

# **SPECIAL REPORT OF THE HUMAN RIGHTS NATIONAL COMMISSION OVER KIDNAPPING AGAINST MIGRANTS**

## **I. INTRODUCTION**

The Human Rights National Commission (CNDH) has acknowledged the constant and serious events of kidnapping which the migrants are victims of, during their staying in the national territory. The grounds for this knowledge is the information derived from the complaints filed by the victims themselves or investigated by this national organism through testimonies obtained in shelters, migrants stations, and locations of high concentration and transit of migrants, as well as the information requested and provided by the Human Mobility Pastoral Dimension of the Mexican Episcopate Conference, and the shelters and houses of migrants which are part of the National Register of Aggressions to Migrants Net<sup>1</sup>. Also, through newspaper's news published in national or regional information media.

Based on what is provided in articles 102, paragraph B, of the Political Constitution of the United Mexican States; 1, 3 and 6, fractions II,III,VII, and VIII; 15, fraction VIII, 32 and 46; 48 and 51 of the CNDH Law, as well as in 16, 133, 174 and 175 of its Internal Regulation, it is hereby presented to the public opinion and to the competent federal, state and municipal authorities, this special report regarding the cases of kidnapping in México against migrants without identification papers.

## **II. BACKGROUND**

In order to comply with its objective of protecting the human rights of all individuals, this National Commission has brought its services near to migrants through constant visits to the migration stations, the migrants shelters and houses, as well as to other places where they concentrate or transit, with the purpose of hearing their complaints regarding the violations they go under, give them advice about the dangers they face during their journey, and let them know the right they have to denounce all facts which may be considered criminal behavior against them, before the competent entities.

Doing such activities, the CNDH personnel had the chance to be aware of the reiterative occurrence of kidnapping events which the migrants were victims of, as they were informed by the victims themselves, as well as for the insufficient actions of the migratory authorities, and those in charge of public security and the persecution of such crimes.

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<sup>1</sup> The National Register Net of Aggressions to Migrants is a collaboration mechanism created by CNDH and a group of shelters and houses of migrants. Its purpose is to obtain information over the aggressions suffered by migrants through their journey in the national territory. Members of this group are: Albergue Belén (shelter), Tapachula, Chiapas; Albergue Belén Posada del Migrante (shelter), Saltillo, Coahuila; Albergue Hogar de la Misericordia (shelter), Arriaga, Chiapas; Albergue Hermanos del Camino (shelter), Ixtepec, Oaxaca; Albergue Parroquial Guadalupano (shelter), Tierra Blanca, Veracruz; Casa Betania (house), Mexicali, Baja California; Casa de la Ciudad Cristiana (house), Caritas, San Luis Potosí, SLP; Casa del Migrante (house), Tijuana, Baja California; Nazaret Casa del Migrante (house), Nuevo Laredo, Tamaulipas; Parroquial de Cristo Crucificado (shelter); Tenosique, Tabasco.

When realizing the high frequency of kidnappings against migrants and its growing tendency, this national organism started this investigation with the objective of calling attention to authorities, in the three governmental levels, so they could put greater and particular care about the serious problem affecting a large part of our territory, and specially in those places where the migrants presence is important, such as the northern and southern part of the country, as well as in the routes the migrants take when moving along.

The contents of this document are based on migrants testimonies who claim to have been kidnapped, who told the approximated amount of migrants who were kidnapped along with them or who stayed with them while they were kept in captivity, as well as the facts circumstances and the way they were kept in captivity. Thus, the importance of this document is to tell about the approximate magnitude of migrants kidnapping in México, because up to now, there is no statistics reference in this matter neither we have any official figures on it.

The present document has the following purposes:

- To divulge the worrying frequency of what migrants of foreign origin assure they have been kidnapping victims, a practice which according to their testimonies, has extended to a great part of the national territory and which in most of cases remain unpunished.
- To alert over the growing tendency of migrants kidnapping and their corresponding inattention by the authorities who are responsible to prevent it or investigate it.
- To encourage an immediate, integral and coordinated action of the security and justice procurement bodies, in order to avoid that the members of this vulnerable group keep on being victims of kidnapping.
- To protect the migrants' human rights who are or may be victims of crimes, such as kidnapping, through promoting their effective access to justice and their rights protection, as the Mexican government is obliged to guarantee.
- To sensitize authorities and society on the seriousness, frequency and cruelty by which the migrants kidnapping is carried out, so the citizen's denounce could be encouraged as well as the government action against this crime.
- To expose the limited juridical conditions which the migrants face to denounce the crimes they go under, which may lead to prevent them from their right to have access to justice and to restitution, and at the same time, may encourage the impunity persistence.

Migrants without identification papers, of different nationalities, who make their journey through the national territory are highly vulnerable, due to the facts of: traveling by high risk transportation vehicles such as cargo railroads or trucks with double bottom; they choose shortcut roads or lonely roads in general; they sleep out in open spaces; they do not know the zones they go through; they avoid police contact or with any state officer; they do not know

their rights or decide not to exercise them if that means being exposed; they are far away from their homes and do not know who to go for help in case they need it or are unaware of their country's laws.

Due to their irregular migratory situation, they do not seek authorities and rather keep away from them; being people without identification papers they are easy victims of unscrupulous public officers and the organized or common crime gangs; having the intention of getting themselves to the United States, they are vulnerable to false promises and job positions or ways to take them over there; they lack sufficient economic resources and many of them contact their relatives when they reach a town so they can send them money; they are easily detected by those who want to abuse of them; they do not know that they can approach the authority to denounce abuse and crime against them, or they rather not do it as they may be sent back to their countries.

For all the previous statements, they are potentially subject to a great amount of risks and abuses placing them in a situation of defenseless. Thus, they are frequently victims of organized gangs and in many occasions, of the federal, local and municipal authorities, specially those in charge of public security, who beat them brutally, humiliate and extort them and threaten them to take away their lives, liberty or to send them back to their country of origin, practices which violate their human rights.

The migrant women, in particular, are more than vulnerable when they are victims of kidnapping, as various testimonies revealed during the present investigation. Sexual abuse and frequent rape cases go persistently associated to the events of migrant women kidnapped. Some other times they are threatened to prostitute them or to be sold to a prostitution racketeer for sexual ends, all this implying an additional offense due to the psychological damage which bear such threats.

Also, it was possible to be aware of kidnapping events which affected pregnant women or mothers with children.

The testimonies obtained also say that among the kidnapped migrants there were, in the same place of retention and all heaped, older persons as well as boys, girls and migrant adolescents who were traveling alone and who due to their condition, they suffer in a particular way deprivations during their captivity, and who, as women, have the right to a special state protection.

Due to the seriousness that these fundamental human rights violation of migrants in our country has reached, as well as the increase of the problematic faced by those suffering liberty privation caused by organized gangs and some times by the authorities themselves although precisely in charge of preventing and investigating crime acts, it has been necessary to go deep into the problematic issue which is the recurrence of migrants kidnapping, through this special investigation about the conditions under those happened, in order to present to the competent authorities these founded observations which will help them to prevent and solve this injurious behavior for the Mexican society.

### III. ACTIONS

This Human Rights National Commission has been aware, either by complaints filed by the affected persons themselves or as part of its own duties, or by news published in the communication media or also, through testimonies directly obtained in shelters, migratory stations and migrants influx places, of the growing increase of the kidnapping phenomenon against the people from other countries, most of them from Central America, who get into the national territory without migratory identification papers, with the intention to reach the United States.

