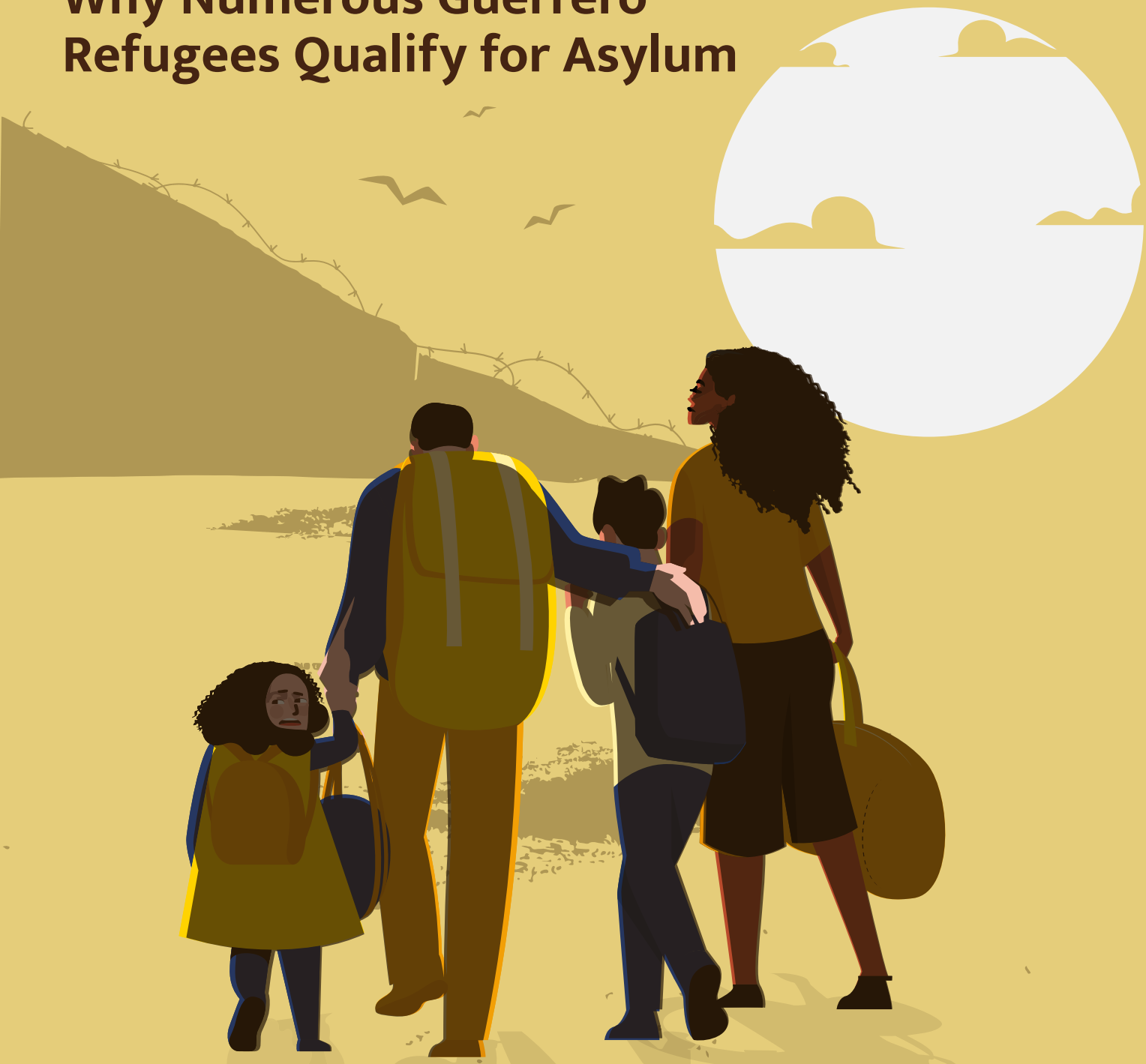
Fleeing Terror in Southern Mexico:

Why Numerous Guerrero Refugees Qualify for Asylum



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I. Executive summary

The International Human Rights Clinic of Seattle University School of Law* and Kino Border Initiative have interviewed, in both the United States and Mexico, over 25 refugees** from Guerrero, Mexico, human rights experts on Mexico, and the Honorable Nestora Salgado, the national senator from Guerrero. We have also conducted extensive factual and legal research into the current situation in Southern Mexico, and draw upon more than 15 years of experience working in the region. We conclude that numerous refugees from Guerrero should qualify for asylum under U.S. law, and summarize our findings and analysis here:

- Powerful criminal organizations have caused chaos in the state of Guerrero, Mexico, and have inflicted tremendous violence. Guerrero residents have been constant victims of brutal killings, torture, aggravated rape, kidnappings, assault, forced displacement, economic crimes, and deep psychological trauma.

- The concept of a "particular social group" (PSG) is central to U.S. asylum law, allowing individuals to seek protection based on their membership in a group with common, immutable characteristics. In Guerrero, there are numerous potential PSG, including but not limited to: indigenous and Afro-Mexican persons, women, LGBTQ+ individuals, students, business owners, transportation workers, human rights defenders, journalists, political leaders, and other victims and witnesses of certain crimes. Recognizing these groups is crucial to ensure that they receive the full protection they are entitled to under international and U.S. asylum law.

- Sixteen criminal organizations have terrorized Guerrero, a strategic hub for drug trafficking in Mexico. In addition, State actors—including soldiers, police, and government officials—are responsible for human rights violations by actively taking part in killings and disappearances, colluding with criminal groups, and blocking accountability for their own abuses and the crimes of cartels.

** The following Clinic members, all law students, conducted interviews and drafted this report: Chris Flory (also served as Research Assistant), Calista Bechtold, Tyler Beckum, Andrew Kuna, Lisa Lee, Ankita Mishra, and Catherine Mitri. Professor Thomas Antkowiak supervised the interviewing and drafting process. Matías Antkowiak also assisted with several interviews. The Clinic extends its deep gratitude to Zoe Martens, formerly of KBI, for her keen vision and many vital contributions to this report.*

*** For their safety and security, we have replaced the actual names of the interviewed Guerrero refugees with pseudonyms (using only a first-name pseudonym, such as "Santiago" or "Jimena").*

- Government officials in Guerrero have shown they are unwilling or unable to protect victims of violence, deter rampant crime or provide accountability for these widespread illegal acts. With impunity levels sky high, Guerrero residents justifiably cannot trust the government to act independently from organized crime, to ensure their safety or to remedy human rights violations.

- The national reach of organized crime in Mexico is well documented. When Guerrero residents seek safety in other parts of the country, the strategy often proves tragically ineffective. Criminal groups have extensive networks and sophisticated methods that allow them to find and kill targets across Mexico.

II. Why are residents fleeing Guerrero?

Powerful criminal organizations have caused chaos in Guerrero and have inflicted tremendous violence on the innocent residents. Residents in Guerrero have been constant victims of massacres, other viole-nt killings, torture, aggravated rape, kidnappings, assault, forced displacement, economic crimes, and deep psychological trauma, as discussed in the following sections.[1]

A. PHYSICAL HARM

1 Types of Physical Harm:

Physical harms documented in this report range from extremes such as murder, torture, and sexual violence to other crimes like assault and theft. The following section briefly discusses crimes commonly committed by criminal organizations in Guerrero. Frequently, these crimes target specific groups, which is further explained in this report's Section III.

i Murder

Many individuals in Guerrero have been murdered by criminal organizations, who often wield heavy machine guns and deploy drones for bombings in targeted attacks.[2] For instance, we interviewed Santiago, whose two sons were killed as part of a scheme targeting their business for extortion.[3] Often criminal groups kidnap and subsequently murder people for opposing their recruitment efforts.[4] Cartels also target taxi drivers and street cleaners during their violent battles for control over routes, evidenced by several crimes like the recent murder of Omar Reina Abarca, the leader of the *Real de Oro* Taxi Drivers Organization.[5]

Additionally, revenge killings for reporting crimes to authorities or resisting cartel activities are tragically common,[6] including in cases of community police groups,[7] human rights defenders, journalists, activists,[8] and media reporters (see also Section III).[9] For example, on July 15, 2023, Nelson Matus, the director of news website *Lo Real de Guerrero* who routinely reported about crimes in the state, was fatally shot outside

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1 As for massacres, the group *Causa en Común* documented numerous episodes in Mexico during 2023, and Guerrero suffered the second-highest total: 38 massacres. *Massacres Are Concentrated in Four States of the Country*, CE NOTICIAS FINANCIERAS: ENGLISH, Dec. 26, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1962BD5804F6C080.

2 Interview conducted by Seattle U. International Human Rights Clinic with Senator Nestora Salgado on February 15, 2024. Where the report refers to an interview using a full name, it is the actual identity of the person interviewed. Interviews cited with only first names are pseudonyms.

3 Interview conducted by Seattle U. International Human Rights Clinic with Santiago on October 21, 2023.

4 Interview conducted by Seattle U. International Human Rights Clinic with Jimena on October 21, 2023; Interview conducted by Seattle U. International Human Rights Clinic with Lucía on October 21, 2023.

5 Interview conducted by Seattle U. International Human Rights Clinic with Elías on October 21, 2023; *Violence Escalates in Mexican State of Guerrero Where Transport Leader Murdered*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 14, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1973255F8D700870.

6 Interview conducted by Seattle U. International Human Rights Clinic with Nicolás on February 25, 2024; Interview conducted by Seattle U. International Human Rights Clinic with Andrea and Fernanda on October 21, 2023

7 Interview conducted by Seattle U. International Human Rights Clinic with David and Emilia on October 21, 2023.

8 AMNESTY INTERNATIONAL, THE STATE OF THE WORLD'S HUMAN RIGHTS (Apr. 2024) [hereinafter AMNESTY 2024 REPORT], https://www.amnesty.org/en/documents/pol10/7200/2024/en/.

9 Cristina Caicedo Smit, Guadalupe Rincon & Anareli Palomares, *Mexico's Journalists Demand Action After Latest Killings*, VOICE OF AMERICA NEWS / FIND, July 19, 2023, https://www.voanews.

a store in Acapulco, Guerrero, leading to renewed calls for the protection of Mexico's media community.[10] In 2023, Global Witness reported that 31 environmental activists were killed in 2022, while the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented at least 13 murders of human rights defenders during that year.[11]

Moreover, the cartels resort to extreme measures like shooting or bombing with remotely-operated drones[12] to eliminate competition and acquire land and properties.[13] For example, in the town of San Agustin El Viejo, located in the mountains of Guerrero, hitmen shot and killed five or six victims so they could seize indigenous territories to control the production and trade of poppies and other drugs.[14] A drug cartel also set off a series of eight remotely-operated road bombs to ambush police officers, killing four officers and two civilians.[15] Simply witnessing criminal acts can lead to fatal consequences.[16]

Even political leaders and elected officials are not safe in Guerrero.[17] In 2022, the most political violence in all of Mexico was observed in the states of Guerrero, Veracruz, and Guanajuato.[18] For instance, on October 5, 2022, Conrado Mendoza, Mayor of San Miguel Totolapa, Guerrero, was assassinated along with 19 other individuals and city leaders by alleged members of the criminal group *La Familia Michoacana*.[19] In 2023, both the representative of Mexico's Attorney General Office[20] and a prosecutor for the state prosecutor's office were both killed.[21] Further, *Integralia Consultores*' political violence report warned of the growing intervention of organized crime in the 2024 Mexico local and municipal elections, to either force candidates to cooperate or to eliminate them, placing Guerrero as one of the highest-risk states for candidates.[22]

Guerrero has also witnessed several cases where people are burned alive along with their houses, lands, and vehicles, especially through the deployment of bombs.[23] In order to protect their property from being taken over by the criminal groups, residents try to defend their property, or are simply unable to flee in time, leading to their gruesome deaths.[24] The crime of burning people alive in their vehicles has observed an increase since the war began between cartels to control transport routes.[25] For instance, two taxi drivers were brutally killed in Chilpancingo where one driver was

com/a/mexico-s-journalists-demand-action-after-latest-killings-/7187777.html; *Another Journalist Killed in Mexico*, TELEGRAPH - HERALD, Jul. 17, 2023.

10 Caicedo Smit, et al., *supra* note 9; TELEGRAPH - HERALD, *Another Journalist Killed in Mexico*, *supra* note 9.

11 AMNESTY 2024 REPORT, *supra* note 8.

12 *La Familia Michoacana and Its Strategy With Explosive Dones to Drive Rival Groups Out of Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 16, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1969C10C3912CF30.

