- Vicente Ovalle, Camilo. 2019. *[Tiempo Suspendido] Una historia de la desaparición forzada en México, 1940–1980*. Mexico City: Bonilla Artigas Editores.
- Woldenberg, José. 2002. *La construcción democrática*. Mexico City: Plaza y Janés.
- Zermeño, Sergio. 1978. *México, una democracia utópica: El movimiento estudiantil del 68*. Mexico City: Siglo XXI.

Part II

**Political dimensions
of disappearances**



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

3 Disappearance and governmentality in Mexico

Pilar Calveiro

This chapter addresses the continuum of enforced disappearance in Mexico, though emphasising the specific characteristics that it adopts in two particular moments: the counterinsurgency struggle of the 1970s, and the so-called ‘war’ against drug trafficking and organised crime starting with the six-year presidential term of Felipe Calderón Hinojosa. The aim is to identify variations in the disappearing device—its perpetrators, its victims, the modalities with which it operates—depending upon the type of state and the governmentality on which it is based. And lastly, some very preliminary points are advanced to address the phenomenon with respect to the new government of Andrés Manuel López Obrador, given that this government has proposed to install a new governmentality, which, if successful, should be reflected in a decrease and eventual elimination of this practice.

To carry out this analysis, I will begin with a brief characterisation of the phenomena of the disappearance and enforced disappearance of people.

What is meant by the disappearance of people?

It is necessary to think of the disappearance of persons as a phenomenon linked to enforced disappearance, firstly, because all involuntary disappearance is literally forced; and secondly, because in a large number of cases where the responsibility of the state is not explicitly identified, the state is nevertheless behind the disappearance in a clandestine manner. Enforced disappearance, as a political phenomenon, far exceeds the legal figure attributed to it, and as such cannot be characterised exclusively on the basis of its classification within the field of law.

On an international legal level, the Rome Statute of the International Criminal Court (hereinafter ICC) defines the enforced disappearance of *personas* as:

the arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a state or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the

intention of removing them from the protection of the law for a prolonged period of time.

(Rome Statute, 4)

Although this definition tries to account for the main features of the phenomenon, it does not necessarily do so in a comprehensive manner and, in fact, may exclude some components that I consider fundamental. This is because the Rome Statute rightly refrains from incorporating certain characteristics that could limit the application of sanctions in cases in which one of those characteristics is not present.

The role of the social sciences in understanding enforced disappearance requires a different and more all-encompassing perspective. To characterise a phenomenon, it is necessary to uncover the distinctive features that give it its identity, even if they do not appear in each and every case. In this sense, when we speak of enforced disappearance in the social sciences, we refer to the deprivation of liberty of a person by state agents—or private groups associated with or tolerated by the state—who deny the whereabouts of the person in order to exercise violence of any type in an unrestricted manner. Enforced disappearance usually ends in the death of the disappeared person and, when this occurs, the state agents or private groups hide the body and all evidence of the crime in order to guarantee their impunity and spread terror. When this practice, with these features, is carried out by groups whose connection to the state is not demonstrable, we use simply the term ‘disappearance’.

I am particularly interested in highlighting that, in this practice, the refusal to acknowledge the detention—or kidnapping—pursues the possibility of exerting excessive and completely illegal violence against the person, that is, resorting to different forms of torture. Likewise, another fundamental aspect of the mechanism of disappearance is the foreseeable outcome that the person will be murdered and their remains hidden. Torture, in various forms, and the concealment of remains are crucial components of the disappearance of persons—whether carried out by the state or by individuals—that the ICC does not include in its definition. In other words, the hiding of someone’s whereabouts in order to remove that person from the protection of the law is not enough to understand the scope of disappearance and enforced disappearance as political phenomena of great relevance, in the recent past and in the present.

I agree with González Villarreal’s consideration of enforced disappearance as a ‘political technology’, which comprises specific practices, institutions and discourses (González Villareal 2012, 23) constituting a *dispositif* (dispositive) whose use ‘is not exclusive to dictatorships, (but) it is also frequent in countries formally democratic’ (González Villareal 2012, 23–25). As a practice, this technology comprises a succession of procedures, a circuit made up of the following steps: tracking the victim, kidnapping or arresting them, hiding the whereabouts of the victim, the unrestricted abuse of the person,

and the death or murder and concealment of the remains. This sequence is followed in practically all disappearances, whether the participation of the state is verified or not. The disappearing dispositive—be it state, private or mixed—is created to guarantee all these steps, although in some cases not all of them are taken. For example, it is possible that, for circumstantial reasons, the body of a disappeared person may be dumped or exhibited in the public space. It also happens, invariably, that despite the executors of the dispositive, there are surviving victims, but these ‘exceptions’ do not correspond to the ‘norm’ of the dispositive. Despite occasional exceptions in how it is carried out, the mechanism of disappearance aims at the appropriation of people in order to do anything to them; to take everything desired from them, even their lives, and then discard them without leaving a trace. This is the core of the phenomenon of disappearance.

Therefore, this practice implies a specific processing of the body of the people and of the social body that, in my opinion, distinguishes it from what some authors (Gatti, Irazusta, Martínez, and others) have characterized as ‘social disappearance’. In a very interesting volume (Gatti, Irazusta and Martínez 2019) compiled by Gabriel Gatti, the various authors include under the category of ‘social disappearance’ those who are considered to be ‘not part of society’, those who ‘do not count’, those who are ‘not visible’ to the rest of society and even those who are inmates. Along these same lines, Étienne Tassin claims: ‘Exclusion and detention are forms of disappearance’ (Tassin 2017, 99). This is true, but only in a very general sense. I think that exclusion, the social invisibility suffered by huge population groups or lack of representation—an even broader phenomenon—are ways of politically and socially disappearing people. However, by not disappearing people literally from the body—and through the body—these forms acquire characteristics that, although equally serious, are very different from those previously discussed, precisely because they do not involve certain processes that are substantive in the disappearance of people. Both disappearance and ‘social disappearance’ are biopolitical practices, but while disappearance plain and simple corresponds to the thanatopolitical or necropolitical component of biopolitics because its goal is the physical and final elimination of people, the latter refers rather to the other side of biopolitics that simply abandons and ‘lets die’ increasingly numerous masses of the population. These forms involve different technologies: using, killing and hiding the remains versus simply abandoning the people to fate and letting them die, if that is the case.

All precarious lives, all migrants expelled from their societies, all Indigenous people, are made invisible, deprived of the protection of the state and the rule of law, but not all are disappeared in the radical sense that we have laid out. Being a migrant in transit, with all the rights violations that this entails, is not the same as being a disappeared migrant. The latter does not occur in just any place or in any circumstance and therefore I believe that it is important to differentiate between the two phenomena. Nor does it seem useful to me to assimilate the experiences of excluded people such as immigrants, refugees, fugitives and the

homeless in order to understand these realities. Likewise, it is not useful to equate the enforced disappearances that took place in the context of the so-called ‘dirty wars’ in Latin America with other experiences, such as the Spanish Civil War. For this reason, instead of trying to create a general concept that makes it possible to encompass all these phenomena, such as ‘social disappearance’, it seems more useful to make appropriate distinctions of time, place and circumstance. In this vein, and from the elements described as constitutive of disappearance and enforced disappearance, I will attempt to show in this chapter how this practice is sustained as such through different periods, while at the same time adapting to the forms of organisation of power that govern each era and each society.

Disappearance and governmentality

I strongly agree with Étienne Tassin when he states that ‘appearance and disappearance are *political phenomena* that must be analysed *within the framework of the regimes that have practiced them*’ (Tassin 2017, 99, emphasis added by the author). That is, they must be understood in the context of the power system that produces them. Nevertheless, the concept of political regime is strongly anchored to the institutional framework that organises the struggle for power (type of state, form of government, party system, election and participation processes, etc.). This leads Tassin to distinguish only between liberal and dictatorial regimes. This distinction is ultimately insufficient to understand a large number of neoliberal political systems, which, while apparently liberal and formally democratic, are strongly authoritarian. In this sense, drawing on Tassin’s contention, I propose replacing the concept of political regime with that of governmentality, as developed by Michel Foucault. Governmentality includes not only the institutions but also the procedures and tactics aimed at controlling the population, resources, and people’s behaviour through security mechanisms and the construction of discourses and ‘truths’. Analyses would then involve looking at the power framework of the societies to be analysed, including the state and the government, but also going beyond them to consider the enormous network of public and private mechanisms that make up a particular governmentality. I will return to this point in the second section of this text.

Along these same lines, and as I have stated in other works, I start from the idea that observing the repressive and penalising mechanisms and dispositives that exist in a society allows us to approach the anatomy of the political power that sustains them and, in turn, is based upon them. That is, my aim is not only to understand these dispositives within the framework of the governmentality that configures them but also to observe what they themselves are capable of telling us about said governmentality. This could open up the possibility of identifying hidden features of current power networks, which are always much larger than what first seems evident, and breaking through the apparent ‘irrationality’ that most repressive practices

suggest to us on a first viewing. In this case, I am going to refer to the practices of disappearance and enforced disappearance in Mexico. To do so, I will analyse, first, the disappearance of people in the 1970s, in the context of an authoritarian-populist governmentality. I will then address those that occurred in the context of a neoliberal governmentality, with the intention of contrasting these occurrences and pointing out the continuities and differences that exist between them. This will be a kind of memory exercise, which allows us to make visible the aspects of one that are in the other, and vice versa.

The utilisation by the state of exceptional or even openly illegal repressive practices such as enforced disappearance, outside of any civil right or law of war, is very old. However, it was in the context of the Cold War and the so-called 'dirty wars' that enforced disappearance as part of the repressive practices became state policy in a large number of Latin American countries, Mexico included. Though in all of these countries this practice was used by the state to eliminate revolutionary political dissidence and had similar features that included the creation of a circuit of trace, deprivation of liberty, torture, murder, and the disappearance of the remains of people, in each country this was articulated according to the specific forms of its governmentality.¹ Thus, the extent of the phenomenon varied: in some cases it was massive, in others restricted and in others it was barely circumstantial. The state organisms that carried out the disappearances, and even the operational modes and technologies for the disappearance of the bodies, also varied from country to country.

In Mexico, there were some cases of enforced disappearance at least as early as the 1950s, and even earlier. Among these, I note the cases of Porfirio Jaramillo, brother of Rubén Jaramillo, and Fortunato Calixto Nava, both of which occurred in March 1955 and are mentioned by Vicente Ovalle (2019, 36–37). Both cases correspond clearly to the features of enforced disappearance, however, it is important to consider the following observation: although these disappearances or kidnappings were understood to be a measure of political-ideological repression by those affected and fit several of the characteristics that today define this practice, such as the illegal detention and retention of people by local or federal authorities in unknown places and the denial of all information about the detention, these disappearances did not have the conceptual burden of being a practice designed and operated by the state in a systematic and centralised way (Vicente Ovalle 2019, 49).

It is precisely for this reason that the analysis of enforced disappearance as a repressive technology of the state, that is, in an authorised, centralised and systematic manner, usually begins in the late 1960s, with the arrest of Epifanio Avilés Rojas, which occurred on May 19, 1969. However, as Vicente Ovalle points out, determining the first case is ultimately irrelevant—and impossible (Vicente Ovalle 2019, 330).

It can be said that enforced disappearance began as an incidental practice, which became more frequent between 1971 and 1973 (when dozens of cases were already registered) and became systematic between 1974 and 1978

(González Villarreal 2012, 22). However, there are no official government records, nor records from social organisations, that allow access to a complete database. This absence is significant in its own right, with respect to the concealment of information and the responsibility of the state.

Nevertheless, according to information provided by civil society organisations, some researchers estimate around 1.200 disappeared persons in Mexico in the 1970s (Vélez Salas 2016, 22). For his part, González Villarreal has gathered records from various sources (from *Comité ¡Eureka!*, *Comisión Nacional de Derechos Humanos* (National Human Rights Commission, CNDH for its Spanish initials), *Fiscalía especial para la atención de hechos probablemente constitutivos de delitos federales cometidos directa o indirectamente por servidores públicos en contra de personas vinculadas con movimientos sociales y políticos del pasado* (Special Attorney for the Attention of Facts that are Probably Constitutive of Federal Crimes Committed Directly or Indirectly by Public Servers Against People Involved in Social and Political Movements of the Past, FEMOSPP for its Spanish initials) and the *Centro de Investigaciones Históricas Rubén Jaramillo Menéndez* (Rubén Jaramillo Menéndez Centre for Historical Investigations) that add up to a total of 857 disappeared persons (González Villarreal 2012, 168–282). This report is interesting because it includes the places and dates of the occurrences, as well as the political affiliation of many of the victims. Thanks to González Villarreal's work, we can see the gradual onset of the phenomenon between 1968 and 1973 with 34 cases; followed by its expansion between 1974 and 1978, the years of the extermination of the rural guerrillas and their urban groups, with 612 cases, which represents more than 70% of the total cases analysed, mainly in the state of Guerrero. Later, we also see the decline but not the elimination of the problem. According to González Villarreal's records, beginning in 1979 the incidence of enforced disappearances in Mexico decreased to less than ten cases per year, with the exceptions of 1981 and 1999, which saw 31 and 14 cases, respectively. Nonetheless, the practice was consistently sustained.² In a similar vein, Vicente Ovalle observes that from the end of the 1970s to the mid-1980s, 'an important transition began in the technique of enforced disappearance, derived from the intersection of the counterinsurgency and an emerging logic of violence: the war against drugs' (Vicente Ovalle 2019, 331). Therefore, it could be said that, although it did so with different objectives and in a more limited way, for more than 20 years after the guerrilla groups were exterminated the state maintained the decision to resort to this practice. The practice thereby became 'naturalised', which constitutes the first specificity of the Mexican case.

After those 20 years, starting in 2001, and especially in 2008, there was a new upsurge in disappearances, although with different characteristics, and under a different type of governmentality, which will be analysed in the second part of this paper.

Regarding this first stage of enforced disappearance in Mexico, it is noteworthy that among the victims during the 1970s were men, women, pregnant

women, children and the elderly. Another significant fact is that 82% of the cases that occurred between 1974 and 1978, the period with the highest number of disappearances, took place in the state of Guerrero. Guerrero was where the guerrilla forces of Genaro Vázquez and Lucio Cabañas had settled and where, in addition to disappearing people, the army enacted the forced displacement of the population and practiced strategies of fencing in and annihilation, which have been revealed thanks to the testimonies of survivors. In the populations of the Sierra de Guerrero, different practices were deployed such as the ‘state of siege, the curfew, control over the transportation of food [...] forced displacement and the concentration of the population, an overall strategy known as the Vietnamese village’ (Rangel Lozano 2012a, 27) for their use in this conflict. This affected the mainly Indigenous and peasant communities in widespread ways. Thus, the civilian population located in the Costa Grande and Sierra de Guerrero was subjected to real policies of terror—not fear but authentic terror—promoted by the army, namely the state, in order to remove any base of support for the *guerrilla* groups, settled solidly in the region (Rangel Lozano 2012b, 114). In other words, state terrorism was not practiced at the national level, but was rather focused, regionally and socially encapsulated. This regionality makes up the second, no less significant, specificity of the practice of disappearance in Mexico.

Although the political technology of enforced disappearance in the 1970s began and was focused on the Sierra de Guerrero, it is also certain that it gradually expanded to reach different cities and other states of the Mexican Republic, although with a much softer intensity. Likewise, the repressive displacement towards other political subjects, not necessarily armed insurgent groups, also expanded, affecting militants and social activists in general who were persecuted by the army and by different state security agencies (González Villarreal 2012, 87–91), depending upon their jurisdiction. This expansion of the territory and subjects of disappearance reveals the centralisation of this practice, although not its generalisation in all security forces. While specialised military groups were in charge of the clandestine operations against the dissent, a good part of the repressive apparatus remained outside of those operations, which created more than one difficulty. The story told by Mario Alvaro Cartagena López, known by the alias ‘El Guaymas’, gives an account of this. Cartagena was a member of the *Liga Comunista 23 de Septiembre* (September 23rd Communist League, LC23S for its Spanish initials) and reports that on February 19, 1974, agents of the *Dirección Federal de Seguridad* (Federal Security Directorate, DFS for its Spanish initials) took him to a clandestine prison, where he remained kidnapped and was tortured for around 12 days. At the end of that period, during a transfer procedure, the agents stopped for dinner. The manager of the restaurant saw that they were armed and, as they were dressed in civilian clothes, he believed they were criminals. The manager then called the Judicial Police, who arrested them all. As a result, El Guaymas was transferred to the

Oblatos Prison, accused of sedition, and his arrest was legalised (Rea 2015, 215). This simple event shows the lack of knowledge and participation of important state organisations in the policy of enforced disappearance of that time. This does not mitigate state responsibility, but rather shows a clear political intention in the compartmentalisation of this practice, restricting it to only certain specialised agencies.

On the other hand, the implementation of the practice of enforced disappearance 'depended on the dynamics of the conflict at the local level [...] through a differential strategy, not homogeneous, but general' (Vicente Ovalle 2019, 330). It is then a matter of recognising that there were differences in how this practice was articulated between the local and the central authorities.

However, although the disappearing dispositive did not include the entire repressive apparatus or did not operate in the same way across all local contexts, it is possible to affirm that enforced disappearance was a counter-insurgent practice authorised and organised at the national level. The mechanism operated in clandestine centres located in police, military and private facilities, administered by state security agencies.

It is also possible to confirm that the state in Mexico took good care to concentrate its repressive and terrorising power in certain territories, such as the Sierra de Guerrero. At the same time, the state tried to operate discreetly in the cities through its intelligence agencies and specialised groups, such as the *Brigadas Blancas*, which did not involve the entire repressive or military apparatus. Nor did it exhibit its violence in front of the general population, as happened in the dictatorships of the Southern Cone at that time. Instead, the state managed a rigorous informational blockade over the operations in Guerrero and obscured the political component of the guerrillas, presenting their actions as that of *gavilleros* (gunmen) and *robavacas* (cattle rustlers), and thereby trying to eliminate any political meaning of the insurgent struggle instead of portraying the guerrillas as an enemy to be defeated.

People detained and then disappeared by the state security forces were taken to different clandestine detention centres, the most important of which, *Campo Militar Número 1* (Military Camp Number 1), was within the army facilities. From the testimonies of a few survivors, we know that the most brutal forms of torture and murder were used against them. This included making victims drink gasoline and setting them on fire, in addition to methods traditionally used by all repressive apparatuses in the region: beatings, electric shocks, different forms of drowning, etc. They also practiced sleep deprivation and putting prisoners into 'stress positions', which became broadly used much later during the so-called 'war on terror' in the 21st century. Likewise, to dispose of the bodies and the possible evidence of their crimes, the Mexican state utilised what were known as death flights, which, departing from the Pie de la Cuesta Military Base, would take people to be thrown alive into the sea. These flights began in 1974, years before that the Argentine military did the same in the Río de la Plata. There were also cases

of people found *entambadas* (stuffed into storage drums), as described in the Truth Commission's report, a practice that would later reappear as an apparently criminal technology to dispose of the bodies.

While all of this was happening, Mexico began receiving political exiles from Chile in 1973, and from Uruguay and Argentina in 1976. The Mexican state has been spoken of as being 'two-sided', to describe the difference between its domestic and international behaviours. It could be said, however, that this two-faced quality, is replicated within the state's interior as an internal double or multiple sided apparatus: a multi-front state, capable of using different resources for handling different dissidents. That is, it is a complex state with a great diversity of population control tools. Thus, the clandestine state device for enforced disappearance, which was operated mainly by the army and special forces and aimed at eliminating the roots of the mainly armed dissidents and their entire support base, coexisted with other repressive and even consensual practices.

One the other hand, as is highlighted by González Villarreal (2012) as well as by Sánchez Serrano (2012), one of the specificities of the phenomenon in Mexico was the use of the enforced disappearance model in the context of a populist governmentality, with a 'revolutionary' discourse, but centralized, authoritarian and repressive practices, beyond its popular pretensions. Although at first the link between populism and enforced disappearance may seem contradictory, it is not. This is because populism presupposes the representation of the people, as a whole, united by a national identity forged homogeneously by the state. Recognising the existence of a powerful popular dissidence, especially an armed insurgency with a peasant and Indigenous base, would therefore dissolve this fiction. For this reason, it is more effective for this type of governmentality to 'disappear' dissidence at all levels: to ignore it or deny it, rather than make it visible and repress it through legal channels, which would allow it to exist in public and delegitimise the government.

In Mexico, enforced disappearance thus came to be articulated according to a type of governmentality that was very different from that of the military dictatorships of the Southern Cone. This means that resorting to the same practice will nevertheless give it other uses and that it will be accompanied by modalities and different discursive constructions. The Mexican state, as a multifront device, deployed a differential repressive system, which combined terror policies directed at certain specific political and population groups with repressive practices of a legal nature towards other dissidents. At the same time, it used policies of co-optation and even consensus building. Its strategy consisted of differential policies and isolation of some resistance from others.

On the other hand, although in many cases there is an enormous amount of evidence of the participation of state agencies and there are complaints from relatives and human rights organisations, impunity has prevailed in relation to these crimes. These practices have been denied, in a vain attempt

to ignore their existence and ‘disappear’ the disappearance. This is only possible because of the collusion of the state apparatus in general, particularly the judicial branch. Files being lost and all kinds of obstruction of investigations, such as the refusal to present, even as late as 2018—the last year of Enrique Peña Nieto’s administration—the progress of investigations of events that had occurred more than 40 years earlier because ‘they would put at risk the activities of prevention or prosecution of crimes’—as the Procuraduría General de la República (Federal Attorney General’s Office, PGR for its Spanish initials) declared at that time (Castillo García 2018, 3)—are proof of this. Such actions make clear the political decision to uphold impunity and, therefore, uphold the practice of disappearance as an ‘admissible’ repressive remedy in the past and in the present. The most significant issue is that this denial and impunity functions as a *de facto* authorisation for the continuation of the disappearances, as indeed has happened, in order to maintain their use and the devices that make them possible.

Fragments recovered from the experiences of the 1970s resonate to an extent in the current disappearances. However, contemporary disappearances are distinguished from those of the 1970s both by the expansion of perpetrators and victims and by the modes of operation, which configure a different dispositive.

According to government figures, on April 30, 2018³ in Mexico there were 36,265 reports of disappeared persons in the local jurisdiction and 1,170 in the federal jurisdiction, which adds up to 37,435 missing people. There has been a clear escalation of the problem, starting in 2006 in connection with the ‘war on drugs’, and then again in 2013 during Enrique Peña Nieto’s administration. Between 2015 and 2018, the number of disappearances increased by 40% (RNPED 2018), according to this same database. It must be said that the official registry does not discriminate between non-located, disappeared and forcibly disappeared persons, which is not by chance but rather intentional. The lack of precision tends to obscure the phenomenon, as was done in the 1970s. It thus prevents the seriousness of the matter from being recognised and above all, avoids the classification of enforced disappearances, which always involve government responsibility. It is worth noting that 93% of the disappeared persons are Mexican, 75% male and 22% are under 19 years of age. The data on age ranges is, once again, a figure that encourages obfuscation, as the age cut is made in the range of 15 to 19 years, thus hiding the number of disappeared minors. However, from the breakdown of this data, it can be presumed that 18% are minors. Of these, 70% disappeared during the Enrique Peña Nieto administration and 59% were girls or adolescents (REDIM 2017, 15).

These figures were revised and modified as of 2019, with the arrival of the new administration. That year, the *Comisión Nacional de Búsqueda de Personas* (National Search Commission, CNB for its Spanish initials) under the arm on the *Secretaría de Gobernación* (Ministry of the Interior, SEGOB for its Spanish initials), publicly announced that at the end of Enrique Peña

Nieto's six-year term in December 2018 there were 56,453 'not located' people in Mexico, 25% of whom were women and 18% children. Almost 90% of all disappearances had occurred between 2006 and 2018, that is, in the two six-year terms of Felipe Calderón Hinojosa and Enrique Peña Nieto (Enciso 2020).

For understanding some of the characteristics of the phenomenon beyond its numerical weight, the work of the *Observatorio sobre Desaparición e Impunidad en México* (Observatory on Disappearance and Impunity in Mexico, ODIM for its Spanish initials), coordinated by FLACSO-México together with the Universities of Minnesota and Oxford has been very useful. The work this Observatory has carried out on states is particularly interesting because one of the features that can be observed in the phenomenon of disappearance is its different regional incidence. Although the disappearances of people are registered in all states, their impact is very different from one state to another. This is even more apparent at the municipal level. It is evident that we are talking about a very unequal distribution of incidents, even in neighbouring territories. This indicates the concurrence of the phenomenon with certain local political borders, as well as its growth in specific territories controlled by certain power groups—with ties at the state and federal levels—in probable alliance with the criminal networks that operate in the respective territory.

Given the scarce and fragmentary information that is available as a result of the government's policy of concealment, especially between 2006 and 2018—although concealment had already been occurring since the 1970s—the journalistic material gathered by serious and committed professionals, and the testimonial material of family organisations, have become some of the most important sources for making visible and understanding the problem. Among the journalists, it is worth noting the stand-out work being done by Marcela Turati (2011) Daniela Rea (2015) and others such as Everardo González (2018), who directed the extraordinary documentary *La libertad del diablo* (*Devil's Freedom*), all of whom I refer to in this text.

All of them, as well as some academic works, allow us to recognise the new modalities of the phenomenon of disappearance, which has occurred in this century, most markedly between 2006 and 2018. To identify its particularities, I think it is important to dwell on three aspects of this mechanism: who the perpetrators were, who the victims were and what procedures were used.

1) the perpetrators

Both journalistic and testimonial material identified municipal, ministerial and federal police among the *perpetrators*, as well as the members of the army, marines and drug traffickers (Rea 2015, 173). In other words, they pointed out practically the entire repressive state apparatus, as well as the different criminal groups, as responsible for these occurrences. Some of them

make explicit mention of the association of both circuits, the state and the private: military drug smugglers and police officers kidnapping people and handing them over or selling them to criminal networks—as in the case of the 43 Ayotzinapa students—others who operated as links between the criminal networks and their own organisations or marines who openly decided not to act in the face of certain disappearances. All of them are part of the stories of the disappearances.

The case of Jorge Parral, an employee of the customs department in Camargo in 2010, as described by Daniela Rea (2015, 187–208), is particularly clear about these ‘associations’. Parral was kidnapped by a criminal group in retaliation for having requested reinforcements from the army to control the customs office where he worked. Days after his disappearance, the army raided the place where he had been sequestered and, in the course of the operation, the military (supposedly by mistake) murdered Parral, reportedly confusing him for a criminal, despite the fact that he was unarmed. Once the operation, from which all the criminals managed to flee, was over, Parral’s body was not identified, although his documents were present. However, he was buried as N.N. (no name), his height was recorded incorrectly, and there was no mention of the fact that he was wearing his work uniform, which would have facilitated identification. In addition to the negligence and, at best, the ineffectiveness of the security and justice apparatus, this case demonstrates the government’s collusion with criminal networks. Who, other than the *Caminos y Puentes Federales* where we worked or the army itself, could know of Parral’s request for the military to strengthen customs security? In other words, the information the criminals had could only have come from the government apparatus itself. Later, he was assassinated by the same military forces that supposedly should have protected him, with no means of knowing whether it was an act of clumsiness or the intentional elimination of an inconvenient witness.

The case of Jorge Parral and other testimonies present us with two issues: on the one hand, the blending between criminal and state networks and, on the other, a kind of outsourcing of criminal work, by which government, police or even military authorities take prisoners who are handed over to criminal networks for their physical elimination and disappearance. We will see both phenomena in other cases and, notably, in the disappearance of the 43 students from the Isidro Burgos Rural Teachers’ College (*Normal Rural Isidro Burgos*), in Ayotzinapa, four years after the Parral case. In the Ayotzinapa case the association between representatives of the state and criminal networks is also evident, as well as the ‘delivery’ to the latter of persons detained by the public security forces.

It can then be said that due to its association or collusion with the state and its outsourcing of violence, disappearance, as a generalised phenomenon, should be understood in Mexico, at least in most cases, as a state crime. Hence, the banner statement of the movement to expose what happened in Ayotzinapa—‘It was the state’—was completely correct, even if the direct

perpetrators of the alleged murders of the students were members of the *Guerreros Unidos* cartel. It is important to highlight this because we see then that many apparently simple disappearances should in fact be understood as enforced disappearances due to the collusion or acquiescence of the state in their commission. Furthermore, even in those cases in which no state participation can be validated, the disappearances meet the characteristics of this technology (kidnapping, torture, hiding the whereabouts, elimination of the person and their remains), responding to the specific features of neoliberal governmentality, as will be seen later. That is, in the current phase of disappearances the practice is maintained but there is a diversification of perpetrators, coupling state and private actors with different levels of cooperation with each other.

2) *the victims*

At the same time, we can also verify a diversification of *the victims*. First, the disappearances of people involved in criminal networks have been reported at the hands of the army or the police, but also at the hands of other rival criminal groups. Additionally, the capture of criminals by the police or the military and their subsequent delivery to enemy criminal groups so that they would be tortured, murdered and disappeared, has been verified (Rea 2015, 172). According to some testimonies, such as those in the documentary by Everardo González, among the military an idea from the 1970s was repeated: that there were those who 'should not live'. Certainly, the state tried to install the false idea that all or most of the disappeared were drug traffickers in an attempt to justify the immense number of victims in some way. This justification reproduced, with certain variations, the refrain of the 1970s that 'the person must have been involved in something', and therefore it is essential to refute these assumptions. The lack of information and the difficulty of establishing who does or does not belong to criminal networks prevents us from establishing how many disappeared may have been linked to them, but there is clear evidence that a large number of these people had stable jobs and ways of life unrelated to criminality. However, the crucial point is that the disappearance of people is unjustifiable regardless of whether they are guilty or innocent of any crime. The appeal to the innocent victim is nothing more than a subterfuge; the victim is a victim, regardless of her possible guilt or innocence.

Another important group of disappearances has occurred against people who in some way obstructed the operation of the state-criminal networks, either through complaints, as in the previously mentioned case of Jorge Parral; because they had ties to territories that these networks control or attempt to control, such as the cases of Armando Gerónimo, Rafael García, Jesús Hernández and Tirso Madrigal in the municipality of Cherán; or by different forms of resistance to the practices of dispossession and looting of neoliberalism. These disappearances occur against the population in general

and have cost the lives of dozens of journalists and more than a hundred political and social activists who, in some way, denounce and obstruct dispossession by state-criminal networks. Likewise, we also see the disappearance of migrants⁴, merchants, transporters and many young people of both sexes, but especially men who, as already mentioned, account for 75% of cases. Finally, between 2007 and 2019, there were numerous disappearances among members of the security forces, both police and more than 170 military personnel, according to the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (Mexican Commission for the Promotion and Defence of Human Rights, CMDPDH for its Spanish initials) (CMDPDH 2019). Both the journalistic information and the family members cited by Reporte Indigo, as well as testimonies collected in the works of Daniela Rea and Everardo González, point to the disappearance of members of the police and military by criminal groups, sometimes handed over by their own commanders.

In summary, the victims of disappearances and enforced disappearances of this period cover the entire social spectrum. In many cases, there is also an overlap between victim and perpetrator, as occurs with hit men, military and police officers who, as well as ‘disappearing’ other people, are themselves exposed to being disappeared.

3) *the motives for the disappearance*

The *motives for the disappearance* in this governmentality are varied and quite confusing. They are not necessarily or primarily political motives, which does not mean that they do not have political meanings linked to the specific characteristics of the organisation of power in this society. They may include revenge, punishment and ‘making an example’, used by both drug traffickers and the military, in many cases in association. They may also include more utilitarian purposes such as: 1) the appropriation by dispossession of assets such as resources and territories; 2) the acquiring of skills and aptitudes, particularly with the disappearance of doctors, technicians or masons; and 3) the dispossession of people and their bodies as profitable assets, either by ransom, labour or sexual enslavement. All of these are forms of direct, radical disappearance, in which the victims’ status as subjects is cancelled in order to dispose of their bodies in an unlimited manner, with practices that involve torture and that usually end in death and the disappearance of the victim’s remains in clandestine burials.

Also here we can speak of a *disappearing dispositive* that undoubtedly involved the state, but also private groups associated with it. With respect to the state, the participation of security agencies has been verified, but as has, and no less importantly, the participation of the legal system. The aforementioned investigation by the ODIM, as well as journalistic and testimonial material, show how the Public Prosecutor’s Office has tried to prevent complaints by various means, even refusing to receive them, while at the same

time covering up the acts of torture used to 'identify' supposed culprits and skew statements. It has also persisted in labelling the disappearances as kidnappings to distort the record. The Ministry continues to make supposed 'oversights' and 'errors' in the building of the files and in judicial investigations, a practice that has long been known as obstructive. Passing off the obstruction of justice as an act of bureaucratic clumsiness (such as handing over a death certificate without a name) is a practice that dates back to the 1970s and in which the Mexican state has become a specialist. This kind of obstruction always leaves open the question of whether the error is due to confusion, clumsiness or underhanded intent. All these practices, which show the complicity of the judicial system in the practice of disappearance, have guaranteed impunity for the guilty. In this regard, suffice to say that, according to the PGR, of the scarce 732 investigations initiated in the federal jurisdiction for the crime of enforced disappearance between 2006 and March 2017, only 19 were prosecuted. Nine of those, less than half, obtained a conviction and only seven of them corresponded to files initiated after 2006, the year of the beginning of the 'war on drugs', which multiplied the phenomenon (Guevara Bermúdez and Chávez Vargas 2018, 166).

With regard to the physical disappearance of the bodies, this has been managed mainly through clandestine burials, which relatives seek and find throughout the national territory. The CNB has reported 3,631 clandestine graves located in all states, with the exception of Chiapas, Mexico City, Guanajuato, Oaxaca and Querétaro (CNB 2020). In some cases, the remains are found in shallow graves, buried 'like little animals', as the relatives say. In other cases, clandestine graves are covered with cement and lime, with dozens of dismembered bodies, as in the grave located in the municipality of Tlalmanalco, state of Mexico, where the bodies of the youths kidnapped in the Heaven bar were found in May 2013. Finally, there are others with the remains of hundreds of people, such as the clandestine graves of Tetelcingo, Morelos, where none other than the Fiscalía General del Estado (Attorney General's Office) buried at least 117 unidentified bodies, many of them with signs of torture.

But perhaps the most startling form of disappearing remains has been the chemical disintegration of bodies, the '*pozoleada*'. A single *pozolero* was identified and tried: Santiago Meza, an illiterate 45-year-old drug addict, who was paid 600 dollars per month to dissolve the bodies of around 300 people. In the area where he operated, La Gallera, 17,000 litres of human beings were found disintegrated and converted into a shapeless biological mass, impossible to identify, a mix including 2,500 bone fragments, 1,000 teeth, 20 dental prostheses and ten surgical screws (Ovalle and Díaz Tovar 2016; Turati 2015). It is plausible to assume the existence of other '*pozoleros*', although they have not been identified.

In any case, both the burials and the chemical disintegration of the remains tell us about an artisanal technology for the disappearance of bodies, unlike the one developed in the 1970s, which was more standardised

since it centrally involved the state. This does not mean that these artisanal modalities could not be combined with other more developed ways of disposing of bodies used by members of the state apparatus, such as crematorium ovens, in a continuation of the practices of the 1970s, but so far there is no evidence of this.

A new phenomenon, in relation to the previous period, has been the configuration of what we could call ‘territories of death’. These are territories of exception, divided up areas that, due to their resources and or their strategic location, have been left out of all legal protection and exposed to local ‘sovereignities’: narco-policies that deployed great violence including murders, femicides, forced displacement and, of course, the disappearance of people. In general, this is not a question of complete federal entities but of specific regions and municipalities, as indicated in the case of Nuevo León. Other cases that stand out are those of Iguala in Guerrero, which became visible in the case of Ayotzinapa; Allende, in Coahuila, where dozens of people were disappeared and nearly an entire town was exterminated as an act of revenge by a cartel, permitted by local authorities (Infobae 2019); San Fernando in Tamaulipas, where dozens of migrants and entire buses have disappeared (Desinformémonos 2019) and where, in 2011, 47 clandestine graves were found with more than 200 bodies of babies, children, young people and elderly people, with signs of torture (Fundación para la Justicia 2011); or more recently Tepic and other regions of Nayarit, where in just eight months 650 people disappeared and clandestine graves were also found (Navarro 2018, 23). These massive events were only possible with the participation, complicity or consent of the security agencies, whether local, state or federal police, or military forces based in those territories. These are municipal spaces that are governed not only by themselves, but rather have a strong connection with supra-local power networks. They make up territories of exception and death, in the broadest sense. In these places, natural, social, political and cultural life is plundered. A true thanatopolitics unfolds, which does not hesitate to resort to the disappearance of people. In other words, it is necessary to think about a territorialisation of enforced disappearance, which, although it has been registered throughout the country, became concentrated in some regions of some states where agreements were established, by degree or by force, between criminal groups that operate there and the local, state and/or federal authorities—as was observed paradigmatically in the Ayotzinapa case. Unstable alliances were established that depend on the balances and imbalances of both political and criminal power for control of the territory. In these spaces we see extreme forms of appropriation by dispossession—of natural and human wealth and of all kinds of resources—perpetrated by legal and illegal corporate networks. As a result, biopolitics and its forms of creation—and selection—of life are presented both as ‘letting die’ and ‘making die’.

The *features* of enforced disappearance, as it was practiced during this period, bring together different characteristics than those of the

disappearances during the 1970s. This suggests a relationship with a very different governmentality as well. We see here *networks of state-mafia power* that, like drug trafficking and human trafficking, go beyond the national scale and have a global reach. They are part of the scandalous concentration of resources, wealth, power and knowledge that occurs in neoliberalism (Calveiro 2012)

They present us with a *state penetrated* by criminal networks, but also a fragmentary state, made up of relatively autonomous power groups at the local, regional and federal levels, to which factions of the different security forces respond depending upon the case. Holding a fictional unity, the state built a war scene and a sort of 'internal enemy', in the form of so-called organised crime, from the centre out. The state thereby structured the political agenda around the issue of security to legitimise itself in the face of its own lack of control and establish exceptional laws that restrict rights and facilitate domination. The state needed this confrontation to justify its violence, but it was a basically fictitious conflict since, in neoliberal governmentality, state and criminal violence as well as public and private violence, overlap and are shared. For this reason, state structures negotiated or partnered with private financial, mining, forestry or security corporations. In the same way, fragments of the state were connected commercially and politically with the different criminal networks. It is what Jairo Estrada (2008) has called 'criminal capitalism', where criminal capitals can be considered as an organic component of neoliberalism, in the economic, political, social, legal and, of course, repressive spheres. This is because criminal networks expand thanks to their articulation within the state and both the mafia and the state mutually support each other. While the former requires certain protection or collusion with the governmental apparatus, the state receives surplus resources thanks to the corrupt practices of its institutions that allow it to sustain its own illegalities. Precisely for this reason, corruption is not a secondary phenomenon of neoliberalism, nor does it account for a 'moral deviation', but rather it has structural characteristics, constituting an essential mechanism to ensure the extraordinary accumulation and concentration of capital guaranteed by the use of both legal and illegal practices.

In this sense, the acts of violence that appear as private can only be explained by the protection or cooperation of factions of the state. That is to say, they are, in reality, acts of *public-private violence* that respond to economic and political signs and interests and for which the state has a huge responsibility.

Certainly, *the neoliberal state* is no longer the vertical and relatively homogeneous structure of the 1970s. Rather, it is revealed as a *fragmented and discontinuous apparatus*, but one which maintains certain principles of unity. In it, the different actors of the political system—federal, state, municipal, local—recognise and generally respect their respective jurisdictions, but they do so in the manner of large corporations, allowing each other to act as long as the rules of accumulation and the free market, diffuse and changing,

are maintained. Each fragment establishes the relationships between the public and the private, as well as between the legal and the illegal, according to a fairly flexible criterion of convenience. This relative autonomy does not exclude the responsibility of the central powers; it is part of the agreements between the elites, but also of the inability of the state to manage its growing complexity. Once again, Ayotzinapa is illustrative in this regard. The practices of José Luis Abarca, mayor of Iguala, were not unknown to the state and federal governments, which, being from different political parties, both gave equal consent to these practices. Nevertheless, when these illegalities were exposed, the entire apparatus, starting with the Federation, moved to conceal, erase the traces and hide the state's collusion with organised crime.

We must understand the phenomenon of enforced disappearance in the six-year terms of Felipe Calderón and Enrique Peña Nieto in the context of neoliberal governmentality, which includes the state but also large legal and illegal corporations. If, in the 1970s, this repressive practice was articulated with the degraded and authoritarian populism of a state that had lost its revolutionary matrix, in the 21st century it was recycled to become one of the dispositives of a 'criminal capitalism', in which the state and the networks of illegality are associated for the sake of a maddening level of accumulation that has made nature, the human being and life itself simple instruments of the market. If, in the 1970s, the enforced disappearance in Mexico was seen as exceptional, due to its exteriority with respect to the military dictatorships and the most radical forms of the National Security Doctrine that were then predominant, in the first two decades of this century, its practice has been inherent to hegemonic governmentality. In this sense, it can be seen as a kind of alarm signal about new forms of disappearance that are already being practiced and are expanding in the world of neoliberalism.

Towards a new governmentality?

In December 2018, with the electoral triumph of Andrés Manuel López Obrador, a government began in Mexico that proposed an 'alternative project of the nation' with respect to the existing neoliberal policy. This idea has been reiterated and deepened throughout the six-year term and, more recently, the document 'The new economic policy in the times of the coronavirus', signed by the president and released in May 2020, explicitly distances itself from 'more than three decades of predatory neoliberalism' (Presidencia de la República 2020), which he considers to be over. In fact, in a public presentation on March 16, 2019, President Andrés Manuel López Obrador had already declared: 'We formally decreed, from the National Palace, the end of neoliberal policy [...] the neoliberal model is abolished' (El Universal 2019).

It is clear then that the will of this government, like others in Latin America, is to distance itself from this model. However, the government refers to the administration of the state, from where it is possible to create policies that distance themselves from an economic, political and social

model, but this is not enough to transform a governmentality, in the sense that we have discussed in this text. As previously stated, governmentality includes not only the institutions but also the procedures, relationships and tactics aimed at controlling the population, resources and people's behaviour through the explanatory grid of political economy, technologies of security and the apparatuses for the construction of discourses and knowledge. It constitutes a framework of power that includes the state and the government, but that surpasses them, incorporating an enormous network of public and private devices that configure it. To get out of that governmentality, it would be necessary to transform and break that framework.

It would be impossible to establish here whether a new governmentality is being built in Mexico or not, both because of the short time that has elapsed since the beginning of this administration and because of the limitations of this work. Suffice it to point out that some of the López Obrador government's policies, such as the signing of the T-MEC trade agreement, seem to endorse the current governmentality. Others, such as the fight against corruption, point in the opposite direction since they affect fundamental variables of neoliberalism (Calveiro 2019)—certain forms of accumulation by dispossession, including privatisations, debt contracting and other forms of dispossession of public assets and community. Likewise, it weakens the association of criminal networks with fractions of the state, vital for the preservation of public-private and legal-illegal circuits, which flourish in neoliberalism and which have been discussed in this text.

It must also be said, in a very preliminary way, that a different governmentality must necessarily be reflected in a modification of pre-existing practices of violence, both public and private and, notably, in disappearances and enforced disappearances. The data from the first 13 months of government showed a total of 5,184 cases that occurred between the start date of the new administration on December 1, 2018 and December 31, 2019. This does not represent departure from the previous trend.⁵ However, the territorial distribution of this data—which, as we have already seen, is of significance—shows some interesting developments. Some 92% of the cases of disappearance of persons are concentrated in only ten of the 32 states of the Mexican Republic. Eight of them are governed by the opposition: four—Tamaulipas, Chihuahua, Querétaro and Quintana Roo—by the *Partido Acción Nacional* (National Action Party, PAN for its Spanish initials); two—Zacatecas and Guerrero—by the *Partido Revolucionario Institucional* (Institutional Revolutionary Party, PRI for its Spanish initials); one by the Citizen Movement (Jalisco), and the other by an independent (both originally belonged to the PRI and strongly at odds with the federal government). These eight states account for 82% of the total disappearances of this period. Puebla and Mexico City, governed by Morena, rank fifth and eighth and represent 10% of all cases. Of course, it would be interesting and more fruitful to carry out this analysis at the municipal level and observe the evolution of the problem and its trends in the different entities and municipalities once the corresponding

information exists. It is important to keep track of criminal and state violence in order to make distinctions in how each case functions. Likewise, in light of the fragmentation of the state and the multiplicity of local alliances that occurred during the neoliberal phase, it is necessary to distinguish between local, state and federal processes, recognising their respective specificity, in order to understand the possible transformations underway.

Exiting neoliberal governmentality is a difficult but not impossible challenge. It cannot be restricted to the change of certain public policies, although that may be the beginning of a path in another direction, which, in any case, will have to be travelled in the short, medium and long term.

Notes

- 1 I take the concept of governmentality from the work of Michel Foucault, understood it to mean the ‘techniques of government that underpin the formation of the modern state’ (Foucault 2007b, 388) but that are not restricted to it. In fact, Foucault rejects the overvaluation of the state and invites us to think ‘of a very complex power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument’ (108). This includes ‘the way in which the conduct of men is conducted (and serves as an) [...] “analysis grid” of power relations’ (Foucault 2007b: 218).
- 2 Only in four of the 33 years of the period between 1968 and 2001 were no disappearances recorded.
- 3 In that year, counting by the *Registro Nacional de Datos de Personas Extraviadas o Desaparecidas* (National Registry of Information of Missing or Disappeared Persons, RNPED for its Spanish initials) was suspended.
- 4 Although there are no complete databases, organisations that defend migrants, such as the *Red de Documentación de las Organizaciones Defensoras de Migrantes* (Network of Documentation of Organisations for the Defense of Migrants, REDODEM for its Spanish initials) and the *Movimiento Migrante Centroamericano* (Central American Migrant Movement) have denounced the disappearance of tens of thousands of migrants.
- 5 To that record, another 342 people found dead should be added.

Acknowledgments

This article was originally published in Spanish in the journal *Historia y Grafía* n.º 56 (2020): 17–52. <https://doi.org/10.48102/hyg.vi56.355>. We thank the editors of the journal for the permission for reprinting the article in this volume.

This work was undertaken within the framework of the Grupo de Trabajo Memorias Colectivas y Prácticas de Resistencia (Group for Collective Memory Work and Practices of Resistance), part of the network of Clasco WG.

Bibliography

- Calveiro, Pilar. 2012. *Violencias de Estado. La guerra antiterrorista y la guerra contra el crimen organizado como formas de control global*. Buenos Aires: Siglo XXI.

- Calveiro, Pilar. 2019. *Resistir al neoliberalismo. Comunidades y autonomías*. Mexico City: Siglo XXI.
- Castillo García, Gustavo. 2018. 'En "trámite" 244 investigaciones previas que dejó la extinta Femosp'. *La Jornada*, March 3.
- CNB. Comisión Nacional de Búsqueda de Personas. 2020. 'Informe sobre fosas clandestinas y registro nacional de personas desaparecidas o no localizadas'. Mexico City: Secretaría de Gobernación.
- CMDPDH. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos. 2019. Reporte Índigo. 'Elementos de seguridad. Los otros desaparecidos'. <https://www.reporteindigo.com/reporte/los-otros-desaparecidos-elementos-seguridad-familias-victimas-agravios-negligencia-busqueda>. Accessed June 27, 2020.
- Desinformémonos. 2019. 'Estado minimiza búsqueda de desaparecidos en San Fernando'. *Desinformémonos*, March 13. <https://desinformemonos.org/estado-minimiza-busqueda-de-desaparecidos-en-san-fernando>.
- El Universal. 2019. 'AMLO declara el "fin de la política neoliberal"'. *El Universal*, March 17. <https://www.eluniversal.com.mx/nacion/amlo-declara-el-fin-de-la-politica-neoliberal>.
- Enciso, Angélica. 2020. 'Gobernación: 61637 cifra total de desaparecido'. *La Jornada*, January 7. <https://www.jornada.com.mx/ultimas/politica/2020/01/07/gobernacion-61-mil-637-cifra-total-de-desaparecidos-3869.html>.
- Estrada, Jairo. 2008. *Capitalismo criminal*. Bogotá: Universidad Nacional de Colombia.
- Foucault, Michel. 2007a. *Nacimiento de la biopolítica*. Buenos Aires: Fondo de Cultura Económica.
- Foucault, Michel. 2007b. *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, edited by Michel Senellart. Translated by Graham Burchell. Basingstoke: Palgrave Macmillan.
- Fundación para la Justicia. 2011. 'Fosas clandestinas en San Fernando, Tamaulipas'. <https://www.fundacionjusticia.org/47-fosas-con-193-restos-en-san-fernando-tamaulipas/#:~:text=Un%20a%C3%B1o%20despu%C3%A9s%20de%20la,b%C3%BAsqeda%20en%20todo%20el%20municipio>. Accessed December 20, 2019.
- Gatti, Gabriel, Ignacio Irazusta and María Martínez. 2019. 'La desaparición forzada de personas: Circulación transnacional y usos sociales de una categoría de los derechos humanos'. *Oñati Socio Legal Series*, 9 (2): 145–154.
- González, Everardo. 2018. La libertad del diablo. Documental. https://www.ivoox.com/documental-la-libertad-del-diablo-audios-mp3_rf_24574807_1.html. Accessed June 18, 2018.
- González Villarreal, Roberto. 2012. *Historia de la desaparición*. Mexico City: Terracota.
- Guevara Bermúdez, José Antonio and Lucía Chávez Vargas. 2018. 'La impunidad en el caso de la desaparición forzada en México'. *Eunomía. Revista en cultura de la legalidad*, 14. doi:10.20318/eunomia.2018.4161.
- Infobae. 2019. 'La tragedia olvidada de Allende'. *Infobae*, June 27 <https://www.infobae.com/america/mexico/2019/06/27/la-tragedia-olvidada-de-allende-un-fin-de-semana-que-dejo-desaparecidos-muertos-y-destruccion-a-manos-de-los-zetas>.
- Navarro, Myriam. 2018. 'Desapariciones en Nayarit'. *La Jornada*, April 20.
- ODIM. Observatorio sobre Desaparición e Impunidad. 2018. 'Informe sobre desapariciones en el estado de Nuevo León con datos de CADHAC'. https://www.flaco.edu.mx/sites/default/files/observatorio_-_informe_nuevo_leon.pdf.