In a particular way, we highlight the information provided by the Human Mobility Pastoral Dimension of the Mexican Episcopate Conference and from the migrants' shelters and houses part of the National Register of Aggressions to Migrants Net.

Likewise, this national organism has offered its support to kidnapping victims, through taking the necessary steps before the migratory authorities and before elements of the Migrants Protection Beta Group of the National Migration Institute, so the victims can have the required transportation and custody so they can appear before the Public Ministry to file their corresponding denounces.

Likewise, in order to comply with its objective of protecting the human rights of all individuals, this National Commission has brought its services near to migrants through constant visits to the migration stations, the migrants shelters and houses, as well as to other places where they concentrate or transit, with the purpose of hearing their complaints regarding the violations they go under, give them advice about the dangers they face during their journey, and let them know about the right they have to denounce the facts which may be considered criminal behavior against them, before the competent entities.

In each one of the visits performed by this national organism personnel, a fact-finding report is elaborated containing the details of the interview, as well as the migrants testimonies telling, up to their knowledge, the kidnapping events they have been subject to.

It is convenient to mention that the interviews were carried out with total respect for the migrants' will of not giving some personal data or certain details regarding their captivity.

Likewise, the complaints received and attended in the CNDH were considered when related to the central issue of this report.

This is the way by which we detected the reiterated incidence of the migrants testimonies who talk about being kidnapped, as well as the insufficient attention of authorities in charge of public security and crimes persecution, and of the migratory authority itself.

Thus, the information was obtained from the following sources:

- Complaints files in the CNDH;

- Interviews and personal testimonies of migrants victims of kidnapping, given by the personnel of the CNDH Regional Offices.
- Testimonies collected and provided by the Human Mobility Pastoral Dimension of the Mexican Episcopate Conference.
- Testimonies collected and provided by migrants shelters and houses integrating the National Register of Aggressions to Migrants Net; and
- National and regional communication media.

The CNDH expresses its gratitude to the civil society organizations mentioned in the previous paragraph, for their interest and disposition to collaborate in the collection of data and testimonies, and manifests its recognition to the communication media of the country for contributing to denounce and make visible the migrants kidnapping.

Even more when, as per the own experience of the National Commission personnel, it is obvious that to obtain information is accompanied by certain risks as many of the interviews were made in places having a high index of violence and where delinquency operates, particularly those dedicated to kidnapping and the illegal traffic of migrants, and many times, they may have to face members of the organized delinquency itself.

It is to be highlighted that this may not be considered an exhaustive investigation with only a studied period of six months, from September, 2008 to February, 2009 and 198 cases expressed by migrants including 9,758 victims, as due to the nature of the crime and the investigation limits, it would be practically impossible to be aware of all cases occurred in such period. This is mentioned with the purpose of emphasizing that migrants kidnapping is a practice of greater dimensions than the ones presented here and therefore, this investigation shows the facts mentioned by migrants through their testimonies as a minimum figure, knowing that a superior black figure do exist.

The 9,758 kidnapped migrants figure was obtained, first, through 238 sources which most of them were victims testimonies who gave information over 198 kidnapping events and second, through migrants testimonies who mentioned how many more people were kidnapped along with them and how many people they saw in captivity while staying in the security houses or places where they were kept in custody. In many cases, two or more testimonies of the same event were obtained, which allowed us to verify the corresponding number of victims. Special care was given to the registering of events or victims, in order to avoid any possibility of a double entry of events and kidnapped persons.

#### **IV. FACTS**

The hereby investigation comprehending a six months period, from September, 2008 to February, 2009, was aimed to collect migrants testimonies who claimed to have been kidnapped, which allowed us to obtain information regarding the following issues:

- Kidnapping events registered during the period.
- Number of kidnapped migrants.

- Kidnapping and victims projections per year.
- Incidence of kidnapping victims by age and sex.
- Victims' nationality.
- Incidence of kidnapping by regions (Southern, Centre and Northern part of the country).
- Incidence of kidnapping by federal entity.
- Kidnapping made to groups of migrant persons.
- Migrants kidnapping made by organized gangs.
- Migrants mentioning to have been kidnapped by authorities.
- Average amount of ransom claims.
- Frequent places of captivity.
- Average number of kidnapers per event.
- Peculiar ways and forms to operate the migrants kidnapping.

Exclusively from migrants testimonies, the analysis of the information showed that:

- The migrants kidnapping is frequent and even daily in different parts of the country;
- The captivity conditions are particularly inhuman and in most cases treatment is extremely cruel, inhuman and degrading;
- In some cases, migrants provide facts which suggest participation and collusion of the three levels of government.
- Most of the kidnapping cases remain unpunished, even when authorities are aware of the crime;
- Most part of the kidnapped migrants victims, do not file the corresponding denounces fearing retaliation against them or their families; because they distrust authorities and the eventual outcome of the denounce; and they find it difficult to go before the justice procurement entities; and for their priority to reach their final destination or given the case, be sent back to their place of origin.

The magnitude of this problematic issue according to the data obtained, is detailed as follows:

During the six months when this investigation took place, this national organism was aware of 198 migrants kidnapping cases, averaging 33 events per month which represents more than one kidnapping event per day; also, information was obtained showing that the number of migrants subject to their liberty deprivation were 9,758 persons, this is to say, more than 1,600 per month.

In order to emphasize the dimension of the migrants kidnapping problematic, we can make the following projection: as per the figures obtained in six months, the number of kidnapping events per year could reach the figure of 400, and the victims figure could reach 18,000 per year.

This information clearly shows that the frequency and magnitude of the migrants kidnapping implicates a delinquency activity of huge proportions, meaning high income to such delinquency. As per the information obtained, the amount of money requested to victims, in

general, goes from 1,500 to 5,000 dollars. The average of the amounts demanded to identified victims in this investigation is 2,500 dollars per person. Thus, from the 9,758 cases of identified victims, the kidnappers might have gotten an illicit benefit of approximately 25 millions of dollars.

In the same way, the mentioned figures reveal that the competent authorities performance over the issue, has not coped the seriousness and frequency of the crime, as this crime itself has remained constant or has grown as a result of impunity, among other factors.

Other important data in this investigation, derived from the interviews conducted and based on the information provided by migrants either to the Human Mobility Pastoral or to the National Register of Aggressions to Migrants Net, is the following:

As far as the nationality of the victims, it was only possible to determine 552 of them: 372 from Honduras, 101 from El Salvador; 74 from Guatemala and 5 from Nicaragua. Regarding other 609, it was only possible to define that they were from Central America. Other data kept, shows that besides the mentioned countries, there were people from: Ecuador, Brazil, Chile, Costa Rica and Peru.

Regarding the Mexico regions where, according to the migrants testimonies, the kidnapping was made, we can find the following:

In the south part of the country 5,416 migrants (55%) were kidnapped; in the north, 981 (11.8%); in the centre, 124 (1.2%); and it was not possible to establish where 3,237 victims (32%) were kidnapped.

It is worth to be mentioned that frequently, the kidnapped migrants are transferred from one place to another or from one entity to another, where many times they do so stacked in cargo vehicles or with bandages covering their eyes, therefore it is very difficult to identify with precision the journey or destination where they were taken to, besides the fact of not knowing our country.

By federal entity, the Veracruz and Tabasco states have the highest figures of kidnapped migrants, 2,944 and 2,378 respectively, figures which when added together, represent 55 % of the kidnappings registered during this investigation.