13 Interview with Andrea and Fernanda, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview conducted by Seattle U. International Human Rights Clinic with the Hernández family on October 21, 2023; Interview conducted by Seattle U. International Human Rights Clinic with Victoria on February 15, 2023.

14 Interview conducted by Seattle U. International Human Rights Clinic with Romina on October 21, 2023.

15 *Roadway Bombs in Mexico Kill 4 Police Officers, 2 Civilians*, TELEGRAPH - HERALD, Jul. 13, 2023.

16 Interview with Andrea and Fernanda, *supra* note 6.

17 UNITED STATES DEPARTMENT OF STATE, 2022 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: MEXICO (2022), https://www.state.gov/wp-content/uploads/2023/02/415610_MEXICO-2022-HUMAN-RIGHTS-REPORT.pdf.

18 *Id.* at 23.

19 Karol Suárez & Franyeli Garcia, *Holding Public Office in Mexico Is Risky Business: Drug Cartels Have Been Targeting, Killing Local Leaders*, COURIER - JOURNAL, Aug. 6, 2023; Habitantes de San Miguel Totolapan, Guerrero, Crean Policía Comunitaria Contra La Familia Michoacana [*Residents of San Miguel Totolapan, Guerrero, create community police against la Familia Michoacana*], ANIMAL POLITICO, March 25, 2023, https://www.animalpolitico.com/estados/san-miguel-totolapan-guerrero-policia-comunitaria

20 *Gunmen kill Mexico Attorney General's delegate to southern state of Guerrero*, AP News, Sept. 12, 2023, https://apnews.com/article/mexico-violence-gunmen-guerrero-5e5ce50b0e784f2104f56476b77b0cf0

21 *The Murder of An Attorney General in Mexico Questions the Authorities in a Wave of Violence Sweeping the Country*, CE NOTICIAS FINANCIERAS: ENGLISH, Sept. 12, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F194036F0A30C9478.

22 *Six States Present High Risk of Organized Crime Interference in Elections*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 9, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F19717F7E6E3E0728; Organized Crime Intimidates Candidates in Three States, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 14, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1973256CB8C07528.

23 Interview Elías, *supra* note 5.

24 *Id.*; Interview with David and Emilia, *supra* note 7.

25 Interview with Nestora Salgado, *supra* note 2.

shot and burned alive along with his vehicle, and the other driver was shot and left to die.[26] Another form of this crime is burning people with substances like acid while they are kidnapped and detained.[27] In fact, the increased occurrence of this crime prompted the Permanent Secretariat to approve the resolution to criminalize acid attacks in twenty-two Mexican states, including in Guerrero.[28] The cartels also burn residents' property, including wooden houses and cars, in their absence.[29]

The fragmentation of cartels and their struggle for power has greatly increased the violence experienced in Guerrero, with almost 2,000 homicides in 2017 for a population of approximately 3.3 million.[30] With 1,688 murders in 2023, Guerrero ranks very high nationally in the number of homicides due to organized crime disputes, as reported by the Secretariat of Security and Citizen Protection (SSPC).[31] Between January and June of 2023, Guerrero suffered a 20% increase in the number of victims of intentional homicides, with 800 official murder reports.[32] Additionally, Guerrero experienced one of the highest rates for violent deaths of police officers, with 34 reported murders in 2023.[33] Rates of femicide also remain high, with approximately nine women murdered per day in 2023.[34]

In the first months of 2024, Guerrero continued to be one of the worst Mexican states for homicides.[35] On January 6, 2024, alone, a shooting left 13 dead in the municipality of Petatlán.[36]

ii Kidnapping

Criminal organizations commonly use kidnapping as a tactic to extort money from victims and their families or force them to pay debts. For instance, we met with Elena, a successful business owner who was held hostage in the wilderness for three weeks until her family could collect the required ransom money.[37] Another man we spoke to, Nicolás, was kidnapped by a criminal group and held hostage for three days until he could pay off his alleged debts.[38] If individuals are unable to pay these monthly *cuotas*,[39] their children could be kidnapped; even after paying the criminal groups, the children may not be returned.[40] Cartels have also turned to the extortion and kidnapping of indigenous community members and started illegal mining operations in their territories for

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26 Pablo Ferri, La *Guerra Por el Transporte Público en el Centro de Guerrero Sitia Chilpancingo* [*The War Over Public Transport in Central Guerrero Besieges Chilpancingo*], El País, Feb. 6, 2024, https://elpais.com/mexico/2024-02-06/la-guerra-por-el-transporte-publico-en-el-centro-de-guerrero-sitia-chilpancingo.html.

27 Interview conducted by Seattle U. International Human Rights Clinic with Elena on February 14, 2024.

28 *The Permanent Secretariat Approves a Resolution To Ask 22 States To Criminalize Acid Attacks*, CE NOTICIAS FINANCIERAS: ENGLISH, Aug. 9, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1934C84E2D34C100.

29 Interview with Romina, *supra* note 14.

30 ANA MINIAN ET AL., MIGRATION & ASYLUM LAB, MEXICO COUNTRY CONDITIONS BULLETIN 64 (2023), https://migration.stanford.edu/sites/g/files/sbiybj30036/files/media/file/2023-mexico-bulletin.pdf; Ioan Grillo, *Mexico's New, Deadlier Crime Lords*, U.S. News, Dec 8, 2017, https://www.usnews.com/news/best-countries/articles/2017-12-08/splintering-of-cartels-in-mexico-pushes-deadly-violence-to-record-levels.

31 *Seven Killed in Crime Fighting in the Capital of Mexico's Guerrero State*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 19, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F196AD08A10F460B8.

32 *Homicide Up 20% in Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Aug. 2, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1932984F4311C440

33 *One Policeman Dies Every Day in the Country*, CE NOTICIAS FINANCIERAS: ENGLISH, Nov. 4, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F195196621157E548.

34 AMNESTY 2024 REPORT, *supra* note 8.

35 *Criminal Violence Unstoppable in the States; a Multiple Murder Is Registered Every 20 Hours*, CE NAFTA 2.0 NEWSWIRE: ENGLISH (USA), Feb. 15, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1973BAC40C84D580.

36 *U.S. Issues Travel Alert to Southern Mexico Due to Violence Crisis in Taxco, Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 27, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F196D368ACB0D0678

37 Interview with Elena, *supra* note 27.

38 Interview with Nicolás, *supra* note 6.

39 *Cuotas* are also referred to as *"cargo de piso"* or *"derecho de piso."* These are fees or 'taxes' that a person must pay to the relevant criminal organization in exchange for supposed "protection" or to be simply left alone. These *cuotas* are prevalent in two scenarios: the first is to inflict direct financial harm to a person's livelihood and the second is a tool of oppression. The Spanish word *"cuota"* will be used throughout this report to differentiate these extortionary practices of criminal groups from other types of general fees or taxes taken by the State.

40 Interview conducted by Seattle U. International Human Rights Clinic with Natalia on February 14, 2024.

revenue.[41]

While in captivity, victims endure inhuman treatment, such as being tied up, tortured, beaten, and raped.[42] Criminal organizations have also been known to feed victims to animals like tigers so that their bodies are torn apart, they become unidentifiable, and they are never found.[43]

Initially, people were targeted and kidnapped by criminal organizations because they were wealthy.[44] However, in recent times, individuals are being kidnapped irrespective of their financial status, as the criminals know that families will go to great lengths, even to the extent of taking out large loans, to pay the ransom.[45] Further, kidnapping is also used as a recruitment method, with young children and teenagers forcibly taken to work for the cartels, facing death if they refuse. [46]

Although kidnappings are widespread, official statistics from the National Public Security System (NPSS) do not align with reality due to severe underreporting.[47] To illustrate, the National Survey on Victimization and Perception of Public Safety indicates that approximately 94% of kidnappings went unreported in 2019.[48] Based on this survey, experts have estimated that around 2,875 kidnappings actually occurred in Guerrero alone that year, far surpassing government figures from NPSS.[49]

iii Forced Disappearances

In Guerrero, many kidnapped individuals are forcefully disappeared; their remains are hidden in clandestine graves and never found.[50] Human rights defenders and environmental activists are widely attacked and threatened to deter them from uncovering the truths and pursuing actions against these criminals.[51] In addition to murder and kidnapping, many human rights defenders have vanished, including the forced disappearances of Alejandro Ortiz Vazquez in Metlatonoc, Guerrero, in April 2023 and Antonio Diaz Valencia and Ricardo Lagunes in January 2023.[52] Members of the LGBTQ+ community also face several types of violence, including forced disappearance. In September 2023, Moisés Tomás Juárez Abarca, a Progressive Left activist and leader of sexual diversity in Acapulco, Guerrero, was reported missing along with Jesús Arroyo, Brian Vargas, and three other individuals.[53] The relatives of individuals disappeared or murdered by cartels also face grave risk of murder, threats, and physical aggression, when seeking out information about their loved ones or denouncing the crimes committed against them.[54]

The rate of forced disappearances in Mexico generally and Guerrero specifically are

41 MINIAN, *supra* note 30, at 65; Henry Shuldiner, *Indigenous Communities Get No Help Against Constant Criminal Threats*, MEXICO NEWS DAILY, May 17, 2022, https://mexiconewsdaily.com/news/analysis/indigenous-communities-get-no-help-from-criminals/.
42 Interview with Jimena, *supra* note 4; Interview with Nicolás, *supra* note 6; Interview conducted by Seattle U. International Human Rights Clinic with the González Family on October 21, 2023.
43 Interview conducted by Seattle U. International Human Rights Clinic with Mateo on February 17, 2024.
44 Interview with Nicolás, *supra* note 6.
45 Interview with the González Family, *supra* note 42.
46 Interview with Andrea and Fernanda, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview conducted by Seattle U. International Human Rights Clinic with Emilio and Julieta on October 21, 2023; Interview conducted by Seattle U. International Human Rights Clinic with Diego on October 21, 2023; Interview conducted by Seattle U. International Human Rights Clinic with Abel Barrera Hernández on January 31, 2024.
47 LAURA Y. CALDERÓN ET AL., UNIVERSITY OF SAN DIEGO, ORGANIZED CRIME AND VIOLENCE IN MEXICO: 2021 SPECIAL REPORT (Oct. 2021), https://justiceinmexico.org/wp-content/uploads/2021/10/OCVM-21.pdf.
48 *Id*. at 19 n.5 (The previous year's victimization survey reported a lower rate of reporting for kidnapping crimes (91%)).
49 *Id*.
50 *UN Orders Mexico to Reactivate National Human Identification Center*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 19, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1974CB4A5858FC88; Interview with Nestora Salgado, supra note 2 (people are also disappeared so that their organs can be trafficked).
51 AMNESTY 2024 REPORT, *supra* note 8.
52 Press Release, Inter-American Commission on Human Rights, IACHR: Ongoing Violence Against Human Rights Defenders in the First Four Months of 2023 (Jun. 29, 2023) [hereinafter IACHR Press Release], https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/138.asp.
53 *LGBT Activist and Leader and Five Companions Reported Missing in Acapulco, Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Sept. 5, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F193DB59924D88E60.
54 *UN Condemns Murder of Mexican Man Searching for Missing Son in Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 15, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1973A464B3A43ED0; MINIAN, *supra* note 30, at 63; *Denuncian Amenazas Contra Familiares y Estudiantes de Ayotzinapa* [*Threats Reported Against Relatives and Students From Ayotzinapa*], LINDERO NORTE NOTICIAS, Feb 1, 2015, https://linderonorte.com/2015/02/01/denuncian-amenazas-contra-familiares-y-estudiantes-de-ayotzinapa/.

exceedingly high. During the year 2022 alone, Mexican authorities registered at least 9,826 cases of missing and disappeared persons.[55] Yet there had been only 36 convictions for the crime of disappearance according to the Mexican National Search Commission (CNB).[56] These numbers continued to increase in 2023, with at least 12,031 cases of missing and disappeared people registered with the CNB.[57] Guerrero, for its part, is notorious for its crisis of forced disappearances. In one of the nation's most infamous cases, 43 students were forcibly disappeared from Ayotzinapa, Guerrero in 2014.[58] More recently, within the short span from December 23, 2023, to the first week of January 2024, 14 people were officially missing in Taxco de Alarcón, Guerrero.[59] However, authorities regularly fail to take the basic steps to find these individuals, including conducting prompt, exhaustive, and impartial investigations, leading to near-total impunity for disappearances—a situation that has been denounced by the United Nations Committee on Enforced Disappearances (CED).[60]

iv Shootings and Gun Violence

Another approach employed by cartels to threaten people is shooting and gun violence, with or without the intent to kill, in the form of either a targeted shooting or indiscriminate open fire. In some cases, people suffer instances of targeted shooting by criminal groups with the intent to kill.[61] The targets could be specific individuals for various reasons or persons belonging to specific professions like transportation workers,[62] activists, journalists, or even police officers. For instance, four public transportation workers were killed by gunfire in the capital city of Chilpancingo, initiated by the criminal organizations, *Los Ardillos* and *Los Tlacos*.[63] A dozen police officers, including the Municipal Police Chief and a local security supervisor, were killed on October 23, 2023, in an open-fire ambush in a coastal town north of Acapulco, Guerrero.[64] On May 11, 2023, Gerardo Torres Renteria, a retired cameraman and reporter for Telemundo, was shot in his home in Acapulco, Guerrero.[65]

In other cases, shooting is used to coerce individuals. We spoke with Sofía, whose spouse was shot in the face in front of her, to force her into selling drugs for the criminal group.[66] Additionally, hitmen often open fire at homes or towns when unable to gain entry, showing no regard for whether innocent bystanders or the target's family members are also present.[67] In another interview, Romina recounted that a 5-year-old boy was killed in a shootout, where several people pursued by gunmen were thrown off a church's belltower to the streets and died.[68] The indiscriminate use of dangerous weapons demonstrates the callous disregard cartels have for human life in this region.