- Ovalle, Paola and Alfonso Díaz Tovar. 2016. *Reco. Arte comunitario en un lugar de memoria*. Mexicali: UABC.
- Presidencia de la República. 2020. 'La nueva política económica en tiempos del coronavirus'. <https://presidente.gob.mx/wp-content/uploads/2020/05/LA-NUEVA-POLITICA-ECONOMICA-EN-LOS-TIEMPOS-DEL-CORONAVIRUS-15-MAYO-2020.pdf>. Accessed June 28, 2020.
- Rangel Lozano, Claudia. 2012a. 'Introducción'. In *Desaparición forzada y terrorismo de Estado en México*, edited by Andrea Radilla and Claudia Rangel Lozano, 21–35. Mexico City: Plaza y Valdés.
- Rangel Lozano, Claudia. 2012b. 'La recuperación de la memoria mediante testimonios orales. La desaparición forzada de personas en Atoyac, Guerrero'. In *Desaparición forzada y terrorismo de Estado en México*, edited by Andrea Radilla and Claudia Rangel Lozano, 85–133. Mexico City: Plaza y Valdés.
- Rea, Daniela. 2015. *Nadie les pidió perdón. Historias de impunidad y resistencia*. Mexico City: Editorial Tendencias.
- REDIM. 2017. 'Red por los Derechos de la Infancia en México "Desapariciones de menores"'. *La Jornada*, September 14.
- RNPED. Registro Nacional de Datos de Personas Extraviadas o Desaparecidas. 2018. <https://www.gob.mx/sesnsp/acciones-y-programas/registro-nacional-de-datos-de-personas-extraviadas-o-desaparecidas-rnped>.
- Rome Statute of the International Criminal Court. 1998. Vol. 2187 UNTS 90.
- Sánchez Serrano, Evangelina. 2012. 'Terrorismo de Estado y la represión en Atoyac, Guerrero durante la guerra sucia'. In *Desaparición forzada y terrorismo de Estado en México*, edited by Andrea Radilla and Claudia Rangel Lozano, 85–133. Mexico City: Plaza y Valdés.
- Tassin, Étienne. 2017. 'La desaparición en las sociedades liberales'. In *Desapariciones. Usos locales, circulaciones globales*, edited by Gabriel Gatti, 99–116. Bogotá: Siglo del Hombre Editores, Universidad de los Andes.
- Turati, Marcela. 2011. *Fuego cruzado*. Mexico City: Grijalbo.
- Turati, Marcela. 2015. 'El Pozolero, un albañil que terminó disolviendo en sosa cáustica 300 cadáveres'. *Proceso*, June 5. <https://www.proceso.com.mx/reportajes/2015/6/5/el-pozolero-un-albanil-que-acabo-disolviendo-en-sosa-caustica-300-cadaveres-148002.html>.
- Vélez Salas, Alejandro. 2016. *Narrativas interdisciplinarias sobre desaparición de personas en México*. Ciudad de México: CNDH.
- Vicente Ovalle, Camilo. 2019. *[Tiempo Suspendido]: Una historia de la desaparición forzada en México, 1940–1980*. Ciudad de México: Bonilla Artigas Editores.

4 Violence regimes and disappearances

Some reflections from the north-east region of Mexico

Karina Ansolabehere and Alvaro Martos

Introduction

Mexico is experiencing a human rights crisis (Anaya-Muñoz and Frey 2019), triggered by the so-called ‘war on drugs’, which was declared by the former president Felipe Calderón in 2006. One of the ways in which this crisis is expressed is the disappearance of thousands of people within the context of a post-transitional electoral democracy. Between 2007 and April 2021, more than 80,000 people have disappeared and are still missing.¹ What framework of violence makes these disappearances possible and allows it to be thought of as, to some extent, acceptable? In answer to this question, we observe that these disappearances were framed by different violence regimes. In this chapter, we analyse the north-eastern region of Mexico in order to illustrate the fertility of the notion of ‘violence regimes’, which we believe can complement existing discussions and allow us to think about the contemporary contexts in which these human rights violations take place. In short, we propose that disappearances can happen within different violent regimes.

The reflections here are the result of work that we have developed at the *Observatorio sobre Desaparición e Impunidad en México* (Observatory on Disappearance and Impunity, ODIM for its Spanish initials) since 2015 (ODIM 2020).² This is a collaborative project between Mexican and foreign universities and civil society organisations, focused on the analysis of the dynamics of disappearances in the north-eastern region, which contains in the states of Coahuila, Nuevo León and Tamaulipas. In these five years of intense work, we have learned and unlearned many things about disappearances in a post-transitional environment such as Mexico (Ansolabehere et al. 2021), in which the above-mentioned human rights crisis occurs in the context of an electoral democracy. This project works with multiple sources of information, including the documentation of disappearance events carried out by civil society organisations. Through the analysis of these documented events, we identify the dynamics of disappearances in the region and contextualise them through secondary information on violent practices present in the territory. The unofficial information that these organisations collect from the testimonies of victims who approached them has many

strengths, particularly in a situation where the central characteristic of this violation of human rights is the hiding of the whereabouts of disappeared persons and the information about their disappearances. These documentation exercises allow victims, activists, and academic researchers in the field to build a record, helping to articulate demands for truth, justice and the memory of the disappearances at the local level.³

For the majority of this journey, the overwhelming feeling was that we needed to adapt and recreate the analytical tools through which we approached disappearances in Coahuila, Nuevo León, and Tamaulipas in order to track the pathways we identified. This was in part because the disappearances did not occur in a vacuum, they resulted from overlapping forms of violence located in specific times and places. These forms of violence do not strictly match with the idea of state terrorism or armed conflict. The rules and features of these overlapping forms of violence are what constitute a violence regime.

This situation led us to undertake two tasks. On the one hand, we refined our analytical tools to better understand what was happening in north-eastern Mexico and contribute to the cause of victims and human rights organisations there. On the other hand, we tried to locate these specific disappearances within the universe of disappearances by dialoguing with the relevant literature on the phenomenon in the social sciences. This latter purpose drives us to first look at the logics of disappearances (Payne and Ansolabehere 2021) and then at the violence regimes these logics were inserted into.

In what follows of this chapter, we first present the analytical framework on which we rely. Second, we lay out the methodological strategy that we used to analyse the regime of violence and its relationship with the logics of disappearance in north-eastern Mexico. Thirdly, we present our empirical analysis of the regime of violence and its relations with the logics of disappearance we have identified. Finally, we present our final remarks.

Analytical framework: the violence regime and logics of disappearance

The analytical framework of this chapter is based on two components: logics of disappearance and violence regimes. We start from the basis that disappearance is a social practice which clearly has localised meanings (Robledo Silvestre 2016). In north-eastern Mexico the term disappearance relates to the ‘war on drugs’ initiated by President Felipe Calderón in 2006. However, the original connotations of this notion were linked to state repression of the military dictatorships of the Southern Cone (Dulitzky 2019; Frey 2009). As the category was transnationalised (Gatti 2017), these original meanings have now expanded.

The notion of logics of disappearance is part of an effort to propose a holistic approach to disappearances as a broad social phenomenon. This approach seeks to take into account different perspectives on disappearance developed in the fields of history, political science, sociology, social

psychology, and economics (Payne and Ansolabehere 2021). In this enterprise we find four logics of disappearance: clandestinity, the characterisation of the disappeared as disposable people, a sense of ambiguous loss for the families, and political economy. These logics converge when disappearing persons becomes a generalised social practice. In Mexico the generalised character of the disappearances has been pointed out by the Committee on Enforced Disappearances (hereinafter CED) in its Concluding Observations to the report submitted by Mexico under article 29, paragraph 1, of the United Nations Convention in 2015. At this time, the CED reported that ‘the information received by the Committee reveals a situation of widespread disappearances in much of the State party’s territory, many of which may be classified as enforced disappearances and some of which occurred after the Convention’s entry into force’ (CED 2015, 2). The notion of logics of disappearance allows us to identify common denominators between the practice of disappearances (Mandolessi 2021) whilst recognising their specific features in different places and times. Nevertheless, our analysis will be focused on the case of the north-eastern region of Mexico where we were able to conduct in-depth research.

We choose the notion of logics to refer to the types of sequences of events that happen around disappearances at different levels. For example, we find the same logics of disappearances during Argentina’s military dictatorship and Mexico’s ‘war on drugs’: clandestine acts, treatment of the disappeared as a disposable population, ambiguous loss for their families, and a political economy of disappearances. However, the specific characteristics of these logics are different in each case. The clandestine logic in Argentina was related to state repression of political opponents and the lacunae of the law, while, in Mexico’s ‘war on drugs’, the clandestine acts are multidirectional from both state and non-state actors. Nonetheless, the neglect of different levels of the state to investigate is a common denominator. The treatment of the targets as political enemies (*subversivos*) in Argentina and the treatment of victims as allegedly tied to organised crime (*vinculados al narco*) in Mexico are different, but both share the stigma of being considered part of dangerous groups and disposable populations. In Argentina, the ambiguous loss experienced by the relatives of the victims share similar features with the kinds of loss that Mexican relatives of the victims live with, but the ways in which these feelings are expressed depends on the political, cultural, and social context of the victims. In both Argentina and in Mexico, there is a political economy behind disappearance. In Argentina, however, this is related to the intention to silence any kind of opposition to the military and the political and economic order it is trying to establish, while in Mexico the political economy is related to the control of the population and territories under dispute in illicit markets.

The main features of each of the four logics are as follows. The logic of clandestinity refers to a constitutive feature of how disappearances are perpetrated. The message of the absence and the uncertainty about the situation

of the victims is powerful, generating fear and political control of groups and populations (Calveiro 1998). Clandestine action is a tactic to meet specific goals of the perpetrators, such as eliminating people who are considered dangerous, that would end when that goal is reached (Aguilar and Kovras 2019). Regarding cost-benefit explanations of state repression, states repress when they consider the benefits of the repression or human rights violations to be greater than their cost (Davenport and Armstrong 2004). In this calculus, the visibility of the crimes is one of the main components in the equation. When the violence is less visible, perpetrators stand a greater chance of avoiding scrutiny and accountability. In some contexts, disappearance may be the most convenient practice from the point of view of the perpetrators because of the fear or disorientation that it produces and because it can be denied: without a body, there is no crime.

Regarding the logic of the 'disposable population', (Butler 2017) refers to the fact that, when disappearances are generalised, a simultaneous process of social and political normalisation occurs through the characterisation of the victims as members of a group that is especially dangerous for society: the subversives, the communists, the criminals. To the extent that not all lives are valued in the same way, there are some whose absence could be construed as justified. Analysis of disappearances in different contexts shows consistency with this pattern in which people who disappear already occupied a marginal place in the social space (Willis 2015).

The logic of ambiguous loss (Boss 1999) focuses on the experiences of the families of the disappeared. These families do not know the status of their loved ones, did not know what to do when the disappearance first happened for fear that their actions would have consequences for their loved ones, and at the same time are blamed and isolated by their communities and families because of the social stigmatisation of disappeared persons (Antillón 2018; Verástegui González 2018).

The economic logic or political economy of disappearance refers the economic events linked with the disappearances. As recent studies on corporate responsibility for human rights violations in Colombia and Argentina during the last military dictatorship have shown (Payne and Pereira 2016), the economic interests of companies operated in collaboration with the state authorities to disappear union leaders and even hosted detention centres in corporate facilities during the military dictatorships of the Southern Cone and the Colombian armed conflict. In other words, even when the main purpose of disappearing people during military dictatorships was to eliminate political opponents, in some cases these political opponents were unions leaders or workers whose companies were abetting, allowing, or encouraging practices of state terrorism against their employees. The economic logic of disappearance is also part of the cause of disappearances when the main intention of the perpetrators is to obtain money through ransom or to eliminate opposition to large scale development projects, such as mining for gold, building hydroelectric dams, and fracking for shale gas.

However, disappearances do not occur in a vacuum. As with other human rights violations, when violence increases, disappearances increase (Poe et al. 2006). The study of disappearance events in Coahuila, Nuevo León, and Tamaulipas allows us to identify different violences that overlap and link, constituting contextual frameworks where disappearances take place. In the time and place where disappearances occur, different violences carried out by a multiplicity of state and non-state actors (Arias and Goldstein 2010) oriented to control populations and territories occur too, and are traversed by the particularities of their subnational context (Hilgers and Macdonald 2017; Trejo and Ley 2020). The notion of violence regimes is intended to highlight the diversity of overlapping forms and agents of violence that may converge, cooperate, or compete at the same time and in the same space. In line with our research findings about the causes of the uneven distribution of violent practices (Durán-Martínez 2018; Kalyvas 2006), we also observe that violence is not homogeneous throughout the whole region. Not all disappearances are perpetrated by state agents directly. The act of disappearing can result from different process, from state repression to gendered violence. The recognition of this diversity of actors and practices framing the logics of disappearances is what prompted us to conceive of the notion of violence regimes in order to capture particularities of the exercise, access, and circulation of the means of violence.

If we were to focus solely on violence perpetrated by the state, in the most classic sense of the human rights perspective, we would be leaving out violence perpetrated by armed non-state agents that also resulted in disappearances. We would also be leaving out collaborative networks between state and non-state agents that commit acts of violence. These rules on the access, use, and circulation of the means of violence reflect complex configurations of relationships between state and non-state agents that call into question two narratives linked to disappearances in north-eastern Mexico: one that considers the disappearances to be a result of the settling of accounts between members of organised crime, and another that reads the phenomenon in terms of state repression. The results of our research show that, in isolation, neither of these narratives was sufficient to understand the dynamics we were observing because both coexisted and even overlapped (ODIM 2017).

We define *violence regimes* as the set of formal and informal rules governing the access, use, and circulation of violence at a given time and place. The place may be the territory of a country, a state, a municipality, a region, etc.. Just as the notion of logics of disappearance allows us to identify the common denominators of the practice, the notion of violence regimes allows us to approach the phenomenon from the opposite direction. Through this concept, we situate these logics in violent environments with specific characteristics defined by the constitutive rules of the regimes about who and what is acceptable and who and what is not acceptable.

The focus on identifying the rules of violence in specific places and times is what differentiates the notion of violence regimes from others used in the

field, such as necropolitics (Mbembe 2019) and neoliberal governmentality (Calveiro 2019; Calveiro 2020). These notions—necropolitics and neoliberal governmentality—came from neo-Foucauldian approaches. They refer to the general underlying power structures that regulate life and death relations in peripheral capitalism, where not only life but death becomes a business and where the state has given space to the market in the regulation of life. Without denying the descriptive potential of these notions, the concept of violence regimes seeks to recover the mezzo level in the analysis by identifying the specific rules that regulate localised violence and the actors involved in it and suggesting that, amongst different regions or areas of a country, not one but many violence regimes can coexist. Without denying the existence of macro-social structures linked to capitalist forms of power, structuring influence over life and death, we place emphasis on the formal and informal guidelines that regulate violent behaviour and on the interactions between actors that allow violence or accept it. To a certain extent, this emphasis on the rules drives us to the central actors in their development, enforcement, and compliance. On the other hand, the reference to violence regimes not only implies a change in the level of analysis of structural approaches, but also a change in scale. The concept not only takes into account the state as an authority in a territory and on the population, but also the specific configurations of power within a state, hence our interest in the local level. Finally, while the notions of necropolitics and neoliberal governmentality suppose a critical approach that we consider fundamental, the notion of violence regimes is based on a constructivist approach to the problem insofar as it concentrates on the configuration of rules that define adequate and inadequate violence between specific actors at a specific time.

Also, in the approaches based on necropolitics and biopolitics, disappearances are not the main expressions of the devices for the regulation of life and death that is typical of the neoliberal stage of capitalism. Disappearances sit alongside prisons, femicides, homicides, migration, and deaths justified as collateral damage or ‘false positives’. Disappearances are not always followed by death and the irreducibility of the figure of the disappeared person to a dead person suggests the need to take caution with notions such as necropolitics and biopolitics, which are centred on the binary of life/death. The idea of violence regimes starts from the specificity of the logics of disappearance, among them ambiguous loss, an absence that is not resolved in life nor as death. The idea of the regime of violence seeks to embed these logics into the current guidelines for the exercise of violence by trying to open the black box of violence, its specific guidelines, and its leading actors that allow us to identify differences in their particularities.

In short, we decided to talk about violence regimes, because the concept of regimes has a history in the social sciences. Even when it has different meanings, its common core is the reference to the written and unwritten guidelines or rules that make possible a certain social phenomenon. For example, the exercise of political power or the way in which something is

considered true in different spaces of social life. Meanwhile, we define violence (a particularly controverted concept) in its most extreme manifestation: acts aimed at destroying another person or group of people (Wieviorka 2018).

As we have already mentioned, the exercise of violence is not only acts, it is acts that conform to what is admitted within the regime. For example, in a given place at a certain moment, those who exert violence are criminal and state agents, often in a collaborative relationship, but in another place, at the same time, there may be a different regime of violence in which the central actors are federal state agents. Each of these agents or networks will have actions that are either prohibited or allowed, for example torture, disappearance, executions, etc.

It is from this analysis that we propose a dialogue that situates the logics of disappearance in specific violence regimes. To the extent that our work focuses on the northeastern region of Mexico, the violence regime we identify includes criminal violence, state violence, and other types of violence that overlap. We propose that the violence regime, with its particularities, is the context that allows us to situate the logics of disappearance in time and place.

In accordance with the previous development, our analytical framework is outlined as follows:

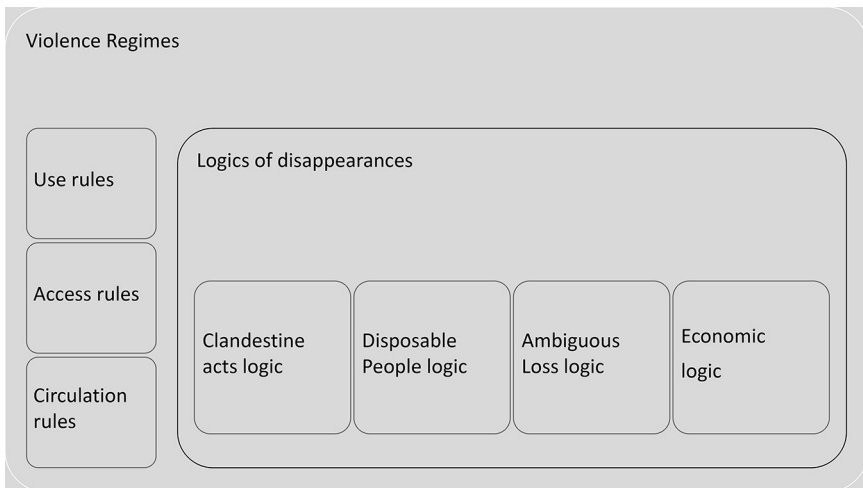


Figure 4.1 Framework
 Source: Own elaboration.

In the following section we describe the methodology and sources used to analyse the violence regime in north-eastern Mexico.

Methodology

To demonstrate the utility of the notion of violence regimes to frame the logics of disappearance, we use a methodological strategy that delimitates both concepts in order to be able to analyse them empirically and show how logics of disappearance are shaped by violence regimes. For this, we use different sources of information and different data analysis techniques to understand the disappearances in north-eastern Mexico and the violence regime that operated there from 2007–2018.

The relationship that we postulate between the violence regime and the logics of disappearance is one of framing: the particularities of the logics of disappearance identified at a given time and place acquire meaning from the main operating mechanisms of the violence regimes.

To characterise the logics of disappearance in north-eastern Mexico, we are guided by the following matrix.

Table 4.1 Logics of disappearances

<i>Logic</i>	<i>Definition</i>	<i>Expectation</i>	<i>Categories</i>
Clandestinity	Refers to the different manifestations of the concealment of the whereabouts of the disappeared persons.	The lack of information on the whereabouts of the disappeared persons is a manifestation of the clandestine actions of the perpetrators, which, in the region, may be multiple.	Proportion of people who remain missing Witnesses to disappearances events Missing information
Disposable population	Refers to the social characteristics of the victims and the social imaginaries about them.	The victims are stigmatised and blamed for their disappearance. In general, they belong to social sectors that already occupied a subordinate place before the disappearance.	Sex Age Occupation Education level Position of the authorities regarding the phenomenon
Ambiguous loss	This refers to the particularity of the loss suffered by the families of the disappeared persons.	Families live in a situation of permanent uncertainty and disorientation, as well as an initial fear of the potential consequences of the actions they can perform. Additionally, they are commonly ostracised by their own families and communities.	Testimonies from relatives of the disappeared about their experiences.

<i>Logic</i>	<i>Definition</i>	<i>Expectation</i>	<i>Categories</i>
Political economy	Economic rationale and consequences of disappearances.	Disappearances have a dimension of economic benefit and motivation for the perpetrators, and of economic damage for the victims and their families.	Occupation of victims Evidence of labour exploitation and forced recruitment

To empirically analyse the violence regime, in accordance with the concept we have constructed, we also take into account the following dimensions.

Table 4.2 Violence Regimes

<i>Dimensions</i>	<i>Definition</i>	<i>Expectation</i>	<i>References</i>
Access rules	This refers to the guidelines that regulate the possibility of exercising violence at a specific time and place. Access can be wide or restricted. When access is broad, different actors can exercise violence. When it is restricted, only a few actors can exercise violence.	The number and relationships of the actors who can exercise violence account for the way in which these practices are configured at a given time and place.	Actors who exert violence in a given territory within a certain period of time.
Rules of use	They determine which practices are considered acceptable or unacceptable at that a specific time and place	The rules of use allow the commission of aberrant acts aimed at destroying the other and making these practices visible.	Type of acts of violence committed in a territory at a given time. For example, extrajudicial executions, massacres, and exposure of bodies on public roads.
Rules of circulation	Refers to how means of violence are exchanged for other goods and services. Violence itself has an exchange value.	Identifying the circulation rules allows us to make visible the relationship mechanisms that operate between different actors with the capacity to exercise violence in a place and at a specific time.	Forms of competition or coordination between actors that exercise violence and influence.

To build the empirical references of our two fundamental categories, we use a variety of primary and secondary sources of information: from the database of disappearance events described below, through testimonies, interviews, documentary analysis, and consultation of secondary information.

The database on disappearance events in north-eastern Mexico built by the ODIM was key to characterising the logics of disappearance. In the database,

events of disappearance were systematised from the records of civil society organisations and family member groups in the region. This follows the model Patrick Ball (1996) outlined in *Who Did What to Whom?* as well as that of the Human Rights Information and Documentation Systems (HURIDOCs) network (Dueck et al. 2007). The database allows us to have an overview of the following:

- 1 The type of information available and its limitations.
- 2 The characteristics of the victims.
- 3 The characteristics of the perpetrators in cases where this information was available.
- 4 The characteristics of the disappearance events: when they occurred, how they occurred, and where they occurred.
- 5 The outcome of the disappearances. That is, whether people remain missing, were found alive, or were found dead.
- 6 The first response of the state when relatives asked authorities to denounce the act or for information about the whereabouts of their loved ones.

This database registers all the cases that met these characteristics, regardless of how long ago contact was lost. This abides by the definition of disappearance used by the ODIM which emphasises the victim's loss of contact with their family members.⁴ The database consists of a total of 1,633 cases of disappearance across 18 states, of which 1,364, equivalent to 83 percent of the total, occurred in Coahuila, Nuevo León, and Tamaulipas. These make up the sample used for the analysis we present below.

Statistical processing software (R, SPSS, Stata and Excel) and geographic information systems (QGIS) were used for data analysis and for building maps and spatial representations of the data. The main parameters obtained were based on counting procedures, descriptive statistics calculations by variables and bivariate analysis, which took into account the characteristics of the data used (mostly categorical).

As is well known, different sources of information present different biases. Our database is not an exception. The data collected by human rights NGOs through the testimony of the victims' relatives expresses the point of view of the mothers, sisters, brothers, and spouses about the facts around the disappearance. The accuracy of the information and the difficulties of checking the information against more than one source are two of the main shortcomings in the use and analysis of this kind of data. However, we chose to work with the information documented by civil society organisations and victim groups as a way to contribute to the visibility of their demands and situations. Moreover, in the context of widespread impunity, their point of view offers comparative advantages compared to other types of sources like judicial records. The database shows considerable asymmetry between the events registered in Nuevo León and Coahuila and those registered in

Tamaulipas, which incidentally is one of the states with the largest number of disappeared persons in the country according to official sources and the National Crime Victimization Survey. This is because the information about Tamaulipas was accessed from documentation by *Ciudadanos en Apoyo a los Derechos Humanos, A.C.* (Citizens in Support of Human Rights, A.C., CADHAC for its Spanish initials) in Nuevo León and *Centro Diocesano para los Derechos Humanos Fray Juan de Larios* (Fray Juan de Larios Diocesan Centre for Human Rights, Fray Juan) in Coahuila. Due to security considerations, the project team did not travel to Tamaulipas as it did to the other states. All this is to say that the lesser number of cases of Tamaulipas does not reflect a lower number of actual disappearances, rather it is an expression of the problems of violence that plague the state and the difficulties of analysing a phenomenon like this in the field.

Next, the main features of the regime of violence in north-eastern Mexico and the logics of disappearance in the region are described in order to show the contribution made by analysing disappearances within the framework of a specific regime of violence. It is important to note that analysing the north-eastern region is especially relevant for two reasons. In the first place, because it is a territory in which the balance between the criminal groups themselves was broken, and a strategy to control their violence was developed based on joint operations between the army, the navy, the federal police, and the state police, while the practice of disappearance spread in the area over a similar period. Secondly, because the work that civil society organisations had undertaken to document the phenomenon enabled us to deepen the analysis of the events of disappearance.

Violence regime: plurality of violence, plurality of disappearances

During the most critical moments of the practice of disappearance in north-eastern Mexico, we identify a violence regime characterised by the participation of a multiplicity of state actors from the three levels of government, as well as non-state actors. The latter are primarily criminal groups, sometimes working together in cooperative relationships and at other times competing with one another. In other words, in this context we can identify a violence regime characterised by the coexistence of diverse violences: state, criminal, and state-criminal, in which different scales of federal, state, and municipal violence converge.

The north-eastern region shares a series of characteristics that allow it to be considered as a geographical, economic, social, political, and also violent unit. One of the more distinctive traits of the region is its border with south Texas, which makes it a geostrategic region for both legal and illegal trade and the exchange of people, goods, and services. In turn, 'its location makes it the shortest route from Central and South America to transport drugs by land, sea and air to distribution centers in Texas' (Vázquez Galán and Corrales 2017, 132). This location also provides a wide network of road

infrastructure and communications that include the Mexico-Nuevo Laredo highway corridors branching to Piedras Negras, Veracruz-Monterrey with a branch to Matamoros (from south to north), and Mazatlán-Matamoros (from west to east). There are also the rail networks concessions granted by *Ferromex* (Ferromex Railway) and *Kansas City Southern de México* (KCSM), which are the main networks of the Mexican rail system (SCT 2020). Added to this are the ports of Altamira, Tampico, and Matamoros in Tamaulipas which, alongside the road network, make Tamaulipas the state with the greatest connectivity in the region. Tamaulipas is thus a key territory within the region. Due to its location, it not only has a long coastline in the Gulf of Mexico, but its long border with the United States makes it the area with the largest number of crossing points to its northern neighbour, with 18 international crossings.

Another common characteristic in these states is the high concentration of population in a small group of cities: six cities in Nuevo León, 15 in Coahuila and 15 in Tamaulipas. Also, it is important to mention the relevance of border towns such as Nuevo Laredo, Rio Bravo, Reynosa and Piedras Negras. These are the urban agglomerates where the majority of disappearances are concentrated. This concentration allows us to take up the hypothesis proposed by Schmidt Nedvedovich et al. (2017), who assert that violence in Mexico follows a spatial pattern correlated with territories of drug production, distribution routes, and the presence of natural resources, mainly in the northern area of the country.

Related to these characteristics of the region, to understand its violence it is necessary to consider the practices of criminal groups that operate in the border area, as well as the beginning of the ‘war on drugs’ in 2006. Based on the statistics related to violence in Mexico in recent years, an academic consensus points to the open battle against drug trafficking promoted by the federal government under President Felipe Calderón as the trigger for the dramatic increase in homicides recorded from 2007 onwards (Galindo et al. 2018). This increase was the product of the breakdown of existing balances between different levels of the state and criminal groups, as well as between criminal groups themselves. The graph below shows the upward trend of intentional homicide rates after 2009 in the states of the region (see Figures 4.2 and 4.3).

The lights and shadows of democratic development cannot be separated from the course of violence at the subnational level. In the three states of the region there are free and competitive elections and in two of them, Nuevo León and Tamaulipas, there was political change during this time. Coahuila, for its part, is one of the few states in the country that did not have a political turnover and has been governed by the *Partido Revolucionario Institucional* (Institutional Revolutionary Party, PRI for its Spanish initials) for more than 90 years. In all three, the autonomy of the state, meaning the ability of the state to make policy decisions independent from social actors, has been under attack by cartels. When this dispute was more intense, so was

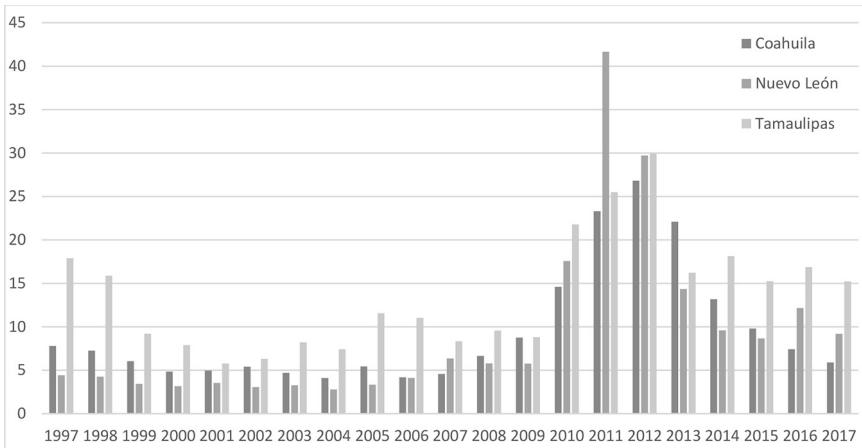


Figure 4.2 Intentional homicide rate per 100,000 inhabitants by north-eastern states. * Preliminary figures consulted on August 20, 2017, cut-off to July 31, 2017
 Source: Own elaboration based on ‘Incidencia delictiva’ (Criminal incidence), Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (Executive Secretariat of the National Public Security System—SESNSP 2017).

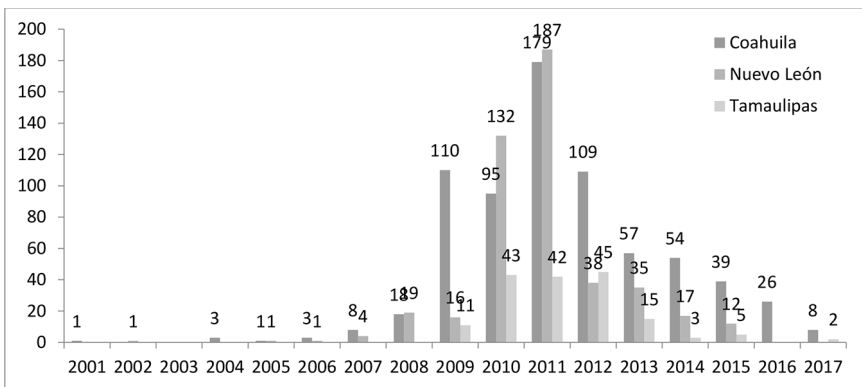


Figure 4.3 Yearly disappearances by state
 Source: prepared by the authors based on data from the ODIM constructed through the information documented by Fray Juan, CADHAC, Grupo Vida, Alas de Esperanza and Familias Unidas.

the violence and the disappearances. This reveals a trade-off, similar to the one described by Durán-Martínez (2018), who showed that when states seek to gain autonomy from criminal groups, they may lose their ability to control violence. In other words, the change from a cooperative to a competitive relationship between local governments and criminal groups may be expressed in a loss of control of the violence exercised by criminal groups.

There is coordination as well as competition between governments and criminal groups. The links between political power and organised crime are not a recent phenomenon. They have their origins in the late 1970s when the Gulf Cartel began to expand and consolidate an extensive network in the state of Tamaulipas at the municipal, state, and even federal level. The Cartel also exerted control over the media, with the aim of forcing cooperation between dissident actors (Correa-Cabrera 2014; Correa-Cabrera et al. 2015; Flores Pérez 2014). Faced with this, the authorities established a pattern of containment and control based on corruption and negotiation with criminal networks (Bataillon 2015). This strategy ended up calling into question the monopoly of the legitimate use of violence in the hands of the state and displaced socio-political control into the hands of private agents (Correa-Cabrera 2014; Correa-Cabrera et al. 2015). This dynamic highlights the fragility of the political order at the subnational level in the region, and in the country, as the corruption associated with drug trafficking directly affects the state by weakening its structures and even affecting national, public, and citizen security (Benitez Manaut 2016).

In an environment like the one described, it is not surprising that the frontiers between governments and legal and illegal private actors are blurred, which has led to the characterisation of these links as modalities of criminal governance or of captured states (Trejo and Ley 2018; Vázquez 2019).

In the three states, the different governments in charge of public administration during the period of time in question have been accused of corruption and ties to drug trafficking networks. In Coahuila, different governments and governors have been accused of different acts of corruption including the diversion of public money for the purchase and control of various communications media and an irregular increase in the state's public debt. For example, the former State Governor, Humberto Moreira was arrested in Spain on charges of corruption and money laundering and was mentioned during trials in the state of Texas for links with *Los Zetas*, one of the key criminal groups in the region during the period we analysed (UTSL-HR Clinic 2017). The Governor of Nuevo León in that period was also accused of acts of corruption (Expansión Política 2019) and the two Governors of Tamaulipas during the period of interest are being investigated, with one of them even being extradited to the United States (Aristegui Noticias 2018).

Disappearances in the north-eastern region must be analysed in the broader context of violence over the last 20 years. The activity of criminal groups linked to the trafficking of drugs, people, and weapons on the northern border with the United States—the main transit route for cocaine, marijuana, and heroin—is long-standing. When the balances between these groups were altered, violence increased (Correa-Cabrera 2017). Added to this were the failed security policies of the military fight against drugs over the last 40 years. The Mexican chapter of this strategy was deepened during the government of Felipe Calderón (2006–2012) and was continued by his successor Enrique Peña Nieto (2012–2018),

which resulted in a record increase in the rate of homicides, kidnappings, violent robberies and car thefts from one government to the next, according to data from the *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública* (Executive Secretariat of the National Public Security System, SESNSP for its Spanish initials—SESNSP 2019). From the federal government, the predominant strategy during the period we analysed concerned joint operations coordinated by the armed forces (army and/or navy) and federal as well as state police. Among the operations carried out in the region were: the Tamaulipas-Nuevo León Joint Operation in 2008 (Rea Gómez et al. 2019); the Northeast Operation, which included Nuevo León-Tamaulipas-Coahuila and San Luis Potosí, in 2010 (Notimex 2011); and the Laguna Segura Operation in 2011 (Dávila 2011). Note that these operations coincide with the beginning of the increase in disappearances.

For its part, it is also interesting to note that the strategy developed by subnational governments to address this problem was to replace police officers and to create new elite military police corps. This was the case with the *Fuerza Civil* (Civil Force) in Nuevo León, created in 2011 (FC, n.d.); the *Grupo de Armas y Tácticas Especiales* (Special Weapons and Tactics Team, GATE for its Spanish initials) created in 2009, which was converted into the *Fuerza Coahuila* (Coahuila Force) in 2016 (Fernández 2016); and the *Fuerza Tamaulipas* (Tamaulipas Force), also created in 2016 (Notimex 2016). Municipal police, less well-equipped and trained than their state and federal counterparts, have been repeatedly identified as deficient and in many cases co-opted by the criminal groups controlling their territory (Aguayo 2016). However, state governments carried out purges of the municipal police through various means such as trust tests, which at times included human rights violations against these police officers (CADHAC 2015).

These different violent actors—state and municipal police, armed forces, and criminal groups—are the same actors that we identified as the main perpetrators of the disappearances identified in the events that we analysed as part of the logic of clandestine acts (see Figure 4.4).

In the 36 percent of cases for which information is available, state agents from the three levels of government are identified as perpetrators in the proportions below (see Figure 4.5).

On the part of the armed and federal security forces in a democratic regime, there are incentives to disappear (or hide the whereabouts of) people in order to generate confusion and deny the practices used to eliminate targeted groups. The collective complaints that make the disappearances visible take time to be structured. This allows the government time to repress those who are considered dangerous. For criminal groups, the strategy of disappearances spread through *Los Zetas*, formed from military deserters, which coexisted with forms of publicly visible violence, such as the exposure of dead bodies in public spaces.⁵ Based on the few judicial investigations carried out (Aguayo and Dayán 2018; Vázquez 2019), there is evidence that one of the strategies of this group was the disappearance of different types of

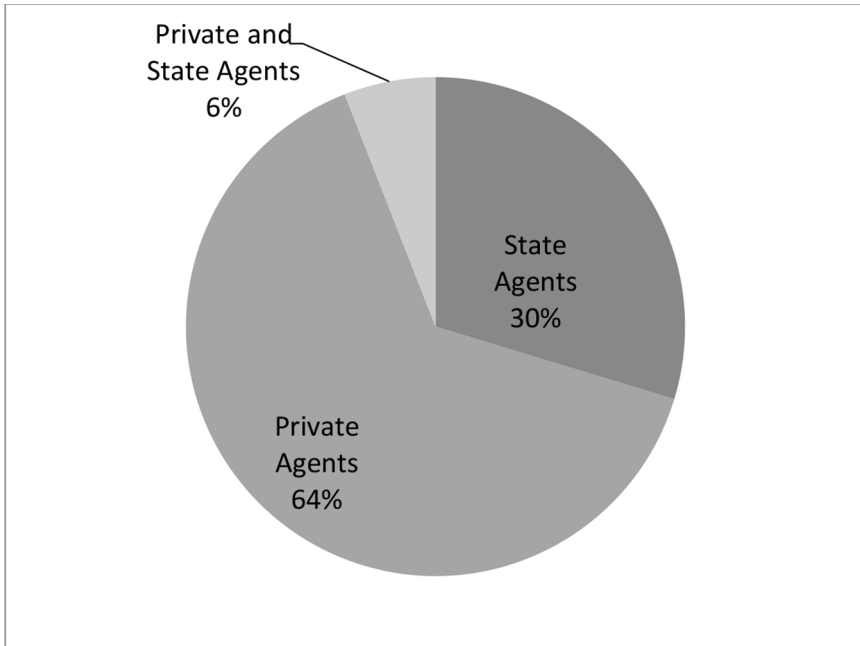


Figure 4.4 Type of perpetrator in north-eastern Mexico
Source: prepared by the authors based on data from the ODIM.

victims such as students and young girls, members of rival groups, civilians who refused to join them or cooperate with them, and authorities who did not want to be corrupted. Disappearing people also allowed for the pursuit of objectives such eliminating rivals, punishing members that deserted and inflicting harm on their families and communities, and recruiting forced workers. Regarding state police agencies, interviews carried out by the authors and reports from the region reveal the existence of repressive practices by state police against those who were considered to be dangerous due to suspected ties to criminal groups. This data also reveals networks of cooperation or corruption between state authorities and criminal groups. These networks provided protection to perpetrators and made disappearances possible by omission, at best, and through participation in criminal structures, at worst (Trejo and Ley 2020).

Clandestine logic is evident in the lack of information on how people disappear and in the high percentage of people who have not been located, either dead or alive. Only 21 percent of the cases have witnesses to the event of disappearance and in more than a half of the cases the method of capture by which the person was disappeared is unknown (Ansolabehere and Martos 2021) (see Figure 4.6).

These peculiarities of the violence regime where criminal groups are relevant is consistent with the idea that those who are victims are so because of

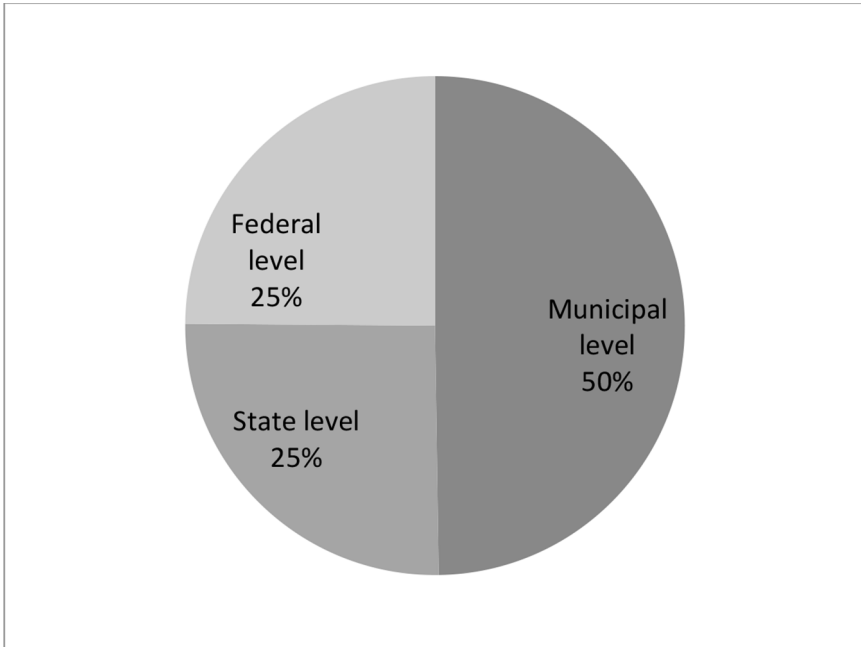


Figure 4.5 State agents identified as perpetrators by government level in the north-eastern region

Source: prepared by the authors based on data from the ODIM.

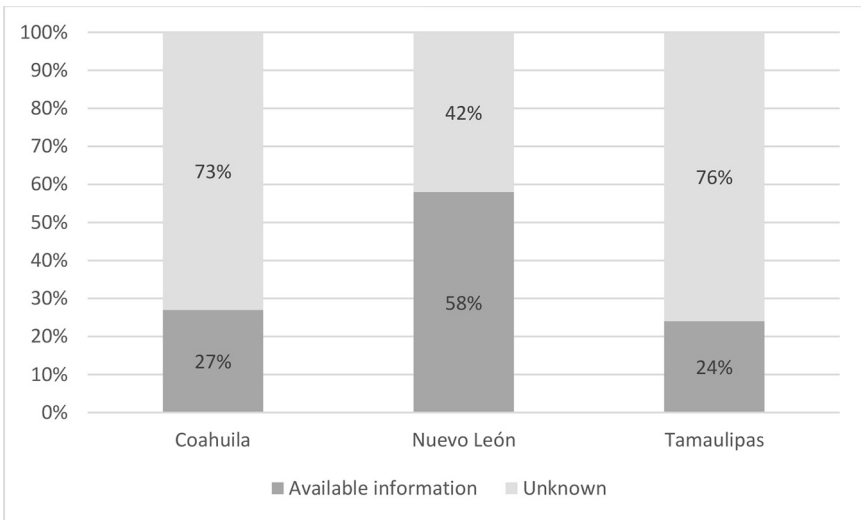


Figure 4.6 Availability of information on capture method by state

Source: Prepared by the authors based on data from the ODIM, with information documented by Fray Juan, CADHAC, Grupo Vida, Alas de Esperanza, and Familias Unidas.

their involvement in criminal activity. The official narrative of the ‘war on drugs’, in which the so-called *narcos* are the enemy to fight, is used to justify the violence as well as the disputes between criminal groups that seek to eliminate their rivals or control territories. These justifications and narratives form the symbolic substratum in which the violence regime operates (ODIM 2017). Although violence increased during the observed period, the main victims of it were not randomly distributed. They were young people, more men than women, with low educational levels (Schmidt Nedvedovich et al. 2017).

The profiles of the victims of disappearance and the justification for the disappearances in the north-eastern region of the country are consistent with the trend that we call the logic of disposable people. The disappeared in the north-eastern region were not part of the political, economic, social, or cultural elites of the subnational units. It is their disappearance, paradoxically, that made them publicly visible. They were young people, on average 30 years old, though in the case of the women they tend to be younger and poorer, with a basic level of education. Some 40 percent of the disappeared had received a basic level of education, followed by high school (18 percent) and university studies (ODIM 2020).

Only in 49 percent of cases do we have information on the occupation of the disappeared. Within this data, the most frequent occupations for disappeared women are domestic, cleaning and care workers (35 percent), students (20 percent), and small merchants and sales employees (14 percent). In the case of disappeared men, however, the most frequent occupations are small salesman or sales employees (20 percent), drivers (10 percent), and students (8 percent).

The victims of disappearance are not randomly distributed, they have a clear pattern and that pattern has to do with age and social status. Lower-class young people in contested spaces are considered disposable by both state agents and criminal groups. For the police forces this is because they are not members of the elite, and in many cases are seen as potential criminals or like a commodity to provide to criminal groups. In the case of criminal groups, it is because these young people are considered as potential recruits, enemies, or even a means to achieve other goals like replacing members of the group in jail.

Within a violence regime such as the one that operated in the region, it is not surprising that the population’s fear and mistrust of official institutions has increased. Coahuila, Nuevo León, and Tamaulipas are considered to have very high rates of impunity according to the Global Impunity Index (Le Clercq Ortega and Rodríguez Sánchez Lara 2018). Part of the mechanism that reproduces the violence regime is the underreporting of crimes to the authorities (INEGI 2018), which generates a spiral of silence. The percentage of crimes that go underreported has been termed the *cifra negra* (black figure). At the regional level, the *cifra negra* in Tamaulipas stands out. It is not only the highest in the region (except in 2012 and 2014 when it was

surpassed by Nuevo León), but also exceeded the national figure between 2012 and 2017 and has been increasing since 2014, reaching 96.4 percent in 2018. Tamaulipas and Nuevo León are among the states with the worst performance in underreporting as measured by the *cifra negra*, along with Chiapas, Sinaloa, Zacatecas, Nayarit, Guerrero, and the State of Mexico (see Figure 4.7).

This context provides a backdrop against which we can make sense of the multiple testimonies of relatives who tell of their disorientation and fear when their loved ones disappeared, as well as state agents demonstrating reluctance to attend to their cases, applying delaying manoeuvres when time is vital, or even dissuading them from making a claim (ODIM 2019; Anonymised interviews 1 and 2, March 2020)⁶ an example in this sense is that ministerial investigations do not look beyond the numbers of disappeared persons and the results of the searches for disappeared persons are limited. In 2018 in Coahuila, just two sentences were handed down for enforced disappearance and none for disappearance by private agents; in Nuevo León there are none at the state level, nor were there any in Tamaulipas.

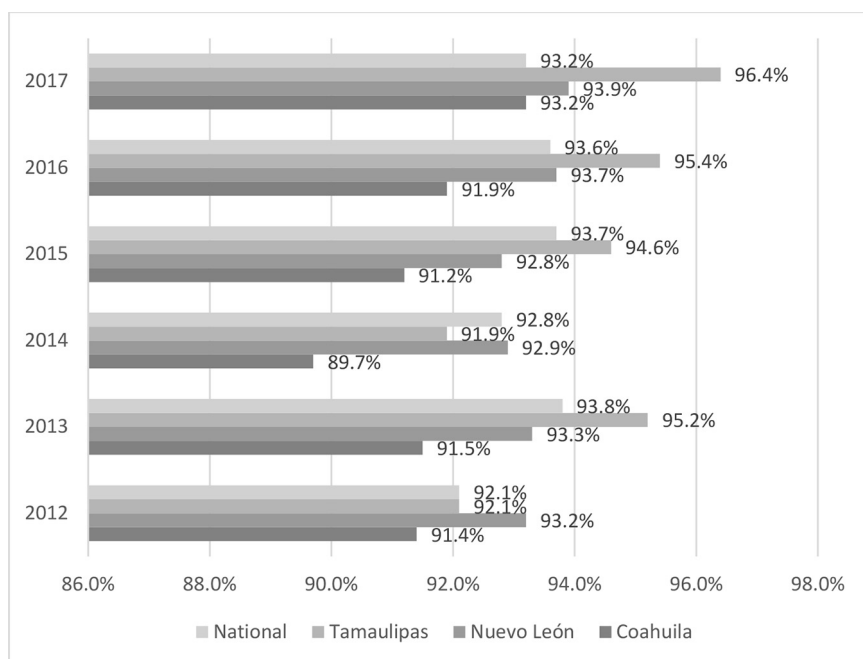


Figure 4.7 *Cifra negra* by state and at national level

Source: prepared by the authors based on *Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública* (National Poll of Victimization and Perception on Public Security (ENVIPE, for its Spanish initials), and *Instituto Nacional de Estadística y Geografía* (National Institute of Statistics and Geography, INEGI, for its Spanish initials) (INEGI 2018).

These practices bring to light the logic of ambiguous loss. Testimonies of families give an account of the dilemmas they faced when they began the search for their relatives (Anonymised interviews 1, 2, and 3, March 2020), in part because, in several cases, the authorities they first contacted dissuaded them from reporting the disappearance. They further struggled with blaming themselves for the fate of their children, husbands, and siblings, as well as struggling with the situation of fear and stigmatisation resulting from the violence regime and its justificatory narratives, which saw them marginalised by their own families and communities (notes from Nuevo León family support group, *Grupo AMORES*, meeting, March 2020).

This violence regime, in which state repression converges with that of criminal groups in relations of competition or cooperation, is anchored in dense connections between political and economic power and criminal groups. In other words, it has an economic benefit dimension. Several actors extract rents from this situation, they win with violence. The illegal and legal economies have fluid borders, as fluid as the relationships between the main agents of the regime.