The rest of the migrants kidnapped were affected in the following entities: Tamaulipas, 912; Puebla, 92; Oaxaca, 52; Sonora, 45; Chiapas, 42; Coahuila, 17; San Luis Potosi, 15; Estado de Mexico, 6; Guanajuato, Nuevo Leon, and Tlaxcala, 5 on each of them; Chihuahua, 2; and the Federal District, 1. As mentioned before, in 3,237 cases it was not possible to identify the places where the kidnapping took place.

Another fact obtained through the investigation shows that from the kidnapped migrants, 6,581 traveled accompanied, this is to say that 67.44 % of the kidnapping events were in groups, which seems to reveal that delinquents prefer to perform this illegal action in this way so they can obtain more benefits from their activities. This also explains, the reiterative

mentioning of the victims to have been transferred by cargo trucks and to have suffered stacking during captivity.

Another 72 migrants were kidnapped together with their relatives and in only 33 cases, the victims mentioned to have been alone when affected. In 3,072 cases, it was not possible to establish if the kidnapping was consummated when the victims were alone, with relatives or in a group.

As for the kidnappers profile, 9,194 migrants, were affected by organized gangs; 35 migrants, by authorities; and 56 by delinquents and authorities. In six cases, the victims were kidnapped by a single kidnapper, and it was not possible to determine this information for 467 migrants.

From what is mentioned above, it can be said that the migrants kidnapping is mostly being made by the organized delinquency which have connections and resources to perform this illegal action. The participation of Mexican authorities in the kidnapping of at least 91 migrants, reveals that exists complicity ties amongst delinquency and some state officers.

Among these 91 kidnapped migrants, 59 said that they were kidnapped by policemen, as the captors were wearing uniforms or they were driving police patrols; in 16 cases, migrants were precise when mentioning that their captors were state policemen, and in 12 cases, they were municipal policemen. Another four said that they were wearing camouflage uniforms.

Also, another 99 kidnapped migrants mentioned that while they were kept in captivity they were aware that the police was in contact with the kidnappers, as, according to what they said, some elements of various corporations used to go to the security houses where the kidnappers would give them either money or alcoholic beverages.

It is then comprehensible, as a consequence, that when personnel of this national organism instruct the victims about their right to denounce the facts, the victims are frequently reluctant to do so.

On the other hand, it can be inferred from the information obtained, that 5,723 migrants were kidnapped by people dedicated to offer safe arrival to the United States called “polleros” or ‘coyotes’; 3,000 by several kidnapper gangs with no specific identification; 427 by captors who claim to be “zetas”; and 44 by others calling themselves “maras”. No information could be obtained in the case of other 564 kidnapped migrants.

As for the number of kidnappers participating in the event, the migrants testimonies allow us to establish that, in 3,667 cases, the intervention occurred by 3 to 10 individuals; in 1,120 cases, from 11 to 20; in 644, from 21 to 30; in 287, from 31 to 40; and 212 persons said that they were kidnapped by two persons. It was not possible to establish the number of kidnappers in the case of 3,828 victims.

Even when most of the kidnapping is made by more than three individuals, some times they are deceived by one or two persons who approach them to offer food and a way to reach the



United States of America, only to later hand them in to an armed group who subdue and hold them.

Out of the 9,758 kidnappings detected through this investigation, it was only possible to determine the place where this was done for 2,525 cases, which could represent a significant sample to have a valid indicator about the places with greater incidence of kidnapping. Thus, most of them happened in someplace of the railroad infrastructure: 1,961 on the railway lines; 504 inside the train, and 34 in some railroad station.

Other places where the kidnapping took place were: 17 in a central bus station where the migrants were approached by “polleros”; three inside a bus where migrants were taken out of it when the bus stopped in an inspection place; three in a hotel where kidnappers got there and violently pulled them out of it; and three nearby a migrants shelter. It was not possible to determine such kidnapping place, in the case of 7,233 victims.

In some cases, those interviewed were reluctant to indicate details of the kidnapping suffered, such as the place of it, due, as they said, to fear retaliation or the possibility to pass again by such same place, in the future.

Out of the kidnapped migrants total, 6,555 were kept in captivity in bad hygienic conditions security houses; 2,448 were kept in warehouses; 22 in a camp; 17 in yards; 10 in a hotel; and two in a vehicle. 704 persons were not able to determine the place where they were kept.

As far as treatment received from kidnappers, it is inferred that 9 out of each 10 victims (8,478), received death threatens for them, their relatives or for both, and they were threaten with fire arms or knives if they do not comply with the ransom demands. On the other hand, the investigation allow us to calculate that 1,456 migrants, at least, were beaten with fists, feet, arms, sticks and other objects.

Migrants testimonies coincide that their captors used violence to subdue them. Among other violent actions, they tied them on feet and arms, gagged them, placed bandages on their eyes, gave them drugs or burned them on some parts of their bodies. 37 migrants expressly told that they directly witnessed how kidnappers raped women, and also how they injured and even killed other victims, either by fire arms or by beating them.

According to these testimonies, the recurrent threatens were to rape the women, sell them to the “zetas” or deport them.

On the other hand, 80 % of cases mentioned that they did not get any food or ate only once a day; In many cases, the food was decomposed or consisted of bread or hard “tortillas”. Many testimonies coincide that they would sleep on the floor and others were forced to undress and remain in such way during captivity.

In connection to kidnapped migrant women, 132 mentioned that there were also other women in the places where they were kept in captivity, but they were not able to determine the exact number of them. On the other hand, it was possible to precisely register the case of 157

kidnapped women; four of them were pregnant, two were murdered by kidnappers; others were raped and one was forced to remain with their captors as “the woman” of the gang’s leader.

The same is happening with minors. 72 migrants interviewed confirmed the presence of minors among the victims of a kidnapping, but did not indicate the amount of them. However, it was possible to punctually register 59 kidnapped migrant minors.

All previous data leads us to be aware that migrants kidnapping has become a constant practice, with great concern about its dimension, generally full of impunity and with certain aspects of extreme cruelty, performed by the organized crime as well as by authorities.

It is to be highlighted that during the present investigation of the CNDH personnel, they discovered that many local inhabitants of those places where the security houses can be found, knew their location from which we can presume that local authorities also know about them and nevertheless, as per the testimonies of the inhabitants themselves, do not take any corresponding action.

It is also important to highlight the National Defense Secretariat intervention, which in the period of this report, carried out 5 organized actions and was able to liberate 410 kidnapped migrants.

## **V. OBSERVATIONS**

According to what is established in article 1 of the United Mexican States Political Constitution, all individuals in the national territory enjoy freedom. Besides, it is forbidden: all discrimination due to ethnic or national origin, gender, age, handicap, social status, health conditions, religion, opinions, preferences, civil status, or any other attempting against human dignity and having the purpose to invalidate or undermine the rights and liberties of persons.

Constitutional articles 14, second paragraph and 16 first paragraph, related to juridical and legal guarantee, establish that no one could be deprived from freedom, properties, possessions or rights, only after a trial before the previously established tribunals, where all essential formalities of the procedure have been fulfilled and according to laws previously issued for the fact; and that no one can be disturbed or molested personally, or in his/her family, domicile or possessions, only after a written order of the competent authority, expressing the legal grounds and motives of such procedure.

The dispositions mentioned above are seriously violated in the case of migrant people who said they have been kidnapped by authorities, in as much as for the freedom deprivation they were subject to, as well as for affecting their personal dignity and integrity which they suffered while in captivity and for the ransom demand. It is very serious, in the same way, the competent authorities’ omission to attend and solve these cases and the general problematic of the migrants kidnapping.