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55 AMNESTY INTERNATIONAL, REPORT 2022/23 – MEXICO (2023) [hereinafter AMNESTY 2023 MEXICO REPORT], https://www.amnesty.org/en/location/americas/north-america/mexico/report-mexico/ (full report PDF available at https://www.amnesty.org/en/documents/pol10/5670/2023/en/).
56 Id.
57 AMNESTY 2024 REPORT, *supra* note 8.
58 AMNESTY 2024 REPORT, *supra* note 8.
59 *Disappearance of People, Part of the Insecurity Crisis Faced by Taxco de Alarcón*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 7, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F19669F24E7D23E90.
60 *Mexico: Events of 2023*, HUMAN RIGHTS WATCH, https://www.hrw.org/world-report/2024/country-chapters/mexico
61 Interview with the Hernández family, *supra* note 13.
62 Georgina Zerega, *El Crimen Organizado Paraliza Taxco: Sin Clases, Sin Transporte, Ni Comercios* [*Organized Crime Paralyzes Taxco: No School, Public Transportation, or Store*], EL PAÍS MEXICO, Jan. 23, 2024, https://elpais.com/mexico/2024-01-23/el-crimen-organizado-paraliza-taxco-sin-clases-sin-transporte-ni-comercios.html.
63 Ferri, *supra* note 26.
64 Mary Beth Sheridan, *Twelve Mexican Police Officers Killed in Attack near Acapulco*, THE WASHINGTON POST, Oct. 25, 2023, https://www.washingtonpost.com/world/2023/10/24/mexico-acapulco-police-slain-drug-war/.
65 Rowan Humphries, *Mexico, Authorities Must Investigate Killing of Journalist Marco Aurelio Ramirez Hernandez*, INTERNATIONAL PRESS INSTITUTE, Jun. 1, 2023, https://ipi.media/mexico-authorities-must-investigate-killing-of-journalist-marco-aurelio-ramirez-hernandez/.
66 Interview conducted by Seattle U. International Human Rights Clinic with Sofia on February 13, 2024.
67 Interview with Andrea and Fernanda, *supra* note 6; Interview with Emilio and Julieta, *supra* note 46.
68 Interview with Romina, *supra* note 14.

v Assault and Robbery

An alternative strategy the criminal organizations employ to spread fear and retain control of the residents of Guerrero is to assault and rob them. The people of Guerrero suffer a wide array of assaults and robberies at the hands of criminal organizations that vary in harm and severity. It is quite common for people to get mugged, beaten up, and robbed of their wallets, vehicles, passports, cell phones, and personal belongings.[69] Further, people are insulted, thrown to the ground, and threatened with guns to their heads.[70] According to our interview with Santiago, a woman six months pregnant with twins suffered a miscarriage when the criminals attacked her.[71] In another interview, Sofía told us about an assault on a man who was stripped naked, tied to a car by a rope, and dragged on the road, with the intent to punish and kill him.[72]

vi Gender and Sexual Violence

Rape and sexual violence against women and girls are very common, often committed by criminal organizations as well as military personnel.[73] As demonstrated by Elena's personal experience, sexual harassment in the workplace further compounds the suffering for women who have already been forced to flee their homes due to violence and are trying to earn money to support themselves and their families.[74] Men also face rape while held in captivity by criminal groups.[75]

In 2022, the Mexican government reported about 3,757 killings of women, one-quarter of which were considered femicides (killings of women specifically because of their gender).[76] Women's rights advocates state that femicide is likely under-reported.[77] The gender violence was primarily concentrated in 4 states, including Guerrero.[78]

vii **Forced Displacement**

Due to the dramatically-increased instances of violence in Guerrero, forced displacement of its residents has become very prevalent.[79] People are forced to flee, leaving behind their homes, lands, and vehicles, due to severe violence making it untenable to continue to live in the state.[80] For example, according to our interview with Victoria, an indigenous man from her village in the mountains was killed because he was fighting to protect his land, cattle, and agricultural business from the cartels.[81] After fleeing their homes, victims often leave Guerrero and remain in hiding until they can obtain an asylum appointment with the US government.[82] Forced displacement has become a major problem in Guerrero; over 84% of the people leaving Guerrero flee due to the widespread violence.[83] Additionally, in 2023, Guerrero,

69 Interview with Santiago, *supra* note 3.
70 *Id*.
71 *Id*.
72 Interview with Sofia, *supra* note 66.
73 Interview with Andrea and Fernanda, *supra* note 6; Interview with Romina, *supra* note 14 (in some marginalized areas like the mountain town of San Agustín El Viejo, the tradition of treating women and girls as commodities to be "sold" for marriage still persists); Interview with Abel Barrera Hernández, *supra* note 46.
74 Interview with Elena, *supra* note 27.
75 Interview with Nicolás, *supra* note 6.
76 Mexico: Events of 2023, *supra* note 60.
77 Mexico: Events of 2023, *supra* note 60; *Wave of Femicides Escalates in Eight States*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 26, 2024 (As reported by the Executive Secretariat of the National Public Security System, the total number of women in Mexico who were victims of other illicit acts in 2023 are as follows: Homicide 2,581; Kidnapping 221; Trafficking in persons 592; Gender violence 6,407; Injury 70,203; Extortion 3,796; Domestic violence 284,140; Rape 22,725) https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F196CF50CA57998F0.
78 *Id*.
79 *Alert For Escalation of Displacements*, CE NOTICIAS FINANCIERAS: ENGLISH, Dec. 24, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F19621498ECB65D88; *Violence Displaces 380,000 in Mexico*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 3, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F196560492752BDF0; Jesús Guerrero, *Displaced People Flee Again after Looting in Guerrero*, CE LATIN AMERICA MIGRATION NEWSFEED: ENGLISH, Mar. 3, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=-15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1900902CC6016250.
80 Interview with Nestora Salgado, *supra* note 2; Interview with Abel Barrera Hernández, *supra* note 46.
81 Interview with Victoria, *supra* note 13.
82 Interview with Nicolás, *supra* note 6.
83 Information for 2023 collected by Kino Border Initiative.

Chiapas, and Oaxaca were the states that reported the highest number of displaced indigenous people in the country, both in terms of episodes and number of people.[84]

2 **Frequency and Extent of Physical Harm:**
The criminal organizations often subject the people of Guerrero to repeated physical harms either as a way of ensuring compliance or instilling fear in them. Sometimes, when criminal groups are trying to recruit people by threatening them, beating them, or kidnapping them, these harms are inflicted multiple times.[85] Repeated harms are also inflicted when extorting people and beating them for non-payment of debts and *cuotas*.[86] Crimes like shooting are often committed several times when people are targeted for specific reasons like extortion, revenge, and for filing reports and lawsuits.[87]

In cases when victims have financial resources, they seek medical attention at private hospitals or through house calls.[88] Crime victims avoid public hospitals if possible, because of the fear and real possibility that the criminal groups will come into hospitals and attack them.[89] For instance, after the man Sofía witnessed being shot in the face was taken to a medical clinic, he disappeared and was never found again, despite a prolonged search. [90]

3 **Reporting of Physical Harm:**
While crime rates in Guerrero are extremely high, the reporting of those crimes to relevant authorities is disproportionately low. As observed by Elías and several other interviewees, it is apparent that despite people's wishes to report the crimes, they are often unable to do so because of the fear instilled in them by criminal groups, who often retaliate.[91] Sometimes, people are even advised by their lawyers to not report crimes, including murder, because if the criminals find out, it is almost certain that the reporter will be killed[92] (see also Section V).

Alternatively, even when people summon the courage to report crimes, the authorities like police or public prosecutors do not assist the victim. Instead, they treat victims poorly,[93] use threats to silence them,[94] or simply do nothing to investigate the crime and ignore the victims,[95] resulting in very high impunity levels (see also Section V). Romina, who suffered the deaths of her two sons and witnessed the assault of her partner and grandchildren by criminal groups, expressed her anguish: "There's no authority in all of Guerrero; criminals have a free pass to do whatever they want, and no one stops them."[96]

The stark lack of reporting crimes can also be attributed to the limitations, whether coerced or personal, faced by the authorities and the criminal justice system. The criminal groups are extremely powerful and influential, causing even the authorities to greatly fear the cartels, who threaten to kill officials and/or their families if they take any action to file or resolve the reports.[97] Further, corruption has invaded the police and military in Guerrero; several actively collaborate with criminal groups, either for personal gain or by force

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84 CE NOTICIAS FINANCIERAS, *Violence displaces 380,000 in Mexico*, *supra* note 79.
85 Interview with Jimena, *supra* note 4.
86Interview with David and Emilia, *supra* note 7.
87 Interview with the Hernández family, *supra* note 13.
88 Interview with Abel Barrera Hernández, *supra* note 46.
89 *Id*.
90 Interview with Sofia, *supra* note 66.
91 Interview with Nestora Salgado, *supra* note 2; Interview with Santiago, *supra* note 3; Interview with Jimena, *supra* note 4; Interview Elías, *supra* note 5; Interview with Nicolás, *supra* note 6; Interview with Sofia, *supra* note 66.
92 Interview with Santiago, *supra* note 3; Interview with Jimena, *supra* note 4.
93 Interview with Santiago, *supra* note 3.
94 Interview with Andrea and Fernanda, *supra* note 6.
95 Interview with David and Emilia, *supra* note 7; Interview with the Hernández family, *supra* note 13; Interview with Romina, *supra* note 14.
96 Interview with Romina, *supra* note 14.
97 Interview with Lucía, *supra* note 4; Interview with David and Emilia, *supra* note 7; Interview with Romina, *supra* note 14.

and fear.[98] This is also a common reason why these authorities take no action when crimes are reported or even occur in front of them.[99] There are instances where police actually escort the cartel members during criminal operations; also, cartel members will pay or pressure for a quick release from jail, and then immediately threaten all who reported them.[100] Jimena explained to us that "No sane person in Mexico would file a report against organized crime, knowing one's life would be at risk… you will never see that happen."[101]

B. ECONOMIC HARMS

Residents of Guerrero experience numerous economic harms at the hands of the rampant criminal organizations in Guerrero. The vast majority of economic harms that the people of Guerrero endure take the form of *cuotas* or "derecho de piso".[102] These are fees or 'taxes' that a person must pay to the relevant criminal organization in exchange for supposed "protection" or to be simply left alone.[103] These *cuotas* are prevalent in two scenarios: the first is to inflict direct financial harm to a person's livelihood and the second is a tool of oppression.

The first type of *cuota* harms a person's livelihood. Often these *cuotas* are charged to people who are business owners or sellers of goods.[104] For example, a business owner, like the owner of a mechanic shop, may be required to pay weekly or monthly,[105] but a fisherman or tortilla maker may be required to pay per day[106]. Frequently, if any person has a source of stable income, they are expected to pay a *cuota*[107] . The criminal organizations have intensified the use of violence against business owners and salespeople to ensure they make these payments in a timely manner.[108]

The second type of *cuota* involves oppression through financial manipulation. This is a way for the criminal organizations to 'send messages' or to create a vulnerability in the residents. Commonly, criminal organizations will charge a person a *cuota* simply to ensure the safety of a person's family; this is especially applicable to individuals who have children.[109]

As discussed above, failure to pay these *cuotas* has very tangible and immediate consequences, including threats, kidnapping, beatings, and in many instances killings.[110] If a person refuses to pay these *cuotas*, they could be killed very soon.[111] On other occasions, the criminal organization may continue to increase the price of the *cuota* to the point that it becomes unmanageable for people to pay.