The economic logic of disappearance in Coahuila, Nuevo León and Tamaulipas is not alien to these dynamics of competition and cooperation. As we have already mentioned, the majority of those who disappear are small merchants and drivers and, in the case of women, domestic workers, sales workers or students. On the other hand, through interviews with local civil society organisations, reference is made to situations in which people are arbitrarily detained by state agents and handed over to criminal groups in exchange for weekly payments (Anonymised interviews 3 and 4, March 2020), are asked to make a payment in exchange for their captive loved one, or are forcibly recruited or enslaved (Anonymised interview 3 and 4, March 2020). Research and reports conducted throughout the region confirm this economic dimension and, in many cases, show cooperation between authorities and criminal groups for this purpose (Aguayo 2016; Aguayo and Dayán 2018).

Analysis of events of disappearance in the north-eastern region shows the pattern of an environment in which different types of violence converge: the violence promoted by state agents to control criminal groups and the population; the violence of criminal groups, whether among themselves, against state agents, or against the population; and the violence resulting from cooperation between both state agents and criminal groups. Disappearances in the north-eastern region are one manifestation of a violence regimen in which there is a convergence of criminal groups linked to drug trafficking (among other activities) competing to control territory, strategies by state forces to combat these groups at the federal, state, and municipal levels, and different forms of collaboration between both types of actors.

In short, the disappearances were not and are not an isolated mechanism but rather part of the repertoire in which the described violence regime operates. This violence regime's dynamics based on control through death, fear, absence and the subordination of the population to the power of death

(Misra 2018) is the framework in which the logics of disappearance acquire their localised peculiarities.

This analysis of disappearances in north-eastern Mexico allows us to make visible the relevance of the notion of violence regimes to the dynamics of disappearances. This can help us understand why disappearances occurred at a specific time and place. From there we can reconstruct how they occurred and how this violence regime, although it has its own dynamics, is related to democratic political processes. For example, the way in which violence is intertwined with political elections, the capture of government areas or key government positions by organised criminal networks, disputes between different ruling political parties at different levels of government, as well as the processing of victims demands through representative institutions, and the overall relationships between the different levels of government.

Final remarks

The analysis we have carried out illustrates the fruitfulness of the notion of violence regimes in understanding the logics of disappearance at a given time and place, as well as helping to better understand the pathways through which this kind of violence occurs.

In our analysis, it became evident that the logics of disappearance in the north-eastern Mexico are embedded in the diverse array of violences permitted under the operating regime. Localising these disappearances within the violence regime allowed us to call attention to the specific rules of violence in which disappearances became an acceptable part of the repertoire.

Analysis of north-eastern Mexico illustrates that the logics of disappearance are shaped by the features of the violence regimes in which they occur. The rules that structure violence in the region give meaning to the logics of disappearance. In our analysis of the pattern of disappearances in different times and places, we suggest that the question of the rules that decide violence is one of the analytical keys to figuring out how disappearance became generalised. This question is also crucial to supporting efforts to build truth and justice from these tragedies while so many shadows obscure where the disappeared are and who disappeared them. In the cases we looked at, the violence regime that prevailed was characterised by the operation of a variety of armed state agents from the three levels of government and armed non-state agents, mainly criminal groups. In this regime the different levels of government fight and/or cooperate with criminal groups and criminal groups dispute territory amongst themselves and with the state. At the centre of this are the civilians, especially those that are not part of the political, economic, and cultural elites, who become disposable populations under this regime of violence. To think about how different forms of violence are part of regimes, it is useful to ask about their rules, the actors that set these

rules, the actors that use them and have access to violence, and the kinds of dynamics that form the context in which disappearances take place. However, building the specific mechanisms that link violence regimes and the logics of disappearance remains an ongoing effort.

In this scenario, different conflicts coexist and intersect in which state and non-state actors intervene. It is within this framework that the logics of disappearances make sense. The forms of access and use of violence by state and non-state agents are consistent with the logic of clandestine acts to eliminate one another. The circulation of violence reveals long-standing collaborative links between violent and non-violent state and non-state agents, whose patterns leave some groups of the population defenceless and disposable. These population groups are not random, they are made up of those who are considered disposable in the framework of this violence regime. This situation generates fear and mistrust among the population and reinforces the underreporting of crime.

However, many families get together and organise despite their fear. In Nuevo León and Coahuila, where there were long-standing civil society organisations, the families of victims of disappearances approached human rights organisations and activists, developing a wide range of searching repertoires. There, a different cycle begins, where claims and demands are directed to the state in a process of identity construction that allows the families to name themselves. It is in this process that they have built a voice of their own.

We suggest that, at a time when there is a consensus about the need to analyse disappearances in context to advance cause of truth and justice for the victims, thinking about the different violence regimes in which disappearances take place is a first step to understanding them and to stopping them from continuing to repeat themselves.

Notes

- 1 The figures for disappeared people in Mexico are updated daily in the National Registry of Missing and Unavailable Persons (CNB 2021). However, it is important to point out that currently there is no open and reliable data registry on this type of event.
- 2 The *Facultad Latinoamericana de Ciencias Sociales* (Latin American Faculty of Social Sciences Mexico, FLACSO-Mexico for its Spanish initials), the *Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México* (Institute of Legal Research of the National Autonomous University of Mexico, IJ-UNAM for its Spanish initials), the Human Rights Program of the University of Minnesota and the Latin America Centre of the University of Oxford participated in this research. We have also worked with the *Centro Diocesano para los Derechos Humanos Fray Juan de Larios* (Fray Juan de Larios Diocesan Centre for Human Rights in Coahuila, CDHFJL for its Spanish initials) and *Ciudadanos en Apoyo a los derechos humanos, A.C.* (Citizens in Support of Human Rights, A.C., CADHAC for its Spanish initials) in Nuevo León.
- 3 This chapter would not have been possible without generous access to the information on disappearances documented by: CADHAC in Nuevo León; CDFJL in Coahuila; IDHEAS, and the family groups: *Grupo VIDA*, *Alas de Esperanza*, and *Familias Unidas de Piedras Negras* and *Seminario de Justicia y Paz* of COLMEX.

- 4 The particularity of this definition is important because it emphasises the presumed involuntary loss of contact between disappeared persons and their families. According to this definition, a disappearance event is one in which the whereabouts of a person are not known and which is presumed to be involuntary by the family. This distinguishes it from the definition of an event as disappearance based on the characteristics of the criminal offenses, for example that of enforced disappearance or disappearance by private agents recognised in the *General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals and the National Search System* approved in Mexico in 2017.
- 5 For example, the 49 torsos left in the public space in the Municipality of Cadereyta in Nuevo León (La Jornada 2012).
- 6 This section refers to a number of anonymous interviews conducted with the mothers of disappeared people in Nuevo León (interviews 1 and 2) and Coahuila (Interview 3) in March 2020.

Bibliography

- Aguayo, Sergio. 2016. *En el desamparo: Los Zetas, el Estado, la sociedad y las víctimas de San Fernando, Tamaulipas (2010), y Allende, Coahuila (2011)*. Mexico City: El Colegio de Mexico A.C.
- Aguayo, Sergio and Jacobo Dayán. 2018. *El Yugo Zeta: Norte de Coahuila, 2010–2011*. Mexico City: El Colegio de México A.C.
- Aguilar, Paloma and Iosif Kovras. 2019. 'Explaining disappearances as a tool of political terror'. *International Political Science Review*, 40 (3): 437–452.
- Anaya-Muñoz, Alejandro, and Barbara Frey, eds. 2019. *Mexico's human rights crisis*. Philadelphia, PA: University of Pennsylvania Press.
- Ansolabehere, Karina, Barbara Frey and Leigh Payne. 2021. *Disappearances in the Post-Transition Era in Latin America*. Oxford: Oxford University Press.
- Ansolabehere, Karina and Alvaro Martos. 2021. 'Disappearances in Mexico: An Analysis based on the Northeast Region'. In *Disappearances in the Post-Transition Era in Latin America*, edited by Karina Ansolabehere, Barbara Frey and Leigh Payne, 73–96. Oxford: Oxford University Press.
- Antillón, Ximena, ed. 2018. *Yo solo quería que amaneciera. Impactos psicosociales del caso Ayotzinapa*. Mexico City: Fundar, Centro de Análisis e Investigación A.C.
- Arias, Enrique Desmond and Daniel M. Goldstein. 2010. 'Violent pluralism: Understanding the new democracies of Latin America'. In *Violent Democracies in Latin America*, edited by Enrique Desmond Arias and Daniel M. Goldstein, 1–34. Durham, NC: Duke University Press.
- Artstegui Noticias. 2018. 'Gobierno de EPN autorizó extradición de ex gobernador de Tamaulipas por sólo uno de 3 delitos'. *Artstegui Noticias* (website). Accessed February 4, 2021. <https://aristeguinoticias.com/1903/kiosko/gobierno-de-epn-autorizo-extradicion-de-ex-gobernador-de-tamaulipas-por-solo-uno-de-3-delitos>.
- Ball, Patrick. 1996. *Who Did What to Whom? Planning and Implementing a Large Scale Human Rights Data Project*. Washington, DC: American Association for the Advancement of Science.
- Bataillon, Gilles. 2015. 'Narcotráfico y corrupción las formas de la violencia en México en el siglo XXI'. *Nueva Sociedad*, 255: 54–68.
- Benítez Manaut, Raúl. 2016. *Análisis de los factores determinantes de la seguridad nacional y defensa de México*. Mexico City: Senado de la República.

- Boss, Pauline. 1999. *Ambiguous Loss: Learning to Live with Unresolved Grief*. Cambridge, MA: Harvard University Press.
- Butler, Judith. 2017. *Marcos de guerra: Las vidas lloradas*. Barcelona: Paidós.
- CADHAC. Ciudadanos en Apoyo a los Derechos Humanos. 2015. *Desaparición de personas en Nuevo León. Sistematización de experiencia en búsqueda de la justicia y la verdad*. Monterrey: CADHAC.
- Calveiro, Pilar. 1998. *Poder y desaparición. Los campos de concentración en Argentina*. Buenos Aires: Ediciones Colihue.
- Calveiro, Pilar. 2019. 'El miedo como componente de la gubernamentalidad neoliberal'. In *Heteronomías de la justicia: de exilios y utopías*, edited by Silvana Rabinovich and Rafael Mondragón, 62–70. Mexico City: Bonilla Artigas Editores.
- Calveiro, Pilar. 2020. 'Desaparición y gubernamentalidad en México'. *Historia y gráfica*, 56: 17–52.
- CED. Committee on Enforced Disappearances. 2015. Concluding observations on the report submitted by Mexico under article 29, paragraph 1, of the Convention. Geneva: United Nations. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fMEX%2fCO%2f1&Lang=en.
- CNB. Comisión Nacional de Búsqueda de Personas. 2020. 'Informe sobre fosas clandestinas y registro nacional de personas desaparecidas o no localizadas'. Mexico City: Ministerio del Interior. <http://www.alejandroencinas.mx/wp-content/uploads/2020/01/REGISTRODEPERSONASDESAPARECIDAS.pdf>.
- CNB. Comisión Nacional de Búsqueda de Personas. 2021. 'Informe de Búsqueda e Identificación de Personas Desaparecidas al 8 de Abril'. Mexico City: Comisión Nacional de Búsqueda de Personas. <http://www.alejandroencinas.mx/wp-content/uploads/2021/04/INFORMEBÚSQUEDA8ABRIL2021.pdf>.
- Correa-Cabrera, Guadalupe. 2014. 'Violence on the "Forgotten" Border: Mexico's Drug War, the State, and the Paramilitarization of Organized Crime in Tamaulipas in a "New Democratic Era"'. *Journal of Borderlands Studies*, 29 (4): 419–433. doi:10.1080/08865655.2014.982888.
- Correa-Cabrera, Guadalupe. 2017. *Los Zetas Inc.: Criminal Corporations, Energy, and Civil War in Mexico*. Austin, TX: University of Texas Press.
- Correa-Cabrera, Guadalupe, Michelle Keck, and José Nava. 2015. 'Losing the Monopoly of Violence: The State, a Drug War and the Paramilitarization of Organized Crime in Mexico (2007–10)'. *State Crime Journal*, 4 (1): 77–95. doi:10.13169/statecrime.4.1.0077.
- Davenport, Christian, and David A. Armstrong. 2004. 'Democracy and the violation of human rights: A statistical analysis from 1976 to 1996'. *American Journal of Political Science*, 48 (3): 538–554.
- Dávila, Patricia. 2011. 'Operativos conjuntos: Invasión federal disfrazada'. *Proceso* (website). October 22. <https://www.proceso.com.mx/reportajes/2011/10/22/operativos-conjuntos-invasion-federal-disfrazada-93772.html>.
- Dueck, Judith, Manuel Guzmán, and Bert Verstappen. 2007. *Formatos estándares de Eventos de HURIDOCs: una herramienta para la documentación de violaciones a los derechos humanos*. Versoix: HURIDOCs.
- Dulitzky, Ariel E. 2019. 'The Latin-American Flavor of Enforced Disappearances'. *Chicago Journal of International Law*, 19 (2): 423–489.
- Durán-Martínez, Angélica. 2018. *The Politics of Drug Violence: Criminals, Cops and Politicians in Colombia and Mexico*. Oxford: Oxford University Press.

- Expansión Política. 2019. 'La UIF presenta denuncia ante la FGR contra el exgobernador Rodrigo Medina'. *Expansión Política* (website). December 29. <https://politica.expansion.mx/estados/2019/12/29/la-uif-presenta-denuncia-ante-la-fgr-contra-el-exgobernador-rodrigo-medina>.
- FC. Fuerza Civil. n.d. 'Facebook page'. Accessed October 12, 2021. <https://www.facebook.com/fuerzacivil>.
- Fernández, Hilda. 2016. 'Arranca operaciones Fuerza Coahuila con 3000 elementos'. *El Universal* (website). October 3. <https://www.eluniversal.com.mx/articulo/estados/2016/03/10/arranca-operaciones-fuerza-coahuila-con-3-mil-elementos>.
- Flores Pérez, Carlos Antonio. 2014. 'Political protection and the origins of the Gulf Cartel'. *Crime, Law and Social Change*, 61 (5): 517–539. doi:10.1007/s10611-013-9499-x.
- Frey, Barbara. 2009. 'Los Desaparecidos: The Latin American Experience as a Narrative Framework for the International Norm against Forced Disappearances'. *Hispanic Issues On Line*, 5 (1): 52–72.
- Galindo, Carlos, Juan Manuel Rodríguez and Roberto Soto. 2018. *Los homicidios en México (actualización con datos 2017)*. Mexico City: Instituto Belisario Domínguez, Senado de la República.
- Gatti, Gabriel, ed. 2017. *Desapariciones: Usos locales, circulaciones globales*. Bogotá: Siglo del Hombre Editores, Universidad de los Andes.
- Hilgers, Tina and Laura Macdonald. 2017. 'Introduction: How Violence Varies: Subnational Place, Identity, and Embeddedness'. In *Violence in Latin America and the Caribbean: Subnational Structures, Institutions, and Clientelistic Networks*, edited by Tina Hilgers and Laura Macdonald, 1–10. New York: Cambridge University Press.
- UTSL-HR Clinic. University of Texas School of Law Human Rights Clinic. 2017. 'Control ... Over the Entire State of Coahuila'. *An analysis of testimonies in trials against Zeta members in San Antonio, Austin and Del Rio, Texas*. Austin, TX: University of Texas. <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-EN.pdf>.
- INEGI. Instituto Nacional de Estadística y Geografía. 2018. *Encuesta Nacional de Victimización y Percepción de Seguridad 2018 (ENVIPE,2018)*. Aguascalientes: INEGI.
- Kalyvas, Stathis N. 2006. *The Logic of Violence in Civil War*. Cambridge: Cambridge University Press.
- La Jornada. 2012. 'Hallan en Cadereyta, Nuevo León, 49 cuerpos mutilados'. *La Jornada* (website). May 14. Accessed January 15, 2021. <https://www.jornada.com.mx/2012/05/14/politica/003n1pol>.
- Le Clercq Ortega, Juan Antonio and Gerardo Rodríguez Sánchez Lara, eds. 2018. *La impunidad subnacional en México y sus dimensiones: IGI-MEX 2018*. San Andres Cholula: UDLAP/CESIJ.
- Mandolessi, Silvana. 2021. 'Conclusions'. In *Disappearances in the Post-Transition Era in Latin America*, edited by Karina Ansolabehere, Barbara Frey and Leigh Payne, 270–277. Oxford: Oxford University Press.
- Mbembe, Achille. 2019. *Necropolitics*. Durham, NC: Duke University Press.
- Misra, Amalendu. 2018. *Towards a Philosophy of Narco Violence in Mexico*. London: Palgrave Macmillan.
- Notimex. 2011. 'Sedena da a conocer resultados de la operación noreste'. *El Informador*, (website). June 15. <https://www.informador.mx/Mexico/Sedena-da-a-conocer-resultados-de-Operacion-Noreste-20110615-0099.html>.

- Notimex. 2016. 'Fuerza Tamaulipas policía estatal abre convocatoria a mujeres y hombres'. *MVS Noticias* (website). June 21. <https://mvsnoticias.com/noticias/esta-dos/fuerza-tamaulipas-policia-estatal-abre-convocatoria-a-mujeres-y-hombres-198>.
- ODIM. Observatorio sobre Desaparición e Impunidad. 2017. *Informe sobre Desapariciones en el Estado de Nuevo León con datos de CADHAC*. Mexico City: FLACSO México/Universidad de Minnesota/Universidad de Oxford.
- ODIM. Observatorio sobre Desaparición e Impunidad. 2019. *Informe comparado sobre eventos de desaparición en entidades federativas: Nuevo León, Coahuila y Tamaulipas (Región Noroeste)*. Mexico City: FLACSO México/Universidad de Minnesota/Universidad de Oxford.
- ODIM. Observatorio sobre Desaparición e Impunidad. 2020. 'Quiénes somos?' Observatorio sobre Desaparición e Impunidad en México (website). Accessed May 15, 2021. <https://odim.juridicas.unam.mx>.
- Payne, Leigh and Karina Ansolabehere. 2021. 'Conceptualizing post-transition disappearances'. In *Disappearances in the Post-Transition Era in Latin America*, edited by Karina Ansolabehere, Barbara Frey and Leigh Payne, 15–36. Oxford: Oxford University Press.
- Payne, Leigh A. and Gabriel Pereira. 2016. 'Corporate complicity in international human rights violations'. *Annual Review of Law and Social Science*, 12: 63–84.
- Poe, Steven C., Nicolas Rost and Sabine C. Carey. 2006. 'Assessing Risk and Opportunity in Conflict Studies: A Human Rights Analysis'. *The Journal of Conflict Resolution*, 50 (4): 484–507.
- Rea Gómez, Daniela, Pablo Ferri and Mónica González Islas. 2019. *La Tropa: Por qué mata un soldado*. Madrid: Aguilar.
- Robledo Silvestre, Carolina. 2016. 'Genealogía e historia no resuelta de la desaparición forzada en México'. *Íconos. Revista de Ciencias Sociales*, 55: 93–114.
- Schmidt Nedvedovich, Samuel, Luis Ernesto Cervera Gómez and Adrián Botello Mares. 2017. 'México: territorialización de los homicidios. Las razones de la violencia en el norte del país'. *Realidad, Datos y Espacio Revista Internacional de Estadística y Geografía*, 8 (2): 81–95.
- SCT. Secretaría de comunicaciones y transportes. 2020. 'Mapa esquemático del Sistema Ferroviario Mexicano de Carga'. https://www.gob.mx/cms/uploads/attachment/file/559748/SFM_2020_ESQUEMATICO_.pdf.
- SESNSP. Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública. 2017. 'Incidencia delictiva'. Cut-off to July 31, 2017. Accessed August 20, 2017. <https://www.gob.mx/sesnsp/acciones-y-programas/incidencia-delictiva-87005>.
- SESNSP. Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública. 2019. 'Incidencia delictiva del fuero común'. Accessed October 12, 2021. <https://drive.google.com/file/d/1OouMHER4zo2q46JIx06REJhdt-85dR3c/view>.
- Trejo, Guillermo and Sandra Ley. 2018. 'Why Did Drug Cartels Go to War in Mexico? Subnational Party Alternation, the Breakdown of Criminal Protection, and the Onset of Large-Scale Violence'. *Comparative Political Studies*, 51 (7): 900–937. doi:10.1177/00110414017720703.
- Trejo, Guillermo and Sandra Ley. 2020. *Votes, Drugs, and Violence: The Political Logic of Criminal Wars in Mexico*. Cambridge: Cambridge University Press.
- Vázquez Galán, Belem Iliana and Salvador C. Corrales. 2017. 'Análisis de correlación de la violencia y la criminalidad en el noreste de México entre 2008 y 2014'. *Sociedad y economía*, 32: 127–146.

- Vázquez Valencia, Luis Daniel. 2019. *Captura del Estado, macrocriminalidad y derechos humanos*. Mexico City: FLACSO-MEXICO/Enrich Böll/IIJ-UNAM.
- Verástegui González, Jorge. 2018. *Memoria de un corazón ausente. Historias de vida*. Mexico City: Fundación Heinrich Böll México y el Caribe.
- Wieviorka, Michel. 2018. *La violencia*. Buenos Aires: Prometeo.
- Willis, Graham Denyer. 2015. *The Killing Consensus: Police, Organized Crime, and the Regulation of Life and Death in Urban Brazil*. Berkeley, CA: University of California Press.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Part III

**Legal dimensions
of disappearances**



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

5 State acquiescence to disappearances in the context of Mexico's 'war on drugs'

Lene Guercke

Introduction

Since the onset of the so-called 'war on drugs' in Mexico in late 2006, over 80,000 people have disappeared or gone missing according to the most recent official count presented by the Comisión Nacional de Búsqueda de Personas (National Search Commission, CNB for its Spanish initials) in 2021 (SEGOB 2021, 6).¹ While disappearances in Mexico are by no means a new phenomenon (see the contributions to this volume of Calveiro; Allier Montaño, Vicente Ovalle and Granada-Cardona; and de Vecchi Gerli), they have risen exponentially in the context of the 'war on drugs' and have acquired new dimensions in relation to their causes and dynamics (Vélez Salas 2016, 24–25; Ansolabehere, Frey, and Payne 2017, 17). As a result of this, disappearances in Mexico today do not neatly fit within the traditional image of enforced disappearance as a repressive tactic used by authoritarian states against political opponents. Rather, they occur in a complex context of violence perpetrated by both state agents and non-state actors, especially, but not exclusively, by organised criminal groups (hereinafter OCGs).² The only thing that unites all disappearances is the persistent impunity that surrounds virtually all cases (IACHR 2015, pars. 63–66).

From an International Human Rights Law (hereinafter IHRL) perspective, the coexistence of two types of perpetrators of disappearances raises several questions because from a legal perspective not all disappearances that occur in Mexico today can be considered enforced disappearances, and therefore a human rights violation. This is because, by definition, an *enforced* disappearance requires the participation of agents of the state, either directly or indirectly through 'authorisation, support or acquiescence' (see below). However, questions have been raised about the possibility of maintaining a (strict) separation between enforced disappearances and those committed by non-state actors in the Mexican context, due to persistent impunity that is widely considered to be a factor that enables and perpetuates disappearances (IACHR 2015, pars. 63–8; CMDPDH et al. 2018, pars. 10–12). In this vein, an argument has been made that where such impunity has reached a scale resembling systematicity it should be considered state acquiescence. This

would make all disappearances enforced disappearances and thereby facilitate holding the state accountable at the international level (Frey 2021).

In this chapter, I examine whether the Mexican state could be considered as bearing direct responsibility under IHRL for disappearances committed by non-state actors, particularly OCGs, on the basis of acquiescence to such acts. For this I focus specifically on the jurisprudence of two international quasi-judicial human rights bodies, the Human Rights Committee (hereinafter HR Committee) and the Committee against Torture (hereinafter CAT), as well as the Inter-American Court of Human Rights (hereinafter IACtHR).³ First, I briefly outline the development of the international human rights framework on enforced disappearances and describe how human rights instruments deal with disappearances committed by non-state actors. Second, I describe the situation of present-day disappearances in Mexico and explain how it differs from other contexts. Third, I explain the different ways in which a state can be held responsible for disappearances committed by non-state actors and then specifically focus on the question of whether impunity could be considered as a form of acquiescence. Finally, I return to the Mexican context and assess whether the Mexican state can be considered as acquiescing to disappearances committed by OCG. I argue that based on the jurisprudence reviewed for this chapter, it is unlikely that impunity itself could be considered a form of acquiescence, given the relatively high, albeit unclear, threshold for acquiescence in existing case law. Rather, in cases involving OCG as perpetrators, the relationship between state actors and these groups that leads to a failure to prevent disappearances, should be considered for the purpose of establishing acquiescence.

The international framework on enforced disappearance

Enforced disappearances are considered one of the most heinous crimes and human rights violations that exist today (Cançado Trindade 2012, 508). While first applied in an official manner by the Nazi regime against certain types of political prisoners (Huhle 2014), the practice of making people disappear with the aim of causing terror among the population became particularly notorious during the 1960s and 1970s, when it was prominently employed as a repression technique by dictatorships in Latin America (Scovazzi and Citroni 2007, 7–13). Strong advocacy by groups of relatives during that period, especially from Latin America, led not only to the creation of the term ‘enforced disappearance’ (Frey 2009; Dulitzky 2019), but also to the creation of international mechanisms tasked with supporting relatives in establishing the whereabouts of the disappeared, such as the Working Group on Enforced or Involuntary Disappearances (hereinafter WGEID⁴), and, eventually, the adoption of regional and international legal instruments aimed at countering the practice of enforced disappearances.⁵ In 1992, the *UN Declaration on the Protection of all Persons from Enforced Disappearance*

(hereinafter UNDPED) was adopted by the United Nations General Assembly, followed by the adoption of the first legally binding instrument, the *Inter-American Convention on Forced Disappearance of Persons* (hereinafter IACFDP) in 1994. At the international level, due to the persistence of the practice of enforced disappearances and a number of gaps in the existing international legal framework, in 2006 the *International Convention for the Protection of All Persons from Enforced Disappearance* (hereinafter ICPPED) was adopted, which entered into force in 2010 (Nowak 2002; Scovazzi and Citroni 2007, 257–63). To monitor the implementation of the ICPPED, the Committee on Enforced Disappearances (hereinafter CED) was established.⁶ In addition to this progressive codification in IHRL, the prohibition of enforced disappearance is also considered a customary norm of International Humanitarian Law (hereinafter IHL)⁷ and, when practiced as ‘part of a widespread or systematic attack’ it amounts to a crime against humanity under International Criminal Law (hereinafter ICL).⁸

Despite these important advances at the international legal level, enforced disappearances continue to occur and be employed by governments as a repressive tactic against opponents (see for example Citroni 2014; Payne and Abouharb 2016). However, today enforced disappearances are not only used a repression technique but also occur in a variety of different contexts not traditionally associated with such practices, including in democratic regimes (Ansolabehere, Frey, and Payne 2021; Dulitzky 2019). For example, one ‘new’ form of enforced disappearance was the so-called ‘extraordinary renditions’ carried out by the United States in collaboration with European (and other) countries in the context of the ‘war on terror’ (Ott 2011; Pervou 2012; Dulitzky 2019). Moreover, migrants can become victims of enforced disappearance as a result of human trafficking or smuggling carried out, for example, by criminal groups acting in collusion with the authorities (WGEID 2017; Baranowska 2020). Additionally, enforced disappearances can occur in the context of armed conflicts involving both state and non-state actors (Ott 2011, 5; Vermeulen 2012; Sarkin and Baranowska 2018, 19–25).⁹ In these latter contexts, the participation of non-state actors adds complexity, given that the definition of enforced disappearance in IHRL requires the involvement of state agents.

Non-state actors as perpetrators of disappearances

The definitions of enforced disappearance in the UNDPED and the IACFDP require the direct or indirect participation of state actors for a disappearance to be considered an *enforced disappearance*.¹⁰ However, during the negotiations of the ICPPED, there was some discussion on the inclusion of non-state actors as perpetrators of enforced disappearances and this matter became one of the most difficult aspects of the negotiations (HR Commission 2005, pars. 29–35; Vermeulen 2012, 54–56; Calvet Martínez 2015). Ultimately, it was decided to maintain a requirement of direct or

indirect involvement of state actors in the definition of the crime. Thus, the ICPPED defines enforced disappearances as follows:

For the purposes of this Convention, ‘enforced disappearance’ is considered to be the arrest, detention, abduction or any other form of deprivation of liberty **by agents of the state or by persons or groups of persons acting with the authorisation, support or acquiescence of the state**, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

(ICPPED 2006, art. 2, emphasis added)

While this definition resembles those contained in the UNDPED and the IACFDP, the ICPPED goes beyond these instruments in that it contains an additional article that deals specifically with disappearances committed by non-state actors. Following the discussions on this matter during the negotiations, it was decided to add Article 3 ICPPED, which states:

Each state Party shall take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorisation, support or acquiescence of the state and to bring those responsible to justice.

(ICPPED 2006, art. 3)

The inclusion of Article 3 thus makes an explicit distinction between enforced disappearances and disappearances which are committed by non-state actors acting without the ‘authorisation, support or acquiescence’ of state agents. However, neither the ICPPED, nor the UNDPED or IACFDP provide further guidance as to the meaning of ‘authorisation, support or acquiescence’. This means that there is no clear threshold for direct attribution of a disappearance committed by a non-state actor to the state (Vermeulen 2012, 65–66). Yet this question is of great importance, given that there are a number of grey areas in the international framework in relation to the scope of states’ obligations vis-à-vis victims of disappearances within the meaning of Article 3. For example, it is not clear to what extent other obligations under the ICPPED are also applicable to disappearances falling within the scope of Article 3, including, perhaps most importantly, Article 24 ICPPED, which establishes who is to be considered a ‘victim’ of enforced disappearance¹¹ and what reparation obligations states have towards them (Vermeulen 2012, 92; Huhle 2013, 25).

Disappearances in the context of Mexico’s ‘war on drugs’

The situation of disappearances in Mexico in the context of the ‘war on drugs’ falls exactly within these grey areas. The exponential rise in violence in

Mexico since 2006, and with it the rise of human rights violations, including disappearances, is the outcome of a complex interplay of different factors, which can be traced back to the adoption of a militarised strategy to ‘fight’ drug-trafficking organisations and ensure public security, as well as to the failed attempt to dismantle criminal organisations by removing their top leadership (Shirk and Wallman 2015; Serrano 2017; International Crisis Group 2018, 69). Why disappearances in particular have risen sharply cannot be said with certainty, given the absence of information and general lack of investigations into these cases. However, available information indicates that there are a number of different reasons behind disappearances, ranging from traditional motives of silencing social activists (Camacho Servín 2018) to criminal purposes such as human trafficking (Castro 2019) and forced recruitment into criminal organisations (Guillén and Petersen 2019; Quadratin 2020), and vengeance attacks against alleged traitors by criminal groups (Aguayo and Dayán 2017; García 2018).

Moreover, disappearances are argued to have been strategically employed by criminal organisations, such as the Zetas, as a terror tactic to establish control over territory and population (UTSL-HR Clinic 2017, 14; FIDH et al. 2017, 22–23; Correa-Cabrera 2017, 36–38). This variety of motives also implies that the modes of disappearing in the current Mexican context vary greatly (Yankelevich Winocour 2019, 41–42) and that neither the perpetrators, nor the victims, are homogenous groups (ODIM 2017). A final reason for the large number of disappearances is what could be described as forensic negligence. As the country’s forensic services are overwhelmed, there are currently thousands of unidentified bodies in the hands of the Mexican authorities, many of which are buried in mass graves (Tzuc and Turati 2020). It is thus possible that the number of disappeared persons could be significantly reduced if these bodies were identified.¹²

In this sense, present-day disappearances in Mexico are not only highly complex, but they also no longer fit within the traditional image of enforced disappearances as a tool employed by an authoritarian government to repress political opponents (Robledo Silvestre 2015, 89; 2016, 93; Ansolabehere, Frey, and Payne 2017; Mata Lugo 2017, 43–45). Yet not only does the situation in Mexico differ from the traditional image of enforced disappearances, but, as mentioned previously, those disappearances that are committed by OCGs acting without the ‘authorisation, support or acquiescence’ of state agents cannot be considered enforced disappearances from an IHRL perspective. This is also reflected at the domestic level in Mexico in the *Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas* (General Law on Enforced Disappearances, Disappearances committed by Private Individuals and the National Search System, LGD for its Spanish initials), which was adopted in late 2017. As its title indicates, the LGD creates two crimes, *enforced disappearance* and *disappearance committed by private individuals*, thus reflecting the division made in Articles 2 and 3 of the

ICPPED (see above). While this is considered as an important step in the protection of victims of all types of disappearances domestically (see Verástegui González's contribution to this volume), the question remains whether, or to what extent, the Mexican state could be held responsible, not just for enforced disappearances committed by its security forces, but also for those committed by OCGs. This is because in the current Mexican context, it is agreed that violence generally, and disappearances more specifically, are the outcome of the militarised strategy to fight drug-trafficking organisations and are perpetuated by the virtually absolute impunity and persistent corruption in the country (IACHR 2015, pars. 66–7; Open Society Justice Initiative 2018). Moreover, collusion between state and criminal actors complicates clearly identifying and distinguishing the perpetrators in the Mexican context, which also raises questions about the meaning of acquiescence for the purpose of direct attribution of responsibility.¹³

The question of the extent of responsibility is important, also in view of a recent case against Mexico before the IACtHR that dealt with an enforced disappearance in the context of the 'war on drugs'. In the case of *Alvarado Espinoza et al. v. Mexico*, the applicants alleged that the victims, Nitza Paola Alvarado Espinoza, José Ángel Alvarado and Rocío Irene Alvarado Reyes, were detained and forcibly disappeared by military personnel in the context of the 'Operativo Conjunto Chihuahua' in the northern state of Chihuahua. The defence for the Mexican state argued that the perpetrators had not in fact been members of the military, but rather criminals wearing fake military uniform, which meant that the crime was not an *enforced* disappearance (Case of *Alvarado Espinoza*, par. 162). The IACtHR was not convinced by the evidence presented by the Mexican state and held that the victims were detained by soldiers, which made the case one of enforced disappearance (Case of *Alvarado Espinoza*, pars. 190–92). Nonetheless, this case raised the question, unaddressed in the judgement, as to how the state's responsibility would have been determined if the IACtHR had accepted that the perpetrators were members of a criminal organisation wearing fake military uniforms and operating freely in this manner. This is particularly relevant because reports about the manner of operating of certain criminal groups, such as the Zetas in the state of Coahuila, have indeed provided evidence that these groups fabricated fake military uniforms (Aguayo and Dayán 2017, 15).

Moreover, there are a number of cases that clearly illustrate collusion between these actors, such as the well-known cases of Ayotzinapa and the massacre of Allende. The first case concerns the disappearance of 43 students from a rural teacher's college in Ayotzinapa, Guerrero, who were initially attacked and abducted by municipal police officers and whose whereabouts continue to remain unknown. While the case is still open, one hypothesis suggests that the attack on the students was aimed at protecting a bus carrying drugs or money to the United States (GIEI 2015, 320–24). The second case concerns a vengeance attack by the Zetas on persons with ties to two

alleged informants in the towns of Allende and Piedras Negras in the northern state of Coahuila. Security forces were ordered not to intervene during the attack and complied (Aguayo and Dayán 2017, 20).

State responsibility for disappearances committed by non-state actors

From an international legal perspective, there are two ways in which a state can incur international responsibility in relation to a violation committed by a non-state actor. According to the *Articles on Responsibility of States for Internationally Wrongful Acts* (hereinafter ARSIWA), a state is internally responsible for an act if the latter is attributable to it and constitutes a ‘breach of an international obligation of the state’ (ARSIWA 2001, art. 2). Hence, the first manner in which a state can incur responsibility for a disappearance committed by a non-state actor is through direct attribution. Second, if direct attribution of the disappearance is not possible, the state can still incur responsibility for a breach of its international obligations to prevent harm or respond to it in an appropriate manner. This is because the obligations of states under IHRL are both negative and positive in nature, and positive obligations require the state to act with due diligence to *protect* human rights (HR Committee 2004, par. 6; Shelton 2020, 194–95). This obligation to protect includes taking preventive measures in relation to acts committed by non-state actors, as well as responding to them by investigating the crime and prosecuting those responsible (HR Committee 2004, par. 8). The due diligence standard in relation to acts committed by private actors that infringe human rights was first articulated by the IACtHR in the seminal case of *Velásquez-Rodríguez v. Honduras*, which concerned the disappearance of the student Manfredo Velásquez Rodríguez. While the IACtHR found that state agents were directly responsible for Velásquez Rodríguez’ disappearance, it nonetheless also dealt with the hypothetical question of state responsibility in cases where disappearances were perpetrated by private actors:

[...] An illegal act which violates human rights and which is initially not directly imputable to a state (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the state, not because of the act itself, but because **of the lack of due diligence to prevent the violation or to respond to it as required by the Convention.**

(Case of Velásquez-Rodríguez, par. 172, emphasis added)

In addition to these more general ways of establishing state responsibility, the international human rights instruments against enforced disappearances constitute a *lex specialis* to the general rules of attribution¹⁴ in that they establish that disappearances committed by non-state actors can be directly attributed to the state if the perpetrators act with the *authorisation, support*

of acquiescence of a state actor. Following the definition of the crime in Article 2 ICPPED, this makes the disappearance and *enforced* disappearance and thereby directly engages the responsibility of the state. Furthermore, if a state fails to investigate the disappearance or hold those responsible accountable, it incurs international responsibility for violating its obligations under Article 3 ICPPED. In the absence of explicit prevention obligations in the ICPPED concerning disappearances committed by non-state actors, the determination of responsibility for a failure to prevent such disappearances (falling within Article 3) would have to be based on the more general obligations of the state in relation to other rights that can be violated in the course of a disappearance, including the rights to life, physical integrity, personal liberty, and rights relating to access to justice (Nowak 2002, par. 70; Calvet Martínez 2015, 115).

Importantly, the type of responsibility incurred by the state is different in each of these cases: if the state acquiesced in a disappearance, it becomes an *enforced* disappearance, and, as discussed above, this has consequences for the state's obligations vis-à-vis the victims, especially in relation to reparations.¹⁵ If the state fails to investigate a disappearance committed by a non-state actor, it is responsible for this failure to investigate and its consequences only, not for the disappearance itself (Guercke 2021, 340). If the state fails to prevent, it can be held responsible for the violation of the rights infringed, yet the responsibility is indirect and the disappearance does not become an *enforced* disappearance as a result of it, thus leaving open the question as to the ensuing reparation obligations towards victims and their relatives. With this in mind, in the following section I review jurisprudence on acquiescence in order to examine whether widespread impunity in Mexico could be considered as acquiescence.

Acquiescence in international jurisprudence

While the CED has not yet dealt with a case where acquiescence was alleged, nor issued any interpretive guidance on this matter, a number of other bodies have had to address questions of acquiescence in cases involving a disappearance, or in cases concerning torture, thus providing some criteria for the determination of acquiescence. In International Law generally, the term acquiescence refers to a 'juridically relevant silence or inaction' (Marques Antunes 2006, par. 2). It is difficult to evidence and establish, given the ambiguity inherent in silence, and is therefore determined in the context of a particular case, depending on the state's knowledge of the act to which it is argued to have acquiesced (Marques Antunes 2006, pars. 19–21). Perhaps as a result of this inherent difficulty of the term, acquiescence has been interpreted in different manners by different human rights bodies, thereby creating confusion as to its precise meaning, as well as with regards to the difference between acquiescing to a particular conduct or 'merely' failing to prevent it (see for example Vermeulen 2012, 425; Edwards 2006, 374; and

Milanovic 2019 more generally). Given that there is no single agreed-upon approach to determining acquiescence in human rights jurisprudence, the following sections outline how different human rights bodies have dealt with this question in their case law and assesses to what extent each approach would allow for a determination of acquiescence on the basis of impunity.

Acquiescence under the ICPPED

Even though the CED has not yet addressed the question of acquiescence explicitly, a strict reading of the ICPPED raises doubts about the possibility that impunity for disappearances committed by non-state actors could constitute acquiescence. This is because Article 3 ICPPED establishes an explicit obligation to investigate and prosecute disappearances committed by non-state actors, which means that a failure to comply with this obligation would give rise to a violation of Article 3, rather than retroactively ‘converting’ this disappearance into an *enforced* disappearance. To argue that non-investigation constitutes acquiescence, would thus question the role of Article 3. As per the definition contained in Article 2 ICPPED, there are three elements that need to be met for an enforced disappearance to occur: the deprivation of liberty against the person’s will; the direct or indirect involvement of state agents in the deprivation of liberty; and the denial of information about the person’s fate, which effectively removes him or her from the protection of the law (Citroni 2012, 3). While a failure to investigate a disappearance clearly involves actions and omissions by state agents and undoubtedly contributes to the lack of information about a person’s fate, thereby meeting the second and third elements, it is less clear whether and how such a failure, even if generalised, could be causally linked to the first element, which is the initial deprivation of liberty.

The Working Group on Enforced or Involuntary Disappearances on acquiescence

Notably, the WGEID, which is not a judicial or quasi-judicial body, has taken a broader view on the question of acquiescence, particularly in the context of migration. In its *Report on Enforced or Involuntary Disappearances in the Context of Migration*, the WGEID stated that when corrupt officials facilitate border crossings of smugglers or traffickers and migrants subsequently disappear, this could be considered a form of acquiescence (WGEID 2017, par. 37). The examples provided in the report to substantiate this point are of collusion where the authorities and traffickers or smugglers directly collaborate (WGEID 2017, pars. 38–41). Additionally, the WGEID stated that:

[...] systematic situations of impunity regarding the abduction and detention of migrants by private actors, including smugglers or

traffickers, could be considered in certain circumstances as a form of acquiescence and, as such, constitute enforced disappearance.

(WGEID 2017, par. 42)

This statement supports the argument that once impunity has reached a certain level of generality, or systematicity, it could be considered as acquiescence. Unfortunately, the WGEID did not further specify which particular ‘circumstances’ would convert impunity into a form of acquiescence or what level impunity would have to reach, nor did it provide any examples. Nonetheless, the WGEID’s views on the issue of enforced disappearances in the context of migration are particularly interesting for thinking about responsibility and acquiescence in the Mexican context, not just because of the widespread impunity that persists in the country, but also because of collusion between state and criminal actors.

The Human Rights Committee

The HR Committee has only rarely dealt with the question of acquiescence in its case law. However, it did so in a recent decision concerning a disappearance in Mexico. In the case of *Carlos Moreno Zamora et al. v. Mexico* the authors alleged that Jesús Israel Moreno Pérez, who had disappeared at the hands of unknown perpetrators, had been a victim of an *enforced* disappearance. This argument was based on evidence that the authorities did not only fail to conduct an effective investigation, but actively obstructed it, for example by altering evidence and constructing false testimonies ([Case of] *Carlos Moreno Zamora*, par. 12.2). The HR Committee, however, did not agree with this allegation:

[...] the Committee notes that, in the absence of any information pointing to a specific context of enforced disappearances in the place where the disappearance occurred, and in the absence of circumstantial evidence to substantiate the presumption of involvement, support or acquiescence of state agents in the disappearance, the Committee cannot conclude that the disappearance of Mr. Moreno Pérez is an enforced disappearance directly attributable to the state party.

([Case of] *Carlos Moreno Zamora*, par. 12.3, footnotes omitted)

This indicates that for the HR Committee, a failure to investigate, even if it is so blatant as to include alteration of evidence and actual obstruction of the investigation, is insufficient to constitute acquiescence in the disappearance.¹⁶ Rather, the HR Committee found a violation of the right to life on the basis of the state’s failure to conduct an effective investigation in accordance with its positive obligations ([Case of] *Carlos Moreno Zamora*, par. 12.7), as well as a violation of the right to be free from torture or other forms of ill-treatment in relation to the victim’s relatives ([Case of] *Carlos Moreno Zamora*, par. 12.9).

The Committee against Torture

The strongest support for the argument that a failure to investigate effectively and the ensuing impunity could constitute acquiescence can be found in *General Comment No.2* of the CAT. Like the ICPPED, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (hereinafter *Torture Convention*) also explicitly includes acquiescence as a means of attribution. Since torture and enforced disappearances are acts that are closely linked, and the ICPPED and the *Torture Convention* both contain the term acquiescence, the CAT's approach to establishing acquiescence is a useful point of reference. In its *General Comment No.2*, the CAT established that:

[...] where state authorities [...] know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-state officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-state officials or private actors consistently with the Convention, the state bears responsibility **and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.**

(CAT 2008, par. 18, emphasis added)

The CAT further explained the reasoning behind this statement and pointed out that where impunity persists, 'the state's indifference or inaction provides a form of encouragement and/or de facto permission [...]' (CAT 2008, par. 18). Nonetheless, there is to-date very little jurisprudence by the CAT that actually includes an assessment of acquiescence (Fortin 2008, 154). Moreover, cases where the CAT has established acquiescence did not involve a 'mere' failure to investigate, but also a failure to prevent such acts from happening or stopping them. The CAT applied this reasoning in the case of *Hajrizi Dzemajl et al. v. Yugoslavia*, where police officers in former Yugoslavia did not interfere while an angry mob of people attacked and burned down a Roma settlement ([Case of] *Hajrizi Dzemajl et al.*, par. 9.2). A more recent example is the case of *Francisco Dionel Guerrero Larez v. Venezuela*, which concerned the disappearance of an inmate from a prison facility, who was allegedly killed and subsequently dismembered and buried by a group of inmates. The CAT found that the inmate had been a victim of enforced disappearance on the basis of the authorities' failure to prevent violence among prison inmates, towards whom they held a 'special obligation' to prevent, and their failure to provide any information about the victims' whereabouts ([Case of] *Francisco Dionel Guerrero Larez*, par. 6.3–6.6).

The CAT's reasoning in these cases suggests that for acquiescence to be established, the authorities must *also* have failed in preventing the crime. If the basis for acquiescence is the state's failure to act with due diligence and

prevent a violation from occurring, then the authorities must have a certain level of knowledge of a specific risk, in line with jurisprudence on the issue of responsibility for a failure to prevent crimes committed by non-state actors (Edwards 2006, 374). What is important about the approach by the CAT is that it suggests that in the case of torture, a failure of the state to protect a victim by preventing torture at the hands of non-state actors, can be viewed as constituting acquiescence (Vermeulen 2012, 428). This would imply that the same criteria that are used by human rights courts and mechanisms to establish responsibility for a failure to prevent, could also be used to determine acquiescence. However, as mentioned above, in cases involving disappearances, due to the nature of the crime, the state's knowledge and failure to prevent would have to be connected to the initial deprivation of liberty. Given that in the CAT cases discussed above the authorities were in a direct position to act and prevent the violation, it is not clear whether the CAT would come to the same assessment in a context where the authorities lacked this direct knowledge and ability to act.¹⁷

The Inter-American Court of Human Rights

The IACtHR has dealt with the question of acquiescence in a number of cases involving disappearances. Most prominently, these include cases concerning atrocities committed by paramilitary groups in Colombia. In addition, in some cases concerning violence against women at the hands of private individuals, which I discuss further below, the question of acquiescence was touched upon either directly or indirectly. What appears to be a decisive element for establishing acquiescence for the IACtHR is the existence not just of awareness of an act, but also of some level of collaboration or relationship between state forces and non-state perpetrators. In this sense, the approach by the IACtHR seems to differ from that of the CAT in that a 'mere' failure to prevent would not amount to acquiescence. Already in *Velásquez-Rodríguez*, the IACtHR indicated that there is a difference between acquiescence and a failure to prevent or react to a human rights violation:

What is decisive is whether a violation of the rights recognised by the Convention has occurred with the support or the acquiescence of the government, **or** whether the state has allowed the act to take place without taking measures to prevent it or to punish those responsible.

(Case of *Velásquez-Rodríguez*, par. 173, emphasis added)

Following this distinction, the IACtHR has found acquiescence in contexts where it could establish a direct relationship between state and non-state actors. This was the IACtHR reasoning in the case of *Blake v. Guatemala*, which concerned the enforced disappearance of two American journalists in Guatemala. The victims had disappeared after being detained by civil

self-defence patrols, but the Court found that there existed an ‘institutional relationship’ between these patrols and the Guatemalan Army, which meant that the former were acting as agents of the Guatemalan state (Case of Blake, pars. 75–78).¹⁸ In other cases, mainly in relation to cases against Colombia involving paramilitary groups as perpetrators, the IACtHR based its reasoning for establishing acquiescence (albeit not very explicitly so) on the fact that these groups had received ‘support and collaboration’ from the state (Case of the 19 Merchants, par. 134) or that the state and paramilitary groups acted ‘in a coordinated, parallel or linked manner’ (Case of the ‘Mapiripán Massacre’, par. 123). Notably, in another case concerning the disappearance of 43 men and boys by a paramilitary group from the village of Pueblo Bello, the IACtHR did not find sufficient evidence to show that there was a ‘connection’ between members of the Colombian Army and the paramilitaries. Rather, the IACtHR found that the Colombian state was responsible for failing to protect the inhabitants of Pueblo Bello and preventing their disappearance (Case of the Pueblo Bello Massacre, par. 140). While the reasoning of the IACtHR in these cases does not make a very clear distinction between the criteria used to differentiate between responsibility on the basis of acquiescence and responsibility on the basis of a failure to prevent, it does indicate that the IACtHR considers them to be of a different nature.