Human rights of the international rights, protect the personal security and integrity. Articles 2, 3, 5, 7, 9 and 10 of the Universal Declaration of Human Rights, mention the right to life, freedom, dignity, equality, access to justice, and also, no one can be subject to tortured or cruel, inhuman or degrading treatments or penalties, violations frequently observed in case of migrants kidnapping, which has been confirmed by the testimonies given in this report.

In articles I, II, XXV and XVIII of The American Declaration of Men's Rights and Duties, the protection of all human beings over their personal life, freedom and security, is established. It is also pointed out that all persons are equal before the law, and likewise, every person has the right to justice and that no one can be deprived from freedom but in some cases and under the established forms of preexistent laws. In case of migrants who are victims of kidnapping, these rights are seriously transgressed due to absence of the precise actions to prevent this type of criminal behavior.

Regarding the Human Rights Declaration of individuals whose nationality is different from that of the country they live in, in articles 5, paragraph 1.a) and 6, is established that foreigners will enjoy the right to life and personal security, and that they will not be able to be deprived of their liberty neither being subject to torture or to cruel, inhuman or degrading, treatments or penalties.

The International Agreement of Civil and Political Rights establishes in its articles 2.1, 6.1, 7 and 9.1, that, in general, every individual has the right to liberty and to personal security. Nobody could be subject to arbitrary arrest or imprisonment. Nobody could be deprived of his/her freedom, unless due to causes established by law and according to the procedures provided in it, this is to say, that no person can be deprived of his/her freedom in an arbitrary way and therefore, the state has the obligation to protect the liberty and personal security of those who happen to be in their territory. Additionally, article 9.5 of the same Agreement, mentions that every person who has been illegally arrested or placed in prison, will have the right to obtain restitution.

The International Convention about the rights of all migratory workers and their families, establishes in articles 7, 9, 10, 16.1, 16.2, 16.3, 16.4 and 18.1, that actions promoting discrimination or against the right to life, physical and psychological integrity, freedom, personal security and the right to equality, are forbidden.

In articles 1.1, 5.1, 5.2, 7.1, 8.1 and 24 of the American Convention on Human Rights, it is provided that every person has the right to be respected on his/her personal freedom and security; physical, psychological and moral integrity; access to justice and equality before the law; as well as that no one should be subject to torture or other cruel, inhuman or degrading, treatments and penalties.

As far as the national juridical frame:

We find references in the Federal Criminal Code, in its twenty first title, chapter unique, Illegal Deprivation of Liberty and other Guarantees, articles 364, 366 and 366 A (bis), which, in general, they establish the crime types of kidnapping and the illegal deprivation of liberty.

As for the first of these crimes, elements of this type is the deprivation of liberty and the purpose to obtain a rescue either in money or goods; as for the second, it refers to an illegal action performed by the authority against a person, having as an objective his/her deprivation of liberty. Both crimes are subject to aggravations. This legal disposition protects life, liberty, security, physical and psychological integrity of persons as well as their patrimony.

The Federal Law Against Organized Delinquency establishes in its article 2, fraction V, that those committing a crime will be penalized as members of organized delinquency when three or more persons organize themselves to have, in a permanent or reiterative form, behavior which by itself or joined with other behaviors, have the objective to commit any of the following crimes [...], fraction V. [...] kidnapping as indicated in article 366 [...], of the Federal Crime Code.

Within the state environment, kidnapping and deprivation of liberty are standardized in all criminal codes. The basis for their juridical sense is equally: life, personal liberty and security, as well as physical and psychological integrity of persons and their patrimony.

However, there is no uniformity regarding penalties applied to kidnappers, which varies from one state to another. While in the states of Campeche and Quintana Roo a minimum of 5 years of imprisonment is established, in the states of Oaxaca, Guerrero and the Federal District, the minimum penalty for a kidnapper is 40 years. As for the maximum penalty, the only state establishing a maximum imprisonment of 20 years is Quintana Roo while in the states of Durango and Puebla, the maximum penalty for a kidnapper goes to 70 years in prison. The previous penalties are applicable to the generic kidnapping crime, this is to say, the action of deprive someone of liberty pursuing a ransom or any other benefit. However, in the different local criminal codes some aggravations are considered, such as infants kidnapping or committing actions of sexual nature against the victims.

In connection with the crime prevention, article 21, paragraph ninth of the Constitution, establishes that public security is a function in charge of the federation, the Federal District, the states and the municipalities, which includes crime prevention. It also includes that the social security institutions performance, will be governed by the principles of legality, objectivity, efficiency, professionalism, honesty, and respect to human rights recognized by the Political Constitution.

Likewise, the Constitution, in the paragraph tenth of the mentioned article, indicates that public security institutions will be civil, disciplined and professional. The Public Prosecutor and the police institutions of the three government levels, should coordinate themselves in order to fulfill the public security objectives and they will all constitute the Public Security National System.

The General Law of the Public Security National System provides in article 2, that the public security function will be carried out by the three government levels and their objective will be to safeguard the rights and integrity of persons, as well as to protect the public liberty, order and peace, which includes: special and general prevention of crimes; effective investigations; penalties for administrative infractions; crimes' investigation and pursuit; and the social

reincorporation of individuals. Additionally, it indicates that the state will develop policies for the social prevention of crime in an integral way, over the causes generating these crimes, the antisocial behaviors, and that it will generate programs and actions to promote civilian and cultural values which could influence respect to legality and protection to victims.

Article 6 establishes that public security institutions are civilian, disciplined and professional, and that its performance is determined by the principles of legality, objectivity, efficiency, honesty and human rights.

Article 20 of the same law, establishes the Crime Prevention and Citizen's Participation National Centre, which, among other duties, is the surveillance of implemented programs by the public security of the three government levels, about the following vulnerable groups: boys, girls, youngsters, women, indigenous and older adults. Among these vulnerable groups there is no mention to migrants, which may imply that they are excluded from the state protection.

In the other hand, article 1, second paragraph, and 5, fraction I of the Organic Law of the Office of the Attorney General of the Republic, provide that this office will participate in the Public Security National System according to the General Law of the Public Security National System and in the programs, with the purpose of achieving the crime prevention based on respect to human rights.

Articles 2 and 8 of the Federal Police Law, establish, in general, the functions this authority will have to safeguard the integrity and rights of persons, to prevent crime's committing and to preserve public liberty, order and peace.

As for public security in states and municipalities, the constitutional article 115, numeral III, fraction h and fraction VIII, establishes that states and municipalities which constitute part of the national territory will be in charge of the public security, in terms of article 21 of the same law through preventive, municipal and traffic police.

In terms of article 21, first paragraph of the Constitution, the pursuit and investigation of crimes is delegated to the public prosecutor and the police, which will operate under instructions and command of the first one. Also, the second paragraph indicates that the exercise of the corresponding punitive action belongs to the public prosecutor. Article 102, fraction A, paragraph 2, of the same law, indicates: are affairs of the Public Prosecutor of the Federation, to pursuit, before the tribunals, all crimes of federal nature and, due to the same, it is his attribution, to request arrest warrants against the accused ones, to look for and file the evidence which accredits their responsibility, to participate in trials so they can be solved in a promptly way, and to request the corresponding penalties application, as well as to intervene in all business that the law determines.