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98 Interview with Abel Barrera Hernández, *supra* note 46.
99 Interview with Santiago, *supra* note 3; Interview with Jimena, *supra* note 4; Interview with Lucía, *supra* note 4; Interview Elías, *supra* note 5; Interview with David and Emilia, *supra* note 7; Interview with Emilio
and Julieta, *supra* note 46; Interview with Abel Barrera Hernández, *supra* note 46.
100 Interview with the Hernández family, *supra* note 13; Interview with Emilio and Julieta, *supra* note 46.
101 Interview with Jimena, *supra* note 4.
102 We use the Spanish word "*cuota*" to differentiate between other types of general fees or taxes taken by the State.
103 Interview with Abel Barrera Hernández, *supra* note 46.
104 Yáñez Romero & José Arturo, *Drug-Trafficking-Related Violence in Mexico: Organization and Expansion*, VOICES OF MEXICO 84, 2009, at 17 (explaining the impact that criminal organizations have on business owners, and salespeople in Mexico); *See also* Interview with Santiago, *supra* note 3; Interview with Nicolás, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview with Elena, *supra* note 27; Interview with Natalia, *supra* note 40; Interview with Diego, *supra* note 46.
105 Interview with Santiago, *supra* note 3.
106 Interview with Nicolás, *supra* note 6; Interview with Elena, *supra* note 27.
107 Interview with Nestora Salgado, *supra* note 2.
108 VÍCTOR MANUEL SÁNCHEZ VALDÉS, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, HOW TO REDUCE VIOLENCE IN GUERRERO 8 (2015), https://www.wilsoncenter.org/sites/default/files/media/documents/publication/how_to_reduce_violence_in_guerrero.pdf.
109 Interview with Nestora Salgado, *supra* note 2; Interview with Lucía, *supra* note 4.
110 Interview with Nestora Salgado, *supra* note 2; Interview with Nicolás, *supra* note 6; Interview with Natalia, *supra* note 40; *see also* Romero et al., *supra* note 104, at 17.
111 Interview with Nestora Salgado, *supra* note 2; *see also* Romero et al., *supra* note 104, at 17.

The criminal organizations inflict other economic harms by stealing valuable property, such as vehicles or homes.[112] In her interview, Sofía explained how she was prevented from earning a livelihood selling her wares because she was constantly followed and intimidated by cartel members.[113] She ignored them and refused to cooperate; subsequently, Sofía's partner was beaten and they taunted her, "do you see what happens when you don't help us?"[114] Then, they attacked her. During the assault, Sofia heard a gunshot—the men had killed her partner.[115]

Other ways that the criminal organizations impose economic harm is by kidnapping an individual and demanding ransoms, even of working-class families.[116] Many times, the ransom requests are high,[117] requiring families to pay in installments.[118] For example, interviewees David and Emilia were asked to pay two million pesos.[119] The promise of ransom payment is not a guarantee of safety; kidnapped persons are often treated brutally by cartels.[120] Victoria reported to us that, sometimes – even after full payment – the victim is still killed.[121]

Further, criminal organizations seize private lands as well as indigenous communal territories in Guerrero.[122] Often the criminal organizations will target lands with lucrative crops.[123] They have also taken over mines and other extractive industries in the state.[124]

The criminal organizations impact the general economy of Guerrero by charging an increased tax on staples like wheat, flour, chicken, soda, milk products, and beer.[125] Additionally, the criminal organizations require a percentage (such as 10%) of government resources that are destined for specific municipalities to be redirected to the criminal organization.[126] As a result, governmental economic support intended to bolster community services in these poverty-stricken towns can be often lost to organized crime.

C. OTHER CRITICAL IMPACTS AND HARMS ON GUERRERO RESIDENTS

It is important to also recognize the psychological harms and structural harms suffered by Guerrero residents. Psychological harms implicate the mental and emotional effects that the above-mentioned experiences have on the residents. Structural harms describe the ways that the criminal organizations have infiltrated the community to destroy cohesion and safety.

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112 Interview with Lucía, *supra* note 4; Interview with Nicolás, *supra* note 6; Interview with Andrea and Fernanda, *supra* note 6; Interview with the González Family, *supra* note 42.
113 Interview with Sofia, *supra* note 66.
114 *Id*.
115 *Id*.
116 CHRIS KYLE, WOODROW WILSON CENTER, MEXICO INSTITUTE, VIOLENCE AND INSECURITY IN GUERRERO 16 (2015), https://www.wilsoncenter.org/sites/default/files/media/documents/publication/Violence%20and%20Insecurity%20in%20Guerrero.pdf; *see also* Interview with David and Emilia, *supra* note 7; Interview with the González Family, *supra* note 42; Interview with Diego, *supra* note 46.
117 Interview with David and Emilia, *supra* note 7; Interview with Diego, *supra* note 46.
118 Interview with Diego, *supra* note 46.
119 Interview with David and Emilia, *supra* note 7.
120 Interview with Victoria, *supra* note 13.
121 Kyle, *supra* note 116, at 16; *see also* Interview with David and Emilia, *supra* note 7.
122 Interview with Victoria, *supra* note 13; Interview with Abel Barrera Hernández, *supra* note 46.
123 Interview with Victoria, *supra* note 13; Interview with Romina, *supra* note 14; Magdalena Gómez, *La verdad vestida de verde olivo* [*The Truth Dressed in Olive Green*], LA JORNADA, Jan. 30, 2024, www.jornada.com.mx/noticia/2024/01/30/opinion/la-verdad-vestida-de-verde-olivo-1525.
124 Interview Elías, *supra* note 5; Gómez, *supra* note 123.
125 Interview with Nestora Salgado, *supra* note 2; *see also* Isabella Cota, *From Chickens to Cabs: Drug Cartels Expand across the Mexican Economy*, EL PAÍS ENGLISH, Sept.21, 2023, https://english.elpais.com/economy-and-business/2023-09-21/from-lemons-to-cabs-drug-cartels-expand-across-the-mexican-economy.html (explaining how criminal organizations have wreaked havoc on companies that sell basic food products like chicken, fruits and vegetables, tortillas, and more).
126 Interview with Nestora Salgado, *supra* note 2; Interview with Andrea and Fernanda, *supra* note 6.

1 Psychological Harms:

Along with the many physical and economic harms that the residents of Guerrero suffer, they often experience enduring psychological consequences like fear, depression, and anxiety. Research indicates that pervasive violence can deeply undermine psychological well-being.[127] For example, Nicolás—who was kidnapped, raped and beaten—explained to us that now, after his escape, he lives in a constant state of apprehension and depression.[128] Persistent fear and depression are common for those who have been kidnapped.[129] In addition, whole families live in fear that their family members will be killed or abducted.[130]

Most frequently, residents of Guerrero have expressed that they live in a constant state of fear because of the way that the criminal organizations control the region. For example, the cartels frequently will use verbal threats of blackmail and harm to family members and insults as a way of dehumanizing the residents and ensuring compliance.[131] This makes residents fearful of speaking out against the harms. Often, criminal organizations will block transportation between towns, cities, and other states to effectuate control of movement.[132] This makes residents dread that they cannot escape the violence. Similarly, the criminal organizations will use public displays like killings, dismemberments,[133] attacks on taxi and bus drivers[134] , and revenge murders[135] to ensure that people do not retaliate or report any crimes to the authorities.[136] Often the mutilation of bodies is meant to send a message to other residents to warn of potential consequences of disobeying a command or reporting to the authorities.[137] For example, one recent threat directed at a government official, Norma Otilia Hernandez, took the form of seven decapitated persons in Chilpancingo, Guerrero.[138] Relatedly, the representatives of the criminal organizations dress like Mexican soldiers and carry large weapons,[139] causing paranoia and confusion in the streets of Guerrero.

2 Structural Harms:

In Guerrero, criminal organizations have infiltrated various community institutions, like government and education, to create further oppression. Structural harm describes the ways that criminal organizations have destabilized the infrastructure in Guerrero as a means of controlling the residents.[140]

In the educational context, many schools have been forced to shut down for periods of time or indefinitely because the danger is too great for children.[141] In Acapulco, many schools have closed temporarily or permanently because of gun violence and assaults on students.[142]

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127 Vladimir Canudas-Romo et al., *Mexico's Epidemic of Violence and Its Public Health significance on Average Length of Life*, 71 J EPIDEMIOL COMMUNITY HEALTH 188, 188 (2017).
128 Interview with Nicolás, *supra* note 6.
129 *Id*.
130 Interview with Nicolás, *supra* note 6; Interview with Sofia, *supra* note 66.
131 Interview with Nicolás, *supra* note 6; Interview with Sofia, *supra* note 66.
132 Interview with Nestora Salgado, *supra* note 2; Interview with Jimena, *supra* note 4; Interview with Nicolás, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview conducted by Seattle U. International Human Rights Clinic with Gabriel on October 21, 2023; *see* also America Y. Guevara, *Propaganda in Mexico's drug war*, 6 J. STRATEGIC SECURITY 131, 137 (2013).
133 Interview with Nestora Salgado, *supra* note 2; Interview with Andrea and Fernanda, *supra* note 6; Interview with Sofia, *supra* note 66.
134 Interview with Nestora Salgado, *supra* note 2; Interview with Gabriel, *supra* note 132; Ferri, *supra* note 26.
135 Interview with Victoria, *supra* note 13; see also Guevara, *supra* note 132, at 137.
136 See Guevara, *supra* note 132, at 137.
137 See Guevara, *supra* note 132, at 138.
138 *La Alcaldesa de Chilpancingo Se Reúne Con el Líder de un Grupo Criminal en Guerrero*, [*The Mayor of Chilpancingo Meets with the Leader of a Criminal Groups in Guerrero*], EL PAÍS MÉXICO, 6 July 6, 2023, elpais.com/mexico/2023-07-06/la-alcaldesa-de-chilpancingo-se-reune-con-el-lider-de-un-grupo-criminal-en-guerrero.html.
139 Howard Campbell, *Narco-Propaganda in the Mexican "Drug War,"* 41 LATIN AMERICAN PERSPECTIVES 60, 66 (2014); *see also* Interview with Lucía, *supra* note 4.
140 See Guevara, *supra* note 132, at 136-37.
141 Interview with Nestora Salgado, *supra* note 2; Interview with Andrea and Fernanda, *supra* note 6.
142 Joaquín Delgado & Giovanni Wences, *A Hedonic Approach to the Valuation of the Effect of Criminal Violence on Housing Prices in Acapulco City,* 59 EMPIRICAL ECONOMICS (2020), https://doi.org/10.1007/s00181-019-01804-3; Christopher Delgado, *Hundreds of Schools Shut down in Acapulco after Armed Men Broke in and Forcibly Cut Kids' Hair,* BUSINESS INSIDER, Mar. 22, 2018, www.businessinsider.com/acapulco-schools-shut-down-armed-men-entered-cut-hair-2018-3.

As for government, criminal organizations have seized political power by buying elections for candidates that they subsequently control.[143] Cartels constantly pressure prosecutors, government officials and police.[144] Guerrero is known throughout Mexico as a "hotspot" for violence targeted at political figures.[145]

All the physical and economic harms and threats described above lead to a true vulnerability of many Guerrero residents, forcing them either to work for the criminal organizations or to flee Guerrero.[146] As described in Section VI below, escaping the state is difficult, because the criminal organizations control the entry and exit of residents, and the criminal organizations have large networks that extend across the country.[147] Many attempt to seek asylum in the United States; however, if their petitions are rejected, they frequently suffer homelessness and drug addiction, as a result of their fear, depression, and other related traumas.[148] Of course, entire families—especially with young children—cannot always make the difficult journey to the United States, and thus many families are separated for long periods of time.[149]

143 Interview with Nestora Salgado, *supra* note 2; Interview with Nicolás, *supra* note 6.
144 Interview with Nestora Salgado, *supra* note 2; Interview with Romina, *supra* note 14; Interview with Rodrigo, *supra* note 20.
145 Tiziano Breda & Sandra Pellegrini, *Politicians in the Crosshairs of Mexico's Criminal Wars: The Cases of Guanajuato, Guerrero, and Michoacán*, ACLED, Apr. 18, 2024.
146 Interview with Abel Barrera Hernández, *supra* note 46; see Guevara, *supra* note 132, at 136.
147 Interview with Nicolás, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview with Abel Barrera Hernández, *supra* note 46.
148 Interview with Nestora Salgado, *supra* note 2.
149 Interview with Nicolás, *supra* note 6; Interview with Sofia, *supra* note 66.