This reasoning is further illustrated by the case of *López Soto et al. v. Venezuela*, which concerned the kidnapping and subsequent prolonged detention and sexual torture of Linda Loaiza López Soto at the hands of a private individual. The IACtHR explained that acquiescence would lead to a more ‘direct’ form of responsibility because it ‘signifies the state’s consent to the action of a private individual, either by deliberate inaction or by its own actions that have created conditions that allowed the act to be executed by individuals’ (Case of López Soto, par. 146). Yet despite this seemingly broad definition, in this particular case, the IACtHR also emphasised that a ‘a general context of collaboration and acquiescence is not sufficient’ for establishing state responsibility, but rather that there needs to be evidence to show that the collaboration or acquiescence was linked to the particular case (Case of López Soto, par. 148). Since in this case there was no relationship between the authorities and the perpetrator, the IACtHR found that the state was not directly responsible for the disappearance, which implies that it did not establish acquiescence (Case of López Soto, par. 169).¹⁹

Nonetheless, the IACtHR determined Venezuela’s international responsibility for failing to act with due diligence once the authorities had been notified of the victim’s disappearance (and the identity of the perpetrator) and ‘tolerating acts that violated her rights to personal integrity, personal liberty, dignity, autonomy and privacy’ (Case of López Soto, par. 170). Additionally, the IACtHR found that by not reacting to the report of the disappearance, the Venezuelan state *had* acquiesced in the sexual torture that the victim was subjected to during captivity (Case of López Soto, pars. 197–

99). This reasoning supports the view that for acquiescence to arise, there needs to exist some form of *prior and specific* knowledge about the rights-violating conduct. Hence, the state was not directly responsible for the victim's initial disappearance because the perpetrator had no connection to state authorities, yet it was directly responsible for the subsequent violations because once the kidnapping was reported, the authorities were aware of an immediate risk to her rights.

The foregoing overview shows that a state can certainly be held responsible on the basis of its failure to react once a disappearance is reported, which can entail, among others, violations of the victim's rights to life, liberty, physical integrity, and access to justice. However, this responsibility does not encompass the initial deprivation of liberty and therefore cannot be equated to acquiescence. Following the reasoning of the IACtHR in cases concerning disappearances of women in contexts of widespread gender-based violence, such as *López Soto*, the existence of such a context in and of itself is insufficient to establish the state's responsibility in a particular case. Rather, it heightens the obligation of the state to act with due diligence and search for the victim once a disappearance has been reported (Case of *González et al.*, par. 283). If the state fails to comply with this obligation, it can be considered as responsible for the violations of the victim's rights that occur as a result of the disappearance. This was also the approach taken by the HR Committee in the case of *Moreno Zamora* discussed above. The approach of the CAT appears to be broader, yet there is not yet any case law by the CAT to confirm this approach, as the cases presented here involved contexts where the authorities had knowledge of the violations and could have directly intervened and prevented the crimes from occurring. Finally, the above-mentioned WGEID report appears to suggest that systematic impunity could give rise to acquiescence, yet it is not clear at which point impunity could be considered as having reached a level of systematicity.

Application to the Mexican context

Returning to the situation of disappearances in Mexico, the Mexican state clearly holds responsibility for failing to respond to disappearances committed by non-state actors, in view of the prevailing impunity in the country. This constitutes not only a violation of the obligations established in Article 3 ICCPED but can also amount to a violation of victims' rights to life, liberty, physical integrity, and access to justice on the basis of the state's failure to respond to disappearances in line with its obligations under more general human rights treaties. Moreover, it can also violate the rights to integrity and access to justice of the relatives of the disappeared. However, as shown above, failing to respond to a disappearance is not the same as acquiescing to it. This is because if responsibility is established on the basis of a failure to respond, the initial deprivation of liberty, which is the first constitutive element of a disappearance, is not 'included' in this responsibility. Moreover,

the foregoing review of case law suggests that, *de lege lata*, for acquiescence to arise the authorities must have been in a position to prevent a disappearance. In this sense, widespread impunity *by itself* would be insufficient to establish the state's acquiescence in disappearances committed by OCGs.

Based on the case law discussed previously, I propose that in relation to the Mexican context, especially where perpetrators of disappearances are members of OCGs, existing jurisprudence provides greater support for establishing acquiescence based on the relationship between state and criminal actors.²⁰ Thus, cases where there is clear collaboration between authorities and OCGs, such as the disappearance of the 43 students from the rural teacher's college of Ayotzinapa in the state of Guerrero in 2014, or the massacres carried out by the criminal group 'Los Zetas' in northern Coahuila (Allende and Piedras Negras), could certainly be considered as involving (at least) acquiescence by the authorities. This is because the authorities were aware of the events while these were ongoing, yet either failed to intervene (Coahuila) or actively participated in them (Ayotzinapa). Nevertheless, the relationship between state and criminal actors is not always as obvious as in these cases. This raises the question of whether cases where the authorities have ties to certain criminal groups through corruption but are not directly involved in a particular attack, could also be considered as acquiescence. While this question has currently no definitive answer, the approach by the IACtHR indicates that the existence of a relationship between the state and a particular non-state actor can be relevant for the purpose of determining responsibility.

At the same time, as mentioned above, impunity is undoubtedly one of the conditions that perpetuate the commission of disappearances by all actors in the Mexican context, and it is the state that created this condition. In this sense, the previously touched-upon question of the *systematicity* of impunity and its consequences requires further attention in light of the WGEID's statement on this matter and given that claims have been made about impunity in Mexico being 'systematic' (UTSL-HR Clinic 2017, 10; Heyns 2014, par. 11; Frey 2021). However, what exactly is meant by *systematic* impunity is not discussed in depth in any of these texts, thus illustrating a need for further research or proposals on how to conceptualise and apply the notion of systematic impunity. Additionally, even where impunity is systematic, existing case law suggests that there needs to exist a causal connection between the state's omissions and the rights-violating act, in this case the disappearance.

A final question that arises in the Mexican context is whether the failure of the state to conduct effective searches, as well as the failure to identify bodies, as evidenced by the forensic crisis, could be another factor on the basis of which to establish acquiescence. While the search for the disappeared and the investigation of disappearances are closely linked (Guiding Principles 2019, 8), they are also slightly different (Galvis Patiño and Huhle 2020). In view of the fact that it is possible that a large number of the disappeared in

Mexico were never intentionally disappeared by anyone but were rather not identified after having arrived at a forensic institution, these disappearances are the direct outcome of state authorities' negligence. This raises the question of what exactly constitutes the initial deprivation of liberty that is the first constitutive element of an enforced disappearance and whether a failure to take minimal steps to enable the identification of a body could be considered as a form of acquiescence, not just in the occultation of the person's whereabouts, but even in the deprivation of liberty.

Conclusion

In this chapter I have examined the question of whether, on the basis of current international jurisprudence applicable to Mexico, all disappearances in the current Mexican context could be considered *enforced* disappearances on the basis of acquiescence. At first sight, the involvement of OCGs and other non-state actors as perpetrators of disappearances in Mexico today means that not all disappearances can be considered as *enforced* disappearances from the perspective of IHRL, as the latter by definition require direct or indirect participation of state agents. Nonetheless, in view of the (sometimes) close ties between state and criminal actors in the Mexican context, as well as the generalised impunity that affects all disappearances, questions have been raised about the separability between enforced disappearances and those that are not. The brief review of existing case law in this chapter shows that there is no definitive answer to any of these questions and the reasoning applied by international mechanisms to establish acquiescence is at times confusing, especially when it comes to the distinction between responsibility on the basis of a failure to prevent an act and acquiescing to it. While it is undoubtedly the case that impunity incentivises the perpetuation of crimes by all actors, it is unlikely that even where impunity is widespread it could be used as a basis for direct attribution of disappearances to the state through acquiescence. This is because for acquiescence to arise, there exists a requirement of knowledge and possibility/ability to prevent linked to a particular case of disappearance. Given the composite nature of the crime of enforced disappearance, this knowledge would have to exist in relation to the initial deprivation of liberty. However, where OCGs are the perpetrators of disappearances, I argue that acquiescence could be based on the state's knowledge of the forms of operating of such groups, and their existence generally, as well as its failure to effectively act against them. This failure includes the failure to investigate and hold these private actors accountable but goes beyond it because it considers the relationship between state and criminal actors. Such an approach would be more in line with existing jurisprudence that appears to require not only a failure to respond to a crime, but also a failure to prevent it in order to establish acquiescence.

Notes

- 1 Note however that this number does not truly represent the scale of the phenomenon of disappearances in Mexico. This is due to confusion between ‘disappeared’ and ‘missing’ persons, both of which are counted by the CNB. In addition, cases are often not registered and classified correctly by the authorities, and a very large number of cases are not reported at all (IACHR 2015, par. 12). The real number of disappeared persons is thus likely to be much higher.
- 2 OCGs are not the only non-state actors who commit disappearances in the Mexican context (IACHR 2015, paras 47–52). However, as they are seen as the main perpetrator of violence, apart from state forces themselves, I focus on this group throughout the chapter.
Importantly, what exactly constitutes ‘organised crime’ is not without controversy. I define OCG in accordance with the United Nations Convention against Transnational Organised Crime (hereinafter UNTOC): ‘*a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;*’ (UNTOC 2000, Article 2 (a)).
- 3 For the purpose of this chapter, I focus only on the jurisprudence of the IACtHR and United Nations treaty bodies because Mexico has accepted the contentious jurisdiction of these bodies, which means that their jurisprudence can be directly applied to the Mexican context.
- 4 See: OHCHR. n.d. ‘Working Group on Enforced or Involuntary Disappearances. About the mandate’. Accessed May 14, 2021. <https://www.ohchr.org/en/issues/disappearances/pages/disappearancesindex.aspx>.
- 5 For an overview of the different United Nations General Assembly resolutions adopted, see Scovazzi and Citroni 2007, 245ff.
- 6 For more information on the CED, see OHCHR. nd. ‘Committee on Enforced Disappearance’. Accessed May 17, 2021. <https://www.ohchr.org/en/hrbodies/ced/pages/cedindex.aspx>.
- 7 See Rule 98, International Committee of the Red Cross, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98, last accessed May 14, 2021.
- 8 ‘Note that the definition of enforced disappearances as crimes against humanity in the ICL, however, also includes disappearances committed in furtherance of a “state or organisational policy”, thus presumably including the possibility that a non-state ‘organisation’ can perpetrate enforced disappearances if these are committed in a generalised or systematic manner and in pursuit of such a policy.’ (Rome Statute 1998, Article 7). See Wolffenbuttel 2021.
- 9 Note however that in the context of armed conflicts there is a difference between those who are ‘missing’ as a result of the conflict and those who are forcibly disappeared (Sarkin 2017, 3–4).
- 10 See Preamble, UNDPED 1992 and IACFDP 1994, Article II.
- 11 Article 24(1) ICPPED (2006) establishes that: “‘victim’ means the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”
- 12 In order to address this forensic crisis, in late 2019 it was decided to create an Extraordinary Forensic Identification Mechanism in Mexico. The mechanism is currently in the process of being established and the process is being monitored by civil society and the Inter-American Commission on Human Rights (hereinafter IACHR). See IACHR 2019; 2020.
- 13 It also creates practical difficulties for those working on the issue. On this, and the confusion that results from the distinction between the crimes, see Gallagher 2020.

- 14 These rules are established in Articles 4–11 ARSIWA.
- 15 This is not just the case at the international level, but also in Mexican legislation, because the LGD makes a distinction in the implementation of reparation obligations of the Mexican Federation and states depending on the nature of the crime (LGD 2017, art. 152).
- 16 The exception to this might be the existence of a ‘specific context of enforced disappearances’ mentioned by the HR Committee. However, such a context would already presuppose the involvement of state agents.
- 17 According to Edwards, therein lies the difference between acquiescing to an act and failing to act with due diligence, also in the jurisprudence of the CAT. While a failure to act with due diligence can be based on general knowledge and measures, acquiescence requires ‘actual’ knowledge and an ‘*actual* refusal to act’ (Edwards 2006, 374).
- 18 Note that this has been criticised as confusing the notion of non-state actors acting as agents of the state with that of acquiescence (Vázquez Camacho 2013, 26).
- 19 This approach by the IACtHR raises questions because the definition of enforced disappearance in international human rights instruments contains no reference to the nature of acquiescence as contextual or specific. Thus, by introducing the idea that there can be a ‘general context’ of acquiescence that would not automatically lead to the responsibility of the state, the IACtHR appears to create a higher threshold than the ICPPED and IACFDP.
- 20 I make a similar argument elsewhere in relation to responsibility for a failure to prevent (Guercke 2021). This argument could equally apply to the question of acquiescence, in view of the lack of clarity relating to the distinction between acquiescence and a failure to prevent in existing jurisprudence.

Bibliography

- Aguayo, Sergio, and Jacobo Dayán. 2017. ‘*El Yugo Zeta: Norte de Coahuila, 2010–2011*’. Seminario Sobre Violencia y Paz. Colegio de México. <https://www.scribd.com/document/365035379/El-yugo-Zeta-de-Sergio-Aguayo-y-Jacobo-Dayan>.
- Ansolabehere, Karina, Barbara A. Frey, and Leigh A. Payne. 2017. ‘La “constitución” de la desaparición forzada. Vínculos entre los significados legales y sociales de la desaparición’. In *Desde y Frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich Winocour, 1–25. Mexico City: Suprema Corte de la Justicia de la Nación.
- Ansolabehere, Karina, Barbara Frey, and Leigh Payne. 2021. *Disappearances in the Post-Transition Era*. Oxford: Oxford University Press.
- ARSIWA. 2001. Articles on Responsibility of States for Internationally Wrongful Acts. A/RES/56/83.
- Baranowska, Grażyna. 2020. ‘Disappeared Migrants and Refugees: The Relevance of the International Convention on Enforced Disappearance in Their Search and Protection’. Berlin: German Institute for Human Rights.
- Calvet Martínez, Elisenda. 2015. ‘Desapariciones forzadas y justicia transicional. La búsqueda de respuestas a través del derecho a la verdad, a la justicia y a la reparación’. Ph.D. Thesis, Barcelona: Universitat de Barcelona.
- Camacho Servín, Fernando. 2018. ‘En 11 años han desaparecido 151 luchadores sociales’. *La Jornada*, May 17. <http://www.jornada.com.mx/2018/05/17/politica/016n2pol>.
- Cançado Trindade, Antônio Augusto. 2012. ‘Enforced Disappearances of Persons as a Violation of Jus Cogens: The Contribution of the Jurisprudence of the Inter-

- American Court of Human Rights'. *Nordic Journal of International Law*, 81 (4): 507–536. doi:10.1163/15718107-08104005.
- [Case of] Carlos Moreno Zamora et al. v. Mexico. 2019. CCPR/C/127/D/2760/2016. HR Committee.
- [Case of] Francisco Dionel Guerrero Larez v. Venezuela. 2015. CAT/C/54/D/456/2011. CAT.
- [Case of] Hajrizi Dzemajl et al. v. Yugoslavia. 2002. CAT/C/29/D/161/2000. CAT.
- Case of Alvarado Espinoza et al. v. Mexico. 2018. Judgement of November 28 (Merits, Reparations and Costs). Series C No. 370. IACtHR.
- Case of Blake v. Guatemala. 1998. Judgement of January 24 (Merits). Series C No. 36. IACtHR.
- Case of González et al. ('Cotton Field') v. Mexico. 2009. Judgement of November 16 (Preliminary Objection, Merits, Reparations, and Costs). Series C No. 205. IACtHR.
- Case of López Soto et al. v. Venezuela. 2018. Judgement of September 26 (Merits, Reparations and Costs). Series C No. 362. IACtHR.
- Case of the 19 Merchants v. Colombia. 2004. Judgement of July 5 (Merits, Reparations and Costs). Series C No. 109. IACtHR.
- Case of the 'Mapiripán Massacre' v. Colombia. 2005. Judgement of September 15 (Merits, Reparations, and Costs). Series C No. 134. IACtHR.
- Case of the Pueblo Bello Massacre v. Colombia. 2006. Judgement of January 31 (Merits, Reparations and Costs). Series C No. 140. IACtHR.
- Case of Velásquez-Rodríguez v. Honduras. 1988. Judgement of July 29 (Merits). Series C No. 4. IACtHR.
- Castro, Marlén. 2019. 'La trata de personas, el otro fin de la desaparición'. *Pie de Página*, June 5. <https://piedepagina.mx/la-trata-de-personas-el-otro-fin-de-la-desaparicion>.
- CAT. Committee Against Torture. 2008. General Comment No. 2: Implementation of Article 2 by States Parties. CAT/C/GC/2.
- Citroni, Gabriella. 2012. 'When Is It Enough? Enforced Disappearance and the "Temporal Element"'. *Droits Fondamentaux*, 11 (janvier 2011–décembre 2012). <https://www.crdh.fr/revue/n-11-2012/when-is-it-enough-enforced-disappearance-and-the-temporal-element>.
- Citroni, Gabriella. 2014. 'Enforced Disappearance: Challenges to Accountability under International Law: Foreword'. *Journal of International Criminal Justice*, 12 (4): 731–734. doi:10.1093/jicj/mqu055.
- CMDPDH. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, World Organisation Against Torture, International Federation for Human Rights, and I(dh)eas, Litigio Estratégico en Derechos Humanos, A.C. 2018. 'Crimes Against Humanity in the War on Drugs: Submission for Mexico's Third Universal Periodic Review'. Shadow Report.
- HR Commission. United Nations Commission on Human Rights. 2005. 'Report of the Intersessional Open-Ended Working Group to Elaborate a Draft Legally Binding Normative Instrument for the Protection of All Persons from Enforced Disappearance'. E/CN.4/2005/66. UN Commission on Human Rights.
- Correa-Cabrera, Guadalupe. 2017. *Los Zetas Inc.: Criminal Corporations, Energy, and Civil War in Mexico*. Austin, TX: University of Texas Press.
- Dulitzky, Ariel E. 2019. 'The Latin-American Flavor of Enforced Disappearances'. *Chicago Journal of International Law*, 19: 423–489.

- Edwards, Alice. 2006. 'The "Feminizing" of Torture under International Human Rights Law'. *Leiden Journal of International Law*, 19 (2): 349–391. doi:10.1017/S0922156506003359.
- Fortin, Katharine. 2008. 'Rape as Torture: An Evaluation of the Committee against Torture's Attitude to Sexual Violence'. *Utrecht Law Review*, 4 (3): 145–162. doi:10.18352/ulr.88.
- Frey, Barbara A. 2009. 'Los Desaparecidos: The Latin American Experience as a Narrative Framework for the International Norm against Forced Disappearances'. In *Human Rights in Latin American and Iberian Cultures*, edited by Ana Forcinito, Raúl Marrero-Fente, and Kelly McDonough, 5.1: 52–72. Hispanic Issues Online. <https://hdl.handle.net/11299/182852>.
- Frey, Barbara A. 2021. 'Conceptualising Disappearances in International Law'. In *Disappearance in the Post-Transition Era in Latin America*, edited by Karina Ansolabehere, Leigh A. Payne, and Barbara A. Frey, 2021. Oxford: Oxford University Press.
- Gallagher, Janice. 2020. '(Enforced) Disappearances – When State and Criminal Perpetrators Blur'. *Völkerrechtsblog* (blog). December 18. <https://voelkerrechtsblog.org/articles/enforced-disappearances-when-state-and-criminal-perpetrators-blur>.
- Galvis Patiño, María Clara, and Rainer Huhle. 2020. 'The Rights of the Victims of Enforced Disappearance Do Not Have an Expiration Date'. *Opinio Juris* (blog). July 7. <http://opiniojuris.org/2020/07/07/the-rights-of-the-victims-of-enforced-disappearance-do-not-have-an-expiration-date>.
- García, Jacobo. 2018. 'Tamaulipas: desapariciones en la tierra del silencio'. *El País*, August 6, sec. Mexico. https://elpais.com/internacional/2018/08/04/mexico/1533416816_182671.html.
- GIEI. 2015. 'Informe Ayotzinapa: Investigación y primeras conclusiones de las desapariciones y homicidios de los normalistas de Ayotzinapa'. <https://drive.google.com/file/d/0B1ChdondilaHNzFHaEs3azQ4Tm8/view>.
- Guercke, Lene. 2021. 'State Responsibility for a Failure to Prevent Violations of the Right to Life by Organised Criminal Groups: Disappearances in Mexico'. *Human Rights Law Review*, 21 (2): 329–357. doi:10.1093/hrlr/ngaa061.
- Guiding Principles for the search for disappeared persons. 2019. CED/C/7, approved by the Committee on Enforced Disappearances in its 16th period of sessions. April 8–18.
- Guillén, Alejandra, and Diego Petersen. 2019. 'El regreso del infierno: los desaparecidos que están vivos'. *A dónde van los desaparecidos*, February 4. <https://adondevanlosdesaparecidos.org/2019/02/04/los-desaparecidos-que-estan-vivos>.
- Heyns, Christof. 2014. 'Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Addendum, Mission to Mexico'. A/HRC/26/36/Add.1. Human Rights Council.
- HR Committee. United Nations Human Rights Committee. 2004. General Comment No.31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant. CCPR/C/21/Rev.1/Add. 13.
- Huhle, Rainer. 2013. 'Non-State Actors of Enforced Disappearance and the UN Convention for the Protection of All Persons from Enforced Disappearance'. *Humanitäres Völkerrecht Informationsschriften/Journal of International Law of Peace and Armed Conflict*, 26 (1/2013): 21–26.
- Huhle, Rainer. 2014. 'Noche y niebla. Mito significado'. In *Desapariciones forzadas de niños en Europa y Latinoamérica: del convenio de la ONU a las búsquedas a través del ADN*, edited by María Casado and Juan José López Ortega, 251–278.

- Barcelona: Publicacions i Edicions de la Universitat de Barcelona. <https://dialnet.unirioja.es/servlet/articulo?codigo=5024897>.
- IACFDP. Inter-American Convention on Forced Disappearance of Persons. 1994. 33 ILM 1529.
- IACHR. Inter-American Commission on Human Rights. 2015. 'Situation of Human Rights in Mexico'. Country Report OEA/Ser.L/V/II.Doc. 44/15. Washington, DC: Organisation of American States. <https://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.pdf>.
- IACHR. Inter-American Commission on Human Rights. 2019. 'IACHR Welcomes the Creation of Mexico's Extraordinary Forensic Identification Mechanism, Awaits Its Swift Implementation'. Text No. 329/19. Washington, DC: Organisation of American States. http://www.oas.org/en/iachr/media_center/PReleases/2019/329.asp.
- IACHR. Inter-American Commission on Human Rights. 2020. 'La CIDH saluda avances del Estado mexicano para la entrada en funciones del Mecanismo Extraordinario de Identificación Forense'. Press Release No. 300/20. Washington, DC: Organisation of American States. <http://www.oas.org/es/cidh/prensa/comunicados/2020/300.asp>.
- ICPPED. International Convention for the Protection of All Persons from Enforced Disappearance. 2006. 1726 UNTS 3.
- International Committee of the Red Cross. n.d. 'Customary IHL Database'. Accessed May 14, 2021. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98.
- International Crisis Group. 2018. 'Building Peace in Mexico: Dilemmas Facing the López Obrador Government'. Latin America Report No. 69. https://d2071andvip0wj.cloudfront.net/069-building-peace-in-mexico_0.pdf.
- FIDH. International Federation for Human Rights, Centro Diocesano para los Derechos Humanos Fray Juan, and Familias Unidas en Búsqueda y Localización de Personas Desaparecidas. 2017. 'Mexico Coahuila: Ongoing Crimes against Humanity'. FIDH. https://www.fidh.org/IMG/pdf/angmexico_coahuila_ongoing_crimes_against_humanity_fidh-final_a_revisar-1.pdf.
- LGD. Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas. 2017. DOF: 17-11-2017.
- Marques Antunes, Nuno Sérgio. 2006. 'Acquiescence'. In *Max Planck Encyclopedias of International Law [MPIL]*. Oxford Public International Law. <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1373>.
- Mata Lugo, Daniel Omar. 2017. 'Traducciones de la "idea de desaparición (forzada)" en México'. In *Desde y Frente al Estado: Pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich Winocour, 27–74. Mexico City: Suprema Corte de la Justicia de la Nación.
- Milanovic, Marko. 2019. 'State Acquiescence or Connivance in the Wrongful Conduct of Third Parties in the Jurisprudence of the European Court of Human Rights'. SSRN Scholarly Paper ID 3454007. Rochester, NY: Social Science Research Network. <https://doi.org/10.2139/ssrn.3454007>.
- Nowak, Manfred. 2002. 'Report Submitted by Mr. Manfred Nowak, Independent Expert Charged with Examining the Existing International Criminal and Human Rights Framework for the Protection of Persons from Enforced or Involuntary Disappearances'. E/CN.4/2002/71.
- ODIM. Observatorio sobre Desaparición e Impunidad. 2017. 'Informe Sobre Desapariciones En El Estado de Nuevo León Con Información de Cadhac'. Mexico

- City: Facultad Latinoamericana de Ciencias Sociales. http://www.flacso.edu.mx/sites/default/files/observatorio_-_informe_nuevo_leon.pdf.
- Open Society Justice Initiative. 2018. 'Corruption That Kills: Why Mexico Needs an International Mechanism to Combat Impunity'. New York: Open Society Foundations. <https://www.opensocietyfoundations.org/sites/default/files/corruption-that-kills-en-20180502.pdf>.
- Ott, Lisa. 2011. *Enforced Disappearance in International Law*. Antwerpen: Intersentia.
- Payne, Caroline L., and M. Rodwan Abouharb. 2016. 'The International Covenant on Civil and Political Rights and the Strategic Shift to Forced Disappearance'. *Journal of Human Rights*, 15 (2): 163–188. doi:10.1080/14754835.2015.1103158.
- Pervou, Ioanna. 2012. 'The Convention for the Protection of All Persons from Enforced Disappearance: Moving Human Rights Protection Ahead'. *European Journal of Legal Studies*, 5: 145–173.
- Quadratin. 2020. 'Campos de trabajo forzado del narco son la nueva esclavitud en Guerrero'. *Quadratin Guerrero* (blog). January 20. <https://guerrero.quadratin.com.mx/campos-de-trabajo-forzado-del-narco-son-la-nueva-esclavitud-en-guerrero>.
- Robledo Silvestre, Carolina. 2015. 'El laberinto de las sombras: desaparecer en el marco de la guerra contra las drogas'. *Estudios Políticos (Medellín)*, 47 (July): 89–108. doi:10.17533/udea.espo.n47a06.
- Robledo Silvestre, Carolina. 2016. 'Genealogía e Historia No Resuelta de La Desaparición Forzada En México'. *Iconos – Revista de Ciencias Sociales*, 55 (April): 93–114. doi:10.17141/iconos.55.2016.1854.
- Rome Statute*. 1998. Rome Statute of the International Criminal Court Vol. 2187 UNTS 90.
- Sarkin, Jeremy. 2017. 'Respecting and Protecting the Lives of Migrants and Refugees: The Need for a Human Rights Approach to Save Lives and Find Missing Persons'. *The International Journal of Human Rights* (August): 1–30. doi:10.1080/13642987.2017.1354572.
- Sarkin, Jeremy, and Grazyna Baranowska. 2018. 'Why Enforced Disappearances Are Perpetrated Against Groups As State Policy: Overlaps and Interconnections Between Disappearances and Genocide'. *Católica Law Review*, 2 (3): 11–42.
- Scovazzi, Tullio, and Gabriella Citroni. 2007. *The Struggle against Enforced Disappearance and the 2007 United Nations Convention*. Leiden: Nijhoff.
- SEGOB. Secretaría de Gobernación. 2021. 'Informe de Búsqueda e Identificación de Personas Desaparecidas al 8 de Abril'. Secretaría de Gobernación. <http://www.alejandrocinas.mx/wp-content/uploads/2021/04/INFORMEB%C3%9ASQUEDA8ABRIL2021.pdf>.
- Serrano, Mónica. 2017. 'Mexico: A Humanitarian Crisis in the Making'. In *Beyond the Drug War in Mexico: Human Rights, the Public Sphere and Justice*, edited by Wil G. Pansters, Benjamin T. Smith, and Peter Watt, 53–75. Europa Country Perspectives. New York: Routledge.
- Shelton, Dinah L. 2020. *Advanced Introduction to International Human Rights Law*. 2nd. Cheltenham: Edward Elgar Publishing.
- Shirk, David, and Joel Wallman. 2015. 'Understanding Mexico's Drug Violence'. *Journal of Conflict Resolution*, 59 (8): 1348–1376. doi:10.1177/0022002715587049.
- Tzuc, Efraín, and Marcela Turati. 2020. 'Un País Rebasado Por Sus Muertos'. *Quinto Elemento Lab*, September 22. <https://www.quintoelab.org/crisis-forense/un-pais-rebasado-por-sus-muertos/>.
- UNTOC. United Nations Convention Against Transnational Organised Crime. 2000. 2225 UNTS 209.

- UNDPED. United Nations Declaration on the Protection of all Persons from Enforced Disappearance. 1992. Adopted by General Assembly resolution 47/133. December 18. UNGA Res. 47/133.
- UTSL-HR Clinic. The University of Texas School of Law Human Rights Clinic. 2017. *Control...Sobre Todo el Estado de Coahuila: Un análisis de testimonios en juicios contra integrantes de Los Zetas en San Antonio, Austin y Del Rio, Texas*. Austin, TX: University of Texas. <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-ES.pdf>.
- Vázquez Camacho, Santiago J. 2013. *La responsabilidad internacional de los estados derivada de la conducta de particulares o non-state actors conforme al sistema interamericano de promoción y protección de los derechos humanos*. México, DF: Comisión Nacional de los Derechos Humanos.
- Vélez Salas, Alejandro. 2016. 'Narrativas Interdisciplinarias Sobre Desaparición de Personas En México'. Comisión Nacional de los Derechos Humanos. http://appweb.cndh.org.mx/biblioteca/archivos/pdfs/fas-CTDH-Narrativas-Desaparicion_1.pdf.
- Vermeulen, Marthe Lot. 2012. *Enforced Disappearance: Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance*. Cambridge, Antwerp, and Portland: Intersentia.
- Wolffenbittel, Alexander Romboud. 2021. 'Enforced Disappearances: Applicable to Political Organizations?' *Virginia Journal of International Law Online*, 61: 159–174.
- WGEID. Working Group on Enforced or Involuntary Disappearances. 2017. 'Report of the Working Group on Enforced or Involuntary Disappearances on Enforced Disappearances in the Context of Migration'. A/HRC/36/39/Add.2.
- Yankelevich Winocour, Javier. 2019. 'Un concepto comunicativo de la desaparición de personas y dos notas jurídicas al respecto'. *Revista Mexicana de Ciencias Penales*, 2 (8): 37–55.

6 Fate and whereabouts

The two elements that make up the right to know about the victims of forced disappearance

Rainer Huhle

Introduction

The words ‘fate’ and ‘whereabouts’ appear as twins in almost all texts that seek to grasp the demand and the right to know the truth about what has happened to the victims of this crime which, since its massive practice under some Latin American dictatorships, has been given the name of ‘(en)forced disappearance’. And the relevant Mexican regulations on the matter are no exception. The *Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas* (General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals and the National Search System, LGD for its Spanish initials) of 2017 uses this binomial in multiple contexts. It mandates ‘guaranteeing the integral protection of the rights of the Disappeared Persons until their fate or whereabouts are known’ (LGD 2017, art. 2, par. V). Further, it declares that the crime has a permanent or continuous character, ‘as long as the fate and the whereabouts of the Disappeared Person have not been determined or their remains have not been located and fully identified’ (LGD 2017, art. 13), and it repeats the formula in a series of other contexts (for example, arts. 27, 34, 79, 89, 93, 108).

In the same way, the *Protocolo Homologado para la Búsqueda de Personas Desaparecidas y No Localizadas* (Approved Protocol for the Search for Disappeared and Missing Persons, PHB for its Spanish initials), adopted in October 2020 by the institutions that make up the *Sistema Nacional de Búsqueda de Personas* (National Search System, SNB for its Spanish initials), determines in its introduction that ‘the obligation to discover the fate and find the whereabouts of the disappeared and missing persons is permanent’ (PHB 2020, Presentación, art. 5). Citing Principle 7 of the Guiding Principles for the Search for Disappeared Persons (hereinafter Guiding Principles), approved by the United Nations Committee on Enforced Disappearances (hereinafter CED) (Guiding Principles 2019), the PHB emphasizes the permanent nature of this obligation to search. It returns to the formula of ‘fate and whereabouts’ when it demands that the ministerial authorities (that is, the prosecutors’ offices) also orient themselves ‘towards clarifying the facts

and defining criminal responsibilities' and also 'towards unofficially discovering the fate and finding the whereabouts of the missing person' (PHB 2020, *Ejes rectores y operativos*, par. 233).

Furthermore, the PHB offers definitions for both terms:

Whereabouts: Point in space where a disappeared or missing person is located.

(PHB 2020, *Ejes rectores operativos*, par. 79)

Fate: Series or chain of events or occurrences that happened to the disappeared person and led to his death or final destiny.

(PHB 2020, *Ejes rectores operativos*, par. 86)

In this chapter, I look for the origins and development of the meanings that these two words (whereabouts and fate), separately or coupled, have adopted. We will see that the definition offered in the PHB may serve the purposes of this discussion well, but that it does not cover all facets of this very recurring expression. The document on which the PHB relies for several of its provisions, the Guiding Principles, states: 'The search for a disappeared person should continue until his or her fate and/or whereabouts have been determined with certainty' (Guiding Principles 2019, Principle 7, par. 1). As Gabriella Citroni points out in her lucid reflections on the continuous or permanent nature of enforced disappearance, this paragraph uses 'a language that is somewhat ambiguous' (Citroni 2020, 358). This ambiguity, however, beyond the particular discussion about the conditions that allow a search to be completed, leads us to examine in more depth the relationship between the obligations to search for the disappeared persons (their whereabouts) and that of clarifying the circumstances of their disappearance (their fate). The binomial of these two terms has been appearing, in a variety of different combinations, since the terrible phenomenon of enforced disappearance entered the vocabulary of international law and international organisations for the protection of human rights.

What today is considered the human right to know the truth about serious crimes against human rights (HR Commission 2006) has its origins in the demands of the victims of enforced disappearance during the dictatorships of the Southern Cone of South America. On December 10, 1977, International Human Rights Day, and a year and a half after the civic-military coup in Argentina, a stunning number of women signed a public letter to the Military Junta and the Argentine judiciary entitled 'We only ask for the truth'.¹ This letter contains the seed from which sprouted the new human right to the truth:

The TRUTH we ask is to know if our DISAPPEARED ARE ALIVE OR DEAD AND WHERE THEY ARE. [...] We can no longer bear the cruellest torture for a mother, UNCERTAINTY about the fate of her

children. [...] We have exhausted all means to get to THE TRUTH, that is why today we publicly require the help of good men who really LOVE TRUTH AND PEACE, AND OF ALL THOSE WHO AUTHENTICALLY BELIEVE IN GOD AND IN THE FINAL JUDGEMENT, WHICH NOBODY WILL BE ABLE TO ESCAPE.

(*La Nación* 1977)

The ‘Where are they?’ demand that was to be heard across the continent was the core of what in legal parlance would soon appear as the right to know ‘the whereabouts’. And the unbearable uncertainty that mothers report about the fate of their children, of not knowing what happened to them, and whether they are alive or dead, would appear in normative texts as the right to know ‘the fate’.²

However, the first country to be investigated by the United Nations (hereinafter UN) for enforced disappearances was Chile after Augusto Pinochet’s coup in 1973. Two years after the coup, an ‘Ad Hoc Working Group’ (hereinafter AHWG) established by the UN Commission on Human Rights (hereinafter HR Commission) presented its report on the situation in Chile (AHWG 1975). In the section entitled ‘The problem of “disappeared” persons’³ (AHWG 1975, par. 138–51), the members of this group, from which the UN Working Group on Enforced or Involuntary Disappearances (hereinafter WGEID) was born, emphasize above all that the relatives did not know ‘the whereabouts’ of their disappeared relatives and denounce that those who inquire ‘about the fate’ (AHWG 1975, par. 138) of the person are harassed and persecuted. They also state ‘that women seeking to obtain information on the whereabouts of arrested husbands or relatives are subjected to threats and sometimes themselves arrested and detained’ (AHWG 1975, par. 202).

Already in this first UN document that reports in detail on the crime of enforced disappearance (when the term had not yet been coined in legal language), the two words ‘fate’ and ‘whereabouts’ appear in order to describe the anguish of the families who do not know the truth about what happened to their loved ones, who had often seen how they were arrested but did not know what happened to them afterwards or where they were. As both terms appear in the report in almost identical contexts and since the report concentrates on the description of the violations that produce direct suffering for the victims, and does not highlight the problem of the lack of a judicial investigation of these violations, both ‘fate’ and ‘whereabouts’ seem to point to what is essential: the uncertainty produced by the constitutive element of the enforced disappearance, and the denial about the truth of the detention. The cynical methods of this systematic denial and its disastrous effects on families in their frustrated searches are described in detail in the AHWG’s report of the following year (AHWG 1976, particularly par. 101).

Starting in 1975, the issue of human rights violations in Chile also reached the UN General Assembly (hereinafter UNGA). In December 1978, the

UNGA declared itself ‘*Particularly concerned also* by the lack of progress in clarifying the fate of missing and disappeared persons [...]’. It urged the Chilean government to adopt ‘urgent and effective measures [...] to investigate and clarify the fate of these persons’ (UNGA 1978b, par. 4d). It also invited the HR Commission to examine ‘the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile’ (UNGA 1978b, par. 7b).

During the 1970s, Chile was the subject of a whole series of resolutions and reports, well linked between the HR Commission and the UNGA, which put Pinochet’s diplomacy in ever-closer trouble (Kandler 2020, 62 ff.). In the context of these different documents, the coupling of the words ‘fate’ and ‘whereabouts’ as the object of petitions seeking to know the truth about the fate of the disappeared became gradually habitual.

Cases of enforced disappearance came not only from organisations based on the UN Charter, such as the HR Commission and the UNGA, but also from the field of international human rights treaties. In 1982, the Human Rights Committee that supervises compliance with the International Covenant on Civil and Political Rights, determined in the case of the Uruguayan citizen Eduardo Bleier, who had been disappeared since October 1975, that the Uruguayan State was obliged ‘to take effective steps (i) to establish what has happened to Eduardo Bleier since October 1975; to bring to justice any persons found to be responsible for his death, disappearance or ill-treatment; and to pay compensation to him or his family for any injury which he has suffered; and (ii) to ensure that similar violations do not occur in the future’ (Case of Irene Bleier Lewenhoff and Rosa Valiño de Bleier 1978). This decision of the HR Committee does not use the terms ‘fate’ or ‘whereabouts’, but its expression ‘establish what has happened’ paraphrases what in other texts is called ‘the fate’. In a case that occurred a few months later also in Uruguay, in June 1976, the HR Committee used similar language in its charges against the government, but in the descriptive part it explicitly recognized that it ‘understands the anguish and stress caused to the mother by the disappearance of her daughter and by the continuing uncertainty concerning her fate and whereabouts’ (Case of Maria del Carmen Almeida de Quinteros 1981).

In 1977, Protocol I Additional to the Geneva Conventions (hereinafter GC) included an entire section on the rights of the relatives of disappeared and deceased persons during or after armed conflicts and the corresponding obligations of the state parties in the conflict (Protocol Add to GC 1977, sec. III, arts. 32–34). It is in this Protocol in the field of international humanitarian law that we find, for the first time in a conventional norm, ‘the right of families to know the fate of their relatives’ (Protocol Add to GC 1977, art. 32).

In the field of human rights, it was the ‘Joinet Principles’ (1997) that took a decisive step from the right to a special truth, which is the right to know ‘the fate and the whereabouts’ of the disappeared persons, to a general human right to know the truth about serious violations. The Joinet Principles postulate three fundamental human rights of victims: (a) the victims’ right to

know; (b) the victims' right to justice; (c) the victims' right to reparations, to which is added, according to Joinet, 'a series of measures aimed at guaranteeing the non-recurrence of violations' (Joinet Principles 1997, par. 16). The order of these rights is not accidental. For Louis Joinet, the right to know was the foundation of all rights to combat impunity. For him 'it is the primary right of the victims and their relatives, that justice investigate for them the truth about those who have destroyed their lives or their families' (Joinet 2013, p. 328). Or, in the language of the Joinet Principles: '[...] the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victim's fate' (Joinet Principles 1997, Principle 3).

However, this is not a right that is exclusive to the victims. According to the Joinet Principles:

This is not simply the right of any individual victim or closely related persons to know what happened, a right to the truth. The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future.

(Joinet Principles 1997, par. 17)

This brief review of the development of the human right to the truth, starting with the rights to know the fate or the destiny of the disappeared persons, as well as to know 'where they are', that is to say their whereabouts,⁴ has shown that the two words 'fate' (or its synonyms) and 'whereabouts' have appeared, either coupled or isolated, since the victims began to demand the truth about the disappearances. Responding to these demands, human rights organisations, including the organisations of the regional and international systems in charge of protecting them, have sought to provide answers, using these same terms in the formulation of the rights of victims and the obligations of the states. In the next part of this short essay, I present some reflections on the content of each of the two obligations and their internal connection in different contexts.

'Fate' and 'whereabouts' as defining elements of the crime of enforced disappearance

The first legal text that prohibits enforced disappearance as a serious violation of human rights and a 'denial of the purposes of the Charter of the United Nations' is the 'Declaration on the Protection of all Persons from Enforced Disappearance' (hereinafter UNDPED), approved in the form of a Resolution by the UNGA in its 92nd Plenary Session on December 18, 1992. Although the UNDPED does not contain a formal definition, in its preamble it highlights the elements that make enforced disappearance a crime that affects all victims terribly, for after the perpetrators deprive them of their liberty, this act is 'followed by a refusal to disclose the fate or

whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law' (UNDPPED 1992, preamble).

The 1994 Inter-American Convention on Forced Disappearance of Persons (hereinafter IACFDP), in its Article II, has a definition of the crime which contains, using a language similar to that of the 1992 UNDPPED, the element of 'an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees' (IACFDP 1994, art. II). In similar terms, the International Convention for the Protection of All Persons from Enforced Disappearance (hereinafter ICPPED) includes in its definition of disappearance the 'concealment of the fate or whereabouts of the disappeared person' (ICPPED 2006, art. 2). In both cases, the words fate/destiny and whereabouts are linked by the conjunction 'or', suggesting that the denial of one of the two truths would be sufficient to satisfy the respective definition.

In its Article III, the IACFDP specifies: 'This offense shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined' (IACFDP 1994, art. 3). Here the disjunction between 'fate' and 'whereabouts' leads to the understanding that the crime of enforced disappearance ceases to continue when only one of the two is established: either the fate or the whereabouts, that is, if the state presents either the body of the person disappeared or the results of an investigation into what happened to them (it remains to be defined what type of information satisfies this requirement of knowing 'the fate'). It would be an interpretation not very favourable to the interests of the victims. On the contrary, Article 17.1 of the UNDPPED, drafted around the same time as the IACFDP, and adopted two years before it, establishes that: 'Acts constituting enforced disappearance shall be considered a continuing offense as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified' (UNDPPED 1992, art. 17.1). In this case, it is the conjunction 'and' between 'fate' and 'whereabouts' that makes it clear that only when the two elements continue to be hidden, the crime of disappearance will be considered permanent. However, this interpretation is relativised by the last part of the sentence that adds as a condition, in order for the crime no longer to be considered as continuing, that the facts be clarified: 'The facts' in this sentence are a broad formula that may well include the whereabouts and the fate. It is striking that the settlement of the same issue—important for the development of jurisprudence on enforced disappearance in terms of statute of limitations and the applicability of amnesties—has such different languages in these two texts, despite the fact that there was the same purpose in them and that both drafting groups were in perfect communication (Brody and González 1992; Brody 1990).

However, it is doubtful whether such rigorous interpretation to the letter of the language of the two texts really corresponds to the intentions of the

editors. Moving forward, we will see that the doubt is justified by a generally inconsistent use of the terms that circumscribe these two aspects of the right to the truth and also by the way in which they are coupled by the conjunctions ‘and’/‘or’.

‘Fate’ and ‘whereabouts’ as defining elements of the right to know (right to the truth)

As we have seen, the formulation of a general ‘inalienable right to the truth’ in the first of the Joinet Principles is based directly on the concrete experience and claims of the families of disappeared persons. The entire chapter of these Principles is entitled ‘The Right to Know’, which points to this origin of the need to know what happened to the disappeared persons. Principle 3 mentions the purposes of this right to know of the victims: ‘right to know the truth about the circumstances’ (with reference to the victims of any violation) and ‘the victim’s fate’ (in the specific case of murder or disappearance) (Joinet Principles 1997, Principle 3). ‘The whereabouts’ are not mentioned here, but the context indicates that the right to know where the disappeared persons are would be part of knowing the circumstances of the disappearance and the fate of the victim. The ICPPED uses the same language in its preamble, ‘Affirming the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person’ (ICPPED 2006, preamble), as well as in its Article 24.2. Obviously this includes the right to know the whereabouts of the missing person, which is explicitly mentioned in Article 2, which offers the definition of the crime.

A considerable expansion of the vocabulary of the right to the truth is presented by the WGEID in its *General Comment on the Right to the Truth in Relation to Enforced Disappearances* (WGEID 2010a) and its *General Comment on Enforced Disappearance as a Continuous Crime* (WGEID 2010b). Paragraph 1 of both Comments states:

The right to the truth in relation to enforced disappearances means the right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s).

(WGEID 2010a, 2010b, par. 1)

For the WGEID, the right to the truth refers explicitly both to the criminal investigation, including the knowledge of the perpetrators as one of the possible results of the investigation, and to ‘the fate and the whereabouts’ of the disappeared persons. The multitude of terms with which the objects of this right to the truth are listed without hierarchical distinction, in Paragraph 1 of the Comment, does not make it clear whether the WGEID considers knowing the fate and the whereabouts as part of the results of a criminal investigation (which also seeks to identify the perpetrators and the

circumstances), or if knowing the fate and the whereabouts are separate rights. The term ‘fate’, along with its twin ‘whereabouts’, would then remain reserved for the purpose of the search, separate from the scope of the investigation, and would have a primarily humanitarian meaning, as ‘fate’ is used in Article 32 of Protocol Add to GC (see above). However, later in the same General Comment on the right to the truth, an emphatic distinction is made between the right of the next of kin to know the truth about the fate and the whereabouts of the disappeared persons, which is described as ‘an absolute right’ (WGEID 2010a, par. 4, subsec. 2) and the right to know the truth about the circumstances of the disappearance, which it is stated is not an absolute right (WGEID 2010a, par. 8, subsec. 1), thus establishing an opposition between ‘fate and whereabouts’ and ‘circumstances’. In contrast to this, Paragraph 3 of the same Comment, which discusses in more detail the state’s obligation to allow the participation of persons with a legitimate interest in the investigation, does not distinguish between the criminal investigation and the clarification of the fate and whereabouts of the disappeared. For both procedures, the General Comment considers possible restrictions, conditioned to ‘the only legitimate aim: to avoid jeopardizing an ongoing criminal investigation’ (WGEID 2010a, par. 3).

The obligation to investigate and search

In the first document that deals with enforced disappearances within the framework of the UN, the UNGA Resolution on *Disappeared Persons* of 1978 makes a call for states ‘to devote appropriate resources to searching’ for such persons and ‘to undertake speedy and impartial investigations’ (UNGA 1978a, art. 1.a.). The call to search is specified with the verbs ‘search’, ‘locate’ and ‘account’, while the objective of the investigations has no further explanations. It is clear, however, that in this first Resolution the search and the investigation are two different things and that the investigation is considered an obligation of the states. The following year, the Report of the ‘Expert on the Question of the Fate of Missing and Disappeared Persons in Chile’, the Austrian jurist Felix Ermacora, appointed by the UNGA to continue the work of the ADWG mentioned above, of which he had been part, was published (UNGA 1979). In his extensive, detailed and rigorous report, the Rapporteur concludes that:

The Chilean Government owes it to the international community to explain and clarify the fate of these missing persons, to punish those responsible for the disappearances, to compensate the relatives of the victims and to take measures to prevent such acts from recurring in the future.

(UNGA 1979, par. 177)

In this enumeration of what today is called the four pillars of Transitional Justice, the expression ‘explain and clarify [to the international community]

the fate [...] seems to correspond to the right to the truth, while the demand for the punishment, to the right to justice. The object of the investigation in the Ermacora report is to clarify ‘the fate.’

The obligation of the state to investigate enforced disappearances ‘as its own legal duty’ was established since the 1988 judgement of the Inter-American Court of Human Rights (hereinafter IACtHR) in the Velásquez-Rodríguez case (Case of Velásquez-Rodríguez 1988, par. 177). In its jurisprudence on enforced disappearances, the IACtHR has repeated that:

in cases of extrajudicial executions, forced disappearances and other grave human rights violations [...], the Court has considered that the realisation of a prompt, serious, impartial and effective investigation *ex officio*, is a fundamental element and a condition for the protection of certain rights that are affected or annulled by these situations, such as the right to personal liberty, humane treatment and life.

(Case of Goiburú et al. 2006, par. 88)

In general, when the IACtHR explains the requirements of an investigation that corresponds to the norms of the Inter-American system, it refers to the criminal investigation as a necessary requirement to prosecute the perpetrators and combat impunity. But also in its jurisprudence the boundaries between this research objective and other purposes are not fixed. When in one of its most prominent judgements it declares that the purpose of an investigation of enforced disappearance is ‘to clarify the fate of the victims and identify those responsible for their forced disappearance’ (Case of Radilla Pacheco 2009, par. 222), it leaves the precise meaning of ‘clarifying the fate’ open. In this same judgement, the IACtHR determines that:

Therefore, the State shall, as a means of reparation of the victims’ right to the truth, continue with an effective search and immediate location of him, or that of his remains, either through a criminal investigation or through another adequate and effective procedure.

(Case of Radilla Pacheco 2009, par. 336)

For the IACtHR, there is obviously no fundamental separation between the investigation of the perpetrators of the crime and the search for the missing persons. In the cited sentence, it considers the criminal investigation as one of several possible search tools. At other times, it is understood that the search for the missing persons is part of the investigation. Thus, in the case of the *Palacio de Justicia* (Palace of Justice in Bogotá, Colombia), in the chapter dedicated to the presentation of the facts, everything related to the search is entitled ‘Investigations into the disappeared persons’ and is part of the section ‘The investigation of the events’ (Case of Rodríguez Vera et al. 2014). Even more clearly, the IACtHR links these two purposes when it defines that the ‘objectives [of an investigation related to the forced disappearance of

persons] are the determination of their whereabouts and the clarification of what happened, the identification of those responsible and their possible punishment' (Case of Contreras et al. 2011, par. 145). In other words: 'as part of the obligation to investigate, the State must carry out a reliable search, making all possible efforts to find the whereabouts of the victim' (Case of Ibsen Cárdenas and Ibsen Peña 2010, par. 214).