As a consequence of the mentioned legal dispositions related to federal matters, the Organic Law of the Office of the Attorney General of the United Mexican States, in article 4, fraction I, paragraph A), subdivision a), b),c) and d), provide the obligations of the Federal Public Prosecutor, and some of them, among others, are: to investigate and pursuit crimes; to receive

denounces which may constitute the kidnapping crime of federal nature and the kidnapping crimes of common nature, which that authority may exercise its faculty to attract them. Also, the Federal Public Prosecutor is obliged to take the necessary legal actions in order to accredit the *corpus delicti*, and the probable responsibility of the accused one or ones, as well as determining the damage restitution.

The mentioned faculties are correlative to those of the Public Prosecutors in each one of the states, as in the respective organic laws of the states' Offices of the Public Prosecutor, the same faculties are established.

Before the June 18<sup>th</sup>, 2008 reform, in article 20, section B, "About the victim and the offended", fractions III and IV, it was established the right of victims to receive psychological attention and damage restitution. Since the reform, section C was established, "About the rights of the victim or the offended", in which is included, in fractions III and IV, also the right to receive medical and psychological attention, and damage restitution<sup>2</sup>.

In articles 30, 30 A (bis) and 34 of the second title, Chapter V, of the Federal Criminal Code, the formalities and scope regarding the granting of damage restitution are indicated, and it is also established the Public Prosecutor's obligation to request such restitution as part of its functions, as well as the beneficiaries with the right to receive it.

Therefore, the kidnapping victims or their relatives should be systematically beneficiaries of damage restitution for any harm they had suffered physically, psychologically and in their patrimony, as a consequence of captivity, coercion, bad treatment, threatening and liberty deprivation.

The victims of the kidnapping crime, as those of the trafficker of persons and sexual rape, or of other serious violations to the human rights, suffer immediately and in the long run they are subject to several consequences and affectations, of which they have to recover in order to regain, in as much as possible, their life project. The Inter-American Court of Human Rights (IDH) has deemed life project as: "The integral realization [...] considering vocation, aptitudes, circumstances, potentiality, and aspirations, which allow persons to set themselves certain reasonable expectations and have access to them [...]"<sup>3</sup>

Neither can be ignored the authorities obligation, in terms of the same disposition, to offer urgent medical and psychological attention to victims, as well as to safeguard their identity and other personal data, when those victims are minors or victims of rape or kidnapping crimes<sup>4</sup>.

However, despite the apparent extent of the national juridical frame, there is a serious and reiterative behavior of organized delinquency gangs and public officers belonging to some ,

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<sup>2</sup> These rights are also contemplated in the Criminal Procedures Federal Code.

<sup>3</sup> The IDH Court, Loaliza vs Peru case, November 27th, 1998 sentence (Restitution and costs), paragraph 147.

<sup>4</sup> Constitucional article 20, fractions III and V.

institutions of the three levels of government, to carry out the kidnapping crime taking advantage of the vulnerable and unprotected migrant without legal papers.

Even more, according to testimonies collected by this national organism, although many migrants expressed that they have been kidnapped by the organized delinquency, in a hundred of these cases the victims indicated that elements of the authority were those responsible for the kidnapping, which is evidently a violation to constitutional principles establishing the obligation of public officers to conduct themselves based on legality, objectivity, efficiency, professionalism, honesty and human rights.

In the common practice, access to justice in the case of migrants without legal papers is being conditioned, which infringe the right to equality when exercising the guarantees to all individuals provided by the Political Constitution and the international instruments of which Mexico is part of them.

Article 67 of the Population General Law and 201 of its regulation, dispose that when foreigners appear themselves before all authorities in order to attend any affairs of their competence, such authorities should previously demand, a proof of the foreigners legal staying in the country and, in case they can not accredit it, the authorities are compelled to place these persons at the Migration National Institute disposition.

Given the previous, if a migrant without legal papers has been a kidnapping victim or victim of other crimes, and goes before the Public Prosecutor or before any other government entity, to denounce those facts, he/she is conscious that he/she will probably be placed at the migratory authority disposition and sent back to his/her country, which is something against his/her interests of getting to his/her destination or expect a damage restitution.

These dispositions, evidently, represent a violation to human rights, specially as far as discrimination is concerned, and have a real consequence such as the fact that migrants who have been victims of crimes, including kidnapping, they rather refrain to denounce them in order to avoid, in addition to what they have gone through, to be sanctioned by the migratory authorities holding them and sending them back to their countries.

The Inter-American Court itself in the Consultative Opinion 18-03 of September, 17<sup>th</sup>, 2003, “Juridical Condition and rights of Migrants without legal papers”, pointed out that:

[...] a fundamental step to guarantee the effective protection to the labor rights of the migrant workers in an irregular situation, lies in setting the proper structure of means so the justice system can hear their claims, as the sole existence of the substantive rights is not enough to guarantee their validity [...]<sup>5</sup>

The Court’s reasoning is mostly due, to the fact that despite the existent legal structure, it is not tangibly and effectively shown in the case of migrants without legal papers, who due to

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<sup>5</sup> IDH Court, Consultative Opinion OC-18/03, September 17th, 2003. Requested by the Mexican United States, Juridical Condition and Rights of the Migrants without legal papers, page 77.

their vulnerability are potential victims of violations to human rights, specially those originated by criteria of discrimination and as a consequence, they find themselves in an unequal situation before the law as far as enjoyment and effective exercising of their rights.

Even when the Migration National Institute issued, in March 2007, a circular where it is foreseen the possibility of the migrants victims of crimes regularization, in this internal normative instrument it is mentioned that it is totally necessary that, in order for this institute to recognize them as victims, migrants should file a public documentary proof to accredit them as such, which presupposes to have filed the corresponding denounce before the ministerial authority or to be in possession of public documents issued by competent authorities in this matter.

Concerning the previous paragraph, it is to be highlighted that most of migrants under the institute's holding or placed in such situation by the authorities themselves where they filed their denounces, refrain themselves to reveal the migration agents that they were subject to kidnapping because they ignore their right to do so, as well as their right to be considered as victims.

Likewise, the migrants under this kind of custody, lack the opportunity to be able to file their denounces and obtain the public document which could accredited them as victims.

It is clearly necessary that in migratory stations, there should be sufficient and duly trained personnel to identify, attend and move, from one place to another, those crime victims, or to offer proper medical and psychological attention, avoiding the situation where migrants may remain unprotected and be susceptible to another crime.

As a reiteration, we express that migrants who have suffered kidnapping and who have not been under due custody, do not denounce the facts by fear to be placed at the migration disposition, for which, as those who remain under proper custody, do not have access to justice, resulting in a certain encouragement to impunity of kidnappers.

## **VI. CONCLUSIONS**

Being Mexico a country of origin, transit, destination and getting back of migrants, it represents one of the highest migratory concentrations of the world. Every year and according to the Population National Council figures, approximately 550,000 Mexican emigrate to the United States of America. Also, during the last three years, the Migration National Institute held at its disposition a yearly average of 140,000 migrants without legal papers who most of them were from Central American countries and also most of them, had the intention to reach the United States of America. This migration magnitude represents a particular challenge due to the complexity which characterizes the nowadays international migration.

There are several factors of economical and social nature which determine migrations and their conformation, such as: poverty, unemployment, the economical asymmetry among neighboring countries or relatively near, the lack of expectations or access to basic services and the purpose of family reunification. Some persons are compelled to emigrate because of



persecution or because traffickers of persons hound them and cheat on them with promises of better development options and income. On the other hand, every time in migratory flows there are more women, girls, boys, adolescents and older people, traveling alone or accompanied.

The previous situation gets worse because of the great extension and high risk of the journey they have to cover in a surreptitious manner along the national territory, which turns these people in persons totally exposed and vulnerable to suffer any type of violation to their human rights.