III. What groups, communities or categories of persons have been harmed?

The concept of a "particular social group" is fundamental in asylum law, allowing individuals to seek protection based on their membership in a group that shares certain immutable characteristics or a fundamental aspect of their identity. This section explores the definition of a particular social group (PSG) in the context of asylum law and considers potential groups that might exist in Guerrero, Mexico, based on evidence from country reports, news articles, and direct interviews with asylum seekers, political leaders, human rights lawyers, and anthropologists.

A. DEFINITION OF A PARTICULAR SOCIAL GROUP

The Board of Immigration Appeals (BIA) has established a three-part test for evaluating whether a group qualifies as a PSG: (1) whether the group shares an immutable characteristic; (2) whether the group is socially distinct within their society; and (3) whether the group can be defined with particularity.[150] Notably, this test departs from the guidelines of the United Nations High Commissioner for Refugees, which indicate that a social group can be based on either an immutable characteristic or social distinction disjunctively.[151] Further, the Seventh Circuit (comprising Illinois, Wisconsin, and Indiana) is unique in that it has declined to apply the requirements of social distinction and particularity, and therefore may allow for more social groups as they need only share a common, immutable characteristic.[152]

1 Immutable Characteristic

Under international and US asylum law, a particular social group is defined as a group of persons who share a common, immutable characteristic that is so fundamental to their identities or consciences that members cannot or should not be required to change it.[153] Immutable characteristics can be innate—gender, race, ethnicity, skin color, or family relationships—or based on shared past experiences such as land ownership.[154] When an individual voluntarily assumes a trait defining a group and becomes a member of that group—despite serious risk of harm for doing so—it strongly indicates that the trait is fundamental to their identity and they should

150 RAIO DIRECTORATE, U.S. CITIZENSHIP & IMMIG. SRVCS., NEXUS – PARTICULAR SOC. GRP. TRAINING MODULE 11-12 (2021), https://www.uscis.gov/sites/default/files/document/foia/Nexus_-_Particular_Social_Group_PSG_LP_RAIO.pdf; *Akosung v. Barr,* 970 F.3d 1095, 1103 (9th Cir. 2020) (citing Matter of M-E-V-G-, 26 I. & N. Dec. 227, 237 (BIA 2014)).
151 UNHCR, GUIDELINES ON INTERNATIONAL PROTECTION: "MEMBERSHIP OF A PARTICULAR SOCIAL GROUP" WITHIN THE CONTEXT OF ARTICLE 1A(2) OF THE 1951 CONVENTION AND/OR ITS 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES, U.N. Doc. HCR/GIP/02/02 (May 7, 2002), available at http://www.unhcr.org/3d58de2da.html.
152 *See Matter of L-E-A-*, 27 I&N Dec. 581, 590 (A.G. 2019) *(L-E-A- II)*, vacated by *Matter of L-E-A-*, 28 I&N Dec. 304 (A.G. 2021) *(L-E-A- III); Matter of E-R-A-L-*, 27 I&N Dec. 767, 769 n.3 (BIA 2020); *contra Reyes v. Lynch*, 842 F.3d 1125, 1135 (9th Cir. 2016) (according *Chevron* deference to the BIA's inclusion of particularity and social distinction requirements in the Ninth Circuit).
153 *Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985); *Nguyen v. Barr*, 983 F.3d 1099, 1103 (9th Cir. 2020).
154 *Matter of Acosta*, 19 I&N Dec. at 233.

not be required to change it.[155] The potential breadth of a PSG is irrelevant, and a recognized group may contain only a few individuals or a large number of people forming a substantial portion of the population.[156] For instance, a group "defined by gender plus one or more narrowing characteristics" can properly constitute a particular social group.[157]

2 Social Distinction

Social distinction requires that the group be recognized as a distinct entity by society, distinguishing its members from the general population.[158] Outward visibility is not required to establish distinctness,[159] nor is it necessary for the group to explicitly identify itself as a group.[160] Social distinction should be assessed from the perspective of society as a whole, residents of a particular region, or members of different social groups, rather than that of the persecutors (e.g., criminal organizations or perpetrators of state violence).[161] Evidence of country conditions, witness testimony, press accounts, and cultural practices of a society can establish distinctness of a group.[162]

Significantly, social distinction must be evaluated on both a case-by-case and society-by-society basis.[163] In *Pirir-Boc*, the Ninth Circuit noted that "[i]t is an error…to assume that if a social group…has been found non-cognizable in one society, it will not be cognizable in any society….[D]ifferent local responses…in nations with distinct histories, populations, and government structures, may well result in a different social recognition of social groups."[164]

3 Particularity

Particularity refers to the group's specificity and the clarity of its definition, ensuring that it is not overly broad or vague.[165] There is no limit on the size of a particular social group, as long as it has clear boundaries and individuals are identifiable.[166] Characteristics defining a group should make it clear who belongs to the group and who does not.[167] Characteristics should be analyzed as a whole, not individually, to avoid missing the forest for the trees.[168] For example, although a group cannot be defined solely based on subjugation to similar harms, past harm can give rise to a socially-distinct, particularly-defined group if it creates an independent reason why survivors within the group would be discriminated against, ostracized, or targeted for additional harm in the future.[169]

B. RECOGNIZED SOCIAL GROUPS

Membership in a particular social group is a broad and evolving concept. Case law has previously recognized social groups in categories broadly defined by family membership, ancestry, age, gender and/or sexual identity, landownership, and former military/police membership.

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155 *See* Lynden D. Melmed, USCIS Chief Counsel, *Guidance on Matter of C-A-*, Memorandum to Lori Scialabba, Associate Director, Refugee, Asylum and International Operations 3 (January 12, 2007), https://www.uscis.gov/sites/default/files/document/memos/c_a_guidance011207.pdf.
156 *Cece v. Holder*, 733 F.3d 662, 673-75 (7th Cir. 2013); *Perdomo v. Holder*, 611 F.3d 662, 669 (9th Cir. 2010) (reasoning "that the size and breadth of a group alone does not preclude a group from qualifying as such a social group"); RAIO DIRECTORATE, *supra* note 150, at 20.
157 *Cece v. Holder,* 733 F.3d at 676.
158 Matter of M-E-V-G-, 26 I&N Dec. 227, 240 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 216 (BIA 2014).
159 RAIO DIRECTORATE, *supra* note 150, at 14.
160 RAIO DIRECTORATE, *supra* note 150, at 16.
161 *Diaz-Torres v. Barr*, 963 F.3d 976, 980 (9th Cir. 2020).
162 *Pirir-Boc v. Holder*, 750 F.3d 1077, 1084 (9th Cir. 2014); RAIO DIRECTORATE, *supra* note 150, at 16.
163 *Pirir-Boc v. Holder,* 750 F.3d; RAIO DIRECTORATE, *supra* note 150, at 14-15.
164 *Pirir-Boc v. Holder*, 750 F.3d at 1084 n. 7.
165 *Matter of M-E-V-G-*, 26 I&N Dec. at 239.
166 RAIO DIRECTORATE, supra note 150, at 20; *Matter of M-E-V-G-*, 26 I&N Dec. at 239; *Perdomo v. Holder*, 611 F.3d at 669 (reasoning "that the size and breadth of a group alone does not preclude a group from qualifying as such a social group").
167 *Matter of M-E-V-G-*, 26 I&N Dec. at 238 (citing *Matter of A-M-E- & J-G-U-*, 24 I&N Dec. at 76).
168 *Temu v. Holder*, 740 F.3d 887, 895 (4th Cir. 2014).
169 RAIO DIRECTORATE, *supra* note 150, at 19-20.

The family remains the quintessential PSG.[170] Courts have frequently recognized family members of those who actively oppose gangs as a particular social group.[171] This recognition extends to family members of someone who has been kidnapped by a criminal gang for ransom,[172] as well as parents of children who have resisted gang recruitment.[173] Individuals who are "taking concrete steps to oppose gang membership and gang authority" can also form a particularized social group.[174] Family membership has also been applied to members of a clan or subclan that form roughly 1% of the national population who face discrimination.[175]

Landownership is also considered a characteristic that someone should not be required to change. As such, courts have recognized as valid social groups Mexican landowners/farmers targeted by the Zeta cartel[176] and an "educated, landowning class of cattle farmers" targeted as the "preferred victims" of the Revolutionary Armed Forces of Columbia.[177]

Regarding ancestry, the courts have previously recognized Filipinos of Chinese ancestry living in the Philippines.[178] Akateko indigenous Mayans and indigenous females marginalized by society have also been recognized as a particular social group.[179]

Age can serve as the basis for a cognizable PSG because a person's age is not within their control at either the time of past persecution or persecution feared in the future.[180] The foremost groups established based on age have been young Albanian women who live alone[181] and former child soldiers who escaped their enslavement.[182] Identifiable student groups should also be considered based on their age-related characteristics since a child's age is not within their control.[183]

As to gender and sexual identity, exemplary recognized groups have consisted of homosexuals in Cuba,[184] gay men with female sexual identities in Mexico,[185] and married women in Guatemala who are unable to leave their relationship.[186] Other gender-based characteristics can also serve as a basis for defining a particular social group.[187]

Former membership in a military or police force can also serve as the basis for a social group. Former police officers have typically been targeted for their membership in the force rather than for specific past professional acts.[188] This has led to the recognition

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170 *Parada v. Sessions*, 902 F.3d 901, 910 (9th Cir. 2018); *Rios v. Lynch*, 807 F.3d 1123, 1128 (9th Cir.2015).
171 *Crespin-Valladares v. Holder*, 632 F.3d 117, 125-26 (4th Cir. 2011) (reversing BIA's rejection of particular social group comprised of family members of those who actively oppose gangs in El Salvador by agreeing to be prosecutorial witnesses); *Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1092 (9th Cir. 2013).
172 *Aldana-Ramos v. Holder*, 757 F.3d 9, 18-19 (1st Cir. 2014).
173 *See, e.g., Hernandez-Avalos v. Lynch*, 784 F.3d 944, 950 (4th Cir. 2015); *Cordova v. Holder*, 759 F.3d 332, 339 (4th Cir. 2014).
174 *Pirir-Boc v. Holder*, 750 F.3d at 1084 (members of the Mara Salvutcha gang severely beat and threatened to kill the petitioner after he convinced his younger brother to leave the gang).
175 *In re H-*, 21 I&N Dec. 337, at 340, 343 (BIA 1996).
176 *Cordoba v. Holder*, **726** F.3d 1106, 1114 (9th Cir. 2013).
177 *Tapiero de Orejuela v. Gonzales*, 423 F.3d 666, 672 (7th Cir. 2005), citing *Ahmed v. Ashcroft*, 348 F.3d 611, 619 (7th Cir. 2003).
178 *Matter of V-T-S-*, 21 I&N Dec. 792, 798 (BIA 1997) (approximately 1.5% of the Philippines population has an identifiable Chinese background).
179 *Juan-Pedro v. Sessions*, 740 F. App'x 467, 470 (6th Cir. 2018).
180 RAIO DIRECTORATE, *supra* note 150, at 25
181 *Cece v. Holder,* 733 F.3d at 673.
182 *Lukwago v. Ashcroft*, 329 F.3d 157, 178 (3d Cir. 2003).
183 RAIO DIRECTORATE, *supra* note 150, at 37.
184 *In re Toboso-Alfonso*, 20 I&N Dec. 819, 822-23 (BIA 1990).
185 *Hernandez-Montiel* v. INS, 225 F.3d 1084, 1094-95 (9th Cir. 2000).
186 *Matter of A-R-C-G-*, 26 I&N Dec. 388, 389 (BIA 2014).
187 See, for example, *Antonio v. Garland,* 58 F.4th 1067, 1076-77 (9th Cir. 2023) (Guatemalan women perceived to be lesbian); *Akosung v. Barr*, 970 F.3d at 1103-04 ("women resistant to forced marriage proposals," alternatively "single, childless women in Cameroon"); *Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1090 (9th Cir. 2020) (Guatemalan indigenous women who are unable to leave their relationship).

of former Mexican police officers who refused to cooperate with drug organizations as a particular social group.[189] Former Mexican army soldiers who participated in anti-drug activity also qualify.[190]

C. PARTICULAR SOCIAL GROUPS IN GUERRERO, MEXICO

Guerrero has been plagued by violence, corruption, and impunity, leading to widespread human rights abuses.[191] A close analysis of direct interviews with asylum seekers, political leaders, human rights lawyers, and anthropologists, as well as an examination of country reports, news articles, and other sources suggest that several cognizable particular social groups exist in the state of Guerrero, as described below. By no means does the present section purport to offer an exhaustive list of potential PSGs in Guerrero. Rather, an open-ended discussion follows, identifying several groups that comport with the definitions and established case law referenced above.