In its article dealing with investigations, the ICPPED obliges states, upon receiving knowledge of an enforced disappearance, to initiate without delay 'a thorough and impartial investigation [...] even if there has been no formal complaint' (ICPPED 2006, arts. 12.1 and 12.2). The objective of said investigation is not explicitly defined, but in the context of the rest of the ICPPED it is obvious that it includes the prosecution of the perpetrators. Article 3, which obliges states also to investigate disappearances committed by non-state authors, names 'acts' as the objective of the investigation, and more precisely, the prosecution of those responsible. The article that specifies the rights of the victims states that: 'Each victim has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person' (ICPPED 2006, art. 24.2). As this subsection is followed by another that explicitly deals with the rights to search (ICPPED 2006, art. 24.3), it is understood that the aforementioned Subsection 2, at least, also includes the investigation of the crime, which is indicated by the words 'circumstances' and 'fate'. A related right is provided by Article 17, which deals with the prohibition of secret detention. In its Subsection 3.g., it obliges states to report, 'in the event of death during the deprivation of liberty, the circumstances and cause of death and the destination of the remains' (ICPPED 2006, art. 17, subsec. 3.g), this time using the word 'destination', which certainly includes informing on 'the whereabouts' of the body, but also, for example, on how and why the remains were transferred to this place.

Finally, the ICPPED in its Article 24, Subsection 7, guarantees for the first time a conventional right 'to form and participate freely in organisations and associations interested in trying to clarify the circumstances of the forced disappearances and the fate of the disappeared persons and to attend the victims of enforced disappearance' (ICPPED 2006, art. 24, subsec. 7). It is important to note that the ICPPED distinguishes here between 'the circumstances' of the disappearance and 'the fate of the disappeared persons'. Since the absence of a mention of the search for the whereabouts cannot be understood as if this objective were excluded from the associations' agenda, we must understand in this subsection that 'the circumstances' are more related to the determination of what happened to the disappeared person (and there is no reason to think that this excludes the identification of the perpetrators of the crime), while 'fate' also covers the location of the missing person's whereabouts.

The words 'circumstances', 'fate' and 'destination' assume, in the text of the ICPPED, nuanced and not very consistent meanings. This is not surprising,

considering that the ICPPED is the first international instrument on the matter and that, obviously, in the *travaux préparatoires* that led to its final text, many terms and formulas emerged from previous texts, as well as from the universal and regional systems, and the various jurisprudences. As has been seen, these ambiguities are also found in earlier texts. However, in general ‘fate’ is more associated with the clarification of ‘the circumstances’ of the disappearance, often including the results of the criminal investigation, while ‘whereabouts’ or ‘location’ belong more sharply to search actions (see Verástegui’s contribution to this volume). It is this placement of the terms ‘fate’ and ‘whereabouts’ in two complementary semantic areas that gives meaning to the popular formula of the right to know the ‘fate and whereabouts’ of missing persons. And with the breadth of meanings that the word ‘fate’ can encompass, the difference between ‘fate and whereabouts’ and ‘fate or whereabouts’ loses importance. Several of the texts analysed for this essay connect both terms with the word ‘and’, but in those cases where the conjunction ‘or’ is used, this cannot be understood as indicating mutual exclusion of both objectives. It shows, among many other examples, that although the IACFDP in its Article III speaks of clarifying ‘the fate or whereabouts of the victim’ (IACFDP 1994, art. III), this has not prevented the IACtHR from using the IACFDP’s formula in many cases of enforced disappearance, while in many others it speaks of ‘fate and whereabouts’.⁵ Moreover, the analysis of these different sentences does not suggest that the use of one or the other formula implies different meanings. Therefore, the use of ‘fate and whereabouts’ or ‘fate or whereabouts’ does not invite strong interpretations as to the demand to clarify both things in the first case, or only one of them in the second.

The most striking example of the free use of these terms and of the real difficulty of separating the rights to investigate the circumstances of a disappearance and to search for the disappeared person is presented in Article 30 of the ICPPED. This article allows ‘the relatives of the disappeared person or their legal representatives, their counsel or any person authorised by them, as well as [...] any other person having a legitimate interest’, to present before the CED a request ‘that a disappeared person should be sought and found’ (ICPPED 2006, art. 30.1). Once the petition has been accepted, the CED ‘shall request the State Party concerned to provide it with [...] information on the situation of the persons sought’ (ICPPED 2006, art. 30.2). Another term that lacks an exact definition is introduced here: ‘the situation’. This word must, in any case, be something more than just ‘the whereabouts’. And finally, Article 30.4 declares that the ‘Committee shall continue its efforts to work with the State Party concerned for as long as the fate of the person sought remains unresolved’ (ICPPED 2006, art. 30.4). In this way, Article 30 begins with the presentation of a petition to search and locate a missing person (whereabouts) and ends with the obligation of the CED to continue in its efforts until ‘the fate’ of this person be clarified.

The CED and other agents interested in the proper use of this article have discussed the adequate interpretation of this language, particularly the

meaning of the expression ‘clarify the fate’ in its context. In light of what is stated in the text above about the wide range of meanings of ‘the fate’, an interpretation that reduces the term in this paragraph to a simple synonym of ‘whereabouts’ is unfounded. Already the verb ‘clarify’, which in no text is combined with ‘whereabouts’ or ‘localization’, excludes such a narrow interpretation. In addition, the phrase ‘as long as the fate of the disappeared person has not been clarified’ is a literal copy of the 1992 UNDPED, which in its Article 13.6 states that an investigation must be carried out ‘as long as the fate of the victim of enforced disappearance remains unclarified’ (UNDPED 1992, art. 13.6). The entirety of Article 13 of the UNDPED deals with the duties to investigate. It would be strange, and clumsy, for the HR Commission’s Intersessional Group, tasked with drafting the ICPED,⁶ to have taken a phrase from the UNDPED on the duty to investigate and put it in the ICPED giving it a meaning that excludes the investigation. To ‘locate’ the disappeared person, as stated in Paragraph 1 of Article 30, and ‘clarify the fate’ of said person, as mandated in Paragraph 4, are the two sides of the right to know, which is fundamental in all regulations and jurisprudence on enforced disappearance.

Conclusions

Clarifying the ‘fate’ and ‘whereabouts’ of disappeared persons is what their relatives urgently demand, and this demand already appears in the first documents that in the UN deal with the crime of enforced disappearance. These words have also found their place, sometimes accompanied by synonyms such as ‘destiny’, ‘destination’ or ‘location’, in the main normative texts of the universal and American systems, as well as in the jurisprudence of both systems’ conventional control bodies, and of the special procedures concerned with enforced disappearances. Both in the normative texts and in the respective jurisprudence, these terms have been coupled almost routinely, although not in a consistent way: one can find both ‘fate and whereabouts’ and ‘fate or whereabouts’. Also, in the LGD of Mexico and in the PHB that seeks to regulate search actions, the coupling of both words is not consistent: sometimes the conjunction ‘or’ is used, and sometimes ‘and’. Nevertheless, when analysing the basic concepts behind these two keywords—the right to know the truth about what happened to the disappeared person in all its dimensions, the indistinct or mixed use of the two conjunctions that usually unite them loses significance. In the same way, the definitions mentioned at the beginning of this text offered by the PHB for ‘fate’ and ‘whereabouts’ should be understood as operational for the purposes of that document. Neither the conventional texts and their *travaux préparatoires* nor the jurisprudence provide definitions of these terms (see Vermeulen 2012, p. 440 ff.). On the contrary, the review of the normative texts in the international, Inter-American and national spheres, as well as the respective jurisprudence, shows that the use of the two terms ‘fate’ and ‘whereabouts’ is not uniform and

does not even correspond to two clearly distinct semantic fields. In this perspective, the language ‘the fate and/or the whereabouts’ of the Guiding Principles is perhaps not elegant, but it adequately reflects the ambiguity of the relationship between investigation and search.

The two words cover the two main aspects of the great uncertainty that torments the relatives of a disappeared person: not knowing what happened to them and not knowing where they are. ‘Whereabouts’ has a connotation clearly referring to the place where the missing person is presumed to be and where the search is conducted. Therefore, it appears frequently in the context of physical search actions and with verbs such as ‘locate’. ‘Fate’ (and its synonym ‘destiny’) refers mainly to knowing what happened to the person, but this is a much broader semantic field. Without the word ‘whereabouts’, its partner in this formula, the meaning of ‘fate’ can include the person’s physical location. But in combination with ‘whereabouts’, it usually refers to knowing the circumstances of the disappearance, to all the details of what happened to the person, either during their life or after their death, and also the knowledge of the perpetrators of the disappearance. The frequent blur or overlap between these two semantic fields points to the intrinsic connection between them.

If both knowing what happened and knowing where the disappeared person is are inalienable rights of the victims and therefore undeniable obligations of the states, then an adequate coordination between the institutions in charge of each of these obligations must also be sought. States have designed different models for the combination of investigation and search. While in the majority of states both tasks are still in the hands of the investigating entity, some countries with a high number of disappeared and missing persons have opted for the creation of specialized non-judicial search institutions. Mexico, with its federal states and national search commissions, is one of the outstanding examples of this institutional design. Defined by LGD as part of several institutions within the comprehensive *Sistema Nacional de Búsqueda de Personas* (National Search System), the Search Commissions have to coordinate with the rest of the National System’s institutions in order to fulfil their task. The LGD obliges all of them to seek ‘coordination between authorities as regards the search for persons, as well as the investigation [...]’ (LGD 2017, art. 49.I). As detailed in the same article of the LGD, this coordination does not imply a mere bureaucratic coordination, but rather the development of common practices and procedures, especially between Search Commissions and Prosecutor’s Offices. The PHB is one of the instruments provided for this. The fact that, while this chapter was being written, not all the institutions concerned had adopted this PHB is cause for concern, and the debt certainly remains, in order to meet the justified expectations of the families of the disappeared persons and of society at large, that all institutions in the country unite in order to assert the right to the truth—to the truth of knowing what happened and where they are.

Notes

- 1 A facsimile of the letter published in the newspaper *La Nación* can be read at <https://recursossecundarios.blogspot.com/2019/09/historia-iii-solo-pedimos-la-verdad.html> (last consulted on December 31, 2020); caps in the original.
- 2 The Spanish version of the *Inter-American Convention on Forced Disappearance of Persons* maintains the word ‘destino’ (‘fate’ or ‘destiny’)—used by the Mothers in their folder—in its Article III (‘Dicho delito será considerado como continuado o permanente mientras no se establezca el destino o paradero de la víctima’/‘This offense shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined’).
- 3 The words disappear, disappeared, etc. are used in quotation marks throughout the entire document.
- 4 For a detailed review of international standards and state obligations for searching, see Dulitzky and Anayanssi Orizaga 2019.
- 5 Some examples are: Case of González Medina and Family 2012, Series C, no. 240, par. 175; Case of Goiburú et al. 2006, Series C, no. 153, par. 83; Case of Ibsen Cárdenas and Ibsen Peña 2010, Series C, no. 217, par. 168; Case of Ticona Estrada et al. 2008, Series C, no. 191, par. 155.
- 6 Established by Resolution 2001/46 of April 23, 2001.

Bibliography

- AHWG. Ad Hoc Working Group. 1975. Progress report of the Ad Hoc Working Group established under resolution 8 (XXXI) of the Commission on Human Rights to Inquire into the Present Situation of Human Rights in Chile. October 7. A/10285.
- AHWG. Ad Hoc Working Group. 1976. Report of the Ad Hoc Working Group established under resolution 8 (XXXI) of the Commission on Human-Rights to Inquire into the Present Situation of Human Rights in Chile. February 4. COMMISSION ON HUMAN RIGHTS, 32nd session, Item 5 of the provisional agenda - E/CN.4/1188.
- Brody, Reed. 1990. ‘Commentary on the Draft UN Declaration on the Protection of All Persons from Enforced or Involuntary Disappearances’. *Netherlands Quarterly of Human Rights*, 8 (4): 381–394.
- Brody, Reed, and Felipe González. 1992. ‘Desarrollo de derechos humanos en la Asamblea General de la OEA’. *La Revista. Comisión Internacional de Juristas*, 48 (June): 68–72.
- Case of Contreras et al. v. El Salvador. 2011. Sentence of August 31 (Merits, Reparations and Costs). IACtHR.
- Case of Goiburú, et al. v. Paraguay. 2006. Sentence of September 22 (Merits, Reparations and Costs). IACtHR.
- Case of González Medina and Family v. Dominican Republic. 2012. Sentence of February 27 (Preliminary exceptions, Merits, Reparations and Costs). IACtHR.
- Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia. 2010. Sentence of September 1 (Merits, Reparations and Costs). IACtHR.
- Case of Irene Bleier Lewenhoff and Rosa Valiño de Bleier v. Uruguay. 1978. Communication No. 30. May 23. UN Doc. CCPR/C/OP/1 at 109.
- Case of Maria del Carmen Almeida de Quinteros v. Uruguay. 1981. Communication No. 107. September 17. UN Doc. CCPR/C/OP/2 at 138.
- Case of Velásquez-Rodríguez v. Honduras. 1988. Sentence of July 29 (Merits). IACtHR.

- Case Radilla Pacheco v. México. 2009. Sentence of November 23 (Preliminary Objections, Merits, Reparations and Costs). IACtHR.
- Case Rodríguez Vera et al. (the Disappeared from the Palace of Justice) v. Colombia. 2014. Sentence of November 14. IACtHR.
- Case of Ticona Estrada et al. v. Bolivia. 2008. Sentence of November 27 (Merits, Reparations and Costs). IACtHR.
- Citroni, Gabriela. 2020. '¿Hasta cuándo? Reflexiones sobre el carácter continuo o permanente de la desaparición forzada de personas y las correspondientes obligaciones estatales y derechos de las víctimas'. In *Estudios de casos líderes interamericanos Vol. X. Los derechos de las víctimas de desaparición forzada de personas en el sistema interamericano*, edited by Luis Efrén Ríos Vega, and Irene Spigno, 347–393. Mexico City: Tirant Lo Blanch.
- Dulitzky, Ariel, and Isabel Anayanssi Orizaga. 2019. *¿Dónde Están? Estándares internacionales para la búsqueda de personas desaparecidas forzosamente*. London: International Bar Association's Human Rights Institute.
- Guiding Principles for the search for disappeared persons. 2019. CED/C/7, approved by the Committee on Enforced Disappearances in its 16th period of sessions. April 8–18.
- HR Commission. United Nations Commission on Human Rights. 2006. Study on the right to the truth. Report of the Office of the United Nations High Commissioner for Human Rights. February 8. E/CN.4/2006/91.
- IACFPD. Inter-American Convention on Forced Disappearance of Persons. 1994. Inter-American Convention on Forced Disappearance of Persons. Adopted at Belém do Pará, Brazil at the 24th regular session of the OAS General Assembly. June 9. 33 ILM 1529.
- ICPPED. International Convention for the Protection of All Persons from Enforced Disappearance. 2006. 1726 UNTS 3.
- Joinet Principles. 1997. Question of the impunity of perpetrators of human rights violations (civil and political). Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119. October 2. E/CN.4/Sub.2/1997/20/Rev.1
- Joinet, Louis. 2013. *Mes raisons d'état. Mémoires d'un épris de justice*. Paris: La Découverte.
- Kandler, Philipp. 2020. *Menschenrechtspolitik kontern. Der Umgang mit internationaler Kritik in Argentinien und Chile (1973–1990)*. Frankfurt/New York: Campus Verlag.
- La Nación*. 1977. 'Sólo pedimos la verdad'. *La Nación*, December 10.
- LGD. Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas. 2017. DOF: 17/11/2017.
- PHB. *Protocolo Homologado para la Búsqueda de Personas Desaparecidas y No Localizadas*. 2020. Acuerdo SNBP/002/2020 por el que se aprueba el Protocolo Homologado para la Búsqueda de Personas Desaparecidas y No Localizadas, el cual se anexa al presente Acuerdo y forma parte integrante del mismo. DOF: 06/10/2020.
- Protocol Add. to GC. 1977. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1). Adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. Entry into force: 7 December 1979, in accordance with Article 95.

- UNDPPED. 1992. United Nations Declaration on the Protection of all Persons from Enforced Disappearance. December 18. UNGA/RES/47/133.
- UNGA. United Nations General Assembly. 1978a. Disappeared persons. December 12. Adopted at the 90th plenary meeting, December 20, 1978. A/RES/33/173.
- UNGA. United Nations General Assembly. 1978b. Protection of human rights in Chile. December 12. Adopted at the 90th plenary meeting, December 20, 1978. A/RES/33/175.
- UNGA. United Nations General Assembly. 1979. Protection of human rights in Chile. Note by the Secretary-General. November 21. A/34/583/Add. 1.
- Vermeulen, Marthe Lot. 2012. *Enforced Disappearance. Determining State Responsibility under the International Convention for the Protection of All Persons from Enforced Disappearance*. Cambridge/Antwerp/Portland: Intersentia.
- WGEID. Working Group on Enforced or Involuntary Disappearances. 2010a. General Comment on the Right to the Truth in Relation to Enforced Disappearances. A/HRC/16/48.a.
- WGEID. Working Group on Enforced or Involuntary Disappearances. 2010b. General Comment on Enforced Disappearance as a Continuous Crime. A/HRC/16/48.b.



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

Part IV

Affective and experienced dimensions of the search and the social mobilisation for the disappeared



Taylor & Francis

Taylor & Francis Group

<http://taylorandfrancis.com>

7 *Pedagogies of searching in contexts of dispossession*

Carolina Robledo Silvestre

This text raises two central arguments. First, that enforced disappearance¹ is a form of dispossession that acts as a symptom of neoliberalism that destroys life. Second, that this neoliberal project is opposed by pedagogical practices that, through *embodied knowledge*, bring back hope and make it possible to inhabit fairer worlds.

This reflection is woven from the experiences developed over the last decade in relation to the enforced disappearance of and the search for Óscar Antonio López Enamorado, who disappeared in Mexico on January 19, 2010. Ana Enamorado, his mother, holds on to the hope of finding him alive and her affection has mobilised a powerful network that accompanies her. The purpose of this document is to honour the struggle of those who resist enforced disappearance, and to reflect upon the ways in which *embodied knowledge* confronts violence and produces *pedagogies of searching* in a context of dispossession and lack of protection of life. These pedagogies are epitomised in bodies that collectively search for disappeared persons, social bodies that establish links between themselves and those who are absent, to re-establish the value of those lives sacrificed within the framework of the neoliberal project of dispossession. Later I will delve into these conceptual definitions, but for now I would like to introduce Ana Enamorado and tell a little of the story of the disappearance of her son Óscar.

Embodied knowledge and pedagogies of searching

In the context of the neoliberal project implemented in Mexico, the pedagogical practices that start with *embodied knowledge* have opposed the economy of the destruction of connections and that which is public, upholding the possibility of inhabiting more just worlds. Throughout this chapter, I will characterise *pedagogies of searching* as those experiences that become generators and pollinators of other ways of being and doing, such as Ana's experiences.

Embodied knowledge is a type of knowledge where the body knows how to act. There is no need to verbalise or represent in the mind all the procedures required. The knowledge seems to be imprinted in one's body. The knowing-subject here is the body itself, not the mind. The notion of *embodied*

knowledge is derived from the phenomenology of the French philosopher, Maurice Merleau-Ponty (1962). In *Phenomenology of Perception* Merleau-Ponty described ‘knowledge in the hands’ as the particular type of knowledge which is not distinctly explicit, conscious, mentally representative, or articulated. It is, however, well known by the body or through the body, when it is practiced. The knowledge of how to touch type is just lived by the hands or by the body. Merleau-Ponty also refers to it as ‘knowledge bred of familiarity’. This is the original source of *embodied knowledge*.

On the other hand, feminist epistemology (Barbour 2004) has developed the idea of *embodied knowledge* from a central critique of the mind-body, reason-nature, man-woman binaries, which establish a hierarchical differentiation between opposites. In the critique of mind/body dualism, feminists and phenomenologists claim that Western understanding is based on deep ignorance and fear of the body. Mind/body dualism needed to be challenged and articulated differently, potentially through the appreciation and understanding of ‘incarnation’. In the critique of the knowledge/experience dualism, feminists and phenomenologists have suggested that ‘knowing’ could be based on lived experience. From lived experience, knowledge could be constructed by individuals and communities, instead of being universal and strictly resulting from a rational argument.

When I speak of *embodied knowledge* I am referring to the power of the social body that activates the search for disappeared persons through shared learning experiences, focused on senses, perception, emotions and memory: combing the terrain, excavating the land, activating the immediate search, marching in public spaces, occupying a plaza or a public office, offering a public discourse, embracing one’s companions in struggle, protecting those who have just joined, producing a database, and documenting. This is a body that searches, that screams, that marches, that finds, that exhumes, that cares for others, a generally collective body that learns in the encounter and in practice. Another example of *pedagogies of searching* is the experiences of Mario Vergara, a searcher from Huitzuc, Guerrero, whose brother was disappeared in July 2012. Mario leads searches in various states, joined by other family members. He communicates and shares knowledge learned over years of searching: identifying marks on the ground, establishing contact with informants, distinguishing between human and animal remains, knotting a rope to rappel down a river or cave, asking appropriate questions to the authorities, monitoring their actions on the ground, and reporting on their negligence. These learning communities are reproduced throughout the country, as a pedagogical model focused on common knowledge rather than on the authority of the expert or the teacher. They are established based on bodily practice and experimentation and produce, through word-of-mouth, extensive forms of communication that reach all over the national territory, as well as beyond.²

Dawson (2019, 271) invites us to think of pedagogy as a way of building knowledge that, before being static and objective, emerges from a process of experimentation and social reflection. Understood in this way, pedagogy is

not founded upon a single authority (such as the teacher or the so-called expert) of knowledge, but rather on the community of knowledge. The *pedagogy of searching* thus conceived is a learning process embodied in the lives of those who search. It is rational and cognitive but, above, all experimental, intuitive, and emotional. Head, heart, and hands are part of this pedagogy and relationships are the main producers of knowledge. In the same way that Rita Segato (2018) proposes that we think of the counter-pedagogy of cruelty along the lines of feminine thought, the *pedagogy of searching* is also bolstered by women who promote collective thought and action: community-rooted policies guided by contingency, policies that are close to and preserve day-to-day life instead of serving bureaucracies. This pedagogy is established in the emotions and affections: love, pain, loss, anger, and the ability to act collectively from the heart. This practice stands in opposition to the *historical project of things* (Segato 2018, 18), that is, to the excessive advance of capital upon lives, their dispossession and their instrumentalisation.

The *pedagogies of searching* are created by the searchers who go out to the countryside to explore graves, those who review files and documents, those who document the violence to produce memories about the tragedy, those who march, those who perform acts of memory, those who laugh, and those who take part in the mortuary rituals, accompanying others who have managed to rescue the ‘subtiero’³ (Ferrándiz 2011). These pedagogies also spread to the people who accompany them: activists, artists, academics, lawyers, psychologists, neighbours, and members of religious communities, etc. These are light movements that oppose the heaviness and omnipresence of traditional power structures, anchored in complex, and highly hierarchical political parties, civil organisations, and social movements. The *pedagogies of searching* are produced by and produce *embodied knowledge*. These pedagogies matter because, even when not all the disappeared persons are found or even if justice is not upheld in all the crimes, they build important long-term references: social change in relationships, awareness, and persistence of memory. These are the struggles that Mafe Moscoso (2020) calls ‘maternal struggles’, defences that do not come from proletarian men of the city, but rather are encouraged through the affective ties of women who defy their social roles: those of the house, those of the victim. Despite the cruel reality of the disappearance, there are collectives and search communities that burst out of the victim’s situation. They make the pain public and build something positive in that space where the rebellious power of the bodies is punished.

Ana and Óscar

Ana has a sweet voice. She is respectful and always wears a smile. She is relentless when making a demand, denouncing someone, or defending an idea. I met her one morning in June 2016 at the first forensic anthropology workshop that we organised at the *Centro de Investigaciones y Estudios Superiores en*

Antropología Social (Center for the Investigation and Study of Social Anthropology, CIESAS for its Spanish initials) in Mexico City. We invited forensic anthropologists and archaeologists to a week-long training program on searching for and identifying human remains in current contexts, which was also attended by women who wanted to improve their techniques for searching in the field. Since then, this workshop has been held in different states and tries to respond to a growing demand for information and training for relatives of disappeared persons.⁴ Ana posed specific questions in the workshop that could not be answered. Among those, she wanted to know if it was possible to identify human remains from ashes. The Attorney General of the State of Jalisco wanted to deliver a box with what were allegedly the ashes of her son Óscar, who was supposedly cremated under his orders. Ana's common sense led her to reject the box and making public this practice of intimidation of which she was being made a victim through this process of delivering the ashes. Her decision motivated civil organisations and local journalists to investigate the terror experienced by Ana and to highlight a tremendous fact: there were thousands of bodies cremated by this Attorney General's Office without performing the necessary tests for possible identification.⁵

While the Attorney General's Office raised doubts about the possible death of her son, Ana continues to search for him as if he were still alive. She prefers to direct her energy toward the hope of not finding him in a grave, cremated, or turned into fragments in one of the extermination fields that have been discovered all across the country.⁶

Óscar Antonio López Enamorado was born in 1990 in the district of Naranjitos, Santa Bárbara, Honduras. Ana remembers him as a sweet and loving child, who played piano and guitar and dreamed of being a lawyer. On January 31, 2008, Óscar left his country for the United States along the migration route that thousands of Central Americans take to protect their lives or make a stable living. Óscar came to the United States and settled in Texas, where he worked in construction.

According to Ana, her son was looking to have a normal life and avoid the context of violence that he had experienced in Honduras. Óscar grew up in a working-class neighbourhood in the district of Choloma, in the county of Cortés, where he spent his time between school and home. In 2009, he and a friend returned to Mexico crossing the United States border, because they had been offered jobs at a farm in El Carrizo, a town in the middle of the mountains of Jalisco. In mid-January 2010, Ana received the last call from her son in which he mentioned that he was no longer in El Carrizo, but was staying on 'an island'. He told her that he was fine and that he would soon return to Honduras. Before this communication, Ana received calls from people who said they knew Óscar, asking for money to pay for damages to a truck that, allegedly, her son had crashed. She made the payment to the extortionists, but she never heard from her son or them again. Desperately, she searched for information in various media and asked her neighbours for clues about Óscar's whereabouts. One day she heard relatives of the

disappeared from Progreso, Honduras on the local community radio, she knew then that she was not alone. Her investigations led her to join the *Caravana de Madres de Migrantes Centroamericanos* (Caravan of Mothers of Central American Migrants) in 2012,⁷ and that is how she arrived in Mexico. After the Caravan, Ana decided to stay in Mexico to continue the search. Since then, she has become a member of the *Movimiento Migrante Mesoamericano* (Mesoamerican Migrant Movement) and has been collaborating with the search for hundreds of disappeared migrants in Mexico. Ana has reconstructed not only the facts related to her case, but also the context of the enforced disappearance of migrants in Mexico based on what she has learned accompanying people looking for their loved ones who had travelled from Honduras, Guatemala and El Salvador, and from conversations with migrants crossing Mexico.

Enforced disappearance as dispossession

The dimension of dispossession that enforced disappearance entails provides a perspective for understanding the case of Óscar and other disappeared persons in Mexico. In order to uncover this, it is necessary to understand the context⁸ in which these disappearances occur, even at the risk of simplifying the complexity of a changing architecture.

Rebecca Solnit (2017) points out that the world is experiencing a nightmarish time, characterised by ‘the increase in a repugnant economic inequality [...], the attack on civil liberties [...] and the arrival of climate change, that comes more and more quickly and is devastating’ (8). This is a historical moment that is marked by the existence of a project of extreme exploitation of life through the extensive practice of the relations of *occupation* (Reguillo 2017) and *dueñidad* (lordship) (Segato 2014). We are talking about a process rooted in subjectivities and vital processes in nature, the economy, and the government; the extension of an occupying power that, in order to survive and reproduce, requires ‘swallowing “bodies”, “territories”, “wealth”, “imaginaries”, “daily lives”’ (Reguillo 2017, 33).

‘Occupation’ here is understood as the colonial process of expansion of a capitalist development model on territories and bodies. This occupation is the result of the use of force and a subtle process of possession of that which belongs to another. We return to the arguments of Rita Segato (2016) who defines *dueñidad* (lordship) as a ‘position of power’ (17), of ‘*señorío*’ (dominion) over the body, things, goods and land:

a new form of *señorío* resulting from the acceleration, concentration and expansion of a sphere of control of life that I describe, with no hesitation, as parastatal [...]. The possibility of an existence without inevitable institutional grammar or institutional failure in the face of unprecedented levels of concentration of wealth.

(Segato 2016, 17)

La dueñidad in Latin America, Segato claims, manifests itself in the form of a mafia-like and gangster-like administration of businesses, politics, and justice. It is an ‘apocalyptic phase in which plundering, displacement, uprooting, enslaving and exploiting to the maximum are the path of accumulation’ (Segato 2016, 99).

This neoliberal project is founded on top of life and upon life (Benasayag 2015). It is practised through the deprivation and dispossession of something that is taken away or that is occupied: existence, freedom, food, health, the body, public property, protection, rights, and the future. Some of its characteristics are: the liberalisation of markets, the precarisation of work (Standing 2012), the financialisation of the economy (Gago 2020), the expropriation of public services with the overload of community work (Gago 2020), the control of migratory flows (Estévez 2018), the securitisation and reinforcement of classist and racist stereotypes, the criminalisation of racialised populations and of protest (Davis 2017, Wacquant 2004), the erosion of public property (Federici 2020), and the imposition of extractivism that attacks nature and people.

Within the geography that defines Ana and Óscar’s experience, this neoliberal project is updated as a colonial product. From the Honduran neighbourhoods in which they recruit bodies for the war to the courts for arbitrating asylum in the United States, the colonial character manifests itself in the racialisation of the bodies, lack of protection of life, and the lethality of violences. In the neoliberal context, the enforced disappearance of people configures its own political economy. It links itself with new forms of war, with a geometry of powers beyond the nation-state, and with the introduction of multiple private actors and illegal capital that impose their power through the appropriation of, or lordship over, bodies and territories (Segato 2014).

At this point in the chapter, I put forward a dialogue with the proposals of other colleagues for thinking about enforced disappearance beyond its legal classification. I will return to the context that I have just characterised to reflect upon the experience of Ana and Óscar and thousands like them.

It is important to try to define enforced disappearance without resorting to the legal classification of the crime. In the first place, the language of law fails to account for the intensity and diversity of the violence that this practice embodies. Second, we need to historicise disappearance in order to understand it. That is, we need to locate it in specific places and times, since these are the coordinates that mark its specificity. And third, the knowledge attained by searching for people goes beyond disciplines and forces us to broaden our gaze and question our own epistemologies.

To historicise the enforced disappearance of people in Mexico in recent decades, it is useful for me to think about the processes of *dueñidad* and *ocupación* of life at different levels and in different aspects.⁹

Enforced disappearance does not necessarily begin with the illegal dispossession of a person, as is indicated by the legal classification.¹⁰ It is the

result of a knotting of violence, of which kidnapping or the confiscation of the corpse is only ‘a partial synthesis’ (Gago 2020, 86). From this perspective, enforced disappearance is something that occurs after a body has been exposed to extreme violence. Let us think of Ana when she tells us that ‘Central American families are the poorest, have the least worth, the ones that are not taken into account by society or by the Mexican authorities, so it does not matter if a migrant disappears’ (Ana, personal communication). Lives disappear in the context of denial and precariousness before they are subjected to enforced disappearance. For Butler (2006), this lack of protection or precariousness is unevenly distributed, exposing some bodies to extreme violence more than others.

Disappearances that occur as a result of negligent bureaucratic practices in the treatment of unidentified corpses are also a manifestation of state violence, and proof that it is not (and perhaps never has been) the guarantor of life, but rather one of the worst threats to it (Robledo Silvestre 2020). After being singled out for the mass incineration of the bodies of unidentified people thanks to Ana’s denouncement, the Jalisco State Attorney General’s Office was found to be involved in the appearance of two refrigerated trucks containing 322 unidentified bodies in the metropolitan area of Guadalajara (Franco 2020). In this regard, Ana tells us:

The state of Jalisco is criminal. They treat people’s bodies like garbage, like whatever. They say that no one is looking for these bodies, that no one claims them. I am surprised and angry because there are thousands of us families looking for our loved ones, wanting to know about them.
(field journal)

For their part, state officials justify these practices, claiming that they are the product of a rational decision:

There was no room for any more bodies and we had to adapt one more room to put all of those that didn’t enter the refrigeration chamber. The saturation of bodies and the liquids that they gave off caused rumblings in the pipes of the SEMEFO (*Forensic Medical Service*).

(Luis Coterio Bernal, ex director of the Jalisco Institute of Forensic Sciences, quoted in Franco 2020)

The neoliberal state exhibits its machinery for the administration of life as one based on a market racism that dismisses the idea of protecting bodies considered disposable through a rational cost-benefit calculation. Doña María Herrera, mother of four young disappeared persons in Mexico, and an important figure for citizen searches, prefers to call the state ‘authorised crime’, referring to the ways in which police, military, and law enforcement corporations exercise violence autonomously or in collusion with organised crime.

This same neoliberal state apparatus produces the figure of the ‘victim’ through a bureaucratic labyrinth of times and places that limit and expropriate the creative capacity of individuals and communities. This psychology-based perspective, which centres on individualised experience of harm that the state imposes upon individuals, justifies the redemptive-colonial-paternalistic discourse, which infantilises subjects and seeks to make passive their political trajectories.

Enforced disappearance deprives families and communities of their common practices and ways of being and doing, averting them, for example, from burial and mortuary rituals. This not only damages subjectivity, but also erodes the public field, the collective accompaniment of loss. The neoliberal siege towards the common is also expressed in a capacity to sow distrust and fear in social relationships, and to cause loneliness among those who suffer violence by privatising or labelling their pain.

Enforced disappearance has a territorial correlate that is defined by forms of *occupation* and *lordship* linked to economic and political power: ‘50% of the disappeared in Mexico are concentrated in 28 municipalities (out of 2,457), which account for only 20% of the national population’ (Merino et al. 2015). Tamaulipas, Jalisco, Sinaloa, Guanajuato, and Chihuahua present the highest number of cases of enforced disappearance. In areas of high disappearance ‘there are economic interests that could eventually benefit from the dispossession of the local inhabitants. Once in the areas where one can easily become a victim of disappearance, this can occur in various places from the house to public places’ (Paley 2020, 100).

In our ethnographic work carried out in the north of Sinaloa, we observed a pattern of disappearances of young people perpetrated by the local police, as part of a dynamic for controlling the territory for drug trafficking and drug dealing (Hernández and Robledo Silvestre 2020). In Coahuila, there is a relationship between the occupation of the territory by armies (official and private) and the extreme violence against the population. Economic interests over coal resources and the border with the United States are related to massacres, disappearances, and selective assassinations. In cities like Piedras Negras, the creation of elite security groups, such as *Grupo de Armas y Tácticas Especiales* (Special Weapons and Tactics Team, GATE for its Spanish initials), that dispute control of the territory has intensified the use of torture, arbitrary detentions, and the disappearance of people. In Chihuahua, during the beginning of the so-called ‘war on drugs’ we observed a pattern of practices of military repression that included enforced disappearance in order to achieve territorial control (Robledo Silvestre et al. 2018).

The body of the migrant person becomes merchandise in a complex dynamic of connected acts of violence, which include extortion, kidnapping, slavery, sexual violence, massacre, dismemberment, and enforced disappearance using bloody techniques. Preying upon the lives of migrants is not only done by criminal groups, but also by state corporations that profit from their movement and take advantage of their vulnerability.¹¹ As Rita

Segato puts it, 'The current exploitation paradigm supposes an enormous variety of forms of vulnerability and precariousness of life, and this modality of exploitation depends upon a principle of cruelty consisting in the reduction of empathy for the subjects' (Segato 2018, 14).

In Mexico, disappearance is a systematic crime, carried out as a product of rational and planned acts based on the commodification of life: its loss of value.

Ana, embodied knowledge in searching

The story of Ana's breakout began before she began the search for Óscar, when she left Honduras and escaped from a violent relationship. Everything she had painstakingly built was left behind: her house, her business, her neighbourhood relationships, and her family. This road meant a radical change for Ana that would make her what she is today. With her participation in the Caravan of Mothers of Central American Migrants and as part of the *Huellas de la Memoria* Collective¹² Ana has become a searcher for migrants and a defender of memory. Her efforts are not only focused on finding her son alive and accompanying other families, but also on taking care of her own life, on undertaking creative economic activities¹³ and on establishing loving and caring relationships.

Next, I will discuss two paths that Ana has created in the search for Óscar and for herself.

First scenario: making the state uncomfortable

After years of receiving negative answers, evasive responses and mistreatment, Ana confronted the state using the legal recourse of the *Amparo* Proceeding. The *Amparo* Proceeding is a:

quick, simple, accessible and effective judicial remedy [...] used to moderate or stop the violence of the state, and recently its design has undergone modifications to strengthen it in the face of cases of enforced disappearance, because along with the other obligations of the judge, they have added the obligation of immediately undertaking a search from the judiciary for the possible disappeared person.

(Yankelevich 2017)

Ana contacted Augusto César Sandino, a lawyer with experience in appeals for human rights violations. Up to that moment no one was legally assisting her case. In order to pay for legal advice, Ana created funding and collection campaigns. This allowed Ana to pay the first fee for the attorney.

Many families avoid legal proceedings due to fear or mistrust in the authorities or due to the economic and emotional costs that they create.¹⁴ The *Amparo*¹⁵ presented by Ana points to 12 public institutions and federal

and state officials responsible for ‘the failure to carry out a serious, impartial, effective and exhaustive investigation without delay’.¹⁶ The judge¹⁷ established that the failure of the state had violated the rights to the truth and to the effective protection of the victims. The sentence ordered the Mexican state and, specifically, the authorities named by Ana, to process the search for Óscar and remedy the violations committed. Thus began a process of putting pressure on the search commissions, the federal and state of Jalisco prosecutors, and the Executive Commission for Attention to Victims to finally respond to Ana’s requests. In November 2020, the first state action for the search for Óscar Antonio López Enamorado, to which the CNB and its counterpart in the state of Jalisco, the CNDH and the Federal Public Ministry, were connected, was a one-week search in the field that runs through Puerto Vallarta, Jalisco and its surroundings. The operation was escorted by the National Guard,¹⁸ supposedly to provide security to the group of more than 20 people, which included ourselves as well as the lawyer Augusto César Sandino, and Paula Mónaco, a journalist in solidarity who accompanied Ana in the process.

‘I’m on an island,’ Óscar told Ana in his last call. These words and the love that drove the search for him led us ten years later to Puerto Vallarta and the neighbouring beaches. In five days, we covered the coast and the city. We stuck search cards with his face on all the walls and posts. In each place we entered, Ana told her story: ‘I am looking for my son Óscar who disappeared here ten years ago.’ When listening to her, people expressed disgust, pity, or compassion. There were those who gave her a smile or a word of encouragement. Others felt intimidated and asked us to leave, because the National Guard escorted us and they did not feel comfortable with their weapons. The owner of a small shop cried after hearing the story: ‘I also have four missing relatives. Two of them are my brothers. They found their charred car and chunks of flesh. It’s good that you are looking for your son. We didn’t even file a complaint. We couldn’t get them back’.

Sometimes when Ana is pensive or sad she says, ‘I know he would call me if he were alive, but I don’t lose hope.’ The only island located near Puerto Vallarta was included in the itinerary of this search. To get there, we boarded a ship of the Secretariat of the Navy with eight soldiers. It was a natural reserve where there were only birds and boats of tourists who were going diving. Ana knew that Óscar could not be in that place. She ruled it out herself. On the journey of this search, by the side of the relatives, I have come to understand that ruling out places is also a way of moving forward.

In December 2020, another search was scheduled to visit a place that resonated in Ana’s head: El Carrizo, where Óscar worked with a friend. The operation was just as big as the previous one, although this time it did not have the presence of the National Search Commissioner. El Carrizo was impenetrable and dangerous, according to the information that the Public Prosecutors had provided to Ana. She was accompanied by two vans of the National Guard, manned by officials from the (federal and state) search

commissions and the CNDH. Ana was scared the whole way, but she acted as if she had everything under control. After some security mishaps that generated nervousness in the group, they stopped at a house. It was a small and dusty shack. The municipal police commissioner told Ana, 'Here it is, Madame. Your son was here.' Ana entered and toured the space that Óscar inhabited ten years ago. The woman who opened the door commented, 'There he slept in that little room. A very quiet boy, he talked a lot about you. You could tell he loved you very much.' The conversation with the woman who received Óscar at her house was long and she gave Ana clues to continue the search. The lady's son was murdered a few days before Óscar left El Carrizo. Ana spoke with the other neighbours, who also spoke well of Óscar.

I would like to close this section with a reflection about Ana's experience: her *pedagogy of searching* makes the state uncomfortable because it forces it, in this case through the order of a judge, to mobilise the determination of a mother and the force of the organised collectives. In the days described here, there is a process of pollination of searching, like for example when Ana takes her message to different spaces: those of 'ordinary' people, to whom these things do not happen, or where those who think that this only happens to 'those who deserve it', or to 'bad people'.

Second scenario: the work of memory

On January 20, 2020, in front of a wall located at the entrance of the *Fiscalía General de la República* (Federal Attorney General's Office, FGR for its Spanish initials) building in Mexico City, Ana read a speech while the *Huellas de la Memoria* Collective placed plaques in memory of 25 disappeared persons.

The *Huellas de la Memoria* Collective was born on May 10, 2013 during the Second March for National Dignity: mothers looking for their daughters and sons, for truth and justice. The members of the collective asked the families for the shoes used by them in the search of the disappeared persons to make engravings of the soles. This technique produces a story that serves as a memory of the disappeared person, establishes the day and place of the disappearance, denounces those responsible, and shares messages of hope. The print of the engraving, in which the footprint is inscribed with the story that recalls the disappeared person, is made in three different colours: green, for people who are still missing, in the hope of finding them alive; black for those who have been found dead and fully identified; and red, for the family members murdered during the process of making denouncements and demanding justice.

Since the installation of the plaques in January 2020, from time to time other family members take to the streets and put up new plaques, in an act of memory that does not ask for permission to remember:

We want to sow a small antidote against oblivion and silence. We think that as a country we have to turn these stories into our own flesh so that

they do not continue to occur. We can no longer afford not to see and hear the grievances of the relatives.

(Huellas de la Memoria n.d.)

Two days after the act in front of the FGR, Ana travelled to Guadalajara accompanied by the sculptor Alfredo López Casanova, a member of the *Huellas de la Memoria* Collective. Her intention was to install another plaque in front of the Jalisco State Attorney General's Office. There Ana stated:

This is the photo of my son. At this moment, I am going to place it here on this wall. I want my son to always be in everyone's memory, so that they never forget that Óscar, my only son, a Honduran, a migrant, like those thousands of young people who are also on their way, is one of the disappeared and that the authorities have not wanted to search for him.

(Ana in Souza and Franco 2020)

The event was attended by journalists and activists, who days later would document the removal of the plaque: 'the state security authorities in charge of guarding the building, assure that the tiles were uprooted by a "vandal" and that they were "picked up" by the cleaning staff of the Jalisco Human Rights Prosecutor's Office' (Souza 2020). Outraged, Ana told the press, 'It is one more violation of my human rights and those of my son, the right to memory. They want to hide the disappearances. I personally feel that they have disappeared my son twice' (Souza 2020). Talking about memory in Mexico has its own nuances. It is not about simply preserving a closed past, but about waging a current battle over memory and the right to remember. Memory work involves reinterpreting the recent past and its continuity, naming the invisible, pointing out those responsible, and dealing with indifference. According to Elizabeth Jelin (2002), it is necessary to recognise that memory is the subject of dispute between actors who interact from unequal positions of power. In the *pedagogies of searching*, memory acts as a type of litigation of the truth about what happened and continues to happen.

On August 22, 2020, the *Antimonumento +72* ('+72 Anti-monument') was installed on the *Paseo de la Reforma* in Mexico City, ten years after the massacre of 72 migrants in San Fernando Tamaulipas.¹⁹ There Ana recalled that she is not the only mother looking for her disappeared migrant son. In her speech, Ana stated, 'We are all migrants. We are all that plus [+] that goes along with 72'. She explained that the Anti-monument was erected 'to cleanse the memory of the 58 men and 14 women murdered in the Huizachal territory because they were not criminals, but rather workers with dreams and projects, with families waiting for them'. As Ana said in her call to remember those lives that were pushed out, and to imagine another future, 'we don't want to be the wall'. Her message has a profound political power if we recognise the transforming power of symbolic acts, and that which lies in the imagination, 'our power to change the world' (Solnit 2017, 57).

Resisting is not just opposing

On March 27, 2020, I interviewed Ana about the Caravan of Mothers of Central American Migrants (GIASF and SERAPAZ 2020). These women take care of themselves and travel the country carrying their pain on their backs, asking about their relatives. It is an exhausting journey of between 15 and 20 days. Ana explains:

We know very well that this is where the families disappeared. Therefore, mothers and other relatives have entered Mexico to look for their children. We visit prisons. We walk the streets with the photo of our children, of our relatives. We walk along the train tracks, visiting house after house, asking families if they have ever seen our children passing by. If they ever gave them a glass of water or a taco. With anguish, with desire, with the hope of finding an answer, we go out to the public plaza where we exhibit photographs of our children, of our loved ones.

(Enamorado, forthcoming)

Although the Caravan located almost 500 missing persons in Mexico, Ana is aware of the difficulties and the emotional effects of this work. Searchers experience 'historical processes of dispossession that normalize people's ontological inferiority' (De Sousa Santos, forthcoming).

The developmental model of dispossession that is entailed by the implementation of the neoliberal project causes massive migrations, which afterwards are contained and controlled by the state and private interests. We are talking about populations that have disappeared from the law, from the frameworks of humanity. Their autonomy to be and to migrate has been expropriated, leaving them exposed to the cruellest violence.

Listening to Ana gives one hope. Her *embodied knowledge* holds the memory of a journey that constitutes an epistemology opposed to the power of death and disappearance, and that creates compassionate and just worlds by listening, walking, and accompanying. Although these pedagogies, which are anchored in the body, its affections, and its knowledge, do not occur in themselves as anti-systemic struggles, their results go far beyond what they propose. If we understand that neoliberal dispossession is ubiquitous in our lives, in our territories, in our decisions and in our relationships, then considering another way of being is a way of facing this system that disappears lives. In those spaces where the occupation and lordship of bodies, territories and minds sustain expulsion, inequality and indifference, the *pedagogies of searching* create new horizons of humanity. These practices make the invisible visible, weave memory against oblivion, and make the disappeared appear.

The *pedagogies of searching* are forms of relationships that establish radical empathy with disappeared bodies, with unidentified bodies, and with the relatives who search for them. They recover the occupied territories through

walking in a collective, establishing themselves as a possibility for ‘searching for life on the roads of death’ (Mesoamerican Migrant Movement n.d.).