Risks of this long journey include the possibility to suffer kidnapping, specially since 2007 where some cases were documented for the first time. Despite this recognized vulnerability, the migration authority, federal police and police corporations, as well as agents of the local and federal public prosecutor office, have carried out just a few actions to fight this scourge affecting migrant persons in Mexico, who most of them belong to Central American countries. In the great majority of cases, crimes remain with impunity and reveal symptoms of apathy, omission and corruption.

Derived from the data obtained by the present investigation, it is clearly deducted that there is inefficiency of the justice system to prevent, investigate, pursuit and punish the migrants kidnapping, as well as showing an authority's evident lack of interest, in order to prevent the crime, protect the victims and obtain the damage restitution, where it should be expressed the no repetition guarantee.

On the contrary, many of the kidnapping events, mentioned by migrants' testimonies, were committed by members of the state corporations of public security, which besides constituting a possible criminal behavior and a violation to human rights, it implies a great distortion of the public function in addition to the corresponding lack of administrative and penal sanctions.

Derived from the contents of this special report and, concerning the migrants kidnapping, it can be said that there is no coordination, not even basically, of the authorities in charge of public security and crimes' pursuit, even when they are obliged to investigate the facts and submit them to the corresponding court. It is for these authorities to take the necessary steps, within their respective faculties, in order to fight against the impunity prevailing nowadays, damaging the migrant's rights.

Among other factors, impunity has been a fundamental incentive for the increase in migrants kidnapping during the last two years.

On the other hand, despite the fact that in the Population General Law has been established that foreigners should accredit their legal staying in our country in order to have access to justice and other social services, it is important to mention that in the case of kidnapping victims, their right to physical and psychological integrity protection should prevail, before they can be subject to a migratory administrative trial. Such protection should always be done

having total consent of the victims and supported by the government sectors actions, as well as those of the civilian society.

Some of the determinant factors driving migrants not to denounce kidnapping are: lack of knowledge regarding their rights while they are kept under the authorities custody; fear to retaliation or to be returned to their countries; their priority of reaching their destiny; their belief or certainty that authorities are colluded; and the general distrust in justice application.

Due to all that has been mentioned above, this special report arrives to the conclusion that the nowadays high incidence of migrants kidnapping should constitute an alarm sign and must be attended because of the unjustness found in these actions, as well as for the victims' serious suffering, the direct affectation to their family's patrimony, limited in itself, and the offense to the country for the fact that collective kidnappings are occurring in its territory, all which have been scarcely attended despite its seriousness.

Though the society's indignation for the kidnapping, in general, that we see in the country could be understood, it is necessary to extend the claim to the migrants kidnapping. It is inadmissible that such events, besides being perpetrated in a collective way in an enormous number of cases, do not deserve a vigorous and effective action from authorities.

As much as for the frequency of the migrants kidnapping and the number of victims, as well as for the prevailing impunity, they all represent a substantial deterioration of the rule of law. For migrants, insecurity is increasing due to, above all, the authorities omission, those authorities in charge of public security and the crimes' investigation and pursuit, in the three levels of government, as well as the migratory authorities.

Recognizing the seriousness of this problem, it cannot be delayed anymore, that the federal, state and municipal authorities undertake a joined effort with the highest possible efficiency, in order to avoid the migrants kidnapping incidence.

Kidnapping in general and particularly, that perpetrated to migrants for their high degree of vulnerability, is one of the most serious violations to the person's liberty and dignity. Besides the direct victims, society as a whole gets profoundly affected, as it realizes that its social harmony and its coexistence environment is injured, and it goes under fear and uncertainty instead. On the other hand, the effectiveness of the state is being questioned when it is not complying with one of its fundamental obligations which are a reason for its existence: to protect life and liberty of persons, as well as their goods and possessions.

Impunity which frequently follows a kidnapping perpetration, injures all Mexicans, regardless of being national or foreign victims.

Therefore, it is necessary, within the Public Security National System frame, to generate the coordination and supervision mechanisms which guarantee the society that any kidnapping perpetration against migrants, foreigners or Mexicans, will not enjoy impunity.

It should be guaranteed, additionally, that victims will have access to all the necessary information, protection and means, to go before the public prosecutor in order to file their denounces.

The preventive mechanisms should be promptly implemented and society should be informed about their results in a clear and transparent way.

The Human Rights National Commission considers necessary to call the attention of competent authorities and the society in general, about the human rights violations derived from the migrants kidnapping crime, so actions to prevent and eradicate this delinquent activity, will be taken. To do so, we express the following:

## **VII. PROPOSALS**

### **To you, heads of the institutions constituting the Public Security National System:**

**First.-** To undertake precise coordination actions by the three levels of government in order to promote a decisive struggle against the migrants kidnapping, including strengthening the crime prevention and justice pursuit tasks, as well as the respect to human rights.

**Second.-** To grant migrants an effective access to justice within the frame of own attributions of the public security and justice procurement institutions, regardless of their migratory situation, with the purpose of preventing impunity and discrimination.

**Third.-** To strengthen the organisms offering attention to crime victims and make this service extensive to migrants, regardless of their migratory status.

**Fourth.-** As a result of the corresponding investigations in the case of migrants kidnapping, all those bearing responsibility for these illegal actions, should be sanctioned and restitution to the victims should be made.

**Fifth.-** Within the frame of attributions of the National Centre of Crime Prevention and Citizens Participation, established by the Public Security National System General Law, migrants should be included as a vulnerable group, so they could be considered under the public security programs established by the three government levels.

**Sixth.-** To inform the public opinion about the actions, agreements and results made related to the combat against this serious situation of migrants' human rights violations, which will contribute to restore the population's trust on the public security and justice procurement institutions.

### **To you, the Migration National Institute commissioner:**

**First.-** To instruct whoever is in charge of it, so internal regulations can be issued to guarantee kidnapping migrant victims, the possibility to file denounces and have access to the state protection.

**Second.-** To instruct the institute's personnel so, as an obligation, that they have to inform to migrants placed at its disposition, the migratory regularization procedure in order to have access to justice and restitution, in case they have been victims of a crime or a violation to their human rights.

**Third.-** To instruct whoever is in charge of it, so internal guidelines can be issued in order to comply with what is established by international instruments on human rights, and ratified by Mexico in everything related to access to justice, respect to due process and crime victims protection.

**Fourth.-** To instruct whoever is in charge of it, so migrants who have been victims of crimes, can have the necessary means to be personally taken to where they will fulfill the corresponding requirements, being those of penal or administrative nature.

**Fifth.-** To promote the necessary adjustments in order to modify articles 67 of the Population General Law and 201 of its regulation, so the contents in the norms of these dispositions prevent the discrimination and violation to the foreigners rights, specially of kidnapping victims, as now they prevent them to have access to justice because of their migratory situation.

**Cordially yours,**

**The President of the National Commission**

## **ENCLOSURE TO THE SPECIAL REPORT TESTIMONIES OF MIGRANTS WHO SUFFERED KIDNAPPING**

### **Kidnapping occurred in Tenosique, Tabasco**

A female migrant from Honduras, said she was kidnapped by a ten persons gang, who deceived her. Kidnappers told her that they had been in touch with one of her relatives living in the United States and that they will take her to that country.

“... when I asked to speak with my relative, they said they had run out of credit to use their phone but as the situation had been confirmed, they took me and my girlfriend up the truck...”