1 Journalists

Journalists, and especially female journalists, have been subjected to violence throughout Mexico, leading to self-censorship due to fear of reprisal from government officials and transnational criminal organizations.[192] Guerrero is known to be one of the deadliest places to practice journalism in the Americas.[193] Journalist Lydia Cacho was tortured in the neighboring state of Puebla for exposing the involvement of government officials and business leaders in a child sex trafficking ring.[194] In addition, journalists are subjected to cyberattacks, harassment, and intimidation.[195] In 2022, at least 11 journalists were killed because of their work,[196] including Fredid Román of Guerrero.[197] Of 331 attacks against journalists between January and June 2022, half involved journalists covering corruption in politics.[198] Many of these attacks have been linked to criminal groups.[199] The threats against journalists by criminal groups are known to be particularly high in the states of Guerrero, Sonora, Veracruz, and Michoacán,[200] and are largely met with impunity for their perpetrators.[201] In the summer of 2023, the director of news website *Lo Real de Guerrero*, Nelson Matus, who routinely reported about crimes in the state, and retired Telemundo reporter Gerardo Torres Renteria were both fatally shot in Acapulco, Guerrero.[202] Therefore a particular social group could comprise "female journalists" or "journalists working in Guerrero," or more narrowly "journalists in Guerrero who cover politics," or "female journalists in Guerrero who cover criminal activity," or "Afro-Mexican or indigenous journalists," or any permutation of those variables or other immutable characteristics that might pertain to journalists.

2 Human Rights Defenders

Human rights defenders in Guerrero are at increased risk of persecution and lethal violence from both state actors and criminal

188 *Matter of Fuentes*, 19 I&N Dec. 658, 662 (BIA 1988); *Cruz-Navarro v. INS*, 232 F.3d 1024, 1028-29 (9th Cir. 2000).
189 *R.R.D. v. Holder*, 746 F.3d 807, 808-10 (7th Cir. 2014) (when he refused to accept bribes, traffickers tried to kill him under their "plata o plomo" policy–"money or bullets").
190 *Madrigal v. Holder*, 716 F.3d 499, 503-06 (9th Cir. 2013).
191 UNITED STATES DEPARTMENT OF STATE, *supra* note 17.
192 *Id*. at 13-15; AMNESTY 2023 MEXICO REPORT, *supra* note 55.
193 Mexico: Wave of Attacks on Journalists Alarms International Community, PEN INTERNATIONAL, Dec. 1, 2023, https://www.pen-international.org/news/mexico-wave-of-attacks-on-journalists.
194 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 7.
195 *Id*. at 13.
196 *Id*.; AMNESTY 2023 MEXICO REPORT, *supra* note 55.
197 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 14.
198 *Id*.
199 *Id*. at 16 (a civil society organization documented at least 42 attacks by criminal organizations against journalists and assessed at least 15 of the 19 journalist killings in 2021 and the first six months in 2022 were possibly linked to criminal groups).
200 *Id*. at 17.
201 *Id*. at 14.
202 Caicedo Smit et al., *supra* note 9; TELEGRAPH – HERALD, *Another Journalist Killed in Mexico*, *supra* note 9 (Matus had survived at least one previous assassination attempt in 2019); Humphries,

groups.[203] This is particularly true of those protesting against government involvement with gender-based violence and environmental degradation.[204] At least 93 environmental defenders have disappeared in Mexico in the past 15 years, the majority of whom were defending indigenous lands from mining or logging projects.[205] Retaliation against female human rights defenders is known to be particularly violent and includes sexual violence.[206]20 Numerous human rights lawyers have also been disappeared, wrongfully imprisoned or killed.[207] In February 2022, Kenia Hernández Montalbán, an indigenous Amuzga lawyer and women's rights defender in Guerrero, was sentenced to 10 years in prison on false charges after being unlawfully detained in a maximum-security prison since April 2021.[208] On January 15, 2023, the renowned human rights lawyer and defender of environmental and indigenous rights, Ricardo Lagunes Gasca, was abducted and disappeared in the neighboring state of Michoacán.[209]

Further, anyone who reports cartel members to the police, or speaks out against the police, is also likely to face violent retaliation.[210] This is particularly true for those who serve as witnesses in the criminal prosecution of cartel members.[211]

Therefore, a particular social group might comprise "someone who reported criminal group activity to the police," or more specifically "someone who is facing retaliation or extortion after filing a police report," or "someone who has actively opposed cartels by agreeing to be prosecutorial witnesses, and their family members," "someone who has openly protested against environmental misfeasance," or "someone who has openly protested sexual violence perpetrated by the government," or "human rights attorneys working in Guerrero or with clients in Guerrero," or "indigenous attorneys," or any permutation of those variables or other immutable characteristics that might pertain to human rights defenders.

Under the "gender plus one" paradigm established in *Cece*, any of these groups could be additionally narrowed to "a woman who…" to form a clearly defined social group.[212] Due to the political nature of this category, it is noted that these groups should be assessed under the protected ground of "political opinion," in addition to being considered as a particular social group.[213]

3 Indigenous Peoples

Indigenous leaders and defenders protesting the seizure and use of their territories and resources (farms, ranches, forest, fishing areas, and mines) have also been arbitrarily arrested, imprisoned, and assassinated at alarming rates.[214] Retaliation can be experienced by both immediate and extended family long after the original target has been killed.[215] At least 20% of the total population of Guerrero

supra note 64.

203 AMNESTY 2023 MEXICO REPORT, *supra* note 55.

204 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 18; MINIAN, *supra* note 30, at 61-63; AMNESTY 2023 MEXICO REPORT, *supra* note 55.

205 Thomas Antkowiak, *Can We Defend the Defenders? On the Safety of Front-Line Human Rights Workers*, JUST SECURITY, Jan. 12, 2024, https://www.justsecurity.org/91149/can-we-defend-the-defenders-on-the-safety-of-front-line-human-rights-workers/ (last visited Mar. 27, 2024); IACHR Press Release, *supra* note 52; Andrea Gomez, *ONU Exige Búsqueda Exhaustiva Para Defensor Mixteco Alejandro Ortiz Vázquez* [*UN demands exhaustive search for Mixtec defender Alejandro Ortiz Vázquez*], CONTRALÍNEA, Apr. 28, 2023, https://contralinea.com.mx/interno/semana/onu-exige-busqueda-exhaustiva-para-defensor-mixteco-alejandro-ortiz-vazquez/ (last visited Apr. 17, 2024).

206 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 18; AMNESTY 2023 MEXICO REPORT, *supra* note 55; Interview with Elena, *supra* note 27.

207 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 26, 31-32; Antkowiak, supra note 205.

208 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 31-32.

209 Antkowiak, *supra* note 205; *Missing Mexican Environmentalists' Families Accuse Mining Company*, THE GUARDIAN, Jan. 20, 2023, https://www.theguardian.com/world/2023/jan/20/missing-mexican-environmentalists-families-accuse-ternium-mining-company (last visited Mar. 27, 2024).

210 AMNESTY 2023 MEXICO REPORT, *supra* note 55; Interview with Nestora Salgado, *supra* note 2; Interview with Santiago, *supra* note 3; Interview with Lucía, *supra* note 4; Interview with Andrea and Fernanda, *supra* note 6; Interview with Rodrigo, *supra* note 20; Interview with Natalia, *supra* note 40; Interview with Emilio and Julieta, *supra* note 46; Interview with Gabriel, *supra* note 132.

211 Interview with Santiago, *supra* note 3; Interview with the Hernández family, *supra* note 13.

212 *Cece v. Holder*, 733 F.3d at 676.

213 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 11.

214 *Id*. at 3, 10, 31-32; MINIAN, *supra* note 30, at 63-64; Interview Elías, *supra* note 5; Interview with Victoria, *supra* note 13; Interview with Mateo, *supra* note 43; Interview with Abel Barrera Hernández, *supra* note 46.

215 Interview with Victoria, *supra* note 13.

is indigenous,[216] comprising the Nahuas, Mixtecs, Amuzgos, and Tlapanecos.[217]

The majority live in poverty, making them more susceptible to cartel recruitment and violence.[218] In January 2020, ten indigenous musicians in Chilapa, Guerrero, were murdered by members of the *Los Ardillos* cartel.[219] In May 2022, two leaders of the Guerrero-Emiliano Zapata Indigenous and Popular Council were murdered, allegedly by the same *Los Ardillos* group, in retaliation for organized protests and roadblocks.[220] In the infamous case of Ayotzinapa, in 2014, student teachers from an indigenous rural college were intercepted by state authorities tied to criminal organizations.[221] Six students were killed in the clash and 43 students disappeared in the aftermath.[222]

Therefore, a particular social group could comprise "indigenous women," or "indigenous women who have experienced gender-based violence," or "indigenous leaders," or "indigenous protestors," or "indigenous students," or more specifically, "indigenous community members whose lands/resources are threatened by criminal groups or state actors," or any permutation of those variables or other immutable characteristics that might pertain to indigenous persons.

For additional specificity, such groups could be limited to a particular indigenous community, speakers of a particular native language, or communities where the illegal activity is perpetrated by a particular criminal group like *Los Ardillos*. Due to the nature of this category, it is noted that these groups should be assessed under the protected ground of "race" in addition to being considered as a particular social group.[223]

4 Community Police

Former community police members are known to be subject to violence and other forms of persecution by state and non-state actors.[224] Self-defense forces *(policía comunitaria or autodefensas)* have roots in Guerrero as early as the 1990s, and reemerged in 2013 as community members, indigenous communities in particular, sought a means to defend themselves against criminal groups who operated with little resistance from the government.[225] *Autodefensas* are constitutionally recognized as an auxiliary police force through Guerrero State Law 701, which was introduced in 2011.[226] Community police members often volunteer or are nominated to serve in rotation while maintaining their own occupation to sustain their family.[227] At the height of their popularity with the people and local community assemblies, community police had a presence in 56 communities in ten municipalities of Guerrero.[228] However, it did not take long for the national government to start arresting the leaders of these groups and using military forces to subdue their membership.[229] As

216 Interview with Abel Barrera Hernández, *supra* note 46.
217 HUMAN RIGHTS PROGRAM, UNIVERSITY OF MINNESOTA, PRESS REPORTING ON DISAPPEARANCES IN MEXICO – GUERRERO, https://cla.umn.edu/human-rights/engagement/press-reporting-disappearances-mexico/guerrero (last visited Mar. 27, 2024).
218 MINIAN, *supra* note 30, at 63.
219 *Id*. at 64.
220 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 32; MINIAN, *supra* note 30, at 64.
221 MINIAN, *supra* note 30, at 64; Interview with Rodrigo, *supra* note 20.
222 MINIAN, *supra* note 30, at 64; Interview with Rodrigo, *supra* note 20.
223 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 11.
224 MINIAN, *supra* note 30, at 46; *Four Community police murdered in Guerrero*, CHIAPAS SUPPORT COMMITTEE, Nov. 27, 2015, https://chiapas-support.org/2015/11/27/4-community-police-murdered-in-guerrero/ (last visited Apr. 25, 2024).
225 MINIAN, *supra* note 30, at 46; GUILLERMO TREJO & SHANNAN MATTIACE, DYNAMICS OF INDIGENOUS RESISTANCE TO CRIMINAL GOVERNANCE: THE CRAC-PC SYSTEM IN SOUTHERN MEXICO 32 (2022), https://forum.lasaweb.org/files/vol53-issue4/Dossier-6.pdf.
226 *Id.*
227 *Popular Justice: Community Policing in Guerrero, Mexico*, LIBCOM, Mar. 26, 2009, https://libcom.org/article/popular-justice-community-policing-guerrero-mexico (last visited April 25, 2024).
228 Alexis Okeowo, *A Mexican Town Wages Its Own War on Drugs*, THE NEW YORKER, Nov. 20, 2017, https://www.newyorker.com/magazine/2017/11/27/a-mexican-town-wages-its-own-war-on-drugs; LIBCOM, *Popular Justice, supra* note 227.
229 MINIAN, *supra* note 30, at 46.

time has passed and continued government interference has weakened and fragmented the *autodefensas*, some of these community police forces have succumbed to the same corruption and collusion with organized criminal groups that faces the regular police and military.[230] In their effort to combat the increasing violence perpetrated by the organized criminal groups, the Regional Coordinator of Community Authorities resorted to providing firearms and paramilitary training to children as young as six in 2020, and to a group of 20 boys and girls in January 2024. [231]

In accord with established case law, a particular social group might be comprised of "members of a community police force," or "former members of a community police force," or "indigenous members of a community police force," or more specifically "former members of a community police force who have directly engaged in resistance against an organized criminal group," or "children recruited into and trained by a community police force," or any permutation of those variables or other immutable characteristics that might pertain to members of a community police force.