Notes

- 1 Here I am referring to a socio-anthropological definition of the enforced disappearance of persons and not just to a legal definition.
- 2 Mario and Ana travelled in 2019 to Europe together with the ‘*Caravana Europea*’, touring various cities and denouncing the violence against migrants and accompanying the sub-Saharan families that were also looking for their relatives.
- 3 For Ferrándiz (2011) the subterranean is assimilable to an extreme form of internal exile underground (in clandestine graves), whose historical origin is the same as that of the exiles, exiles who had to leave Spain during the Civil War and the Franco dictatorship period.
- 4 After the enforced disappearance of the 43 students from Ayotzinapa in 2014, and the finding of clandestine mass graves in Guerrero, the collective of relatives of disappeared persons has promoted a process for searching for human remains that continues to this day.
- 5 In January 2019, the *Centro de Justicia para la Paz y Desarrollo A.C.* (Center of Justice for Peace and Development) of Jalisco presented a report entitled *Incineraciones de Cuerpos No Identificados. Crímenes Sin Justicia* (Incinerations of Unidentified Bodies. Crimes without Justice), which included the participation of Ana Enamorado (CJPD 2019).
- 6 The term ‘extermination field’ was coined by the collective of relatives of disappeared persons from the northeast of Mexico (Tamaulipas, Monterrey y Coahuila) who found fields in which extreme manners of eliminating bodies took place in the last decade. One example is the case of Patrocinio, in the district of San Pedro, Coahuila, where they found fragments of human bodies that had been ground up and charred (Animal Político 2016).
- 7 The Caravan of Mothers of Central American Migrants has been taking place since 2004 and is bolstered by the Mesoamerican Migrant Movement. It is a collective action undertaken by relatives of migrants who were going to the United States through Mexico and ended up disappeared (MMM n.d.).
- 8 Anthropology constructs the context through the production of more or less substantive limits between various worlds. During the 1990s, the mass mobility of people made these issues a question for the field of ethnography (Appadurai 2001; Marcus 2001). With respect to migration, these anthropologists propose a multi-sited ethnography in which violence toward migrant populations in Mexico, Spain, Colombia, and Greece obligate us to offer a global perspective and observe specific local realities up close.
- 9 Enforced disappearance in Mexico has reached figures near those of a society in war, and it is used as a tactic for repression, punishment, and systematic impunity. The necrotic accounting is insufficient for understanding the size of the problem: the state and federal records are not methodologically solid enough. According to the *Observatorio Nacional Ciudadano* (National Citizen Observatory, ONC for its Spanish initials), ‘we do not even have the basic foundations for creating a public policy specifically for this matter, as we have no idea about essential features of this crime that range from occurrence to specific patterns of its perpetration’ (FLACSO-Mexico 2017). According to the *Comisión Nacional de Búsqueda de Personas* (National Search Commission), on February 13, 2021 there were 76,622 disappeared persons. This number includes cases going back to 1964, but more than 95 percent have occurred as of 2007. Thousands of migrants have

- disappeared in Mexico and this is not reflected in the National Registry. This is a 'red number' or an 'undocumented figure' (Paley 2020).
- 10 *Convención Interamericana sobre Desaparición Forzada de Personas* (Inter-American Convention on the Forced Disappearance of Persons). Adopted in Belém do Pará, Brazil, on June 9, 1994, in the 24th ordinary period of sessions of the General Assembly.
 - 11 On January 22, 2021, a charred vehicle with the remains of 19 people, most of them migrants, was found in Camargo, Tamaulipas. According to public information, the massacre was perpetrated by members of the *Grupo de Operaciones Especiales* (Special Operations Group, GOPES for its Spanish initials), an elite unit of the state police that had already been reported to the attorney general and the State Human Rights Commission for murders, abuses of authority, and robberies (Peña 2021). Reports from human rights organisations reveal the systematic use of violence by agents of the National Institute of Migration and other state corporations against the migrant population. See CNDH (2017). Another CNDH (2009) special report on kidnapping cases against migrants indicates that, given the nature of the crime and the limitations of the report, the hidden number of kidnappings against migrants can be much higher than what is reported. See also Amnesty International (2010) and Belén Posada del Migrante, Frontera con Justicia A.C. and Humanidad sin Fronteras (2010).
 - 12 'Huellas de la Memoria (Footprints of Memory) is a collective that records the stories of people and processes in searches, and the struggles of their relatives in Mexico and Latin America' (Huellas de la Memoria n.d.).
 - 13 Ana has recently launched her brand to the public: *Enamórate de Ana* (Fall in Love with Ana), her micro-business of natural products.
 - 14 Although legal services are supposed to be free and of universal access, the families of disappeared persons incur other expenses such as transportation, legal advice and even the payment of heavy machinery and other supplies required for the work of searching for and exhuming remains.
 - 15 This legal recourse, known in Chile as *Habeas Corpus*, was used by the relatives of disappeared persons in the context of the dictatorship in the 1970s to demand the presentation of the detained-disappeared persons alive. In Piedras Negras, Coahuila, the legal advisor of *Colectivo Familias Unidas en la Búsqueda y Localización de Personas Desaparecidas de Piedras Negras*, Ariana García Bosque, has filed hundreds of appeals to pressure the authorities and rescue the victims alive.
 - 16 *Amparo* Proceeding 55/2020, Eighth Administrative Court in Mexico City, Table IV.
 - 17 This was Judge Martín Adolfo Santos Pérez, of the Eighth District in Administrative Matters in Mexico City.
 - 18 The *Guardia Nacional* (National Guard) of Mexico is an institution that operates like federal police and its function is to provide public security in the Mexican territory. It is a decentralized body of the Ministry of Security and Citizen Protection and was created by decree in the Official Gazette of the Federation on March 26, 2019, as part of the strategy of President Andrés Manuel López Obrador to combat organised crime in the country. The vast majority of the elements of the National Guard belonged to the Federal Police, the Navy and mostly the Mexican Army.
 - 19 On this massacre, I recommend the website of the *Periodistas de a Pie* Collective: <https://masde72.periodistasdeapie.org.mx>

Bibliography

Amnesty International. 2010. *Invisible Victims: Migrants on the Move in Mexico*. London: Amnesty International.

- Animal Político. 2016. 'ONG en Coahuila reporta el caso de un supuesto campo de exterminio; gobierno niega esa version'. *Animal Político*, October 9. <https://www.animalpolitico.com/2016/10/patrocinio-ejido-restos-coahuila-exterminio>.
- Appadurai, Arjun. 2001. *La modernidad desbordada. Dimensiones culturales de la globalización*. Buenos Aires: Fondo de Cultura Económica.
- Barbour, Karen. 2004. 'Embodied ways of knowing'. *Waikato Journal of Education*, 10: 227–238.
- Belén Posada del Migrante, Frontera con Justicia A.C. and Humanidad sin Fronteras A.C. 2010. *Sexto Informe sobre la Situación de los Derechos Humanos de las Personas Migrantes en Tránsito por México*. Saltillo: Belén Posada del Migrante. <http://annunciationhouse.org/wp-content/uploads/2011/03/sextoinforme-migrantesenm.pdf>.
- Benasayag, Miguel. 2015. 'Resistir no es sólo oponerse, sino crear, situación por situación, otras relaciones sociales'. Interview by Amador Fernández-Savater, *eldiario.es*, April 24. https://www.eldiario.es/interferencias/miguel-benasayag-resistir-situacion-relaciones_132_2703351.html.
- Butler, Judith. 2006. *Vida precaria: el poder del duelo y la violencia*. Buenos Aires: Paidós.
- CJPD. Centro de Justicia para la Paz y el Desarrollo. 2019. Incineraciones de Cuerpos No Identificados. Crímenes Sin Justicia. Mexico City: CEPAD. <https://cepad.org.mx/2019/01/incineraciones-cuerpos-no-identificados-crimenes-sin-justicia>.
- CNDH. Comisión Nacional de los Derechos Humanos. 2009. Informe especial sobre los casos de secuestro en contra de migrantes. June 15. Mexico City: CNDH. http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/2009_migra.pdf.
- CNDH. Comisión Nacional de los Derechos Humanos. 2017. 'Recomendación No. 8vg/2017 sobre las violaciones derechos seguridad ciudadana y de acceso a la justicia en su modalidad de procuración, en agravio de las 49 personas halladas sin vida en el municipio de Cadereyta, Nuevo León'. October 18. Mexico City: CNDH. https://www.cndh.org.mx/sites/default/files/doc/Recomendaciones/ViolacionesGraves/RecVG_008.pdf.
- Davis, Angela. 2017. *La libertad es una batalla constante: Ferguson, Palestina y los cimientos de un movimiento*. Madrid: Capitán Swing.
- Dawson, Jonathan. 2019. 'Pedagogy'. In *Pluriverse: A Post-Development Dictionary*, edited by Ashish Kothari, Ariel Salleh, Arturo Escobar, Federico Demaria and Alberto Acosta, 271–273. Delhi: Tulika Books.
- De Sousa Santos, Boaventura. Forthcoming. 'II Conversatorio'. In *Para descolonizar la democracia. Ciudad de México*, edited by Gustavo Esteva Figueroa, Carlos Mendoza-Álvarez and Pablo Reyna Esteves. Tijuana: Universidad Iberoamericana (in press).
- Enamorado, Ana. Forthcoming. 'II Conversatorio'. In *Para descolonizar la democracia. Ciudad de México*, edited by Gustavo Esteva Figueroa, Carlos Mendoza-Álvarez and Pablo Reyna Esteves. Tijuana: Universidad Iberoamericana (in press).
- Estévez, Ariadna. 2018. 'El dispositivo necropolítico de producción y administración de la migración forzada en la frontera Estados Unidos-México'. *Estudios fronterizos*, 19: 1–18.
- Federici, Silvia. 2020. *Reencantar el mundo: el feminismo y la política de los comunes*. Madrid: Traficante de Sueños.
- Ferrándiz, Francisco. 2011. 'Autopsia social de un subterrio'. *Isegoría*, 45: 525–544. doi:10.3989/isegoria.2011.i45.741.

- FLACSO-México, Human Rights Program University of Minnesota and University of Oxford. 2017. Observatorio sobre Desaparición e Impunidad: Informe sobre Desapariciones en el Estado de Nuevo León con información de CADHAC. Mexico City: FLACSO México. <https://docplayer.es/80822536-Observatorio-sobre-desaparicion-e-impunidad-informe-sobre-desapariciones-en-el-estado-de-nuevo-leon-con-informacion-de-cadhac.html>.
- Franco, Darwin. 2020. 'Jalisco: La verdad de los tráileres de la muerte'. *Zona Docs* September 19. <https://www.zonadocs.mx/2020/09/19/jalisco-la-verdad-de-los-traile-res-de-la-muerte>.
- Gago, Verónica. 2020. *La potencia feminista o el deseo de cambiarlo todo*. Oaxaca: Tinta Limón.
- GIASF and SERAPAZ. Grupo de Investigaciones en Antropología Social y Forense and Servicios y Asesorías para la Paz. 2020. Caminos para la búsqueda en vida. Saberes y experiencias de familiares y colectivos. Morelos: Astrolabio Editorial y Colectiva Hermanas en la Sombra. <http://desaparecidosbusquedaenvida.mx/descargas>.
- Hernández, R. Aída and Carolina Robledo Silvestre. 2020. *Nadie detiene el amor: Historias de vida de familiares de personas desaparecidas en el norte de Sinaloa*. Mexico City: Instituto de Investigaciones Jurídicas UNAM, GIASF, Hermanas en la Sombra, CIESAS.
- Huellas de la Memoria. n.d. 'Información'. Facebook. Accessed April 9, 2021. https://business.facebook.com/pg/huellasmemoria/about/?ref=page_internal.
- Jelin, Elizabeth. 2002. *Los trabajos de la memoria*. Madrid: Siglo XXI.
- Marcus, George. 2001. 'Etnografía en/del sistema mundo. El surgimiento de la etnografía multilocal'. *Alteridades*, 11 (22): 111–127.
- Merino, José, Jessica Zarkin and Eduardo Fierro. 2015. 'Desaparecidos'. *Nexos*, January 1. <https://www.nexos.com.mx/?p=23811>.
- Merleau-Ponty, Maurice. 1945/1962. *Phenomenology of Perception*. London: Routledge.
- MMM. Mesoamerican Migrant Movement. n.d. 'Caravana de madres'. *Movimiento Migrante Mesoamericano* (website). <https://movimientomigrantemesoamericano.org/caravana-de-madres>.
- Moscoco, Mafe. 2020. *Cuidar la herida: política de mamá* (Fanzine). San Cristóbal de las Casas: La Recí.
- Paley, Dawn Marie. 2020. *Guerra Neoliberal: Desaparición y búsqueda en el norte de México*. Xalapa: Libertad Bajo Palabra.
- Peña, Alfredo. 2021. 'El Grupo detrás de la masacre de Camargo'. *Nexos*, February 8. <https://seguridad.nexos.com.mx/?p=2453>.
- Reguillo, Rossana. 2017. *Paisajes insurrectos: jóvenes, redes y revueltas en el otoño civilizatorio*. Guadalajara: NED.
- Robledo Silvestre, Carolina. 2020. 'Crímenes de oficina. Producción masiva de cuerpos sin identificar en la burocracia mexicana'. In *De las fosas clandestinas a la tumba vacía: Narrativas de dignidad y esperanza en tiempos de horror*, edited by Carlos Mendoza-Álvarez, Pablo Reyna Esteves and Carolina Robledo Silvestre, 133–156. Mexico City: Universidad Iberoamericana.
- Robledo Silvestre, Carolina, Erika Liliana López, May-ek Querales and R. Aída Hernández. 2018. 'Peritaje socio-antropológico sobre el contexto de militarización y graves violaciones a los Derechos Humanos cometidas por el Ejército en el marco del Operativo Conjunto Chihuahua, especialmente en el Norte de Chihuahua y sus impactos comunitarios relacionado con el caso Alvarado Espinoza y otros Vs. México'. Expediente. No. CDH 14–2016/011.

- Segato, Rita. 2014. *Las nuevas formas de la guerra y el cuerpo de las mujeres*. Puebla: Pez en el Árbol.
- Segato, Rita. 2016. *La Guerra contra las mujeres*. Madrid: Traficante de Sueños.
- Segato, Rita. 2018. *Contra-pedagogías de la crueldad*. Buenos Aires: Prometeo Libros.
- Solnit, Rebecca. 2017. *Esperanza en la oscuridad: la historia jamás contada del poder de la gente*. Madrid: Capitán Swing.
- Souza, Dalia. 2020. 'Desmantelan memorial de migrante desaparecido en Fiscalía de Jalisco'. *Zona Docs*, February 1. <https://www.zonadocs.mx/2020/02/01/desmantelan-memorial-de-migrante-desaparecido-en-fiscalia-de-jalisco>.
- Souza, Dalia and Darwin Franco. 2020. 'Madre coloca huellas de la memoria por su hijo migrante desaparecido frente a instalaciones de la Fiscalía del Estado de Jalisco'. *Zona Docs*, January 22. <https://www.zonadocs.mx/2020/01/22/madre-colo-ca-huellas-de-la-memoria-por-su-hijo-migrante-desaparecido-frente-a-instalaciones-de-la-fiscalia-del-estado-de-jalisco>.
- Standing, Guy. 2012. *El precariado. Una nueva clase social*. Barcelona: Pasado y Presente.
- Wacquant, Loic. 2004. *Las cárceles de la miseria*. Buenos Aires: Manantial.
- Yankelevich, Javier. 2017. 'El juicio de amparo frente a la desaparición de personas'. Mexico City: Congreso Nacional de Investigación en Derechos Humanos.

8 The right to search in the case of disappeared persons

A right constructed from below

Jorge Verástegui González

Introduction

This chapter aims to respond to the question: how was the right to search in the case of disappeared persons recognised in Mexico?¹ To do so, I will use the theory of social movements developed by Alain Touraine and Alberto Melucci as a frame of reference to characterise the families of disappeared persons as a social movement. From the point of view of Frances K. Zemans (1983) and Mariana Manzo (2018), I will argue that legal mobilisation, used in the strategy for the expansion of rights, has served as a useful tool for concretising certain struggles within the movement of the families of disappeared persons in Mexico. For its part, the historicisation of human rights by Ignacio Ellacuría (1990) will allow me to question the results and scope of these struggles.

The role of the Mexican state in the face of the disappearance of persons can be graphically summarised as an *ouroboros*, the snake that eats its tail. On the one hand, the state is responsible for the disappearances, whether by action or omission, and, on the other, it is obliged to solve them. Over time, the state has sought to criminalise victims, and also downplay and even deny disappearances. The Mexican state has blamed the victims for their own disappearance by claiming that, to paraphrase their words, ‘*en algo andaban*’ (they must have been up to something). In addition to this, the state has classified the disappearances as ‘*levantones*’ (abductions), a neologism used to describe reprisals carried out by drug trafficking groups against their enemies.² As I will demonstrate, in practice the Mexican state has transferred the responsibility of the search and investigation to the families of disappeared persons and has given them, as a placebo, measures of care and social support.

The recognition of the right to search was part of a complex process in which the central demand was the location of the disappeared person. The complexity of this process was due mainly to the fact that the actors involved had different understandings of the right to search. While some of these actors considered the search for the disappeared persons to be the responsibility of the Public Prosecutor’s Office (*Ministerio Público*), others believed

that it would have to be carried out by a new state institution. In this context, the demand to locate the disappeared persons came into conflict with the obligation to investigate the crime. This happened because the relatives of the disappeared persons proposed that the search not be conducted under the authority of the Public Prosecutor's Office. Instead, they suggested that it become a deformed³ task to be carried out by a hitherto non-existent institution, which therefore needed to be created.

In the process that led to the recognition of the right to search, the actions of the families of disappeared persons were fundamental not only in ensuring that this right was recognised, but also in imagining and conceptualising it. This process encompassed a set of actions at the local level, such as those that have been carried out in Coahuila since 2009 by groups such as *Fuerzas Unidas por Nuestros Desaparecidos en Coahuila* (United Forces for Our Disappeared in Coahuila, FUUNDEC for its Spanish initials) and the *Centro Diocesano para los Derechos Humanos Fray Juan de Larios* (Fray Juan de Larios Diocesan Centre for Human Rights, hereinafter Fray Juan). Moreover, it also includes actions at the regional level carried out by the *Brigadas Nacionales de Búsqueda de Personas Desaparecidas* (National Search Brigades for Disappeared Persons) and those undertaken at the national level by the *Movimiento por Nuestros Desaparecidos en México* (Movement for Our Disappeared in Mexico, MNDM for its Spanish initials). In this chapter I argue that, as a whole, the actions carried out at these three levels impacted the positive and institutional law of Mexico. The timeframe of my analysis begins in 2009, the founding year of FUUNDEC, and extends to the very date that I write these lines in 2021. My analysis focuses on the work that FUUNDEC and Fray Juan have carried out in Coahuila as well as on that which the MNDM has carried out at the national level.

Disappearances in the context of the Mexican 'war on drugs'

In December of 2006, Mexico's federal government implemented a public security strategy to combat drug trafficking. This strategy was characterised by the use of the army and navy for public security tasks with a vision of 'frontal combat' against organised crime groups. As a consequence of this strategy, the levels of violence increased, as did the number of people killed in supposed clashes with security forces and the armed forces, as well as the number of disappeared persons.

The disappearances perpetrated in what was termed the 'war on drugs' present various characteristics that cannot be explained by the dynamics of those which occurred during the so-called military or authoritarian regimes. Recent disappearances in Mexico do not usually have political repression as a motive, which represents a change in the profile of the victim and the perpetrator. These disappearances are committed under a democratic regime whose federal structure has great institutional weaknesses. The Mexican state has used this institutional weakness as a justification for not responding

effectively to the crises that have resulted from the so-called ‘war on drugs’. With the passing of time and the generalisation of disappearances at the local/state levels, other dynamics culminating in the material disappearance of persons have also been documented. In some cases it is not easy to distinguish the degree of participation of state agents, in other cases, disappearances correspond to another series of phenomena such as gender-based violence, exploitation, and human trafficking. The common denominator among these cases is the lack of effective actions to locate the victims. These dynamics cannot be easily explained by using the legal concepts of criminal law.

To date, there is no single hypothesis about the causes of disappearances in the context of the ‘war on drugs’, as it is a phenomenon that is difficult to understand. According to Ansolabehere (2020), the disappearance of people, particularly in north-eastern Mexico, is a multidirectional phenomenon. This is because the ways in which the disappearances happen and the actors who perpetrate them vary across time and space, in addition to the fact that the victims do not belong to a particular population group or sector. That is, these are disappearances ‘committed by private individuals, in the course of a collision [clash or dispute] between the State and criminal groups, disappearances caused by gender-based violence, among others’ (Ansolabehere 2020). Unlike the period known as the ‘dirty war’, during which enforced disappearance was a mechanism of repression against people who opposed the state, in the context of the ‘war on drugs’ in Mexico anybody can be subjected to disappearance and the perpetrators can be any of several actors, each one with different objectives. In short, the disappearance of people in Mexico is not in the past, but it is rather a current practice.

The first cases of disappearances documented in the context of the ‘war on drugs’ took place in the states of Coahuila, Nuevo León, and Tamaulipas. In these states, a dispute was taking place between the *Cartel del Golfo* (Gulf Cartel, CDG for its Spanish initials) and what was once its armed wing, *Los Zetas*. Moreover, the armed forces, as well as the federal, state and municipal police, participated as accomplices of criminal groups while, at the same time, being in charge of fighting against those groups. Nevertheless, criminal groups not only collaborated directly with the armed and public security forces, but their collaboration was also based on a relationship with the political elites of the region, who tolerated these activities.

The case of Coahuila, which has been widely documented, demonstrates the agreements between the authorities and *Los Zetas*, and serves as an example of a more complex relationship than that described by the traditional theory of the co-option of state institutions. Communications to the International Criminal Court, such as those submitted by the *Federación Internacional por los Derechos Humanos* (International Federation for Human Rights, FIDH for its Spanish Initials) and other organisations such as Fray Juan and FUUNDEC (2017), and studies such as that of UTSL-HR Clinic (2017) and Vázquez Valencia (2019), allow us to observe that the

Government of Coahuila maintained control, even though it seemed as if *Los Zetas* had co-opted the local government. At the same time, Coahuila was one of the first places to document cases of disappeared persons in 2009.

The relatives of disappeared persons as social actors

Alain Touraine defines a social movement as ‘the organised collective behaviour of a class actor fighting against his class adversary for the social direction of historicity in a concrete community’ (Touraine 2006, 255). According to Touraine, social movements are characterised by three principles: the principle of identity, the principle of opposition, and the principle of totality (Touraine 2006, 259). The principle of identity refers to the very definition of the actor and their awareness of their organisational process. The principle of opposition refers to the ability of the movement to identify its adversary in the conflict to which it responds. Finally, the principle of totality is understood as the historical social field that the movement seeks to change (Touraine 1987, 172).

The self-organisation of the families of disappeared persons has been documented since the 1970s. During this period, the Eureka! Committee and the *Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México* (Association of Relatives of the Detained, Disappeared, and Victims of Human Rights Abuses in Mexico, AFADEM for its Spanish initials) were established in Mexico, becoming the most emblematic models for the organisations that were created later on and that still continue their resistance (Guillen 2017; Martos and Jaloma Cruz 2017, 87). However, the collective organisation of families of disappeared persons is not inherent to people who suffer the disappearance of a loved one; rather, it involves those who have managed to break through the barrier of terror caused by a context of exacerbated violence. In a country like Mexico, this context is marked by social, cultural, and economic inequalities.

First stage. The positioning of the problem by FUUNDEC

Fray Juan is an organisation that was founded in 2004 by Fray Raúl Vera López, bishop of the Diocese of Saltillo, Coahuila. While it initially focused on labour and community cases, in 2009 Fray Juan was re-founded and Blanca Martínez was appointed as director. With the arrival of Martínez, Fray Juan became one of the first organisations that began to document the cases of people who were reported as disappeared in the context of the ‘war on drugs’. Fray Juan was also the first organisation to initiate a process of support and organisation with the families of the disappeared persons.

FUUNDEC, on the other hand, is an organisation of relatives of disappeared persons in Coahuila that was founded in December 2009 in Saltillo, Coahuila in order to pressure the authorities to search for their relatives. The relationship between Fray Juan and FUUNDEC can be understood as

symbiotic. As the organisation of family members achieved greater prominence in the public sphere, Fray Juan stayed in the background, focusing its work on documentation, information analysis, training, and the collective organisation process.

The work of Fray Juan and FUUNDEC helped to build an understanding of the problems in Coahuila. By the end of 2010, both organisations had documented 42 events with 118 disappeared persons. The documentation of these cases made it possible, albeit not without complexities, to identify the context and to characterise the victims and perpetrators. On the one hand, the profile of the victims made it difficult to determine a clear pattern among them, since the victims were identified as ‘everyday people’, that is, workers, students, or children. On the other hand, the profile of the perpetrators was equally complex, since there were cases documented in which the disappearances were perpetrated directly by organised crime, cases in which organised crime acted in concert with a public security force, cases in which only security or military agents had participated, and, finally, cases in which the perpetrator was unknown (Fray Juan 2011, 5). Likewise, it was documented that the Public Prosecutor’s Office used bad practices and committed omissions in the registered cases that resulted in the factual disappearance of the person while also sending a message of tolerance to the perpetrators.

The analysis of cases and testimonies provided sufficient information to argue that these were enforced disappearances and that they were carried out in a generalised and systematic way in Coahuila. This is due to the fact that Fray Juan and FUUNDEC believed that the practice of the disappearance perpetrated by organised crime ‘cannot be understood without the acquiescence of state institutions, especially when the performance of the institutions in charge of the prosecution of justice is also null’ (Fray Juan 2011, 5).

In this context, the authorities, the media, and society stated that these cases were not about enforced disappearances but rather *levantones*, namely, acts carried out by drug trafficking groups against their enemies; settling accounts that were intended to annihilate the enemy. A *levantón* consists of depriving the person of liberty. Generally, the victim is tortured, later to be killed, and their body left in a visible place as a means of sending a message to rival groups. In categorising these disappearances as *levantones*, both the disappeared person and their family were criminalised and stigmatised, which generated a social perception that diluted the responsibility of the state.

In the cases documented in Coahuila, it was observed that these disappearances did not fit into the characteristic elements of the *levantones*, since in these cases no links were identified between the disappeared persons and organised crime groups, in addition to there having been no information about the location of their bodies. As discussed earlier, in the case of *levantones*, the exhibition of the body is characteristic; however, in the cases documented by FUUNDEC and Fray Juan what was manifested was rather an intention not to leave any trace of the disappeared person. The cases

documented by FUUNDEC and Fray Juan also highlighted the presence of organised crime, but only in the capacity of perpetrator. As discussed, the disappeared person was not identified as a member of organised crime. Because the kind of *levantón* thought to occur amongst drug trafficking groups is not classified as a crime, using the term generated a legal vacuum. Since the Public Prosecutor's Office did not recognise the existence of the practice of enforced disappearance, the cases were classified as kidnappings or illegal deprivation of liberty, or sometimes they were simply not given legal classification.

In this context, one of the first great contributions made in Coahuila was pointing out that what was happening were enforced disappearances. However, classifying these cases as enforced disappearances generated tension with some human rights organisations. These organisations did not believe that the disappearances registered by FUUNDEC and Fray Juan should be classified as enforced disappearances. Instead, they proposed that these disappearances be classified as acts related to organised crime, since their victims were not part of social or political movements that opposed the government, as was traditionally the case with enforced disappearances. The persistence and documentation of these cases made it possible to establish that the practice of disappearance in Mexico was a tool of terror used in the then current context. Under the new circumstances, the families of disappeared persons have been fundamental to institutionalising the demand for the search and obtaining the recognition of the right to search by the Mexican state.

In December 2009 in Saltillo, Coahuila, Fray Juan facilitated a three-day meeting for the families of disappeared persons to come together. These families were looking for Antonio Verástegui González and Antonio Verástegui Escobedo (disappeared on January 24, 2009); Vicente Rojo Martínez, Jaime Ramírez Leyva, José Juan Pacheco Suárez, Marco Antonio Ocampo Martínez, Erik Pardevell Pérez, Pedro Cortez Guzmán, Gersain Cardona Martínez, Víctor Nava Calzoncit, Víctor Ríos Tapia, Lorenzo Campos Rodríguez, Roberto Oropeza Villa, and Juan Garduño Martínez (all disappeared on March 21, 2009); Agustín Alberto Núñez Magaña, Sergio Cárdenas, and José Flores Rodríguez (disappeared on April 22, 2009); and Esteban Acosta Rodríguez, Brandon Esteban Acosta Herrera, Gualberto Acosta Rodríguez, and Gerardo Acosta Rodríguez (disappeared on August 9, 2009).

After that meeting, the group—which comprised the relatives of these 21 disappeared persons in the state of Coahuila—presented, for the first time in public, their accounts of the disappearances. Lorusso considers this a disruptive action since it was the first time that a group of relatives of disappeared persons made a denunciation of this magnitude in the context of the generalized violence of the 'war on drugs' (Lorusso 2018, 994).

Accompanied by representatives of Fray Juan, the families of these 20 disappeared people in Coahuila took on the challenge of being aware of the injustice they had experienced, of knowing that they were all facing the same

problem, and of organising collectively to transform their reality. Fray Juan's approach was committed to the construction of a social subject that, on the one hand, would move away from an individualistic vision and, on the other, would stop waiting for a response of assistance from the state. Thus, in the company of Fray Juan, this group of families opted for a long-term organisational process, in which they built an identity and defined objectives.

In May 2010, the families of the 20 disappeared people in Coahuila carried out a mobilisation in the country's capital. Its objective was to make what was happening in Coahuila known at the national level and demand that the federal authorities take on their cases at the federal level. During that day of mobilisations, the families reaffirmed their initial pact and named themselves FUUNDEC. The collective identity that families acquired by assuming a shared name can be thought of in the terms proposed by Melucci, that is, as 'a definition shared and produced by various groups [whose social base transcends class differences] and which refers to the orientations of the action and the field of opportunities in which the action takes place' (Melucci, quoted in Chihu and López Gallegos 2007, 143). The only thing that the members of FUUNDEC have in common is being relatives of disappeared persons. The basic principle that defines the members of FUUNDEC and that guides their actions is to search for all those who have been disappeared under the framework of the 'war on drugs'.

According to Blanca Martínez, director of Fray Juan, 'the defence of human rights is not individual, is not limited to the legal framework, and it is fundamentally social. If the subjects of the right are not organised, no one is going to defend them' (Martínez, quoted in PBI 2012, 21). Fray Juan sought to promote an organisational process, in which each family member managed to recognise themselves in each other as equals. From this, Martínez gives an account of the three substantive elements of the genesis of FUUNDEC: 1) knowing and recognising oneself in other families who were experiencing the same pain, tragedy, stigmatisation, and institutional contempt; 2) initiating a process of reflection and knowledge about their rights and those of their disappeared relatives, and also about the responsibility of the state; and 3) deciding to go out together to denounce the tragedy they were experiencing.

Both in its genesis and its future, FUUNDEC has observed these three principles, which, according to Touraine (2006), fit the characteristics of social movements (259). The formation of FUUNDEC allowed families to know and recognise each other and to create an identity as relatives of disappeared persons (principle of identity). FUUNDEC identified the responsibility of organised crime and that of the state. Furthermore, it identified the state as its adversary and formulated a political approach that consisted of pointing out that the state had responsibility not only for its actions, but also for its omissions (principle of opposition). Finally, FUUNDEC identified the terrain of the conflict in the historical context in which families experienced

the same pain, the same tragedy, the same stigmatisation, and the same contempt from institutions (principle of totality).

What Touraine is referring to here is that social movements do not carry out interventions alone and are not separated from demands, pressures, crises, and ruptures that allow for the emergence of a diversity of struggles (Touraine 2006, 262). In June 2010, FUUNDEC and Fray Juan convened a first regional meeting with human rights organisations and families of disappeared persons from Chihuahua and Nuevo León, in which they agreed to establish themselves as the *Red de Defensoras y Defensores de Derechos Humanos y Familiares con Personas Desaparecidas* (Network of Human Rights Defenders and Relatives of Disappeared Persons, REDEFADE for its Spanish initials). A second meeting was held in September 2010, and the third in November of the same year. As a result of these three meetings, and with the purpose of pointing out the practice of enforced disappearance in this new context, a report was prepared on the problem of disappearances in the centre north and northeast of the country and the *Campaña Nacional contra las Desapariciones* (National Campaign Against Disappearances) was launched at the end of 2010.

According to Touraine, the struggles within a social movement meet four conditions: they are carried out on behalf of a particular population, they are struggles that involve organised actions, they identify a specific adversary, and they occur within the framework of a conflict derived from a social problem (Touraine 2006, 262). Although it could be asserted that the social movement of relatives of disappeared persons have the location of their disappeared loved ones as a common objective, the movement itself has led to a diversity of offshoot struggles. Among these are struggles aimed at achieving recognition of the problem by the state, struggles that focus on merely legal and normative objectives—such as, for example, the litigation of cases or legislative advocacy for the recognition of rights—and, finally, the struggles for searches in the field or forensic identification.

Second stage. The emergence of new social actors and field searches

In 2011, with the emergence of the *Movimiento por la Paz con Justicia y Dignidad* (Movement for Peace with Justice and Dignity, MPJD for its Spanish initials),⁴ the struggles of the movement of relatives of disappeared persons increased and diversified. Unlike the struggles that began in 2009, the purpose of which was to demand the appearance of the disappeared persons alive, the MPJD's agenda did not set out in its demands a specific line on the issue of disappeared persons. Despite this, the MPJD managed to bring together hundreds of relatives of disappeared persons, who later organised mostly to search for their loved ones.

It can be said that, until 2011, the FUUNDEC families had managed to build a struggle around the tragedy of disappearances within the terms proposed by Touraine (2006). As I pointed out previously, FUUNDEC's

demands were directly positioned by a particular social actor, that is, by the relatives of the disappeared persons. These families were already part of an organisational process and had managed to define a specific adversary. Although in the general discourse the figure of the adversary was represented by the state, FUUNDEC had managed to pinpoint its adversary in the institutions of law enforcement, as well as in the local and federal executive branches.

Although the MPJD was extremely relevant at the time, due to its power to convene and the public visibility it brought to the consequences of the 'war on drugs', FUUNDEC did not join the MPJD, as it felt that they had different agendas, visions, and ways of organising. FUUNDEC was made up only of relatives of disappeared persons, who made the decisions and defined the direction of the organisation. The MPJD was headed by a mixed leadership of victims and supporters, who were followed and supported by a larger base of victims. FUUNDEC's agenda was limited to the issue of disappeared persons, while that of the MPJD included very broad demands to address structural issues. As time went by, the MPJD agenda became organised around so-called emblematic cases. FUUNDEC was not in favour of this, because, as I pointed out in the previous section, one of the basic principles of FUUNDEC is the search for all persons who had been disappeared in the context of the 'war on drugs.'

It could be argued that the media and political relevance of the MPJD influenced FUUNDEC's struggle in Coahuila on the matter of disappeared persons (Garza Placencia 2017, 83; Pozos Barcelata 2018, 412–13); however as I have indicated previously, the MPJD had not structured a specific agenda on the matter of disappeared persons. Furthermore, by the time the MPJD emerged, FUUNDEC had already created a regional network, achieved a high-level dialogue with local authorities, and established dialogues with international organisations and agencies. All this indicates that the struggle FUUNDEC was already waging in 2011 did not depend on the MPJD's presence in the media.

The increase in the number of disappearances and the number of states in which they were perpetrated, as well as the birth of the MPJD and the limited capacity of human rights organisations to attend to the claims of the victims, brought with it the emergence of new groups of relatives of disappeared persons. Some of these families joined existing organisations while others created their own ways of coming together. These social actors generated an organising process focused on searching, and they did so through at least two approaches: by pressuring government institutions and by carrying out searches privately.⁵ The first approach comprises efforts focused both on getting the Public Prosecutor's Office to design and carry out search actions and on promoting processes that would institutionalise the demands of the families. The second approach includes efforts directed at designing and exhausting hypotheses about what happened and carrying out private, individual investigations.

In 2014, the disappearance of the 43 students from Ayotzinapa, during the night of September 26 and the early morning of the following day, marked a before and after in the way in which some family groups organised. In October 2014, in the state of Guerrero, the first field search was carried out, led by relatives of disappeared persons and the *Unión de Pueblos y Organizaciones del estado de Guerrero* (Union of Peoples and Organisations of Guerrero State). This search resulted in the location of four clandestine graves with 28 bodies (Muédano 2014; Lorusso 2019, 51). These findings marked the beginning of the so-called search brigades. These brigades emphasised the location of bodies and human remains and in doing so left behind the rhetoric of life, which focused on the search for living people, that until that moment had characterised the struggles of the different organisations.

Third stage. The emergence of the Movimiento por Nuestros Desaparecidos en México and the Red de Enlaces Nacionales

In 2015, a group of human rights organisations met with the intention of creating a general law on disappeared persons. The group launched a call to other groups and family organisations to join the proposal. The agreement to promote this law led to the creation of the MNDM. The MNDM was the social actor that gave voice to the fight for the drafting and enactment of the *Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas* (General Law on Enforced Disappearance of Persons, Disappearance Committed by Private Individuals and the National Search System, LGD for its Spanish initials), a law that gave way to a new legal regime regarding the search for persons.

Another social actor that was formed during this period was the *Red de Enlaces Nacionales* (Network of National Links, REN for its Spanish initials). In April 2016, the groups that made up this network convened the first *Brigada Nacional de Búsqueda de Personas Desaparecidas* (National Search Brigade for Disappeared Persons, BNB for its Spanish initials),⁶ which would represent a milestone in mass searches and in the professionalisation of families in forensic matters. The BNB is a tool that families built from their own experiences and made available to other groups. In the first BNB statement, this collaboration between family groups was made clear:

We are searchers from Guerrero, Coahuila, Sinaloa, Chihuahua and Baja California, who have decided to answer the call of the families of Veracruz. That is who we are, people who are looking for our relatives and who have dug up many people, who have developed the best location skills in the country, and who have given some peace to many families, giving them back their loved ones.

(BNB 2016)

Although these actors have developed other search strategies, the REN has coordinated with the MNDM, of which it is a part.

The organisations that called together the first BNB expressed their motivation through the following words:

We know that there are people in society who have information about the whereabouts of many disappeared or executed people who could be our relatives. [We know] that they do not provide [this information] out of fear or distrust of the authorities. Today we call on society to break its silence and indifference and to show solidarity. We will not reveal anyone's identity. We only want to know where our relatives are, find them and bury them with dignity. We want to know that they are not cold or hungry, that they are not badly injured or suffering.

(BNB 2016)

By proposing their search in these terms, the BNB broke with the traditional slogan of '*castigo a los culpables*' (punishment for the perpetrators).

During the BNB, the families of the disappeared persons assumed the tasks of the state in that they carried out the search in the field, as well as the detection of clandestine graves and human remains. By taking on these tasks, families disrupted the social, political, and legal spheres. Because of their disruptive nature, the brigades' searches were not entirely well-received by some human rights organisations and the family members that they advised. The argument against the BNB was supported by the idea that the search squads would have a negative impact on eventual criminal proceedings, since the interventions of the families, carried out without the presence of the Public Prosecutor's Office, altered the so-called chain of custody. Added to this was the consideration of 'the political implications and the counterproductive institutional effects of the search in the field, in terms of replacing the state in its responsibilities in the administration of justice' (Martos and Jaloma Cruz 2017, 103).

Calling the brigades or the so-called field search into question is a fallacy of conservatism and a legal oversimplification created by their detractors. In the first place, because in any eventual judicial processes that could be initiated, the perpetrator would be prosecuted for the crime of enforced disappearance or disappearance committed by individuals. That is to say, the disappeared person's body would not be part of the constitutive elements of the crime, but rather an aggravating factor. Second, because the concern for the 'political implications and counterproductive institutional effects of the search in the field' (Martos and Jaloma Cruz 2017, 103) is more symptomatic of the priorities of human rights organisations and the state than of those of families searching for their disappeared loved ones. These 'political implications and counterproductive institutional effects' (Martos and Jaloma Cruz 2017, 103) translate into the loss of power that human rights organisations and state institutions had within the human rights agenda up

until then. The searches organised by the BNB are no longer theoretical or bureaucratic actions; they are rather work in the field and process construction. In this regard, the brigades represent a search for justice outside of reports or strategic litigation: justice buried in clandestine graves. (Calveiro 2015, 56).

The organisation of relatives of disappeared persons, within the framework of the so-called ‘war on drugs’, is not an instinctive action by the families of disappeared persons but rather an action achieved after breaking down social, economic, and contextual barriers. It is an act that has been developed and perfected over time. It is a process that begins with disruptive actions, such as the press conference that the Coahuila families held in 2009, a process that took a new disruptive form in 2014 with the start of the BNBs, and that today also includes actions aimed at institutionalising the demands of the various groups.

Recognition of the right to search in the case of disappeared persons by the state

The social movement of the relatives of disappeared persons has focused on underscoring the claim that the search for disappeared persons is an obligation of the state. The movement has enunciated the search as a right and has fought both for the recognition of the legal status of disappeared persons and for the right of all deceased persons to be identified. Thus, this social movement uses the law as a tool for its struggle and it does so through an approach that is carried out not from the standpoint of legal dogma but rather from a reality that, for the families, is unbearable and comparable to torture—an unacceptable reality that transgresses the most essential aspect of what it means to be human.

The social movement of relatives of disappeared persons presents its demand for the right to search as an affirmation of rights (Zemans 1983). This demand is an expression of a disruptive nature that has stressed and generated a schism in the visions and values that dominated the state and human rights organisations with respect to the vision of justice and investigation in relation to the disappearances. The right to search is a tool whose content has grown as the different groups that make up the social movement have gained more and more experience. That is, it is a discursive resource that goes beyond the notions of positive law and also beyond what is thought by the official and unofficial actors who interact with the subject.

The right to search, considered as a norm, is an autonomous right that creates an obligation on the state to act on its own initiative and that is interrelated with rights such as every person’s right not to be subjected to enforced disappearance, the right to an investigation, and the right to the truth. The intimate relationship of these rights and the incipient discussion in Mexico about the disappeared person’s right to be searched for have given rise to questions as to whether or not this is an autonomous right. Along

those lines, I consider that proposing it as a sub-right limits its action and does not fully recognise the right-holders.

Understanding the right to search in the case of disappeared persons as a sub-right of the right not to be subjected to enforced disappearance would mean that, for those disappeared persons not classified as victims of enforced disappearance, demanding a search would not be possible. Something similar happens in the case of a disappeared person's right to a criminal investigation: to subsume the right to search under this right would imply limiting a search for disappeared people to only those cases in which the Public Prosecutor's Office considers that they have the necessary elements to initiate an investigation for disappearance. Furthermore, subordinating the right to search to the right to the truth would imply diminishing the dynamism and urgency of the enforceability of said search, since it is not only a matter of knowing what happened, but rather, and above all else, of finding the person.

The ownership of the right to search belongs to the disappeared person, as well as to the people who are directly affected as a result of the disappearance. This allows the right to be enforceable in two ways: on the state's own initiative or at the request of a party. The own initiative—or *ex officio*—approach occurs because the disappeared person, being a bearer of the right to be searched for, implies that the state, having knowledge that a person has disappeared, has the obligation to take all the necessary measures to locate the person. The second approach, at the request of a party, gives legitimate and legal interest to the people who are directly affected as a result of the disappearance, so that they may demand that the state initiate the necessary search actions until the person is located.

Although in Mexico public discussion on the matter is relatively recent, the truth is that the search in the case of disappeared persons has been an obligation of the Mexican state for a couple of decades. In 1992, the first international standard on the matter of disappeared persons was developed with the adoption of the *Declaration on the Protection of All Persons from Enforced Disappearance* by the United Nations (hereinafter UNDPED). However, it was not until December 2006, with the adoption of the *International Convention for the Protection of All Persons from Enforced Disappearances* (hereinafter ICPPED), that the right of all disappeared persons to be searched for and located was expressly enshrined.

The ICPPED creates an obligation for member states to adopt 'all appropriate measures to search for, locate, and release disappeared persons and, in the event of death, to locate, respect and return their remains' (ICPPED 2006, art. 24.3). This legally represents the existence of the right to search in the case of disappeared persons, among other rights. In the case of Mexico, the aforementioned obligation did not come into force until December 2010, when the Mexican state ratified the ICPPED.

In the Case of Radilla-Pacheco (2009)—which was paradigmatic for Mexico in the context of the so-called 'dirty war' of the 1970s—the Inter-American Court of Human Rights (hereinafter IACtHR) ruled that, in cases

of forced disappearance, ‘the authorities in charge of the investigation shall be trained in [...] the location of persons who have suffered a forced disappearance’ (Case of Radilla-Pacheco 2009, par. 374 (b)). In other words, the state’s obligation to locate the disappeared person was recognised. However, the Mexican state resisted compliance with the judgement and initiated a process before the *Suprema Corte de Justicia de la Nación* (Supreme Court of Mexico, SCJN for its Spanish initials) in order to determine whether the judgements of the IACtHR were binding.

The process before the SCJN concluded in July 2011, when it was resolved that ‘the resolutions handed down by that international body [IACtHR] [...] are binding on all [...] organs [of the Mexican State]’ (SCJN 2011, par. 19). This means that the jurisprudence of the IACtHR creates obligations for the Mexican authorities. However, neither the legislative branch nor the law enforcement authorities made changes to meet this obligation to search for disappeared persons. It was not until 2013, with the publication of the *Ley General de Víctimas* (General Victims’ Law, LGV for its Spanish initials), a victory for the MPJD, that the obligation to locate disappeared persons would be incorporated into Mexican law.

The wording of the LGV does not designate a specific authority responsible for fulfilling the obligation to search for a disappeared person. The omission is not minor if we take into account that it was established that the Public Prosecutor’s Office would be required to take on the role of monitoring compliance with the aforementioned obligation, which meant that it could be interpreted that the Public Prosecutor’s Office was not the authority in charge of conducting the search. In May 2013, the LGV reform changed the wording to make the right to search more explicit. However, in this reform, the new text once again failed to designate the authority responsible for carrying out this task.

In May 2014, a reform of the *Constitución Política del Estado de Coahuila de Zaragoza* (Political Constitution of the State of Coahuila de Zaragoza, CPECZ for its Spanish initials) was published, which incorporated the right to search in the case of disappeared persons as part of the rights enshrined in the local constitution. The right to search—to immediate search—is incorporated as a right of the disappeared person and of those who have suffered direct damage. However, due to the constitutional status, the authority responsible for implementing the norm was not specified. The wording of the section is as follows:

The disappeared persons and those who have suffered direct damage as a consequence of a disappearance, have the right to an immediate and effective search, to the location of the disappeared person, to know the truth, to justice, to effective judicial protection and to integral reparation of the damage and guarantees of non-repetition. The State will guarantee these rights.

(CPECZ 2020, art. 7, par. 17)

In July 2015, the Mexican Federal Constitution was amended to provide the Mexican Congress with the power to legislate on the enforced disappearance of persons and other forms of deprivation of liberty contrary to the law. This reform was the basis for publishing the LGD in November of 2017. With the publication of the LGD, a legal framework for the search in the case of disappeared persons was established: the right to search was recognised, the state institution in charge of guaranteeing that right was created, and competences were distributed among the three branches of government and various authorities.

The LGD establishes that disappeared persons have the right that ‘the authorities initiate search and location actions, under the principles of this Law, from the moment they have news of their disappearance’ (LGD 2021, art. 137, section II). I argue that the right to search achieved normative consolidation with the implementation of the LGD, since that legal system recognised this right as an autonomous right. The LGD recognises that the disappeared persons, as well as the persons who have suffered damage as a result of the disappearance, are the bearers of this right. With this recognition, the LGD turns the right to search into an obligation for the Mexican authorities to act on their own initiative—an *ex officio* obligation—in addition to designing the institutional framework necessary to carry out the search. In other words, the LGD recognises the right and generates obligations for specific institutions, such as the search commissions, which generates tension within the state itself.

The search in the case of disappeared persons is inescapably disruptive when it occurs in a context such as the Mexican one in which concealment persists as a practice not only of the direct perpetrators, but also of the institutions of law enforcement or of political powers that aim to set up a false reality. Its disruptive character manages to alter the order of things. This happened, for instance, in 2009 in Coahuila, in 2014 with citizen searches for graves in Guerrero, and in 2017 with the enactment of the LGD. However, it is important to note that any search action can be co-opted by the state.

The disruptive nature of the search is based not only on non-institutionalised activities, but also on the rupture that the search produces in a concrete reality and even in fields that have dogmatic views such as that of the law. In the field of law, the search generates fissures in the traditional conceptions of investigation or justice, in which the disappeared person was not relevant to the investigation. In how many of the preliminary inquiries was there a file with the data and photograph of the disappeared person? Making the disappeared person a relevant figure in the investigation shows the cracks that the social movement managed to generate in the system, and as Manzo (2018) points out, these cracks show what was not thinkable within the confines of the law.

The struggle of the families of disappeared persons between 2009 and 2013 was focused on compelling the justice system to assume the task of searching. It was not until 2013 that entities connected to the Public Prosecutor’s Office were created that would have the exclusive task of searching for disappeared

persons. In this sense, I highlight the reform that took place in Coahuila in 2016 with which the existing Search Unit ceased to depend on the Public Prosecutor's Office to be in charge of disappearance investigations, and ended up dealing directly within the Office of the Attorney General. That is, the reflections that occurred in Coahuila went in the direction of separating and creating functions, because the search was an action that the Public Prosecutor's Office carried out under pressure from the families, rather than being mandated by law.

As previously mentioned, in July 2015 the Mexican Federal Constitution was amended and an advocacy process for the creation of a general law on disappeared persons began. This process was initially strongly influenced by human rights organisations, many of which had never worked closely with the new dynamics of disappearances and had a purely criminal focus. An example of this is the result of the constitutional reform, which focused only on criminal offenses (enforced disappearances and disappearances committed by private individuals). This merely criminal approach would be transformed over time thanks to the integration of more relatives of disappeared persons. As also mentioned previously, in November 2015, the MNDM was identified as a collective space for collaboration between relatives of disappeared persons and human rights organisations. One distinctive feature of the MNDM was the incorporation of the demand for the right to search in the case of all disappeared persons.

The MNDM managed to reach a consensus on a series of demands under three general principles: 1) the recognition of the problem of the disappearance of persons; 2) accountability mechanisms contained in the new law regarding the disappearance of persons; and 3) the participation of families in the formulation and implementation of the new law. Based on these principles, 11 demands were developed to be considered when drafting the new law:

- 1 It must be a comprehensive law that addresses the different dimensions of this problem.
- 2 In it, the concept of a disappeared person must be expanded upon so that it is recognised as a subject of law.
- 3 It must be self-applying so that with its implementation it becomes mandatory for all institutions at the three levels of government.
- 4 The law must include and be applied to all disappearances, those of the past, present and those that may occur in the future.
- 5 The law must address the disappearances of migrants, and have a transnational approach.
- 6 It must be formulated from a rights perspective and with a gender perspective.
- 7 The law must provide for a differentiated approach in attention to different vulnerable groups.
- 8 Rather than a single law, a comprehensive legislation on the matter is required. After the law's approval, an alignment process must be

generated with all the laws and regulations that are required in order to enable full compliance.

- 9 Upon its publication, a process of information, training and sensitization of the officials responsible for its implementing should be created.
- 10 In order for it to become an effective instrument for the families of disappeared persons, it must be written in simple language and accessible to all.
- 11 Finally, the law must guarantee the conditions for the immediate search for the disappeared person, and the scientific, transparent and expeditious investigation; and it must also contemplate sanctions against the material and intellectual actors who have obstructed the investigation or the search, to those who gave the order to carry out the disappearance, and to those who in any way have hidden information about the person's whereabouts.

(Ureste 2015)

The MNDM was able to consolidate a space for dialogue with the joined Commissions of Justice, Government, Human Rights and Legislative Studies of the Mexican Senate, from which the Technical Team of the MNDM positioned the demands of the families. The MNDM Technical Team presented a proposal to create a single national institution in charge of the search, that is, for the search to be considered exclusively a matter of federal competence and for said agency to have a group of assigned police officers that would allow it to carry out search actions without the need to request the collaboration or authorisation of the Public Prosecutor's Office. These proposals came after a long process of reflection and were not free from tensions, such as those previously mentioned about the search brigades. However, these proposals gained strength as they were the expression of a demand made by the majority of the MNDM, namely, the demand to disassociate the institution responsible for the search from the Public Prosecutor's Office.