“...the kidnappers threatened my family asking for money and they put a drill in my hand so my relatives could hear and pay for me. I was slapped and beaten... the chief’s mistress is from Honduras and she is the one in charge of beating and mistreat women”.

“... they hit me on the head, hip and arms with a board called “the memory” (“el recuerdo”), and also with a bate, fists and feet...”

If they tried to escape, they were beaten and handcuffed, leaving them all night long in such way into a cold room, together with women”

“I weighted 150 pounds and now I weight only 90, I am weak, dizzy, with rings under both eyes, tired, beaten, but I thank God I got free of them and ask Him to implement divinity justice; the plate number of the van they use is XCL 1521...”

The victim declared she was in captivity for three months, time where she was raped by kidnappers and set free after they received a portion of the ransom.

### **Kidnapping occurred in Bocas locality, Municipality of San Luis Potosi, San Luis Potosi.**

An Honduran migrant minor was kidnapped along with other four migrants, in the railway lines of the Bocas locality in San Luis Potosi; he mentioned that eight men arrived in black vans with plates from Tamaulipas; they were threatened with guns and place them inside the vehicles where he heard they will be taken to Villa Arista, San Luis Potosi. They were transferred to a security house where they were tied up, insulted, and threatened to kill them. He said that while he was in there, he realized the killing of one person from El Salvador by the kidnappers.

“During that time I slept on the floor and ate hard tortillas and a piece of dry chicken, just once a day. We were constantly watched over by five persons who consumed cocaine and drank beer all day long; there were more kidnapped persons around. The kidnappers killed the Salvadoran because he did not pay the ransom; they gave him money to phone his family for

the last time, and on Monday afternoon they put him inside the truck and he never came back...”(?)

“...they threatened me with the ‘nine millimeters’ so I would not escape and to put some pressure on my relatives to pay the rescue”.

The victim manifested that he remained kidnapped for seven days and that once he tried to escape but the kidnapers beaten him and gave his family only one day to pay. He regained freedom two days after when the captors collected the two thousand dollars ransom. The migrant expressed that he did not denounce the kidnapping as he realized that the police was involved with the kidnapers.

“...They set me free until the following Monday, when they put me inside the van with a bandage covering my eyes and left me way ahead in a lonesome road near the San Luis Potosi-Monterrey border, giving me a 50 pesos bill...”

“...we were constantly watched over by five persons with no interruption, and they consumed cocaine and drank beer all day long...”

“I did not denounce the kidnapping because I saw the police involved with it; police wearing white shirts and trousers who came four or five times, two of them were the same persons in each visit, the others were different; the police also drank beer and inhaled cocaine...”

“...in certain occasion we were forced to inhale cocaine, to drink three beers at the same time and gave us an injection of, apparently, heroine; at that moment we only were there the Honduran, the woman and myself. They obliged us to consume drugs and made us rape the woman in front of them”

### **Kidnapping happened in Coatzacoalcos, Veracruz.**

A migrant from Honduras said that he was kidnapped in Coatzacoalcos, Veracruz, where he was with another four migrants. The trafficker who contacted them, sold them to an armed kidnapers gang of six persons:

“Julio, Honduran ‘Coyote’, sold us to kidnapers and put us into two trucks, one red and the other white, forty persons on each truck”

“...they said I would be killed and thrown to the river in order to oblige the family to pay the ransom.”

The kidnapped migrant was transferred to a security house in the city of Reynosa, Tamaulipas, together with all those kidnapped, and they remained in such house for seventy three days. He pointed out that they were threatened, beaten and offended by the kidnapers; he also said that in such house where they were transferred to, there were approximately an additional amount of a hundred and forty persons from different original countries such as:

Guatemala, Honduras, El Salvador, Brazil and Nicaragua, men and women, and also pregnant women. The ransom amount the kidnappers demanded from him and which was finally paid, were a thousand and two hundred dollars. He indicated that as soon as the ransom amount had been paid, they set him free at a bank of a river.

“If they tried to escape, they handcuffed them and kick them all over their bodies, leaving them dripping blood all over”

“... in order to set me free, they took me out laying down in a van so I would not see, and they left me at a bank of a river, three blocks from the Albergue Guadalupe”

### **Kidnapping occurred in Tierra Blanca, Veracruz**

A female migrant from El Salvador tells that she was on the railway lines in Tierra Blanca, Veracruz, when she and her female partner, also from El Salvador, were kidnapped by two armed men, who placed them inside a van, navy blue and Suburban type, and were transferred to a security house located at approximately fifteen minutes from there, where they stole all their belongings and money, besides, they were victims of mistreat, tying and gagging them. The Honduran indicated that she was raped and her partner killed.

“... We were asked to give them our relatives phone number in the United States and we were threatened that in case we did not give them, they would kill us. We were offended with insults all the time besides slapping, pushing and kicking us all over our bodies; they covered our eyes, gagged and whipped us...”

“...my partner was killed because she did not have anyone to help her so she did not give them any money; then they shoot her twice in the head and left her bleeding for three hours in front of me, so I could be intimidated...”

The kidnappers asked a ransom for the amount of four thousand dollars to a relative in the United States, amount which was only paid in a portion through a deposit two days after; the interviewee added that the moment the kidnappers received the money, they set her free from the security house.

“The place where I was kept kidnapped is a large house, dark, dirty and the smell was bad. The two days when I remained in captivity, I slept on the floor, there were no blankets and they only fed me once with a hard bread and some water; besides, those individuals who kidnapped me, undressed me and raped me. In such a place, all the time you could hear moaning and yelling, probably from other persons who had been kidnapped...”

“...when I got out of the house and when I arrived to the railway lines, another person took my hand and said: ‘deals must be fulfilled, you know what will happen if you don’t’, referring to the rest of the ransom that I had to give them”.

### **Kidnapping occurred in Tenosique, Tabasco**

A migrant from Honduras, pointed out that he was kidnapped in Tenosique, Tabasco, by a group of “coyotes” who promised to give him food; however, he was kidnapped along with a group of sixty persons, of Central American origin, who were all taken to a warehouse in Reynosa, Tamaulipas, where they were victims of offenses, mistreats, beating and threatening of taking away some personal human organs and kill them. Additionally, they took all their belongings and money, besides asking three thousand and five hundred dollars as ransom. There were other eighty kidnapped persons in such place.

“They said they were ‘coyotes’ and that is why I went along with them. They fed me and offered to make a telephone call to my brother telling him that they will charge three thousand dollars. My brother accepted so I went along with them. While in Coatzacoalcos, they asked me for one thousand dollars; they only gave us one meal, I was there for sixteen days and then they sold me to other people who took me to Matamoros, they obtained a thousand and seven hundred dollars, and from there to Reynosa”

“... the first ones took us to Coatzacoalcos on train, then, they took us to Matamoros by truck where we traveled kneeling all the time and finally to Reynosa by bus...”

They said that if they did not receive payment, they would take away my kidney and afterwards would throw me into the river so the big lizards would eat me”

The interviewee mentioned that they were threatened to cut one foot or ear from them, so their families would recognize that they had been kidnapped.

That he was kidnapped along with other thirty persons by an armed group of fifteen persons. The migrant said that he saw how captors killed some of the kidnapped ones, who were beaten to the railway lines in Tenosique, Tabasco.

The victim could escape after thirty four days of captivity. His family has been subject to telephone extortion:

“They used to say that if I went to migration or to the Migrants House, they would pull me out from there”.

### **Kidnapping occurred in Coatzacoalcos, Veracruz.**

A migrant from Nicaragua, told us that he was kidnapped along with other thirty persons by an armed group of fifteen fellows.