5 Politicians

Politicians face increased risk of violence, disappearance, and murder, particularly opposition candidates.[232] Because of collusion between incumbent government leaders and criminal groups, a new candidate can risk being murdered simply for running an advertisement or speaking against the candidate that is currently in power.[233] During the 2017 electoral season, more than 136 candidates were killed and at least 400 other cases of threats, intimidation, and kidnapping were reported nationwide.[234] In 2018, at least three dozen mayors, former mayors, and mayoral candidates in Guerrero were killed.[235] This was among at least 93 politicians murdered that year nationwide, with Guerrero being the most violent state.[236] Between September 2020 and June 2021, 36 candidates and 64 politicians were killed nationwide, with Guerrero ranked second among states for most political violence.[237] In October 2022, the mayor of San Miguel Totolapan, Guerrero, and nineteen other government workers were murdered in a single massacre allegedly carried out by *La Familia Michoacana*.[238] In December 2023, twelve town council members from Taxco, Guerrero, were kidnapped, and only four were returned alive.[239] Municipal presidents have also been killed, and even federal senators are not safe.[240]

Therefore, a particular social group could comprise "politicians in the state of Guerrero," or "former politicians in the state of Guerrero," or more particularly "current and former politicians in opposition to the incumbent party," or "candidate running against an incumbent politician in Guerrero,"

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230 *Id*. at 46-47 (2023); Christopher Woody, I*n Mexico's 'Hot Land,' citizen self-defense forces and criminal groups may be gearing up for more violence*, BUSINESS INSIDER, Dec. 11, 2016, https://www.businessinsider.com/autodefensas-causing-violence-in-guerrero-and-michoacan-in-mexico-2016-12; LIBCOM, *Popular Justice, supra* note 227.

231 Alexandre Meneghini, *Under siege: Inside Mexican village where children are armed*, REUTERS, Jun. 26, 2020, https://widerimage.reuters.com/story/under-siege-inside-the-mexican-village-where-children-are-armed (last visited April 25, 2024); Patrick J. McDonnell, *In Mexico's Guerrero state, slaughter of band members reflects legacy of violence*, LOS ANGELES TIMES, Feb. 23, 2020, https://www.latimes.com/world-nation/story/2020-02-23/mexico-guerrero-chilapa-band-killed; Julian Resendiz, *State moves to dissolve 'child soldiers' brigade*, BORDER REPORT, Jan. 31, 2024, https://www.borderreport.com/regions/mexico/state-moves-to-dissolve-child-soldiers-brigade/ (last visited Apr. 25, 2024); Georgina Zerega, *A children's army to fight organized crime in Mexico*, EL PAÍS, Jan. 26, 2024, https://english.elpais.com/international/2024-01-26/a-childrens-army-to-fight-organized-crime-in-mexico.html (last visited Apr. 25, 2024).

232 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 10, 31-32; MINIAN, *supra* note 30, at 61; Zerega, *Organized Crime Paralyzes Taxco*, *supra* note 62; CE NOTICIAS FINANCIERAS, Organized Crime, *supra* note 22; Interview with Mateo, *supra* note 43.

233 Interview with Mateo, *supra* note 43.

234 MINIAN, *supra* note 30, at 60.

235 Nathan Williams, *Mexico Mayor Assassinated in Town Hall Massacre*, BBC NEWS, Oct. 6, 2022, https://www.bbc.com/news/world-latin-america-63153362 (last visited Mar. 27, 2024).

236 MINIAN, *supra* note 30, at 60.

237 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 10, 31-32.

238 Williams, *supra* note 235; Suárez et al., *supra* note 19; Interview Elías, *supra* note 5.

239 Zerega, *Organized Crime Paralyzes Taxco*, *supra* note 62.

240 Interview with Nestora Salgado, *supra* note 2.

or any permutation of those variables or other immutable characteristics that might pertain to politicians and candidates. Due to the nature of this category, it is noted that these groups should be assessed under the protected ground of "political opinion" in addition to being considered as a particular social group.[241]

6 Business owners, entrepreneurs, and tradespeople

Business owners, entrepreneurs, and tradespeople in Guerrero are forced to pay *cuotas* (regular taxes for "protection") to the criminal groups to avoid violent retaliation.[242] The criminal groups have taken control of the distribution of staples—chicken, beef, milk products, wheat, flour, beer, mescal, and soda, among others—to fix the prices and demand that business buy only from their suppliers.[243] Even when a business complies with the *cuotas*, the criminal groups are known to continue to increase the amount owed until the fee can no longer be afforded.[244] Businesses run by families with children are particularly targeted for this extortion.[245] If even one *cuota* payment is missed, the criminal groups could kidnap the children and hold them for ransom.[246] There is no guarantee that the children will be returned unharmed or alive even once the payment is fulfilled, and, even when they are, the family is subject to increased harassment afterward.[247] Any missed *cuota* payments can result in the harassment, assault, or death of the business owner or their family members, including children.[248] Further, once a business or community is perceived to be under the control of one particular criminal group, it is subject to increased retaliation and violence from rival criminal groups active in the region who are trying to gain control of that community.[249]

Therefore, particular social groups might comprise "business owners paying a *cuota* to a first criminal group in an area under threat from a second/additional criminal group(s)," or "business owners who have refused to pay a *cuota* or who can no longer afford to pay a *cuota*," or "business owners with children who have refused to pay a *cuota* or who can no longer afford to pay a *cuota*," or "business owners whose children or relatives have been kidnapped for ransom related to *cuota* payment," or any permutation of those variables or other immutable characteristics that might pertain to business owners. If needed for particularity, any of these suggested groups could be further narrowed based on a characteristic of specific goods or services, e.g., sellers of particular products.

7 Transportation workers

Taxi drivers, bus drivers, and others in the transportation industry are subject to targeted persecution in Guerrero.[250] Public buses are often utilized by the gangs to smuggle drugs between communities.[251] Ongoing public threats by criminal organizations, as well as several recent murders of drivers and passengers alike, has led entire communities to shut down due to lack of security, threatening access to food and health services.[252] For

241 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 11.
242 MINIAN, *supra* note 30, at 45; Interview with Santiago, *supra* note 3; Interview with Natalia, *supra* note 40; Interview with Abel Barrera Hernández, *supra* note 46.
243 Interview with Nestora Salgado, *supra* note 2; Interview with Abel Barrera Hernández, *supra* note 46.
244 Interview with Natalia, *supra* note 40.
245 Interview with Nestora Salgado, *supra* note 2; Interview with Santiago, *supra* note 3; Interview with Nicolás, *supra* note 6.
246 Interview with Nicolás, *supra* note 6; Interview with Natalia, *supra* note 40.
247 Interview with Natalia, *supra* note 40.
248 Interview with Nestora Salgado, *supra* note 2; Interview with Nicolás, *supra* note 6; Interview with Elena, *supra* note 27.
429 Interview with Nestora Salgado, *supra* note 2; Interview with Abel Barrera Hernández, *supra* note 46.
250 Zerega, *Organized Crime Paralyzes Taxco*, *supra* note 62; Ferri, *supra* note 26; Interview with Nestora Salgado, *supra* note 2; Interview with Gabriel, *supra* note 132.
251 Interview with Rodrigo, *supra* note 20.
252 Zerega, *Organized Crime Paralyzes Taxco*, *supra* note 62; Ferri, *supra* note 26; *Urgent need to guarantee peace after violence in Acapulco: PAN*, CE NOTICIAS FINANCIERAS: ENGLISH, Jan. 14, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976D-F6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F19692ABDB60DE018 (last visited Apr. 17, 2024); *Civil and religious organizations call for end to violence in Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 10, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F-

instance, two murders occurred within hours of each other on February 13, 2024— Omar Reina Abarca, the leader of the *Real de Oro* Taxi Drivers Organization, was murdered in the city of Iguala, Guerrero, while another public transport driver was killed in Chilpancingo.[253] The numerous rival gangs fight for control over transport between the larger population centers around the state, leaving drivers who transport goods or passengers between municipalities particularly vulnerable to attack.[254] Drivers have been shot, and then left in the vehicle as it is set on fire.[255] Others have been beheaded.[256] These brutal killings are in addition to the *cuotas* that taxi drivers and bus drivers have to pay simply to conduct their normal business without retaliation.[257]

With this group, it is important to remember that "[i]t is an error…to assume that if a social group…has been found non-cognizable in one society, it will not be cognizable in any society….[D]ifferent local responses…in nations with distinct histories, populations, and government structures, may well result in a different social recognition of social groups."[258] In particular, the country conditions in Guerrero, Mexico, are notably different than those underlying the *Acosta case*.[259] Due to the impoverished conditions and a lack of infrastructure, it is very difficult for anyone in Guerrero, much less taxi drivers or bus drivers, to find different employment.[260] Even if it were feasible, it is likely the business would also be subject to *cuotas* and other coercion by the criminal groups due to their pervasive presence and almost universal control throughout the state.[261] Further, as demonstrated by the reports above, any noncompliance with cartel demands, either by failing to pay *cuotas* or by attempting to flee, is likely to result in the death of the transportation worker.

Therefore, a particular social group could comprise "transportation workers in Guerrero," or more specifically "taxi drivers in Guerrero," or "bus drivers in Guerrero," or "transportation workers who have protested gang violence with roadblocks," or "transportation workers who refuse to pay a *cuota*," or "taxi drivers who have previously been kidnapped or subjected to violence by gang members," or any permutation of those variables or other immutable characteristics that might pertain to workers in the transportation industry.

8 Parents

Parents face distinct threats in Guerrero. In addition to the increased likelihood of business-related extortion and violence described above, the cartels in Guerrero actively attempt to recruit children into their ranks.[262] Parents of children who have resisted gang recruitment have previously been recognized as a social group under similar country conditions, and therefore should strongly be considered as a valid social group with respect to Guerrero, Mexico.[263]

9 Students

Students throughout Guerrero have been

1971D3E176F6D4D0 (last visited Apr. 17, 2024).
253 CE NOTICIAS FINANCIERAS, *Violence Escalates*, *supra* note 5.
254 Ferri, *supra* note 26; Interview with Gabriel, *supra* note 132.
255 Ferri, *supra* note 26; Interview with Nestora Salgado, *supra* note 2.**256**
256 Joshua Summers, *Mexico: Five Bodies, Some Beheaded, Found Inside a Taxi in Guerrero State Plagued by Mexican Drug Cartels*, LATIN POST, Apr. 13, 2022, https://www.latinpost.com/articles/154851/20220413/mexico-bodies-beheaded-found-guerrero-mexican-drug-cartels.htm (last visited Mar. 27, 2024).
257 *Four Bus and Taxi Drivers Shot to Death in Violent Southern Mexico City*, ASSOCIATED PRESS, Feb. 5, 2024, https://apnews.com/article/mexico-gangs-extortion-drivers-killed-a36dabf6581870c67bd1422c54e1af3f (last visited Mar. 27, 2024) ; Interview with Nestora Salgado, *supra* note 2.
258 *Pirir-Boc v. Holder*, 750 F.3d at 1084 n. 7.
259 *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985) (being a taxi driver in San Salvador and refusing to participate in guerilla-sponsored work stoppages was held insufficient to establish a particular social group on the grounds that Acosta could either find another job or simply comply with the work stoppages).
260 Interview with Abel Barrera Hernández, *supra* note 46.
261 *Id*.
262 MINIAN, *supra* note 30, at 53, 63; Interview with Lucía, *supra* note 4; Interview with Elena, *supra* note 27; Interview with Abel Barrera Hernández, *supra* note 46.
263 *See, e.g., Hernandez-Avalos v. Lynch*, 784 F.3d at 950; *Cordova v. Holder*, 759 F.3d at 339.

forced into remote learning due to the ongoing gang violence pervasive in the state.[264] The cartels in some communities are blocking teachers' access to the schools.[265] Schools have also been closed because children were walking past dismembered bodies along the road, and the journey proved especially dangerous for female students.[266] More particularly, indigenous students are disproportionately harmed due to low internet availability in their communities and the loss of meals normally provided by the schools.[267] Disparate impact might also be experienced by students with disabilities, who were already underserved with only two percent of schoolteachers trained to teach such children and who attended school at a lower rate than students without disabilities.[268]

Therefore, a particular social group could comprise "students of Guerrero," or more specifically "students of Guerrero whose schools have been closed due to gang violence," or "female students of Guerrero whose schools have been closed due to gang violence," or "indigenous students required to participate in remote learning due to ongoing gang violence," or "students with disabilities required to participate in remote learning due to ongoing gang violence," or any permutation of those variables or other immutable characteristics that might pertain to students or young people.