Nonetheless, the bill proposal presented to the Plenary of the Senate of the Republic by the reviewing commissions in April 2017 did not contemplate the proposal already indicated as essential by the MNDM: a single national institution in charge of the search, which would have a group of assigned police officers that would allow it to carry out search actions without the need to request the collaboration or authorisation of the Public Prosecutor's Office. Nevertheless, the recommendation of the human rights organisations that accompanied the process was to accept the proposal in those terms and in those political timeframes.

The MNDM accepted and backed, with reservations, the bill proposal presented by the commissions of the Senate of the Republic, which was approved by the Congress of the Union and published in November 2017 by the Federal Executive Branch. The approval was given in a complex context because the federal administration (led by Enrique Peña Nieto) was finishing its term and the LGD required a complex implementation that could not be completed in less than a year, especially not in the middle of a change of

government, which meant that at the beginning of the new federal administration (headed by Andres Manuel López Obrador) the implementation process would have to be reinitiated.

The process of recognising the right to search under Mexican law did not even manage to generate the necessary legal tools, at the time of its execution, for this right to affect the structural causes of the absence of an effective search. Consequently, a process that had initially been disruptive ended up becoming part of the institutional administration of the demand and the legitimisation of the process itself. The state's capitalisation on this process caused various organisations of relatives to feel disenchanted about the law as a means of action. However, the disruptive action from the law introduces an element of pressure into the legal system.

Based on this, I propose that the right to search be seen not only as the positivisation of a social demand, even if it is, but also as the construction of a discursive-legal tool of a social movement that, as previously indicated in this text, has created tensions within the Mexican institutions (see, for example, Díaz 2020). In this sense, it is important to point out that historicisation is fundamental in a law stemmed from a social demand, in order to avoid what Ellacuría (1990) notes, namely that the discourse of a universal law ends up becoming the privilege of the dominant group leading the social demand. This latter situation is present in the social movement of relatives of disappeared persons and occurs with greater frequency in spaces that are more institutionalised by the state.

Ellacuría points out that the historicisation of the law occurs under two conditions: first, the analysis of the execution of the law in a specific context; second, the consideration of the elements necessary for this right to be effective. (Ellacuría, cited by Sánchez Rubio 2010, 51). The positivised law has to be valued from the practice and reality of the social movement and take into account its utopian horizon. For this reason, historicisation makes it possible to question who it is that benefits from this right and under what real conditions it is possible for this to occur. This entails proposing indicators that allow real progress to be measured, so as not just to remain in the field of an ambiguous discourse. However, due to the short time that the LGD has been in effect, it is not possible to make an assessment with sufficient elements to form an opinion.

Conclusions

For a decade, it has been well documented that disappearances have been committed in Mexico, many of which can be considered enforced disappearances, although initially this phenomenon was framed as a settling of accounts between members of organised crime. The work of organisations of families of disappeared persons resulted in the change of this narrative and also in the delimitation of the state's responsibility. Specifically, the state is considered responsible when it participates in the perpetration of disappearances, but also

when it does not adequately address the situation. The case of the 43 disappeared students from the Ayotzinapa rural teacher's school enabled the appraisal of a situation that was already well-documented by relatives of disappeared persons and human rights organisations: the fact that disappearances of people were occurring in Mexico. Ayotzinapa also meant a change in the search approaches developed by the families of disappeared persons.

It can be established that the social movement of relatives of disappeared persons in Mexico in the context of the 'war on drugs' has made significant contributions in terms of the rights of disappeared persons. The discursive and conceptual construction of the right to search, as well as the impulse for its recognition by the Mexican state, constitutes, for Mexico, a new legal regime for the search in the case of disappeared persons in which the search emerges as the centre of the social demand. This approach applies to both searches for the living and searches for human remains.

The search in Mexico is not a norm established within the framework of transitional justice, nor a temporary special norm, but rather represents an ordinary general norm. The recognition of disappearance as a daily problem in Mexico generates a new institutional structure. This is represented in the search commissions themselves, which have come into conflict with the justice system at the level of the Attorney General's Office, which has denied the right to search in the cases of disappeared persons.

On the other hand, the process whereby the right to search was recognised can be considered nuanced. Initially, this process was convened by human rights organisations that saw in the creation of laws a response to social problems. Subsequently, the rise in the participation and leadership of relatives of disappeared persons allowed the MNDM's demand to be focused on the search in the cases of disappeared persons. Finally, the process was co-opted by the interests of human rights organisations, who yielded to government pressure to support a law project that did not reflect the basic demands of the families of disappeared persons. The result of all this was the LGD, a law with broad limitations to the fulfilment of its mission.

The search remains a powerful action by the families of disappeared persons. It is an action that takes place both independently and in spaces co-opted by the state or by legalistic perspectives. The diversity of strategies and visions around the right to search has allowed it to be a constantly disputed claim, even among the families of disappeared persons themselves. Therefore, no group can be assumed to be the representative voice of the social movement. The diversity within the movement does not diminish the constant risk it faces of being co-opted and controlled by a vision that ends up creating elites, denying reality, and perpetuating disappearances.

Notes

- 1 In this chapter the author understands 'the right to search' comprehensively, as it includes: (i) *The right to search for* disappeared persons; (ii) *the right of* the

disappeared person *to be searched for*; (iii) *the right of the relatives* of disappeared persons *to have their loved ones searched for*; as well as (iv) *the state's obligation to begin the search for the person* as soon as the relevant authorities have knowledge of the disappearance, even if it has not been reported. (Note from the editors.)

- 2 'Levantón' is a noun derived from the verb 'levantar', which in Spanish means 'to pick [someone/something] up'. The term became part of the 'war on drugs' jargon around 2007 as a way to describe the 'picking up' of a man or a group of men by a criminal group. Ever since the term was coined its meaning has extended. Nowadays it can also be used to describe the forced deprivation of liberty of both men and women, even if the perpetrators are not members of criminal groups.

As a verb, the word can be used to say that someone was forcibly 'picked up', as in '*lo levantaron*', or that a criminal group threatened to forcibly 'pick someone up', as in '*amenzaron con levantarlo*'. As a noun, the term can be used to say that someone was subjected to a '*levantón*' or was victim of a '*levantón*'.

Whilst 'abduction' appears to be the closest translation of '*levantón*', an 'abduction' connotes a crime, and the author's point here—as he will discuss later in this chapter—is that labelling disappearances as '*levantones*' created a legal vacuum, because a '*levantón*' is not a crime. Therefore, we decided to keep the Spanish term—'*levantón*' in the singular and '*levantones*' in plural—instead of translating it. (Note from the editors.)

- 3 The concept of 'deformalised' refers to the lack of a code with rigid rules such as in the process of an investigation. The purpose of deformalising the search was to make it immediate and agile by freeing it from the rigidity of the criminal procedure rules.
- 4 'The MPJD emerged after April 26, 2011, when Javier Sicilia, whose son Juan Francisco was murdered by people linked to organised crime, called on society to demonstrate against the 'war on drugs'-related violence and was subsequently joined by a growing number of victims and relatives of victims (MPJD n.d.).
- 5 These searches, always carried out by private individuals, include searches where families follow the institutional procedures and/or collaborate with state institutions, as well as field searches financed with private funds and carried out by the families themselves and/or private professionals. (Note from the editors.)
- 6 The convening of the First National Brigade was undertaken by: *Red de Enlaces Nacionales; Asociación Unidos por los Desaparecidos*, Baja California; *Colectivo de familias de desaparecidos Orizaba-Córdoba*, Veracruz; *Grupo Vida*, Coahuila; *Justicia para Nuestras Hijas*, Chihuahua; *Los Otros Desaparecidos*, Guerrero; and *Voces Unidas por la Vida-Sabuesos*, Sinaloa. It was observed by: *Centro de Derechos Humanos Miguel Agustín Pro-Juárez, A.C.*; *Comisión Episcopal para la Pastoral Social: dimensión de Justicia, Paz y Reconciliación IDHEAS*; *Litigio Estratégico en Derechos Humanos, A.C.*; *Instituto Mexicano de Derechos Humanos y Democracia A.C.*; and *Pastoral Social de la Provincia Eclesiástica de Xalapa, Veracruz Red Retoño*.

Bibliography

- Ansolabehere, Karina. 2020. 'Dialogan Especialistas Sobre "La Desaparición de Personas en Perspectiva Territorial: el desafío de interpretar y encontrar patrones"', Centro Universitario de Ciencias Sociales y Humanidades (website). Virtual forum organised by the Departamento de Sociología del Centro Universitario de Ciencias Sociales y Humanidades (CUCSH), and the Observatorio sobre Desaparición e Impunidad FLACSO-México on September 21. Accessed July 9, 2021. <http://www.cucsh.udg.mx/noticia/dialogan-especialistas-sobre-la-desaparicion-de-personas-en-perspectiva-territorial-el-desaf>.

- BNB. Brigada Nacional de Búsqueda de Personas Desaparecidas. 2016. 'Anuncian brigada de búsqueda de personas desaparecidas en Veracruz'. Filmed April 8. Accessed July 9, 2021. <https://www.youtube.com/watch?v=Bgb-okYdbZY&t=240s>.
- Calveiro, Pilar. 2015. 'Políticas de miedo y resistencias locales'. *Athenea Digital. Revista de pensamiento e investigación social*, [S.l.], 15 (4): 35–59. Accessed July 9, 2021. <https://atheneadigital.net/article/view/v15-n4-calveiro>.
- Case of Radilla-Pacheco v. Mexico. 2009. Judgement of November 23 (Preliminary Objections, Merits, Reparations, and Costs). IACtHR.
- Chihu Amparán, Aquiles and Alejandro López Gallegos. 2007. 'La construcción de la identidad colectiva en Alberto Melucci'. *Polis: Investigación y Análisis Sociopolítico y Psicosocial*, 3 (1): 125–159.
- CPECZ. Constitución Política del Estado de Coahuila de Zaragoza. 2020. Ley publicada en el Periódico Oficial, el 19 de febrero de 1918. Última reforma publicada en el periodico oficial: 02 de octubre de 2020.
- Díaz, Gloria Leticia. 2020. 'CNB rechaza reforma a la Ley Orgánica de la FGR y exige parlamento abierto'. *Proceso*, December 8. <https://www.proceso.com.mx/nacional/2020/12/8/cnb-rechaza-reforma-la-ley-organica-de-la-fgr-exige-parlamento-abierto-254178.html>.
- Ellacuría, Ignacio. 1990. 'Historización de los Derechos Humanos desde los pueblos oprimidos y las mayorías populares'. In *Pensamiento crítico, ética y absoluto. Homenaje a José Manzano, 1928–1978*, 147–158. Madrid: Editorial Eset.
- FIDH, Fray Juan and FUUNDEC. Federación Internacional de Derechos Humanos, Centro Diocesano para los Derechos Humanos Fray Juan de Larios, and Fuerzas Unidas por Nuestros Desaparecidos en Coahuila. 2017. 'México: Asesinatos, desapariciones y torturas en Coahuila de Zaragoza constituyen crímenes de lesa humanidad'. FIDH, July 5. Accessed July 19, 2021. <https://www.fidh.org/es/temas/justicia-internacional/corte-penal-internacional-cpi/mexico-asesinatos-desapariciones-y-tortura-s-en-coahuila-de-zaragoza>.
- FGR. Fiscalía General de la República. 2020. *Protocolo Homologado de Búsqueda de Personas Desaparecidas y No Localizadas: Observaciones al borrador elaborado por la CNB*. Mexico City: FGR.
- Fray Juan. Centro Diocesano para los Derechos Humanos Fray Juan de Larios. 2011. *Formulario para enviar información sobre la desaparición forzada o involuntaria de una persona, documento interno remitido al Grupo de Trabajo sobre Desapariciones Forzadas o Involuntarias*. Saltillo: Fray Juan.
- Garza Placencia, Jaqueline. 2017. *Familiares organizados en la vigilia y defensa de los derechos humanos frente a la desaparición de personas en México*. Mexico City: Revista de Derechos Humanos y Estudios Sociales.
- Guillén, Alejandra. 2017. *La memoria de los desaparecidos de la Guerra Sucia en Frente a la Desaparición Forzada y la Desaparición por Particulares en Jalisco: la Lucha por la Verdad y la Justicia*, 29–35. Guadalajara: Centro de Justicia para la Paz y el Desarrollo, A.C. (CEPAD).
- ICPPED. International Convention for the Protection of All Persons from Enforced Disappearance. 2006. 1726 UNTS 3.
- LGD. Ley General en Materia de Desaparición Forzada de Personas, Desaparición Cometida por Particulares y del Sistema Nacional de Búsqueda de Personas. 2021. Nueva Ley publicada en el Diario Oficial de la Federación el 17 de noviembre de 2017. TEXTO VIGENTE. Última reforma publicada. DOF 20-05-2021.

- Lorusso, Fabrizio. 2018. “Te buscaré hasta encontrarte”. El nacimiento del Comité de Búsqueda de “Los otros desaparecidos de Iguala”. In *Acción colectiva, movimientos sociales, sociedad civil y participación*, coordinated by Juan Carlos Ruiz Guadalajara and Gustavo A. Urbina Cortés, Vol. II of *Las ciencias sociales y la agenda nacional. Reflexiones y propuestas desde la las Ciencias Sociales*, coordinated by Jorge Cadena Roa, Miguel Aguilar Robledo and David Eduardo Vázquez Salguero, 991–1016. Mexico City: COMECSO.
- Lorusso, Fabrizio. 2019. ‘Te buscaré hasta encontrarte. Historia y contexto de Los Otros Desaparecidos de Iguala, colectivo de buscadores de desaparecidos y fosas clandestinas en México’. *Cross*, 5 (1): 36–80. Accessed July 9, 2021. <https://riviste.unimi.it/index.php/cross/article/view/36/pdf>.
- Manzo, Mariana Anahí. 2018. ‘La movilización del derecho por Movimientos Sociales: dinámicas de la política radical de transformación y el espacio de lo jurídicamente pensable’. *Oñati Socio-Legal Series*, 8 (5): 677–702. <https://ssrn.com/abstract=3278758>.
- Martos, Alvaro and Elena Jaloma Cruz. 2017. ‘Desenterrando el dolor propio: Las Brigadas Nacionales de Búsqueda de Personas Desaparecidas en México’. In *Desde y frente al Estado: pensar, atender y resistir la desaparición de personas en México*, edited by Javier Yankelevich, 75–127. Mexico City: Centro de Estudios Constitucionales de la Suprema Corte de Justicia de la Nación.
- MPJD. Movimiento por la Paz con Justicia y Dignidad. n.d. ‘Historia. Movimiento por la Paz con Justicia y Dignidad ¿Quiénes somos?’ Accessed July 6, 2021. <http://mpjd.mx/historia>.
- Muédano, Marcos. 2014. ‘UPOEG reporta hallazgo de 4 fosas más en Guerrero’. *El Universal* (website). October 14. Accessed July 9, 2021. <https://archivo.eluniversal.com.mx/estados/2014/upoeg-fosas-igual-a-1045985.html>.
- Pozos Barcelata, Astrid Adriana. 2018. *Le corps absent sujet politique. Le processus de construction des disparitions forcées au Mexique comme un problème d’action publique (1969–2018)*. Montréal: Université du Québec à Montréal.
- PBI Mexico. Peace Brigades International-Proyecto México. 2012. *Dignas. Voces de defensoras de derechos humanos en México*. London: PBI Mexico.
- Sánchez Rubio, David. 2010. ‘Sobre el concepto de “historización” y una crítica a la visión sobre las (de)-generaciones de derechos humanos’. *Revista de Derechos Humanos y Estudios Sociales*, 4 (July–December): 41–55. <http://www.derecho.uaslp.mx/Documents/Revista%20REDHES/N%C3%BAmero%204/Redhes4-02.pdf>.
- SCJN. Suprema Corte de Justicia de la Nación. 2011. Resolución dictada por el Tribunal Pleno en el expediente varios 912/2010 y Votos Particulares formulados por los Ministros Margarita Beatriz Luna Ramos, Sergio Salvador Aguirre Anguiano y Luis María Aguilar Morales; así como Votos Particulares y Concurrentes de los Ministros Arturo Zaldívar Lelo de Larrea y Jorge Mario Pardo Rebolledo. EXPEDIENTE VARIOS 912/2010. DOF: 04-10-2011.
- Touraine, Alain. 1987. *Actores sociales y sistemas políticos en América Latina*. Santiago de Chile: Prealca.
- Touraine, Alain. 2006. ‘Los movimientos sociales’. *Revista Colombiana de Sociología*, 27: 255–278.
- Ureste, Manu. 2015. ‘Los 11 puntos que ciudadanos exigen se incluyan en la nueva Ley sobre Desaparición Forzada’. *Animal Político* (website). September 16. <https://www.animalpolitico.com/2015/09/estos-son-los-11-puntos-que-ciudadanos-exigen-s-e-incluyan-en-la-nueva-ley-sobre-desaparicion-forzada>.

- UTSL-HR Clinic. University of Texas School of Law Human Rights Clinic. 2017. *Control...Sobre Todo el Estado de Coahuila: Un análisis de testimonios en juicios contra integrantes de Los Zetas en San Antonio, Austin y Del Rio, Texas*. Austin, TX: University of Texas. <https://law.utexas.edu/wp-content/uploads/sites/11/2017/11/2017-HRC-coahuilareport-ES.pdf>.
- Vázquez Valencia, Luis Daniel. 2019. *Captura del Estado, macrocriminalidad y derechos humanos*. Ciudad de México: FLACSO México, Fundación Böll-México y el Caribe, e Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de México. <https://mx.boell.org/es/2019/12/16/captura-del-estado-macro-criminalidad-y-derechos-humanos>.
- Zemans, Frances K. 1983. 'Legal Mobilization: The Neglected Role of the Law in the Political System'. *American Political Science Review*, 77 (3): 690–703. doi:10.2307/1957268.

9 Memorialising absence

Memorials to the disappeared in Mexico

María De Vecchi Gerli

Introduction

Disappearances are a long-standing problem in Mexico. In a first period of political upheaval, from the late 1960s to the 1980s, between 600 and 1,300 persons were disappeared by state actors. In a second period, framed as the so-called 'war on drugs', which started in 2006, almost 90,000 people have been disappeared in the country by a mixture of state and non-state actors (CNB n.d.).

The memory of violence and particularly the memory of these disappeared has not received as much attention in Mexico as in other countries of the region. Nonetheless, relatives and other victims have consistently fought to bring these issues into the public debate, acting as memory entrepreneurs who work to install their version of events in the public space (Jelin 2003).

Following Pierre Nora, I think of dates and memorials as memory realms, which exist because society has forgotten to remember (Nora 1989). This chapter will examine an official and a non-official memory realm. In terms of the disappearances of the first period, I analyse the *Museo Casa de la Memoria Indómita* (House of the Indomitable Memory Museum, hereinafter *Casa de la Memoria*) in Mexico City. I then present the memorial in Allende, Coahuila, to understand the battles waged around the different narratives during the second period of disappearances.

The battles for memory

The memory of the disappeared has not received as much attention in Mexico as in other countries such as Argentina, Peru, Chile, Brazil, Guatemala, and El Salvador to name a few. Nonetheless, relatives and other victims have consistently fought to bring these issues into the public debate in Mexico too and these memories are still a contested arena. The mere fact that disappearances of the late 1960s onwards are still discussed today is a reflection of the relatives' and survivors' fight. Allier Montaño and Crenzel put this as follows:

The words and actions of the relatives of the disappeared, of the victims of torture, of political prisoners, of exiles, of survivors of clandestine jails and

of mass killings of indigenous communities have been essential for reconstructing the materiality of the abuses, denouncing the perpetrators and restoring dignity and humanity to the victims of violence in Latin America. (Allier Montaño and Crenzel 2015, 11)

When analysing the battles of memory, thinking about the actors involved in them and their agency is fundamental, as it is these actors who bestow particular meaning on dates and memorials, converting them into memory realms. In the following analysis I identify the memory entrepreneurs ‘who link in their actions the past (to render homage to the victims) and the future (to transmit messages to the “new generations”)’. These actors have an interpretation of the past which relates to who they are and to the version of the event they want to install in the public space (Jelin and Langland 2002, 4; Jelin 2007). In the following examples, I analyse the differences in the impacts and the discourses advanced with the memorials depending on whether they are built by the relatives of the disappeared or by state actors.

In other countries of Latin America, memorials have been erected in sites directly related with state violence. This has originated struggles over the meanings of these sites against those who want to erase the past from them. In many cases these debates have been public and have involved many different actors. Examples of this are the statue of Salvador Allende in Santiago (Chile), the *Nunca Mais* memorial in Recife (Brazil), and the Memory Park in Buenos Aires, Argentina (Hite 2002; Brito 2002; Tappatá de Valdez 2002). The Mexican case is different. Except for the case of the memorial in Allende, Coahuila, built at the entrance of the municipality, where a massacre took place in 2011, the other memory realms I analysed in my research were not built in places that are directly related with the disappeared. Nonetheless, there are more recent cases of memorials erected in places where disappearances or violent events took place. In many cases, the battles for memory around the disappeared of the second period are in their early stages, in a moment when events are still unfolding as disappearances continue to take place in the country.

What is at stake in these battles for memory is the national narrative created by different governments, which have insisted throughout the decades in portraying a Mexican state that is respectful of human rights. Using particular dates and different memory realms, relatives of the disappeared question that narrative. Likewise, state actors use some dates, like August 30, International Day of the Victims of Enforced Disappearance, and some memory sites such as the memorial in Allende to advance their own discourse. Besides questioning the state, these memory realms also dispute the idea of who the victims are. As such, battles for memory are also battles over what the past and the future will be (Olick and Robbins 1998). According to Robledo Silvestre, ‘memory is a political asset in which the legitimacy of the government, of the victims and the nation’s project itself are in dispute’ (Robledo Silvestre 2015, 77). In this regard, memory realms can be

understood as the materialisation of these disputes, as they are part of how the past is administered in the present with a focus on the future (Achugar 2002; Lessa 2013).

Museo Casa de la Memoria Indómita

The *Comité Nacional pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos de México* (National Committee for the Defence of Political Prisoners, Persecuted, Disappeared and Exiles of Mexico) was founded in Monterrey in August 1977. The committee gathered relatives from Mexico City, the State of Mexico, Oaxaca, Guerrero, Sinaloa, Chihuahua, Jalisco, San Luis Potosí, and Puebla (Maier 2001; Castellanos 2007). Following the publication of the creation of this committee in *Proceso* magazine, Rosario Ibarra, its leader and most public figure, received letters from all over the country, sent by relatives of people who had been killed, persecuted and disappeared by the government (Castellanos 2007; Chávez Hoyos 2015; Piedra Ibarra 2015; Argüello Cabrera 2010). After the formation of a parallel committee with a similar name, the name was changed to *Comité pro Defensa de Presos, Perseguidos, Desaparecidos y Exiliados Políticos de México* (Committee in Defence of Prisoners, Persecuted, Disappeared and Exiles for Political Reasons in Mexico) (Piedra Ibarra 2015; Hernández de Ramírez Duarte 2015). In 1987, the *Doñas*, as the members of the committee are called, changed the name to *Comité ¡Eureka!*, which in Greek means ‘I have found it’ (Maier 2001; Hernández de Ramírez Duarte 2015). The Eureka! Committee is a pioneer organisation for the search of the disappeared in Mexico. The *Casa de la Memoria* serves as a memory realm that offers Eureka’s own version of the disappearances for political reasons from the period between the late 1960s and the 1980s.

As Sylvia Karl explains:

There is no official commemoration of any of the events of the dirty war, nor are the crimes against humanity committed during this war part of government discourse, the school curriculum, or national or museum culture. [...] Certain power holders are eager to erase the memory of this war by ignoring the historical facts of the victims.

(Karl 2014, 736)

Even though this panorama has slightly changed with Andrés Manuel López Obrador’s government—which has been witness to public apology events regarding the state repression period, and to the inauguration on June 10, 2019 of the first official memorial acknowledging repression and the use of enforced disappearance (Gobierno de México n.d.)—it is still the case that this period is widely unknown in Mexican history. López Obrador’s administration has had symbolic gestures towards the recognition of repression, but human rights organisations have documented the lack of

transformational public policies dealing with truth and justice.¹ The *Casa de la Memoria* was, nonetheless, created in a context in which a version of what had happened during those years was being produced by the government through the *Fiscalía especial para la atención de hechos probablemente constitutivos de delitos federales cometidos directa o indirectamente por servidores públicos en contra de personas vinculadas con movimientos sociales y políticos del pasado* (Special Attorney for the Attention of Facts that are Probably Constitutive of Federal Crimes Committed Directly or Indirectly by Public Servers Against People Involved in Social and Political Movements of the Past, FEMOSPP for its Spanish initials). In 2000, after 71 years in power, the *Partido Revolucionario Institucional* (Institutional Revolutionary Party, PRI for its Spanish initials) lost the federal election to the *Partido Acción Nacional* (National Action Party, PAN for its Spanish initials) with Vicente Fox as their candidate. Since the presidential campaign, Fox had promised to end impunity for the political crimes of the past if he won the presidency. As part of his rhetoric of change, speaking about the end of impunity represented a clear break between the PAN and its predecessor, the PRI (Castellanos 2007; Treviño-Rangel 2012). With Fox's accession to power, a series of measures that can be labelled as transitional justice initiatives were implemented. The three most important ones among them were the launch in 2001 by the *Comisión Nacional de Derechos Humanos* (National Human Rights Commission, CNDH for its Spanish initials) of a report on disappearances during the 1960s, 1970s, and 1980s, the creation of FEMOSPP in 2001, and the opening of the intelligence archives in 2002. Even though these measures were important in documenting the systematic and planned nature of state violence, and in making public and opening the debate on the issue of political violence of past decades, it has been argued that their results were limited due to a lack of political will since their inception. Ksenija Bilbija and Leigh A. Payne explain how perpetrators of human rights violations, and sometimes also the governments pursuing perpetrators of state violence, follow a 'silence is golden' rule, as silence 'incurs fewer costs and renders greater potential profit than speaking out' (Bilbija and Payne 2011, 17). In the Mexican case, the PRI governments that committed disappearances systematically denied their occurrence. Even though the Fox government engaged with tackling the state violence committed in the past, the way in which this was dealt with favoured silence over speaking up. Eureka then decided to create its own space, where it would share its story in its own terms. As Andreas Huyssen argues, the past is past and will not change, but its meanings are in permanent change, so how this past is transmitted can and will affect the future. Thus, the struggle is not over what the past was, but over what it will be (Huyssen, in Oglesby 2007; Huyssen 2003). The *Casa de la Memoria* was conceived as a vehicle of memory for the stories of the disappeared, of state violence, and of the committee, to be guarded and transmitted to new generations (Jelin 2003). Transmission to younger generations is an essential matter for linking the past with the future, and

because of that the issue of what battles should be transmitted is central (Grandin 2000; Kaiser 2005; Agosin 2011). This is true in general, but in a country where disappearances not only took place in the past but are still being committed on a daily basis, how that first period of disappearances is presented does have an impact on how current disappearances are understood. The role of the *Casa de la Memoria* in transmitting a counter-memory is then essential to build a present discourse on disappearances that questions the way in which different governments have portrayed themselves.

Rosario Ibarra, leader of Eureka, had a close relationship with López Obrador, when he was Mexico City's chief of government, which allowed the Committee to get access to a space in which to locate the Museum. This closeness was the result of a decade-long relationship between the Committee and the left in Mexico, particularly in terms of its relationship with the *Partido de la Revolución Democrática* (Democratic Revolution Party, PRD for its Spanish initials).² The colonial house in which the museum is situated was given in commodate (gratuitous loan) to the Eureka! Committee by Mexico City's government in 2005. With this action, the local PRD government chose the story it would support. Refurbishment of the house started in 2009 and its inauguration took place in 2012. To create the main exhibition, the Committee hired a professional curator with experience in exhibitions on human rights. Responding to his invitation, *Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* (Sons and Daughters for Identity and Justice against Oblivion and Silence, H.I.J.O.S. for its Spanish initials) participated as well.

The place where the *Casa de la Memoria* is located does not have any particular connection to disappearances or state violence in general. The process of reappropriation of spaces connected to the repression of the 1970s and 1980s that has taken place in other countries such as Chile and Argentina, where clandestine prisons or detention camps have been turned into spaces of memory, has not occurred in Mexico (Jelin and Langland 2002; Otálvaro-Hormillosa 2013; Lazzara 2002; Lerer 2013; Andermann and Hite 2015; Bianchini 2014; Aguilar 1999). Only during the last two years has Mexico witnessed a process of governmental acknowledgement of what these spaces were used for and a political will to transform them into spaces of memory, so even though different organisations have pointed them out for decades, some are still in use to this date. The only place related to state repression of this period that has been erected as a space of memory by the López Obrador administration is Circular de Morelia 8, the building where the *Dirección Federal de Seguridad* (Federal Security Directorate, DFS for its Spanish initials) worked during the seventies and that is now part of the *Secretaría de Gobernación* offices (Gobierno de México n.d.). Other spaces, like the *Campo Militar Número 1* (Military Camp Number 1), for instance, which was denounced by H.I.J.O.S. México and Eureka throughout the decades for being illegally used as a clandestine prison, still remains in use (Dutrénit-Bielous and Ramírez-Rivera 2020; Patxe 2011; Petrich 2001).

The space of the *Casa de la Memoria* is divided into several sections: the main exhibition rooms and a room for temporary exhibitions are located on the first floor, while the patio, where a wide range of events are hosted, and the café are located on the ground floor. The main exhibition presents the social unrest and repression of the 1960s–1980s; the Mexico portrayed by the government and represented in the media during the 1970s as a peaceful and rapidly developing country is contrasted with videos by the DFS—one of the agencies in charge of repression during the 1970s and 1980s—where their ‘intelligence tactics’ are explained. It also presents repression in Latin America and its particularities in Mexico through audios that contain testimonies of people who suffered torture and that depict the conditions in which the disappeared were being held captive.

It is interesting to notice that those who were disappeared and then freed do not have the prominence in this site as they do in other spaces of memory elsewhere, where they have been consulted for the creation of the sites and the discourses that are to be transmitted, or even serve as guides of said spaces (Schindel 2014; Lazzara 2002; De Vecchi Gerli 2010). These people are only present through their accounts of torture, which serve to illustrate the conditions endured by the disappeared. This reflects Eureka’s decision to put the focus on the stories of those who are still disappeared and of their relatives.

When leaving the first room, visitors enter a room imitating one of the *Doñas*’ (mothers and female relatives of the victims) living rooms, with pictures of the disappeared on the wall, an armchair, and a phone symbolising the eternal waiting (see Figure 9.1). H.I.J.O.S.’ main contribution to the house is a room with the faces of the people responsible for the disappearances in white and black stripe suits and inside cages representing the prisons they would be in if a process of justice had taken place (see Figure 9.2). The biggest room is covered with posters of Eureka’s actions and features a big picture of the *Doñas* in a march (see Figure 9.3). When the exhibition was originally created in 2012, H.I.J.O.S. also contributed with an installation linking the disappeared and the struggles from the 1960s onwards to the current situation regarding disappearances. The end of the exhibition was then marked by H.I.J.O.S.’ contribution: a wall displaying the eyes of persons subjected to disappearance within the framework of the so-called ‘war on drugs’ (these images were sent by different more recent organisations); a notebook with the handwritten names of the disappeared as registered by Eureka and other organisations; a pencil for visitors to add names of disappeared persons; and an eraser in case a disappeared person returns. On the opposite wall, H.I.J.O.S. displayed the names and contact details of organisations working against enforced disappearance.

A big stencil made by Oaxacan street art collective Lapiztola portraying an indigenous woman hugging a shadow and surrounded by birds, on the first floor, and pictures of the *Doñas* who have passed away, on the ground floor, complete the museum (Karl 2014; Wolff Rojas 2014). There is almost

no text in the rooms, which is why visitors must have a guided tour of the place. The political vision of the disappeared is brought up in the representation of the waiting room (see Figure 9.1) with the books they used to read, and is highlighted during the guided tour.

If, when the project was created, Eureka did not know what would happen with FEMOSPP and what the transitional justice measures would mean (although they were critical of the process), when the construction of the museum began the failure of those measures in terms of the rights to truth, justice, reparation and non-repetition were clear. The people responsible for the disappearances were not held to account, structural changes to stop disappearances were not endorsed, and the whereabouts of the disappeared were not revealed. Twenty years later, the shortcomings of these measures have allowed for the country to be in the deepest human rights crisis ever seen in Mexico.

The creation of this *Casa de la Memoria* became therefore a new chapter in the battles for memory that Eureka has sustained with different governments since its creation in 1977. As I have presented elsewhere, the Committee has always insisted that the government was responsible for disappearances (De Vecchi Gerli 2018). As a response to failed transitional justice measures that in the end guaranteed impunity and silence, Eureka created a space of living memory. The main topics portrayed are the national and regional historical backgrounds of the disappearances, the political character of the crimes, the



Figure 9.1 The waiting room at the *Museo Casa de la Memoria Indómita* (House of the Indomitable Memory Museum)

Source: Photograph by Ricardo Atl Laguna Ramírez.



Figure 9.2 People identified by H.I.J.O.S. as responsible for the disappearances of previous decades are symbolically put behind bars
Source: Photograph by Mijael Jiménez.

government's responsibility for the crimes, the government's double discourse during the 1970s, and the necessity of social justice in order to obtain legal justice. Besides this, the consequences of the disappearances, the struggles of the people who were disappeared, their principles and their passions, and the dignity of the decades-long struggle against disappearances are also part of what is transmitted in the *Casa de la Memoria*.

Following Marita Sturken, I argue that the *Doñas*, as the Eureka! Committee members have been called as a sign of respect and care, have embodied the memories of the disappeared for decades and were responsible for making it possible for them to become public (Sturken 1997). Eureka created this *Casa de la Memoria* to hold and transmit that memory in response to the fact that the *Doñas* were beginning to pass away or become old, which made it more difficult for them to continue with their role as memory entrepreneurs. The past is looked at with eyes from the present (Lessa 2013) and then combined and recombined in the service of the interests of the present (Theidon 2003; Gómez-Barris 2009). In this sense, the *Casa de la Memoria* serves as a space to perpetuate Eureka's discourse, but also their legacy of struggle more generally.

But along with the battles for memory and the discourses that are transmitted against the official silences, the *Casa de la Memoria* is also a site



Figure 9.3 Eureka's posters, banners, and pictures at the *Casa de la Memoria*
 Source: Photograph by Edith López Ovalle.

where the memories of the two periods of disappearances were first in contestation and have finally come to coexist. When the *Casa de la Memoria* was conceived in the mid-2000s, the situation on disappearances was completely different from the one in 2012, when the works on the *Casa de la Memoria* started. The idea that members of Eureka had about the *Casa de la Memoria* did not include the disappearances of more recent years. In this regard, H.I.J.O.S. played a key role as a pivotal organisation between the two periods. As I mentioned earlier, one of the contributions of H.I.J.O.S. to the house aimed at linking the exhibition of disappearances from previous decades and the work of Eureka to more recent disappearances and to the organisations working at the moment of the *Casa de la Memoria's* opening in 2012. However, following a decision by the team in charge of the space, this section was altered. Instead of H.I.J.O.S.' installation—the wall displaying the eyes of persons subjected to disappearance within the framework of the 'war on drugs', which I described earlier—the team in charge of the *Casa de la Memoria* placed an archive with information about one of the disappeared from the 1970s. Leaving out the section on the new organisations and more recent disappearances was probably a way of marking a distance and making Eureka's discourse more prominent. As this shows, the battles for memory analysed by Elizabeth Jelin occur not only between the government and the

dissident voices, but also between different organisations and between different periods of disappearances (Jelin 2003).

This *Casa de la Memoria* is then a dominated realm of memory as conceived by Nora, in which the silence from the state regarding disappearances in Mexico during the two periods is contested, and memories are constantly created and resignified, and which serves as a refuge and a place of living memory (Nora 2008). Although the main exhibition does not deal with the issue of recent disappearances, temporary exhibitions and events held on the patio do address them. Exhibitions on migration and several social issues have been showcased in the temporary exhibitions room. Besides this, the main patio has served as a sort of cultural forum hosting conferences, theatre plays, film clubs, and book launch events, among others. These events usually have social and critical issues at its core.³ With these, the *Casa de la Memoria* now works as exemplary memory site by connecting different memories and by being an illustration of something bigger that can help understand and even overcome other cases (Todorov 2000). As Estela Schindel claims regarding sites of memory in Argentina, the *Casa de la Memoria* is now a 'node of cultural, social and political action' (Schindel 2014, 247). Focusing on the struggle for the disappeared for political reasons, the *Casa de la Memoria* has become a site to reflect about social and political issues more broadly.

Memorial in Allende, Coahuila

In the municipality of Allende, Coahuila, at least 300 persons were disappeared during March 2011, presumably by members of the organised crime group *Los Zetas*, with the collaboration of the Municipal Police and the acquiescence of the Army. The local media did not report the events, fearing reprisals, until 2013. In 2014, an official investigation was launched, which concluded that 27 persons (not 300) had been disappeared (Osorno 2016; Noel 2017; Thompson 2017). Other organisations still argue that between 100 and 300 persons were disappeared. The organisation *Alas de Esperanza* (Wings of Hope) formed by relatives of the victims was created after the events became public. As a result of the events, between 32 and 70 properties were destroyed and 10,000 people fled the municipality of Allende (FIDH et al. 2017, 34). According to testimonies, the victims were killed and their bodies allegedly incinerated (Thompson 2017).

In 2015, four years after the events, the local government built a memorial at the entrance of the town, in response to a request by *Alas de Esperanza*. While the *Casa de la Memoria* in Mexico City served to counter the official narrative that denied the existence of the disappeared of the first period for decades, I argue that the memorial in Allende has served to further the local government's narrative on the 'war on drugs'.⁴ According to informal conversations during fieldwork and with relatives of the disappeared of Coahuila after fieldwork, and as has been documented by the press, the local

authorities gave soil-filled urns to some of the relatives of people disappeared in Allende (20 minutos 2014; Sánchez Valdez et al. 2018). This was done under the argument that, since the disappeared had been killed and their bodies allegedly incinerated, the only thing their relatives could have to remember them by was the soil of the ranch where the presumed killings took place. Moreover, in the local government's discourse, faced with the lack of bodies and the limited possibility of finding them, the memorial would create a space for the relatives to mourn their loved ones.

This memorial is one of the few in Mexico that was built in a place where a disappearance took place.⁵ In the ceremony held when construction of the memorial began in March 2015, Coahuila's Governor Rubén Moreira said that the memorial represented four aims: the search for the disappeared, the punishment of those responsible for their disappearances, the Mexican state's effort to avoid the repetition of these crimes, and reconciliation (La Rancherita del Aire 2015). In October 2015, when the memorial was inaugurated, the government blamed organised crime for the disappearances. At the ceremony, the governor asked the families of the disappeared grouped in *Alas de Esperanza* for forgiveness and blamed the 'monster of drug trafficking, which has no loyalties' for the events. In turn, members of the organisation thanked the governor for his tenacity in the fight against insecurity and for creating a space where the names of the disappeared would not be lost (El Siglo de Torreón 2015; Arellano 2015).

The violence perpetrated in Allende has since been used to shape a discourse of reconciliation and peace in a state where thousands are still disappeared and where new disappearances continue to take place. Scholars have affirmed that memorials can be used to further political agendas by materialising a particular memory (Robben 2005; Drinot 2009). In this case, Coahuila's government used the memorial to advance an image of collaboration with civil society and concern for the disappeared. A 'concert for peace' was organised in 2016, and governor Moreira was present at the military parade during the 206th anniversary of the Mexican Independence in Allende, where he declared that 32 months had passed 'without murders between brothers'. On August 30, 2017, the International Day of the Victims of Enforced Disappearances, the local government commemorated the disappeared in the state at the memorial in Allende along with relatives of the disappeared grouped in the *Alas de Esperanza* organisation. On the same day, relatives of the disappeared who did not feel represented by this event and who belonged to other organisations in Coahuila—*Fuerzas Unidas por Nuestros Desaparecidos en Coahuila* (United Forces for our Disappeared in Coahuila, FUUNDEC for its Spanish Initials) and *Familias Unidas de Piedras Negras* (United Families of Piedras Negras)—held different events in Saltillo, Torreón and Piedras Negras (Gómez 2016; Sánchez 2016; Agencia Reforma 2017). Relatives of the disappeared of *Alas de Esperanza* have also organised commemorations of events at the memorial, but other groups have not used it as a space of memory. The massacre, that was first hidden by the

authorities, has been used afterwards as a vehicle for expressing the official discourse, both through the memorial and through a close relationship with *Alas de Esperanza*.⁶ As Víctor Manuel Sánchez Valdez, Manuel Pérez Aguirre and Jorge Verástegui González show, *Alas de Esperanza* has had a less confrontational attitude towards the local government, centring their actions in getting support for the relatives of the disappeared, rather than in influencing public policies around disappearances at the local level, as others like FUUNDEC and *Familias Unidas de Piedras Negras* have done. ‘In their own words, *Alas de Esperanza* has a constant communication with authorities at all times. Their searching activities are, anyway, complementary to those of the (Coahuila) state government, contrary to other collectives, which substitute the government’s labour because they are dissatisfied with their actions’ (Sánchez Valdez et al. 2018).

The local government’s relationship with *Alas de Esperanza* is, as Sánchez Valdez, Pérez Aguirre and Verástegui González affirm, mutually beneficial. With its less critical attitude towards the government, the organisation supports a discourse where the government is doing its best in terms of the disappearances. On the other hand, *Alas de Esperanza* has been granted symbolic and material benefits from the government which have improved the life conditions of the relatives organised in that collective (Sánchez Valdez et al. 2018).

The creation of this memorial is part of a bigger battle for memory that occurs at the local level in Coahuila. As I have argued elsewhere (De Vecchi Gerli 2018), Coahuila is one of the states where the work of organisations of relatives of the disappeared, among them FUUNDEC, has been more prominent since 2009. Always with a critical and independent position towards the government, and with the support of human rights organisations, the relatives have influenced the legal framework on disappearances and the implementation of public policies in this matter. Moreover, FUUNDEC has worked with international organisations to file a formal complaint at the International Criminal Court for the inefficacy of the local government and for its implication in human rights violations (see Jorge Verástegui González’s contribution in this volume). While one of the key elements of the general official narrative around disappearances of the second period is that human rights violations were carried out by organised crime alone, some organisations of relatives of the disappeared have fought for the responsibility of state agents to be acknowledged.

In this case in particular, some organisations have argued that they were part of a planned state policy. According to the report submitted to the International Criminal Court:

[...] crimes such as those committed around Allende [...] reveal the repetition of crimes carried out according to the same logic (acting of state forces in the name of the fight against organised crime in fact in

favour of the interests of the group of the Zetas with the aim of ensuring their primacy and control of the territory of Coahuila), All this (sic) demonstrate the existence of a policy to commit such an attack.

(FIDH et al. 2017, 7)

The critical position of FUUNDEC and *Familias Unidas de Piedras Negras* can also be seen in their version of the responsibilities of the events in Allende. According to the same report, during the massacre in Allende, which lasted for days:

[...] the security forces acted in collaboration with the criminal group responsible for the crimes. Some evidence suggests that not only the mayor but also the governor of Coahuila would have had knowledge of such actions, and that their failure to act was due not to a lack of knowledge but rather to collusion with the criminal group.

(FIDH et al. 2017, 8)

As pointed out by Burke, the questions of '(w)ho wants whom to remember what and why? (And) Who wants whom to forget what and why?' help us understand the battles for memory (Burke, quoted in Kaiser 2005). If during the first period the government wanted to hide the disappearances and furthered silence in that regard, the case of Coahuila illustrates a different strategy for the second period. When the events are already public, the local government acknowledges them. Nonetheless, by blaming organised crime for the events, the state's responsibility is silenced and impunity guaranteed. To the critical position of some of the organisations of relatives in the state, the local government responded by creating a memorial that allows it to further its discourse. In this case, this is done in collaboration with *Alas de Esperanza*. In the battles over the representation of the state, the Coahuila government presents itself as an entity that defends human rights, perpetuating a discourse that separates it from organised crime.

Thinking about memory is also thinking about forgetting and silence (Theidon 2003; Lessa 2013). With this memorial, the local authorities remember a particular event, excluding the other thousands of cases of disappearances in the state, without problematising the events that took place and without naming the victims. As Jelin explains, understanding what is silenced in each memory helps us understand the memories that are put forward (Jelin 2003). In the discourse around the memorial in Allende, two main factors are silenced: first, the involvement of the police and the Army in the events; and second, the way in which the local government hid the massacre and did not investigate the crimes for months. Moreover, the larger history of disappearances, which takes us at least to the 1960s, is not acknowledged. The plaque that accompanies the memorial illustrates this. The text on the plaque reads:

IN MEMORY OF OUR LOVED ONES. The days might pass and distance might grow us apart, but we will be forever united 'by love and hope'. Together united for peace. 'WINGS OF HOPE' Allende, Coahuila de Zaragoza, October 2015.

(Factor Coahuila 2017)

These words support the narrative of love and peace advanced by the local government, while not mentioning the specific events, the disappearances or their effects. Moreover, the plaque is signed by the organisation, but with the logos of municipal and state governments to reaffirm the collaborative nature of the work.

The memorial in Allende is not the only memorial to the disappeared in Coahuila. *Grupo VIDA* and *FUUNDEC Región Laguna* have created their own memorials to the disappeared. Beyond Coahuila, other new memorials have been created to remember the disappeared from the second period of disappearances. In these, the faceless, nameless disappeared persons are brought to the public space, and the wider narrative on the disappeared is also contested. Hugo Achugar, Yosef Hayim Yerushalmi and Nora's ideas can help understand this increase in the creation of memorials. Achugar claims that there is an obsession with memory due to a panic not to forget (Achugar 2002, 192). Yerushalmi argues that the antonym of memory is justice. In this sense, memory would be present because there is no justice (Yerushalmi 1989). For Nora, memory realms exist because there is no will to remember (Nora 1989). In a context in which thousands of disappearances occur every year and where relatives of the disappeared of the second period have been fighting for over a decade, the urgency not only to find the disappeared, but also to understand disappearances and stop this crime, is materialised in these new memorials, which should be further studied.

Conclusion

This chapter contributes to a growing field which puts memorials and battles for memory in the centre, as analysing these battles and memory spaces allows us to understand how disappearances are presented in the public space, the relationship between different narratives around the disappeared, and particularly how these narratives play in a context of almost total impunity. Specifically, the analysis of the *Casa de la Memoria* and the memorial in Allende shows us how memory of the two periods of disappearances is used in different ways and by different actors in Mexico when justice seems impossible to be reached.

Contrary to other countries in the region, Mexico has not seen a broad social will to remember, that is, an involvement of the broader population in the policies and politics of memory in this regard. This could be claimed at least before the enforced disappearance of 43 Ayotzinapa students in

September, 2014. In this context and to counter a dominant narrative that blames the disappeared and minimises the state's responsibilities towards disappearances, the organisations of relatives have added the creation of memorials as a vehicle of memory for the rehumanisation of their loved ones, as in the case of the *Casa de la Memoria*. At the same time, and as presented in the case of the memorial in Allende, different governments have used memorialisation to advance their own versions of events. In Allende's particular case, the distancing from the government and the perpetrators of the events, as well as the blurriness of those victims and the history of disappearances, were substituted with a narrative of peace, reconciliation and love. Thus, as I have presented in this chapter, battles for memory around the disappeared have been waged for decades in the country, and analysing memorials allows us to understand the narratives around the disappeared and the prominent role relatives have in countering or supporting official memories.

Acknowledgements

This work is part of the findings of my doctoral research, '¡Vivxs lxs Quere-mos!: The Battles for Memory around the Disappeared in Mexico' (De Vecchi Gerli 2018). For this, I conducted fieldwork and carried out 33 semi-structured interviews in six cities (Chihuahua, Chihuahua; León, Guanajuato; Mexico City; Monterrey, Nuevo León; Saltillo, Coahuila; and Torreón, Coahuila) during the spring of 2015. The fieldwork was done following Jim Thomas' idea of a critical ethnography, which takes into account how things are and how they could be, as well as the role of the researcher in social change (Thomas 1993, 4). Besides this, I followed a psychosocial approach which integrates the impact of violence at the individual and societal levels (Beristain and Donà 2009). In the thesis I analyse five memorials and two dates in which the memories of the disappeared are disputed. For the present chapter I selected two of these cases.

As part of the Mexican chapter of H.I.J.O.S., I was involved in the creation of the *Casa de la Memoria*. The section dedicated to this memory realm was written based on the knowledge I gained for having been an active participant in this process, but also with the help of documents consulted and interviews conducted in Mexico City during my fieldwork to complement the information.

I want to thank the relatives of the disappeared who shared their stories with me, as well as the human rights organisations that contributed to my PhD thesis. This chapter is dedicated to all the people who have been disappeared, wishing for their return to their families.

Also, I offer my appreciation to Mijael Jiménez Monroy, Edith López Ovalle, and Ricardo Atl Laguna Ramírez for allowing me to use their photos to illustrate this chapter.

Notes

- 1 An analysis of the symbolic justice measures taken by Andrés Manuel López Obrador's government can be found in ARTICLE 19's 2020 report (ARTICLE 19 2021). For the official *Sitios de Memoria* information visit: <https://sitiosdememoria.segob.gob.mx>.
- 2 The PRD was founded in the late 1980s after a split from the PRI and several leftist parties and groups. A leftist party since its conception, the PRD was ultimately part of the opposition, along with the PAN, who functioned as the right-wing opposition. In 1997, the PRD won its first governorship, becoming the first elected Federal District's government. The current President, López Obrador, was the Federal District's PRD chief of government from 2000 to 2005.
- 3 For more information on the *Casa de la Memoria*'s events, visit their Facebook page: <https://www.facebook.com/MuseoCasaDeLaMemoriaIndomita>.
- 4 The *Memorial a las víctimas de la Violencia en México* (Memorial to the Victims of Violence in Mexico), situated in Campo Marte in Mexico City, is another example of a memorial designed to further the official discourse around the 'war on drugs'. This memorial has been at the centre of several battles for memory (Robledo Silvestre 2015; Turati 2012).
- 5 Two other examples of memorials erected where disappearances took place are those in Tijuana, Baja California and Lagos de Moreno, Jalisco. For more on this, see: Robledo Silvestre 2014; Pagaza and Lucero n.d.; and Souza and Franco 2017.
- 6 Regarding the relationship between the government and this organisation, see: Milenio Digital 2016; Díaz 2017; and Sánchez Valdez et al. 2018.