“The train stopped early in the morning at kilometer thirty five before reaching Coatzacoalcos, Veracruz. Several trucks of gray, green and white color, approached the train. There was also a micro-bus where all those who were in the wagon, were placed into it. The trucks were escorting it, we passed by several police reserves but they never stopped us letting



the micro-bus to keep on going. Three of the kidnappers already were with us since Tenosique and they were establishing communication with others who were waiting for us”.

“...the kidnappers hit with a board the buttocks of all those who said they did not have a telephone numbers of the United States...”

“The kidnappers looked as Mexicans or people from Central America. They seemed to be deported persons from the United States as per the American tattoos they had on themselves”.

The migrant indicated that he remained in the security house for three days and once their relatives paid the two thousand dollars ransom, they put him in a taxi cab and left him about four kilometers from the security house.

### **Kidnapping occurred in Tenosique, Tabasco.**

A minor migrant from Guatemala, expressed that he himself and another ten migrants, a minor among them, were walking at dawn on the railway lines in Orizaba, Veracruz when they were violently intercepted by an armed group. The ransom amount for each of them was five hundred dollars. Only seven of them paid the ransom and all were set free.

“They beat us all without exception, burned us with cigarettes, kicked us and remain kidnapped for three days. After they beat us they fed us...”

“If we did not pay, they said, they would pull out a kidney from our bodies and sell it in the United States. They hit us with the fists and also with the handle of knives”.

“...we recognized one of the kidnappers while at the shelter. There he said that he was a migrant and we trust him. Later on he kidnapped us...”

“All kidnappers are from Honduras but one is Mexican. You cannot escape as they have control over that whole town. They used to make contact with a certain commander through cellular phones and radios and in such way they maintained communication”.

“They said there were twenty ‘zetas’ kidnappers groups and each of them had about ten kidnappers. They spent their time hearing protest music from the ‘zetas’; they use to show us videos where a migrant, who was a ‘coyote’, was killed. They surrounded him and kicked him until they hit his head with a stone and we saw how the head went to pieces”.

### **Kidnapping occurred in San Luis Potosi, San Luis Potosi**

A female migrant from Honduras declared that she met a woman and her nephew while in the shelter of San Luis Potosi, San Luis Potosi; such woman convinced her to go along with her to Saltillo, Coahuila. As she did not have any money to pay for the trip, she accepted. Later

on, the woman and her nephew left her alone in a van, while they went along with a 'coyote'. Into such van, six men insulted her and threaten her saying that they would rape and kill her.

"They told me there was a sole condition for letting me free and this was that I should go to the migrants house and take out from it ten persons at least; if doing so, they would let me go to the United States without paying any ransom".

"They forced me to promise that I would do it; they put a gun in my head and kept on threaten me. They told me that if I did not take out the ten persons from the shelter, they would kill me as soon as I would go out".

"...I told them that I would do it but asked them to let me go; when they took me out of the van they threw me on the street and I fell over a taxi cab that was parked there. The taxi driver asked me what was going on and told me to get into the taxi cab promptly; I told him what had happened and he told me not to be afraid as we would go to the police and denounce them, but I informed him that we should not do that as I was a migrant without legal papers; that they would not listen to me because I wasn't from here but from Honduras. She saw me crying and brought me to the shelter".

"... I didn't know such woman's plans; sometimes I feel I have enough courage to go out, but in others I don't, these people have me threatened. They had been calling the shelter asking for me but they have been taking care of me, inside".

### **Kidnapping occurred in Nuevo Laredo, Tamaulipas**

A migrant from Honduras said that he was near the shelter in Nuevo Laredo, Tamaulipas, when a vehicle with two women inside approached him, telling him that they needed six persons to take the garbage out of certain house; that they would pay them a hundred pesos each which was reason enough for this migrant to accept, along with another friend of him.

The women transported the migrants to a security house where there were six more persons, who started beating the migrants with some guns; one of the kidnappers had a camera connected to a computer and took some photographs of them.

"...one of the kidnappers took away my friend, they beat him and gave him a phone and told him to call his relatives and ask them for a thousand and two hundred dollars so they would let him go; one by one, we went through the same..."

"...while they beat us, they would film and would take photographs of us; they send the photographs to our relatives in the United States by electronic mail..."

The migrants remained kidnapped during two weeks.

"They kept us in a small room where it was cold with air conditioned; they forced us to wear two trousers and watered us with a hose which threw cold water; we were shaking all the

time. They kept on taking photographs from us during the whole process, all done to take money out of us. I recall that they didn't feed us during the first three days..."

"... there was only one who didn't have money, he didn't have anyone to help him and they killed him right there in front of us by beating him with a bat on the head or in any place of his body. He was from El Salvador...with the first hit on his head, he fainted but they kept on beating him in the stomach until five of them together finished him through more beating..."

"...a bat's blow open my head and my arm was beaten with a gun handle; I was also beaten on my nose with a nine millimeter gun. While they beat me, they would film with nearly six cameras and three computers..."

"when our relatives paid, they placed us in a van with our eyes covered with a bandage along with the body of the Salvadoran they had killed, and we all got down near a river; after several gun shoots to the ground, they asked us to throw ourselves into the river..."

### **Kidnapping occurred in Coatzacoalcos, Veracruz.**

A migrant from Guatemala told that he was kidnapped, along with a large group of persons, near the railway lines in Coatzacoalcos, Veracruz, by four men from Honduras who said they were guides and will take them to the United States at a thousand and five hundred dollars cost. Once they accepted, they were taken to a security house in that city. The interviewee expressed that they left one afternoon, heading to Reynosa, Tamaulipas; that they all were in three trucks and those people were kind to them at any moment. They fed them and told them that they would take them across the border. When they arrived at Reynosa, they gave them bandages indicating that they should cover their eyes and they didn't let them remove them until they were inside the security house, where they remained kidnapped.

"It was a large house with many rooms, didn't have any furniture, there were a lot of security guards all armed with AK-47..."

"Already inside the house, we were taken to some of those rooms and asked us to phone our relatives and ask them for money. The one who didn't want to call, was beaten, they jumped over his stomach while he was laying on the floor and hit him with a board..."

"I remained kidnapped for sixty days. During such time I was only fed with a glass of rice and another with water at noon time. We were more than eighty persons in a small room, we had to sleep crouched, we were not allowed to go to the bathroom. My cousin paid a thousand dollars and they let me out..."

"...the kidnappers would eat chicken or other food in front of us, so we could see them. Those who dare to pick up the chicken remains, were beaten with a board..."

“With that kind of diet, I lost twenty kilos during the sixty day where I remained kidnapped. They constantly threatened us with guns over our heads; they said they would kill us and would throw us into the river...”

The migrant was finally liberated along with other six persons who had paid the ransom. They placed them inside a white van and later on, left them near the migrants house. According to the migrant testimony, those who didn't pay were beaten and left out on the hills.

### **Kidnapping occurred in Reynosa, Tamaulipas.**

A migrant from Honduras pointed out that he was kidnapped in Reynosa, Tamaulipas, by a gang of eight armed individuals who said they were ‘coyotes’ and offered to take the migrants to “the other side”. The migrant was kidnapped along with other sixty two migrants; all of them were insulted and threatened to kill, and were taken to a security house located in this same city, where there were another hundred and three kidnapped ones. The ransom amount to liberate the victim was one thousand and five hundred dollars. He remained kidnapped for twenty seven days and the ransom was paid by his relatives through a deposit made in a money remittances company.