Bibliography

- 20 minutos. 2014. 'Es tierra y no cenizas lo que recibieron los familiares de desaparecidos: Rubén Moreira'. *20 minutos*, December 24. <https://www.20minutos.com.mx/noticia/20709/0/entregan-tierra/familias-desaparecidos/allende-piedras-negras>.
- Achugar, Hugo. 2002. 'El lugar de la memoria, a propósito de monumentos (Motivos y paréntesis)'. In *Monumentos, memoriales y marcas territoriales*, edited by Elizabeth Jelin, and Victoria Langland, 191–216. Madrid, Buenos Aires: Siglo XXI Editores España.
- Agencia Reforma. 2017. 'Conmemoran a desaparecidos en Allende'. *Periódico Zócalo*, August 30. <http://www.zocalo.com.mx/seccion/articulo/conmemoran-a-desaparecidos-en-allende>.
- Agosin, Marjorie. 2011. *Inhabiting Memory: Essays on Memory and Human Rights in the Americas*. San Antonio, TX: Wings Press.
- Aguilar, Mario. 1999. 'The Disappeared: Ritual and Memory in Chile'. *The Month*, 32 (12). Accessed February 9, 2018. https://search.proquest.com/docview/218903537?rfr_id=info%3Axri%2Fsid%3Aprim.
- Allier Montaño, Eugenia, and Emilio Ariel Crenzel, eds. 2015. *The Struggle for Memory in Latin America. Recent History and Political Violence*. New York: Palgrave Macmillan.
- Andermann, Jens, and Katherine Hite. 2015. 'Empathic unsettlement and the outsider within Argentine spaces of memory'. *Memory Studies*, 8 (1): 38–48. doi:10.1177/1750698014552407.
- Arellano, Rene. 2015. 'Moreira se disculpa con familias de desaparecidos en Allende'. *El Siglo Coahuila*, October 22. <https://www.elsiglocoahuila.mx/coahuila/noticia/74894.moreira-se-disculpa-con-familias-de-desaparecidos-en-allende.html>.

- Argüello Cabrera, Libertad. 2010. 'Apertura política y violencia en México (1976–1988): Condiciones de visibilidad de agentes sociopolíticos no convencionales. El caso del Comité Eureka'. MA thesis, Mexico City: Universidad Nacional Autónoma de México.
- ARTICLE 19 Mexico and Central America Office. 2021. *El discurso contra la realidad*. Mexico City: ARTICLE 19. Accessed June 29, 2021. <https://articulo19.org/distorsion>.
- El Diario de Coahuila*. 2017. 'Avalan colectivos trabajo de gobierno de estado en tema de desaparecidos'. *El Diario de Coahuila*, July 6. <http://www.eldiariodecoahuila.com.mx/locales/2017/7/6/avalan-colectivos-trabajo-gobierno-estado-tema-desaparecidos-662825.html>.
- Beristain, Carlos Martín, and Giorgia Donà. 2009. *Enfoque Psicosocial de la Ayuda Humanitaria: Textos básicos*. Bilbao: Universidad de Deusto.
- Bianchini, Maria Chiara. 2014. 'When Memory Becomes Heritage: Experiences from Santiago, Chile'. *Culture & History Digital Journal*, 3 (2). <http://cultureandhistory.revistas.csic.es/index.php/cultureandhistory/article/view/62>.
- Bilbija, Ksenija, and Leigh A. Payne, eds. 2011. *Accounting for Violence: Marketing Memory in Latin America*. Durham, NC: Duke University Press.
- Brito, Valdenia. 2002. 'El monumento para no olvidar: Tortura Nunca Mais en Recife'. In *Monumentos, memoriales y marcas territoriales*, edited by Elizabeth Jelin and Victoria Langland, 97–112. Madrid, Buenos Aires: Siglo XXI Editores España.
- Castellanos, Laura. 2007. *México Armado 1943–1981*. 1st. Mexico, DF: Ediciones Era.
- Chávez Hoyos, Priscila. 2015. Interview with the author, Mexico City, 23 March.
- CNB. Comisión Nacional de Búsqueda de Personas. n.d. 'Versión pública del RNPdNO'. Accessed June 29, 2021. <https://versionpublicarnpdno.segob.gob.mx/Dashboard/ContextoGeneral>.
- Díaz, Gloria Leticia. 2017. 'Coahuila: Entre El Infierno y La Esperanza'. *Proceso*, July 1. <https://www.proceso.com.mx/reportajes/2017/7/1/coahuila-entre-el-infierno-la-esperanza-187072.html>.
- De Vecchi Gerli, María. 2010. '¿Y Vos, Sabés Quién Sos? La Identidad Asociada a La Apropiación Ilegal de Niños En La Última Dictadura Militar Argentina Como Tema Público En Buenos Aires'. MA thesis, Mexico City: Instituto de Investigaciones Dr. José María Luis Mora.
- De Vecchi Gerli, María. 2018. '¡Vivxs lxs Queremos!: The Battles for Memory around the Disappeared in Mexico'. Ph.D. thesis, London: University College London.
- Drinot, Paulo. 2009. 'For Whom the Eye Cries: Memory, Monumentality, and the Ontologies of Violence in Peru'. *Journal of Latin American Cultural Studies*, 18 (1): 15–32. <https://doi.org/10.1080/13569320902819745>.
- Dutrénit-Bielous, Silvia and Bianca Ramírez-Rivera. 2020. 'Cárceles clandestinas en México durante la Guerra Fría'. *HiSTOReLo. Revista de Historia Regional y Local*, 12 (24): 223–264. <http://doi.org/10.15446/historelo.v12n24.80766>.
- El Siglo de Torreón*. 2015. 'Ofrece disculpas RMV a familiares de Allende'. *El Siglo de Torreón*, October 23. Accessed June 29, 2021. <https://www.elsiglodetorreon.com.mx/noticia/1163738.ofrece-disculpas-rmv-a-familiares-de-allende.html>.
- Factor Coahuila*. 2017. 'Refrenda Coahuila compromiso para la búsqueda de personas desaparecidas'. *Factor Coahuila*, August 30. Accessed June 29, 2021. <https://fa>

- ctorcoahuila.com/refrenda-coahuila-compromiso-la-busqueda-personas-desaparecidas.
- FIDH. International Federation for Human Rights, Centro Diocesano para los Derechos Humanos Fray Juan de Larios, Familias Unidas en Búsqueda y Localización de Personas Desaparecidas, and Fuerzas Unidas por Nuestros Desaparecidos en México. 2017. *Mexico Coahuila: ongoing crimes against humanity. Communication to the International Criminal Court*. Paris: FIDH. Accessed June 29, 2021. https://www.fidh.org/IMG/pdf/angmexico_coahuila_ongoing_crimes_aga_inst_humanity_fidh-final_a_revisar-1.pdf.
- Gobierno de México. n.d. 'Circular de Morelia'. Accessed June 29, 2021. <http://sitios.dememoria.segob.gob.mx/es/SitiosDeMemoria/CircularDeMorelia>.
- Gómez, Róderic. 2016. 'Disfrutan miles de concierto Por la Paz en Allende'. *Territorio de Coahuila y Texas*, October 17. <http://www.territoriodecoahuilaytexas.com/noticia/disfrutan-miles-de-concierto-por-la-paz-en-allende/30073>.
- Gómez-Barris, Macarena. 2009. *Where Memory Dwells: Culture and State Violence in Chile*. Berkeley, CA, Los Angeles, CA, London: University of California Press.
- Grandin, Greg. 2000. 'Chronicles of a Guatemalan Genocide Foretold: Violence, Trauma, and the Limits of Historical Inquiry'. *Nepantla: Views from South*, 1 (2): 391–412.
- Hernández de Ramírez Duarte, Sara. 2015. Interview with the author, Mexico City, 14 March.
- Hite, Katherine. 2002. 'El monumento a Salvador Allende en el debate político chileno'. In *Monumentos, memoriales y marcas territoriales*, edited by Elizabeth Jelin and Victoria Langland, 19–56. Madrid, Buenos Aires: Siglo XXI Editores España.
- Huysen, Andreas. 2003. *Present Pasts: Urban Palimpsests and the Politics of Memory*. Palo Alto, CA: Stanford University Press.
- Jelin, Elizabeth. 2003. *State Repression and the Struggles for Memory*. London: Latin America Bureau.
- Jelin, Elizabeth. 2007. 'Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America'. *The International Journal of Transitional Justice*, 1 (1): 138–156. doi:10.1093/ijtj/ijm006.
- Jelin, Elizabeth, and Victoria Langland, eds. 2002. *Monumentos, memoriales y marcas territoriales*. Madrid, Buenos Aires: Siglo XXI Editores España.
- Kaiser, Susana. 2005. *Postmemories of Terror: A New Generation Copes with the Legacy of the 'Dirty War'*. London: Palgrave Macmillan.
- Karl, Sylvia. 2014. 'Rehumanizing the Disappeared: Spaces of Memory in Mexico and the Liminality of Transitional Justice'. *American Quarterly*, 66 (3): 727–748. doi:10.1353/aq.2014.0050.
- La Rancherita del Aire*. 2015. 'Construyen obelisco en memoria de los desaparecidos de Allende, Coahuila. Seguirán las consignaciones'. *La Rancherita del Aire*, March 16. <http://rancherita.com.mx/noticias/detalles/16554/construyen-obelisco-en-memoria-de-los-desaparecidos-de-allende-coahuila-seguiran-las-consignaciones.html>.
- Lazzara, Michael J. 2002. 'Tres recorridos de Villa Grimaldi'. In *Monumentos, memoriales y marcas territoriales*, edited by Elizabeth Jelin and Victoria Langland, 127–148. Madrid, Buenos Aires: Siglo XXI Editores España.
- Lerer, Marisa. 2013. 'Competing for Memory: Argentina's Parque De La Memoria'. *Public Art Dialogue*, 3 (1): 58–77. doi:10.1080/21502552.2013.766868.
- Lessa, Francesca. 2013. *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity*. London: Palgrave Macmillan.

- Maier, Elizabeth. 2001. *Las madres de los desaparecidos ¿Un nuevo mito materno en América Latina?* Mexico City: UNAM, El Colegio de la Frontera Norte, La Jornada Ediciones.
- Milenio Digital*. 2016. 'Autoridades dan "alas de esperanza" en Allende', *Milenio digital*, October 15. http://www.milenio.com/region/Milenio_Noticias-Gobierno_de_Coahuila-Desaparecidos_Coahuila-Alas_de_Esperanza_0_829717074.html.
- Noel, Andrea. 2017. 'How DEA Informers Sparked a Massacre in Mexico'. *The Daily Beast*, January 30. <http://www.thedailybeast.com/articles/2016/11/26/how-dea-informers-sparked-a-massacre-in-mexico>.
- Nora, Pierre. 1989. 'Between Memory and History: Les Lieux de Mémoire'. *Representations*, 26 (April): 7–24. doi:10.2307/2928520.
- Nora, Pierre. 2008. *Pierre Nora en Les lieux de mémoire*. Montevideo: Ediciones Trilce.
- Oglesby, Elizabeth. 2007. 'Educating Citizens in Postwar Guatemala: Historical Memory, Genocide, and the Culture of Peace'. *Radical History Review* 2007 (97): 77–98. doi:10.1215/01636545-2006-013.
- Olick, Jeffrey K., and Joyce Robbins. 1998. 'Social Memory Studies: From "Collective Memory" to the Historical Sociology of Mnemonic Practices'. *Annual Review of Sociology*, 24 (January): 105–140.
- Osorno, Diego Enrique. 2016. 'Archivo VICE: A cinco años del manantial masacrado'. *Vice*, July 17. https://www.vice.com/es_mx/article/el-manantial-masacrado.
- Otálvaro-Hormillosa, Gigi. 2013. 'Ex-ESMA: Memory as open source'. *Performance Research*, 18 (4): 116–123. doi:10.1080/13528165.2013.814365.
- Pagaza, Consuelo, and Prometeo Lucero. n.d. 'Pie de Página. Buscadores Fernando Ocegueda'. Accessed October 15, 2017. <https://especiales.piedepagina.mx/buscadores/fernando-ocegueda.php>.
- Patxe. 2011. *Escrache al Campo Militar No. 1 - H.I.J.O.S. México*. <https://www.youtube.com/watch?v=wHii69mlw9c>.
- Piedra Ibarra, Claudia Isabel. 2015. Interview with the author. Monterrey, Nuevo León, March 22.
- Ptrich, Blanche. 2001. 'Viacrucis de la familia de un presunto alto mando de La Liga Comunista 23 de Septiembre'. *La Jornada*, August 28. <http://www.jornada.unam.mx/2001/08/28/010n1pol.html>.
- Robben, Antonius C.G.M. 2005. 'How Traumatized Societies Remember: The Aftermath of Argentina's Dirty War'. *Cultural Critique*, 59 (January): 120–164. <http://www.jstor.org/stable/4489199>.
- Robledo Silvestre, Carolina. 2014. 'Looking for el Pozolero's Traces: Identity and Liminal Condition in the War on Drug's Disappearances'. *Frontera Norte*, 26 (52): 5–23.
- Robledo Silvestre, Carolina. 2015. 'El oprobioso recuerdo de las víctimas de la violencia en México: un memorial sin memoria'. In *Actas del Colóquio Internacional Epistemologías do Sul: aprendizagens globais Sul-Sul, Sul-Norte e Norte-Sul. Volume 2 – Constitucionalismo Transformador, interculturalidade e reforma do Estado*, edited by Boaventura de Sousa Santos and Teresa Cunha, 75–89. Coimbra: Universidade de Coimbra.
- Sánchez, Christian. 2016. 'Magno desfile de Independencia en Allende'. *Milenio*, September 16. http://www.milenio.com/region/Milenio_Noticias-Desfile_de_Independencia-16_de_Septiembre-Ruben_Moreira-Allende_0_812318826.html.

- Sánchez Valdez, Víctor Manuel, Manuel Pérez Aguirre and Jorge Verástegui González. 2018. *Formación y desarrollo de los colectivos de búsqueda de personas desaparecidas en Coahuila: lecciones para el futuro*. Mexico City: El Colegio de México.
- Schindel, Estela. 2014. 'Ghosts and compañeros: haunting stories and the quest for justice around Argentina's former terror sites'. *Rethinking History*, 18 (2): 244–264. <http://www.tandfonline.com/doi/abs/10.1080/13642529.2013.858452>.
- Souza, Dalia, and Darwin Franco. 2017. 'Pie de Página: La Ley de la verdad'. *Pie de Página*, October 17. <https://piedepagina.mx/la-ley-de-la-verdad>. .
- Sturken, Marita. 1997. *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering/Marita Sturken*. Berkeley, CA: University of California Press.
- Tappatá de Valdez, Patricia. 2002. 'El Parque de la Memoria en Buenos Aires'. In *Monumentos, memoriales y marcas territoriales*, edited by Elizabeth Jelin and Victoria Langland, 97–112. Madrid, Buenos Aires: Siglo XXI Editores España.
- Theidon, Kimberly. 2003. 'Disarming the Subject: Remembering War and Imagining Citizenship in Peru'. *Cultural Critique*, 54 (1): 67–87. <http://www.jstor.org/stable/1354659>.
- Thomas, Jim. 1993. *Doing Critical Ethnography*. Newbury Park, CA: Sage Publications.
- Thompson, Ginger. 2017. 'How the U.S. Triggered a Massacre in Mexico'. *ProPublica*, June 13. <https://www.propublica.org/article/allende-zetas-cartel-massacre-and-the-us-dea>.
- Todorov, Tzvetan. 2000. *Los abusos de la memoria*. Barcelona: Paidós.
- Turati, Marcela. 2012. 'Protestan contra memorial a víctimas de la violencia'. *Proceso*, November 26. <https://www.proceso.com.mx/nacional/2012/11/26/protesta-n-contra-memorial-victimas-de-la-violencia-111290.html>.
- Treviño-Rangel, Javier. 2012. 'Policing the Past: Transitional Justice and the Special Prosecutor's Office in Mexico, 2000–2006'. Ph.D. thesis, London: London School of Economics and Political Science (LSE). <http://etheses.lse.ac.uk/526>.
- Wolff Rojas, Tatiana. 2014. 'Memoria y representación: Museo Casa de la Memoria Indómita'. *Discurso Visual*, 34: 41–48. http://www.discursovisual.net/dvweb34/TT_04Tatiana.html.
- Yerushalmi, Yosef Hayim. 1989. *Usos del olvido: comunicaciones al Coloquio de Royaumont*. Buenos Aires: Nueva Visión.

Index

Page numbers in *italics* and **bold** indicate Figures and Tables, respectively.

- 2nd Battalion of the Military Police 58
- Abarca, José Luis 92
- Abarca Pineda family 64
- abduction, definition of 206n2
- Achugar, Hugo 223
- Acosta Chaparro, Mario Arturo 59
- Acosta Herrera, Brandon Esteban 192
- Acosta Rodríguez, Esteban 192
- Acosta Rodríguez, Gerardo 192
- Acosta Rodríguez, Gualberto 192
- acquiescence: Committee against Torture and 137–138; definition of 134; Human Rights Committee and 136; IACtHr and 138–140; under the ICPPED 135; impunity as form of 21; in international jurisprudence 134–140; state responsibilities and 14; WGEID and 135–136
- administrative disappearances 15
- AFADEM (Association of Relatives of the Detained, Disappeared, and Victims of Human Rights Abuses) 16, 119
- AHWG *see* UN Commission on Human Rights
- Alfonsín, Raúl 31, 33, 42
- Allende, Salvador 40, 211
- Allende massacre 9, 23, 132–133
- Allier Montaño, Eugenia 210–211
- Almeida, Clodomiro 40
- Altamirano, Carlos 40
- Alvarado, José Ángel 132
- Alvarado Espinoza, Nitzá Paola 132
- Alvarado Espinoza et al. v. Mexico* 132
- Alvarado Reyes, Rocío Irene 132
- ambiguous loss, logic of 100, 102, **104**, 116
- Amnesty International 8, 35
- Amparo* proceeding 177–178
- Ansolabéhère, Karina 189
- anti-subversive struggle 42
- Apatzingán massacre 64
- APDH *see* Permanent Assembly for Human Rights (APDH)
- Approved Protocol for the Search for Disappeared and Missing Persons (PHB) 150–151, 161, 162
- Argentina: coup d'état 31; disappearances in 32–37; relatives of the disappeared 34
- “Argentina: the Process of Genocide” report 37–38
- ‘Argentine case, the’ (report) 40–41
- Argentine Forensic Anthropology Team (EAAF) 18
- Argentine government: Armed Forces 32–33; avoiding responsibility 41; Communist Party 34–35; impunity laws 43; Military Junta 32–33, 35–37, 41–43, 45, 151; state terrorism 32–35
- Argentine Human Rights Commission (CADHU) 36, 38–39, 42, 45
- Argentine League for the Rights of Man (LADH) 34, 41
- Argentine Terrorist State, The* (Duhalde) 42
- Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) 133
- Association of Relatives of the Detained, Disappeared, and Victims of Human

- Rights Abuses (AFADEM) 16, 119, 190
 authoritarian governments 12–13
 authoritarian-populist governmentality 79
 Avilés Rojas, Epifanio 3
 Ayotzinapa students' disappearance:
 attack 1; citizen mobilisations and 16–17; as example of complexity of contemporary violence 63–64; field searches in 196; government/criminal collusions and 132–133, 141; memorials for 223–224; motives for 1–2; non-state actors and 90–92; perpetrators of 86–87; political dimensions of 10; right to search and 205
- Ball, Patrick 106
 Barbour, Karen 170
 battles for memory 211–212, 216, 222
 Bilbija, Ksenija 213
Blake v. Guatemala 138–139
 Bleier, Eduardo 153
Brigada Blanca 5
 Brigade for Disappeared Persons (BNB) 196–198
 Brigade of Paratrooper Fusiliers 58
- Cabañas, Lucio 4, 54, 81
 Calderón, Felipe 3, 7, 63, 75, 97, 98, 108
 Calixto Nava, Fortunato 79
 Camargo, Tamaulipas 183n11
 Campos Rodríguez, Lorenzo 192
 capitalism 10–11, 20–21, 91, 92
 Caravan of Mothers of Central American Migrants 173, 177, 181, 182n7
 Cárdenas, Cuautémoc 61
 Cárdenas, Sergio 192
 Cardona Martínez, Gersain 192
Carlos Moreno Zamora et al. v. Mexico 136
 Carlsen, Laura 7
 Cartagena López, Mario Alvaro
 'El Guaymas' 81–82
Casa de la MemoriaseeMuseo Casa de la Memoria Indómita memorial
 Cedillo, Adela 13
 Center for the Investigation and Study of Social Anthropology (CIESAS) 171–172
 Center of Justice for Peace and Development 182n5
- Centre of Legal and Social Studies (CELS) 45n2
 Chihuahua 54, 60, 93, 132, 176, 194
 Chile 152–153, 157–158
 Chomsky, Noam 38
cifra negra by state and national level 115
 Circular de Morelia 8 214
 Citizen Movement 93
 Citroni, Gabriella 151
 clandestine detention centres 38–39, 42–43, 45, 57–59, 81–82, 214
 clandestine mass graves 9–10, 15, 17, 66, 88–90, 182n4, 196–198
 Clandestine News Agency 33
 clandestinity, logic of 99–100, **104**
 'clarifying the fate,' definition of 158
 CNDH *see* National Human Rights Commission (CNDH)
 Coahuila: capture method 113; *cifra negra* 115; citizen searches 201; creating military police corps 111; democratic development in 108–109; disappearance rates 106; economic logic of disappearance in 116, 176; Fray Juan de Larios Diocesan Centre for Human Rights in 191–193; FUUNDEC's work in 220–222; impunity, rates of 114; *Los Zetas* criminal group 110, 111, 141, 189–190, 219; memorial for the disappeared at 219–223; population concentration 108; right to search reforms 202; state-criminal networks in 189–190; study of disappearance events in 101; victim's relatives 118; war on drug trafficking 189–190
 Coahuila Force 111
 Coalition of Workers, Peasants and Students of Istmo 59
 Coalition of Workers, Peasants and Students of Oaxaca 59
 Colloquium *see* Paris Colloquium
 Colombia 138, 139
 Colosio Murrieta, Luis Donald 62
 Comité ¡Eureka! 212
 Committee in Defence of Prisoners, Persecuted, Disappeared and Exiles for Political Reasons in Mexico 212
 Committee against Torture (CAT) 128, 137–138
 Committee in Defence of Prisoners, Persecuted, Disappeared and Exiles

- for Political Reasons in Mexico 16 *see also* Eureka! Committee
- Committee on Enforced Disappearances (CED) 99, 129, 160–161
- CONADEP *see* National Commission on the Disappearance of Persons (CONADEP)
- contemporary violence 62–66
- corruption 91
- Cortez Guzmán, Pedro 192
- Cortez Morales, Edgar 67n1
- Cortiñas, Nora 34
- Cotero Bernal, Luis 175
- counterinsurgencies 5–6, 11, 19, 52–53, 56–60, 64–65
- Crenzel, Emilio Ariel 210–211
- crime-governance nexus 12
- criminal capitalism 91, 92
- criminalisation targets 67n2
- criminal networks: dispute resolution
 - between 117; forced recruitment by 9;
 - government partnerships with 91, 93, 110–112; government's collusion with 10, 85–86; *Los Zetas* criminal group 110, 111, 141, 189–190, 219; victims of 87–88; *see also* organised criminal groups (OCG)
- criminal organisations *see* criminal networks, organised criminal groups (OCG)

- Dawson, Jonathan 170–171
- day laborers movement 59
- death flights 82
- Declaration on the Protection of all Persons from Enforced Disappearance (UNDPED) 154
- deformalised, definition of 206n3
- de la Madrid, Miguel: democratic reforms of 61; presidency 60–61
- Democratic Current 61
- democratic regimes 111, 129, 188–189
- Democratic Revolution Party (PRD) 214
- Derian, Patricia 34
- detention, as form of disappearance 77
- detention centres *see* clandestine detention centres
- Devil's Freedom* (documentary) 85
- Díaz, Porfirio 50
- dirty war: counterinsurgency in 11; timeline 3
- disappearance events: characteristics of 106; database of 105; definition of 119n4; documentation of 97; study of 101
- disappearances: age ranges of 84; as biopolitical practices 77–78; capture method 112, 113; characteristics of 8–9; chemical disintegration of remains 89–90; citizen searches 15–17; committed by non-state actors 21; committed by non-state actors 128, 133–140; direct attribution 133; as disposable 1; disposable populations and 9, 20, 99–100, 104, 114, 117–118, 175; forensic negligence 131; genealogy of 3–10; governmentality and (*See* governmentality); increase in 84; legal dimensions of 13–15; memorials for the disappeared 23; motives for 9, 88–92, 131, 188; as multidirectional phenomenon 189; by organised criminal groups 131–132; perpetrators of 85–87, 111, 112, 127, 129–130; physical (*See* clandestine mass graves); political dimensions of 10–13; primitive forms of 3; relatives' rights 153–154; representation of responsibility in 42–44; as a social practice 98–99; state's responsibility for 19, 133–140; strategy of 111–112; treatment of unidentified corpses 175; underreporting of 114–116; unequal distribution of 85; as unreported 8; victim profiles 114; victims of 9, 80–81, 87–88; victim's relatives (*See* relatives of the disappeared person); yearly, by state 109; *see also* enforced disappearance(s), logics of disappearance
- disappearing dispositive 77, 82, 88
- disposable populations 9, 13–14, 20, 99–100, 104, 114, 117–118
- dispossession 22, 93, 169, 173–177, 181
- dissidence, depoliticisation of 5
- doctors' movement 54
- dominion, definition of 173–174
- Doñas* 215, 216
- drug traffickers 85–88
- drug trafficking: battle against 108; Calderón's war on 7, 108; disappearances and 116, 176; government corruption and 110; *levantones* and 191–192; militarised strategy to fight 131–132; Operation Condor and 13, 60; political

- institution's indifference to 63–67;
public security strategy and 188;
state/criminal actors' collusion in
132–133
- Duhalde, Eduardo 37–38, 42
Durán-Martínez, Angélica 109
- Echeverría Álvarez, Luis 54, 55,
56
- economic logic of disappearance 100,
116
- Ecumenical Movement for Human
Rights 33
- El Carrizo 172, 178–179
- Ellacuría, Ignacio 204
- embodied knowledge: definition of
169–170; mind/body dualism and 170;
source of 170
- Enamorado, Ana 22, 169, 171–173, 175,
177–180
- enforced disappearance(s): classifying 42;
as counterinsurgency strategy 59;
during counterinsurgency period 5; as
a crime 154–156; definition of 41,
75–76, 130, 143n8; in democratic
regimes 129; description of 4; as
dispossession 22, 169, 173–177;
extraordinary renditions and 129;
features of 90–91; ICPPED and 130;
implementation of 6, 82; international
framework on 128–130; legal
definition of 13–14; as mechanism of
repression 189; migrants as victims of
129; motives for 88–92; as
'naturalised' 80; objectives of 4; as a
political phenomenon 75; as political
technology 76–77, 80–82; populism
linked to 83; prohibition of 129;
regional concentration of 176;
reported cases of 6; as a repressive
practice 3; selective use of 58; in social
sciences 76–77; as state policy 79;
state's obligation to investigate and
search 157–161; territorialisation of
90; victims of 87–88; *see also*
disappearances, logics of
disappearance
- Ermacora, Felix 157
- Estrada, Jairo 91
- Eureka! Committee 16, 23, 190, 212 *see*
also Committee in Defence of
Prisoners, Persecuted, Disappeared
and Exiles for Political Reasons in
Mexico
- exclusion, as form of disappearance
77
- Executive Secretariat of the National
Public Security System (SESNSP)
111
- 'explain and clarify,' definition of
157–158
- extermination field 172, 182n6
- Extraordinary Forensic Identification
Mechanism 143n12
- extraordinary renditions 129
- families *see* relatives of the disappeared
person
- fate and whereabouts: Argentina and
152; definition of 151, 162; disjunction
between 155; as elements of crime of
enforced disappearance 154–156; as
elements of right to know 156–157;
formula of 150–151; as operational
161; uniform terms, use of
161–162
- Federal Security Directorate (DFS) 55,
81
- FEMOSPP *see* Special Attorney for the
Attention of Facts that are Probably
Constitutive of Federal Crimes
Committed Directly or Indirectly by
Public Servers Against People
Involved in Social and Political
Movements of the Past (FEMOSPP)
- Fernández, Cristina 43
- First National Brigade 206n6
- Flores Rodríguez, José 192
- Footprints of Memory 177, 179–180,
183n12
- Foreign Assistance Act (US) 36
- forensic crisis 9–10, 141–142,
143n12
- forensic negligence 131
- forensics: experts 17–18; service centres
15; techniques 17
- Foucault, Michel 78, 94n1
- Fox, Vicente 3, 213
- Francisco, Juan 206n4
- Francisco Dionel Guerrero Larez v.*
Venezuela 137
- Fraser, Donald 36
- Fray Juan de Larios Diocesan Centre
for Human Rights 22, 188,
191–193
- FUUNDEC *see* United Forces for our
Disappeared in Coahuila
(FUUNDEC)

- Galeana Operation 55
 García Barragán, Marcelino 58
 Garduño Martínez, Juan 192
 Garzón Maceda, Lucio 36
 Gattinoni, Carlos 33
 General Directorate of Political and Social Investigations (DFS) 60
 General Law on Enforced Disappearances, Disappearances committed by Private Individuals and the National Search System (LGD) 131–132, 144n15, 150, 161, 162, 196
 General Victims' Law (LGV) 200–201
 genocide 38
 GIEI *see* Interdisciplinary Group of Independent Experts (GIEI)
 Global Impunity Index 114
 global parallelism doctrine 40
 González, Everardo 85, 87, 88
 González Villarreal, Roberto 76–77, 80, 83
 gore capitalism 10
 governmentality: criminal networks and 10, 85–86; definition of 78, 94n1; neoliberal 10, 20, 79, 87, 91–92, 94, 101–102; populism linked to 83
 graves, mass *see* clandestine mass graves
 Group C-047 58
 Group of Argentine Lawyers Exiled in France (GAAEF) 40
 Guanajuato, high disappearances in 176
 Gueiler, Lidia 40
 Guerrero: Ayotzinapa case 1–2, 10, 16–17, 63–64, 86–87, 92, 132–133; at center of state repression 2; citizen searches 201; clandestine graves in 17; disappearance rates 93; enforced disappearances in 60, 81; field searches in 196; guerrilla organizations in 4–6, 58–59, 80–82; mass killings in 54–55; social movements in 54
 Guerrero Larez, Francisco Dionel 137
 guerrilla groups 4–5, 13, 34–35, 60, 80–81
 Guiding Principles for the Search for Disappeared Persons 150, 151
 Gulf Cartel (CDG) 110, 189
 Hawks paramilitary group 55
 Heraldez, Román Gil 61
 Herman, Edward 38
 Herrera, María 175
 homicide rates 109
 House of the Indomitable Memory Museum *see* Museo Casa de la Memoria Indómita memorial
 Huellas de la Memoria Collective 177, 179–180, 183n12
 Human Rights Committee 128, 136, 153
 human rights crisis 8, 12, 97, 216
 Human Rights Information and Documentation Systems (HUR-IDOCS) network 106
 human rights violations: in Chile 152–153; Colloquium on 41; Human Rights Committee and 151; legal perspective of 13–14; perpetrators of 213; against police officers 111; as repression technique 128; state repression and 100–101; systematic denial of 6–7; United Nations' investigations of 152–153; *see also* enforced disappearance(s), violence regimes
 Huyssen, Andreas 213
 IACHR *see* Inter-American Commission on Human Rights (IACHR)
 Ibarra, Rosario 212, 214
 identity principle 190
 IDHBP *see* Training Institute in Human Rights of Paris Bar (IDHBP)
 Illia, Arturo 40
 impunity: covert operations supporting 59; as form of acquiescence 21, 127–128; Fox's promise to end 213; government collusion and 83–84; as government policy 2, 12–13, 76; judicial system's complicity in 89; perpetuating disappearances 12, 21, 141; prevailing 83–84
 impunity laws 43–44
 INEGI *see* National Institute of Statistics and Geography (INEGI)
 Institutional Revolutionary Party (PRI) 50, 62, 93, 108, 213, 225n2
 Inter-American Commission on Human Rights (IACHR) 1, 2, 19, 39–42, 45, 143n12
 Inter-American Convention on Forced Disappearance of Persons (IACFDP) 129, 155
 Inter-American Court of Human Rights (IACtHR) 128, 132, 138–140, 158–159, 199–200

- Interdisciplinary Group of Independent Experts (GIEI) 1–2, 63
- International Covenant on Civil and Political Rights 153
- International Convention against the Policy of Enforced Disappearance of Persons 41
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) 14, 21, 129–132, 134–136, 140, 155–156, 159–161, 199
- International Criminal Court 221–222
- International Criminal Law (ICL) 129
- International Federation for Human Rights (FIDH) 189, 222
- International Humanitarian Law (IHL) 129
- International Human Rights Day 151
- International Human Rights Law (IHL) 127–129, 131, 133, 142
- Isidro Burgos Rural Teachers' College 86–87
- Jalisco: Attorney General's Office 172, 175; Center of Justice for Peace and Development 182n5; disappearance rates 93, 176; El Carrizo 172; Huellas de la Memoria Collective 180; right to search and 178
- Jalisco State Attorney General's Office 175
- Jaramillo, Porfirio 79
- Jaramillo, Rubén 54, 79
- Jelin, Elizabeth 180, 218–219, 222
- Johnson (Lyndon B.) administration 57
- Joint Principles 153–154
- journalists, as victims of disappearances 9
- Karl, Sylvia 4
- Kirchner, Néstor Carlos 42, 43, 45
- Knight, Alan 50–51
- Laguna Segura Operation 111
- Lapiztola art collective 215–216
- LC23S *see* September 23rd Communist League (LC23S)
- levantones* 13, 187, 191–192, 206n2
- Ley, Sandra 12–13
- logics of disappearance: ambiguous loss and 100, **104**, 116; characteristics of 104–105; clandestinity 99–100, **104**; data collection 106–107; definition of 20; disappearance events database 105–107; disposable populations and 100, **104**; political economy and 100, **105**, 116; as social phenomenon 98–99; in specific violence regimes 103; violent regimes and 101; *see also* disappearances, enforced disappearance(s)
- López Casanova, Alfredo 180
- López Enamorado, Óscar Antonio 22, 169, 172
- López Obrador, Andrés Manuel 75, 92–94, 183n18, 204, 212, 214, 225n1
- López Rega, José 33
- López Soto, Linda Loaiza 139–140
- López Soto et al. v. Venezuela* 139–140
- lordship, definition of 173–174
- Los Zetas* criminal group 110, 111, 141, 189–190, 219
- Maggio, Domingo 38
- Manzo, Mariana 187
- Martí, Ana 38
- Martínez, Blanca 190, 192
- Martínez de Perón, María Estela 31, 43
- Martínez Domínguez, Alfonso 55
- mass graves *see* clandestine mass graves
- mass killings 51–56, 61, 66, 210–211
- Mata Lugo, Daniel Omar 15
- Mattarollo, Rodolfo 36–37
- Melucci, Alberto 187
- memorials for the disappeared: battles for memory 211–212; *Casa de la Memoria* (*See* *Museo Casa de la Memoria Indómita* memorial); in Coahuila 219–223; examples of 225n5; Memorial to the Victims of Violence in Mexico 225n4; Memory Park, Buenos Aires 211; Nunca Más memorial, Recife 211; related to state violence 211
- Memorial to the Victims of Violence in Mexico 225n4
- memory, as a political asset 221–222
- Memory Park, Buenos Aires 211
- Méndez, Juan 7–8
- Merleau-Ponty, Maurice 170
- Mesoamerican Migrant Movement 173
- Mexican authoritarianism 51, 53–56
- Mexican Commission for the Promotion and Defence of Human Rights (CMDPDH) 88
- Mexican government: blaming the victims 187; criminal networks

- coordinating with 110–112; economic logic of disappearance and 116; forms of control and repression by 54; General Victims' Law and 200–201; impunity policy 2; inability to identify victims 15; information blockade by 82; institutional weakness of 189–190; militarisation of drug policy 7; National Guard 183n18; obligation to investigate and search 157–161; as perpetrators 113; political violence (*See* state violence); reparation obligations of 144n15; repression policy 53–56, 61; revolution of 1910 53; transferring search responsibilities 187; transitional justice initiatives of 213; treatment of unidentified corpses 175
- Mexican rail system 108
 Mexican Socialist Party 61
 Meza, Santiago 89
 Mignone, Emilio 34, 40
 migrants: exploitation of 176–177; as victims of disappearances 129
 militarisation of drug policy 3, 7
 Military Camp Number 1 58, 214
 Milla de Pirlas, María 38
 mind/body dualism 170
 Mónaco, Paula 178
 Moreira, Humberto 110
 Moreira, Rubén 220
 Moreno Pérez, Jesús Israel 136
 Moreno Zamora, Carlos 136
 Mothers of the Plaza de Mayo 34, 40
 Movement for our Disappeared in Mexico (MNDM) 22–23, 188, 196–198, 202–203
 Movement for Peace with Justice and Dignity (MPJD) 16, 22, 194–195, 200, 206n4
Museo Casa de la Memoria Indómita
 memorial 23; as battle for memory 216; bringing together two periods of disappearances 217–218; committee for 212; Eureka! Committee and 212; exhibition spaces 215–216; H.I.J.O.S.' installation 214, 215, 217, 218; Lapiztola art collective display 215–216; living memory space 216–217; location of 214; as Nora's conception 219; perpetuating Eureka's discourse 216–217; transmitting counter-memory 214; as a vehicle of memory 213–214; waiting room 216, 216
- narcos* 114
 National Action Party (PAN) 93, 213, 225n2
 National Campaign Against Disappearances 194
 National Citizen Observatory (ONC) 182n9
 National Commission on the Disappearance of Persons (CONADEP) 31, 42, 43
 National Committee for the Defence of Political Prisoners, Persecuted, Disappeared and Exiles of Mexico 212
 National Guard of Mexico 183n18
 National Human Rights Commission (CNDH) 6, 80, 178–179, 183n11, 213
 National Institute of Statistics and Geography (INEGI) 8
 National Revolutionary Civic Association (ACNR) 4, 59
 National Revolutionary Party (PNR) 50
 National Search Brigades for Disappeared Persons 17–18, 188
 National Search Commission (CNB) 84–85, 127, 182n9
 National Search System (SNB) 150, 162
 National Strike Council 55
 Nava Calzoncit, Victor 192
 Navy School of Mechanics (ESMA) 38, 39
 neoliberal capitalism 20–21
 neoliberal economic model 43, 45
 neoliberal governmentality 10, 20, 79, 87, 91–94, 101–102, 175–176
 neoliberal war 10–11
 Network of Human Rights Defenders and Relatives of Disappeared Persons (REDEFAD) 194
 Network of National Links (REN) 196
 Never Again (report) 19, 31, 42
 Nonoalco-Tlatelolco apartment complex 55
 non-state actors: as agents of the state 138–139, 144n18; disappearances committed by 128, 133–140; due diligence standard 133; as perpetrators of disappearances 13–14, 129–130, 142; state acquiescence and 14, 21; state's relationship with 141;

- terrorism and 38; violence perpetrated by 101, 127–130; violence regime and 107, 118; war on drugs and 99; *see also* guerrilla groups, organised criminal groups (OCG)
- Nora, Pierre 219, 223
- Northeast Operation 111
- Nuevo León: capture method 113; *cifra negra* 115; creating military police corps 111; democratic development in 108–109; disappearance rates 106; economic logic of disappearance in 116; government corruption 110; impunity, rates of 114; population concentration 108; social movements 194; study of disappearance events in 101; underreporting disappearances 114–115; victim's relatives 118; war on drug trafficking 189
- Nunca Mais memorial 211
- Núñez Magaña, Agustín Alberto 192
- Observatory on Disappearance and Impunity in Mexico (ODIM) 85, 97, 105–106
- occupation, as colonial process of expansion 173–174
- O'Donnell, Guillermo 12
- Olimpia Battalion 55
- Olympic Games 53
- Open Society Foundation 8
- Operation Condor 13, 60
- opposition principle 190
- organised criminal groups (OCG) 12, 91, 127–128, 131–132, 141–142, 143n2
see also criminal networks
- Oropeza Villa, Roberto 192
- Ovalle, Vicente 5, 6, 79, 80
- Ovando Hernández, Francisco Xavier 61
- Pacheco Suárez, José Juan 192
- Paley, Dawn 11
- Paris Colloquium 19, 40–42, 45
- Parral, Jorge 86
- Party of the Democratic Revolution (PRD) 61, 225n2
- Party of the Mexican Revolution (PRM) 50
- Payne, Leigh A. 213
- pedagogies of searching: created by the searchers 171; creating new horizons of humanity 181–182; definition of 169; example of 170, 177–180; as learning process 170–171; making the state uncomfortable 177–179; memory acts 179–180
- Pedroncini, Alberto 34, 41
- Peña Nieto, Enrique 63, 203
- People's Guerrilla Group 54
- Pérez Aguirre, Manuel 221
- Pérez Esquivel, Adolfo 40
- Permanent Assembly for Human Rights (APDH) 33–34, 41
- Peronism 35
- perpetrators 111–112, 113
- Phenomenology of Perception* (Merleau-Ponty) 170
- Piedras Negras 9, 107–108, 132–133, 141, 176, 220–221
- Plan Cónдор 13
- Plan Telaraña 58
- Plaza de las Tres Culturas 55
- Political Constitution of the State of Coahuila de Zaragoza (CPECZ) 200
- political dissidence 4–5
- political economy of disappearance 100, 105
- political regime theory 78
- political repression 57
- Poor People's Party (PdIP) 4
- populist-corporate control 56
- populist governmentality 20
- Proposal for an International Convention on Enforced Disappearance of Persons 41
- Proposal for the Convention of the Argentine League for the Rights of Man 41–42
- Protocol I Additional to the Geneva Conventions 153
- Querétaro, disappearance rates 93
- Quintana Roo 93
- Radical Civic Union Party (UCR) 33
- radicalism 35
- railway movement 54
- Ramírez Leyva, Jaime 192
- Ravenna, Horacio 33
- Rea, Daniela 85, 86, 88
- recovery farms 39
- relatives of the disappeared person: acquiring technical knowledge 17; collective organisation of 190; demanding the truth 34; field searches by 194–195; forensic tools, use of 18; memorial built by 23, 210–211, 219–221; organisation of 16;

- organising, despite fear 118; right to search and 160, 188; search brigades by 196–198; search for loved ones 15–17; as social actors 190–198; as a social movement 187, 198, 205; social movement of 21–22; training for 172; unaware of state's responsibility 34
- Reporte Indigo 88
- Report of the 'Expert on the Question of the Fate of Missing and Disappeared Persons in Chile' 157–158
- repression, recognition of 212–213
- repression policy 53–56, 61, 116
- repression techniques 128, 129, 189
- return of democracy 16, 19, 45
- Revolutionary Action Movement 59
- right to search: constitution reforms for 200–201; disruptive nature of the search in 201; General Victims' Law (LGV) 200–201; at the local level 188; as a norm 198; ownership of 199; process of recognising 203–204; recognition of 187–188, 198–204, 205; relatives' view of 188; as a sub-right 199; *see also* Movement for our Disappeared in Mexico (MNDM)
- 'right to the truth' 156–157
- Ríos Tapia, Victor 192
- Riveros, Santiago 39–40
- Roca, Gustabvo 36, 37–38
- Rojo Martínez, Vicente 192
- Rome Statute of the International Criminal Court (ICC) 75–76
- Ruiz Massieu, José Francisco 62
- rural guerrillas 4–5, 13, 80 *see also* guerrilla groups
- Saadi, Vicente 40
- Salinas de Gortari, Carlos 61
- Sánchez Serrano, Evangelina 83
- Sánchez Valdez, Victor Manuel 221
- Sandino, Augusto César 177–178
- San Fernando Tamaulipas 180
- San Salvador Atenco 64, 65
- Schindel, Estela 219
- Schmidt Nedvedovich, Samuel 108
- search brigades 196–198
- SEDENA 60
- Segato, Rita 171, 173–174, 176–177
- September 23rd Communist League (LC23S) 4–5, 54, 59, 81
- Serrano, Mónica 7
- Sicilia, Javier 206n4
- Silvestre, Robledo 65, 211
- Sinaloa: clandestine graves in 5; day laborers movement in 59; high disappearances in 176; Operation Condor 60; underreporting disappearances 115
- social activists 4, 9, 81, 87–88, 131
- social disappearance 76–77
- Socialist Workers Party (PST) 35
- social movements 22, 53–54, 190, 194
- social movement theory 187
- Sola, Hidalgo 34
- Solarz de Osantinsky, Sara 38
- Solnit, Rebecca 173
- Sons and Daughters for Identity and Justice against Oblivion and Silence (H.I.J.O.S.) 214, 215, 217, 218
- Special Attorney for the Attention of Facts that are Probably Constitutive of Federal Crimes Committed Directly or Indirectly by Public Servers Against People Involved in Social and Political Movements of the Past (FEMOSPP) 6–7, 13, 80, 213, 216
- Special Operations Group (GOPES) 183n11
- Special Weapons and Tactics Team (GATE) 111, 176
- Spiderweb Plan 58
- state-criminal networks 87–88, 107
- state/criminal relations, grey zone of 12–13
- state-sponsored violence 11–12
- state terrorism 19, 32–34, 38, 42, 45, 81
- state violences: 1958–1973 53–56; 1965–1985 56–60; 1985–2006 60–62; 2006–2018 62–66; alliances in 57; authoritarian system and 53–56; caused by economic crises 53; counterinsurgent 56–60; dissuasive 54; omitting investigations/punishment 65; overflow of 62–63; reorganising 62–66; role of 57; strategies 52–53; as transitional 60–62
- student activism 58–59
- student movement of 1968 55
- Subcommittee on International Organisations and Movements of the US Congress 36
- subterranean 182n3
- symbolic justice measures 225n1
- systematic impunity 141

- Tamaulipas: Camargo 183n11; capture method 113; *cifra negra* 115; creating military police corps 111; democratic development in 108–109; disappearance rates 93, 106–107; economic logic of disappearance in 116; government corruption 110; high disappearances in 176; impunity, rates of 114; migrant remains found in 183n11; population concentration 108; rates of impunity 114–115; state-criminal networks 189; state-criminal networks in 110–111; study of disappearance events in 101; as territory of death 90; underreporting disappearances 114–115; war on drug trafficking 189
- Tamaulipas Force 111
- Tamaulipas-Nuevo León Joint Operation 111
- Tassin, Étinne 77
- territorialisation of enforced disappearances 90
- territories of death 90
- Tlatelolco massacre 1, 55, 63–64
- torture: disappearances and 76; as ‘generalised’ 7–8
- Torture Convention 137–138
- totality principle 190
- Touraine, Alain 187, 190, 193–194
- Training Institute in Human Rights of Paris Bar (IDHBP) 40, 41
- Transitional Justice 157–158
- transitional violence 19, 60–62
- Trejo, Guillermo 12–13
- Triple A alliance 32–33
- truth trials 45n2
- Turati, Marcela 85
- UN Commission on Human Rights, Ad Hoc Working Group 152
- Unified Registry for Victims of State Terrorism (RUVTE) 31
- Union of Peoples and Organisations of Guerrero State 196
- United Families of Piedras Negras 220
- United Forces for our Disappeared in Coahuila (FUUNDEC) 22, 188, 190–195, 220–223
- United Nations: Committee on Enforced Disappearances (CED) 150; Declaration on the Protection of all Persons from Enforced Disappearance 154; Declaration on the Protection of all Persons from Enforced Disappearance (UNDPED) 128–129, 199; enforced disappearances investigations 151–152; Human Rights Committee 128, 136, 153; Subcommittee on Human Rights 36–37; Working Group on Enforced or Involuntary Disappearances (WGEID) 12, 128–129, 135–136, 140–141, 152, 156–157
- United Warriors 63
- urban guerrillas 4–5, 13 *see also* guerrilla groups
- UTSL-HR Clinic 189–190
- Vázquez, Genaro 4, 54, 81
- Vázquez Valencia, Luis Daniel 189–190
- Velásquez Rodríguez, Manfredo 133, 158
- Vera López, Raúl 190
- Verástegui Escobedo, Antonio 192
- Verástegui González, Antonio 192
- Verástegui González, Jorge 221
- Vergara, Mario 170
- Videla, Jorge Rafael 33–34, 36, 37
- Vietnamese village 81
- Villafior, Azucena 34
- violence: definition of 103; homicide rates 109; invisible forms of 62; rules of 110–112
- violence regimes: access rules **105**; ambiguous loss and 102; capture method 112; clandestine logic 112; constructivist approach to 102; definition of 20–21, 101; democratic development and 108–109; disposable populations in 117–118; justifications 114; logics of disappearance and 98–104; Mexican rail system and 108; by non-state actors 107; population’s mistrust of official institutions 114–115; rules of circulation **105**, 117; rules of use **105**, 117; spatial pattern to 108; state repression and 116
- violent regimes 101
- Walsh, Rodolfo 32–33
- war on drugs: Calderón and 3; disappearances in context of 130–133; disappearance rates and 127;

- institutional weakness as justification
for 189–190; overview 7–10
- WGEID *see* Working Group on
Enforced or Involuntary
Disappearances (WGEID)
- whereabouts *see* fate and whereabouts
- White Brigade 59
- Wings of Hope 219, 220–221
- Working Group on Enforced or
Involuntary Disappearances
(WGEID) 12, 128–129, 135–136,
140–141, 152, 156–157
- Yerushalmi, Yosef Hayim 223
- Zacatecas 93, 115
- Zapatista Army of National Liberation
(EZLN) 62
- Zapatista Urban Front 59
- Zemans, Frances K. 187