Although it is noted that some courts have previously held certain student groups as non-cognizable, student groups are certainly not precluded per se.[269] The groups proposed herein provide at least one additional narrowing characteristic that provide particularity and social distinction to clearly define the group.[270]

10

People who witness or report gang-related crime

People who have witnessed a gang murder, as well as their families, are at increased danger of extortion, blackmail, assault, disappearance, or murder.[271] According to our interviewee Sofía, when she refused to sell drugs for the murderers, they shot and forcefully disappeared her partner.[272] She stated that her niece was also murdered as a result, and she continued to receive threats against herself and her family until she fled.[273] Therefore, a particular social group could comprise "persons who have witnessed a gang murder or serious crime," or "family members of a person who has witnessed a gang murder or serious crime," or more particularly "mothers who have witnessed a gang murder," or any permutation of those variables.

11

Migrants and asylum seekers

Migrants and asylum seekers are often targeted and victimized by criminal groups. [274] They have been subject to extortion, threats, and kidnapping.[275] Immigration checkpoints operated by soldiers and state agents have been ruled unconstitutional because they disproportionately affect indigenous and Afro-Mexican individuals.[276] Criminal groups utilize

264 Interview with Nestora Salgado, *supra* note 2; Interview with the González Family, *supra* note 42; see also MINIAN, *supra* note 30, at 64.
265 Interview conducted by Seattle U. International Human Rights Clinic with Camila on March 4, 2024.
266 Interview with Nestora Salgado, *supra* note 2.
267 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 31.
268 *Id*. at 35.
269 RAIO DIRECTORATE, *supra* note 150, at 37.
270 Contrast Civil v. INS, 140 F.3d 52, 56 (1st Cir. 1998), in which a social group of pro-Aristide young students was held overbroad, and Matter of *Martinez-Romero*, 18 I&N Dec. 75, 79 (BIA 1981), in which a group comprising all students in El Salvador lacked nexus.
271 Interview with Sofia, *supra* note 66.
272 *Id*.
273 *Id*.
274 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 19.
275 *Id*.
276 HUMAN RIGHTS WATCH, WORLD REPORT 2024: MEXICO (2024), https://www.hrw.org/world-report/2024/country-chapters/mexico.

social media and Internet hit lists to name asylum seekers, so that they can be tracked, threatened, and extorted in other states within Mexico as well as internationally.[277] Therefore, a particular social group could comprise "forcibly displaced women from Guerrero," or "indigenous or Afro-Mexican migrants who have been tracked at illegal checkpoints," or more specifically "residents of Guerrero placed on an Internet hit list," or "migrants from Guerrero who have been identified and threatened on social media by a criminal group," or any permutation of those variables.

12 Afro-Mexicans

Afro-Mexicans comprise a higher percentage of the population in Guerrero than in any other state.[278] Afro-Mexican women in particular are subjected to discrimination and systemic racial violence.[279] Because they comprise such a small percentage of the overall state population, Afro-Mexicans could readily be considered distinct and particular to form a cognizable social group, as could Afro-Mexican women.[280] It is further suggested that identification as an Afro-Mexican be considered as a cumulative immutable characteristic pertaining to any of the above defined groups, as illustrated under migrants and asylum seekers, if it is believed that doing so would result in sufficient social distinction and particularity. Further, due to the nature of this category, it is noted that Afro-Mexicans should be assessed under the protected ground of "race," in addition to being considered as a particular social group as it pertains to systemic discrimination and violence. [281]

D. CONCLUSION

The concept of a particular social group is central to asylum law, allowing individuals to seek protection based on their membership in a group with common, immutable characteristics. In Guerrero, there are numerous potential PSG, including but not limited to: indigenous and Afro-Mexican peoples, women, LGBTQ+ individuals, students, business owners, transportation workers, human rights defenders, journalists, political leaders, and other victims and witnesses of organized crime and state-sanctioned violence. Recognizing these groups is crucial for understanding the unique challenges faced by individuals in Guerrero and ensuring that they receive the full protection they are entitled to under international and US asylum law.

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277 MINIAN, *supra* note 30, at 25.
278 WILSON CENTER, INFOGRAPHIC: AFRODESCENDANTS IN MEXICO (2022), https://www.wilsoncenter.org/article/infographic-afrodescendants-mexico (last visited Mar. 27, 2024); NATIONAL INSTITUTE OF STATISTICS AND GEOGRAPHY (INEGI), CENSO 2020, PRESENTACIÓN DE RESULTADOS 51 (2020); https://www.inegi.org.mx/contenidos/programas/ccpv/2020/doc/Censo2020_Principales_resultados_EUM.pdf (Guerrero's three-letter code is GRO).
279 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 29-30.
280 Compare *In re* H-, 21 I&N Dec. at 340, 343, in which a member of the Darood clan and the Marehan subclan, which formed about 1% of the Somalian population, was held cognizable, with *Matter of V-T-S-*, 21 I&N Dec. at 798 , in which the approximately 1.5% of the Philippines population having an identifiable Chinese background was deemed a cognizable social group.
281 UNITED STATES DEPARTMENT OF STATE, *supra* note 17, at 11.

IV. Who are the perpetrators of this violence and crime?

Sixteen criminal organizations—*La Familia Michoacana*, *Los Tlacos*, and *Los Ardillos* among the most powerful—have terrorized the state of Guerrero. These cartels vie for power and territory, triggering explosions of violence throughout the state. The organizations have engaged in extorting, kidnapping, forced recruiting, and killing Guerrero residents in order to seize economic power in Guerrero, a strategic hub for drug trafficking in Mexico. In addition, State actors—including soldiers, police, and government officials—are responsible for human rights violations in Guerrero by actively taking part in killings and disappearances, colluding with criminal groups, and blocking accountability for their own abuses and the crimes of cartels.

A. FRAGMENTATION OF ORGANIZED CRIME IN MEXICO

Organized crime in Mexico is mutating, as smaller, localized organizations have been created after the breakup of larger groups.[282] The fragmentation of organized crime in Mexico has led to three notable changes: (1) leaders of larger regional/global cartels have been killed or detained, leading to local leaders.[283] As the older cartels have fragmented, the smaller cartels that have come to replace them have greater adaptability, agility, and have become more violent.[284] (2) The cartel fragmentation has also created circumstances for geographical expansion, resulting in intense rivalries that have emerged in the seeking of control of plazas.[285] These smaller criminal groups have intensified violence across the state, using military-grade weapons and advanced communication systems.[286] The weapons in the cartels' arsenal include anti-tank rockets, rocket and missile launchers, fragmentation grenades, and a wide variety of automatic and semi-automatic weapons.[287] (3) Finally, this fragmentation and diversification of the various criminal groups has led to an increased presence of cartel activities in the everyday lives of Mexicans.[288] Cartels seeking greater profit and expansions have turned increasingly to activities of extortion, kidnapping, homicide, and theft.[289] Furthermore, the ability of criminal organizations to recruit new members has become easier, due to widespread impunity and corruption.[290]

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282 Jéssica Cohen & José María Blanco, *La conquista de la plaza: crimen organizado en México* [*The conquest of the plaza: Organized Crime in Mexico*], EL ORDEN MUNDIAL, May 20, 2016, https://elordenmundial.com/crimen-organizado-mexico/.
283 *Id.*
284 Samuel Henkin, *Tracking Cartels Infographic Series: Major Operational Zones in Mexico*, NATIONAL CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM (START), https://www.start.umd.edu/tracking-cartels-infographic-series-major-cartel-operational-zones-mexico.
285 *Id.*
286 Cohen et al., *supra* note 282.
287 *Id.*
288 Henkin, *supra* note 284.
289 *Id.*
290 Cohen et al., *supra* note 282.

Most residents are vulnerable to violence, and the growing levels of poverty and inequality make it easy for cartel organizations to recruit or force locals into their ranks.[291]

Additionally, the effect of the breaking up of larger cartels into smaller groups means there is less information and records available about them, as they suffer constant divisions in their membership.[292] The groups' leaders reduced exposure to media gives them more ability to control local populations with impunity.[293] Moreover, cartel groups mask their goals of power and control through what are known as "narco mantras."[294] Narco mantras are open messages on websites or in public settings that falsely claim their mission is "to clean the place of crime," when in reality the cartels are simply trying to drive out their rivals. [295] The groups then direct their violence to rival gangs and to local residents, whom the cartel presumes are allied with their rivals.[296]

B. CARTEL PRESENCE IN GUERRERO

Similar to many other parts of Mexico, Guerrero has seen a transition from a larger, centrally-controlled cartel to a number of criminal groups all vying for power.[297] Before 2009, Guerrero was predominantly controlled by the Beltran Leyva Cartel, led by Beltran Leyva, alias *El Barbas*.[298] Beltran Leyva was killed in 2009 which led to a war among approximately 18 other criminal groups for the control of the territories.[299] In 2018 there were reportedly 18 groups operating in Guerrero: *El Cartel del Sur*, *El Comando Suicida*, *Los Rojos*, *Los Ardillos*, *Gente Nueva*, *La Familia Michoacana (LFM)*, *Guerreros Unidos*, *El Cártel Independiente de Acapulco (Cida)*, *Los Beltran Leyva*, *Los Añorve*, *Los Carrillo*, *Los Marín*, *El Cartel Jalisco Nueva Generación (CJNG)*, *Los Tequileros*, *Los Granados, Caballeros Templarios*, *Guardia Guerrerense* y *Sangre Nueva Guerrerense*.[300] In 2021, *Los Tlacos* emerged following the expulsion of *Cartel Del Sur* during a confrontation between that criminal group and a community police force in the mountains.[301] There was also a division in *Guerreros Unidos (GU)* after members were detained for the disappearance of the 43 Ayotzinapa students.[302] When some members of *GU* were released, there was a split into a group called *La Bandera*, while the other part of *GU* remained intact and allied itself with *Los Tlacos*. [303]

Currently, at least 16 criminal groups operate in Guerrero, controlling territory for the exploitation of natural resources, distributing of drugs and other commodities, and extorting many residents, most notably through the collection of *cuotas*.[304] These criminal groups are the source of the extreme surge in violence in Guerrero as the various groups

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291 *Id.*
292 *Id.*
293 *Id.*
294 *Id.*
295 *Id.*
296 *Id.*
297 Emiliano Tizapa Lucena, *Operan 16 Grupos del Crimen Organizado en Guerrero, Según Información del Gobierno Estatal* [*16 Organized Crime Groups Operate in Guerrero, According to Information From the State Government*], EL SUR PERIODICO DE GUERRERO, April 3, 2023, https://suracapulco.mx/impreso/2/operan-16-grupos-del-crimen-organizado-en-guerrero-segun-informacion-del-gobierno-estatal/.
298 *Id.*
299 *Id.*
300 *Id.*
301 *Id.*
302 *Id.*
303 *Id.;* Sheridan, *Twelve Mexican Police Officers Killed, supra* note 65.
304 Sara Garcia and Daniela Valle, *Criminal Violence Paralyzes Mexico's Southern State of Guerrero*, INSIGHT CRIME, February 13, 2024, https://insightcrime.org/news/criminal-violence-paralyzes-guerrero-mexico/; Sheridan, *Twelve Mexican Police Officers Killed*, *supra* note 65; Interview with Abel Barrera Hernández, *supra* note 46.

fight for control of territory across all 84 municipalities.[305] The state of Guerrero plays a strategic role for these organized crime groups because it has historically been a hub for marijuana and poppy cultivation and distribution, and has now become an epicenter for coca, a primary ingredient in cocaine.[306] Additionally, Guerrero is a key transit point for drug shipments traveling north to the United States, with the Port of Acapulco acting as a hub for receiving cocaine shipments from South America.[307] Maps A and B, below, illustrate the extensive cartel presence in Guerrero and its strategic importance in drug trafficking.[308] Guerrero is home to or situated in close proximity to four of the eight narcotics points of entry into Mexico.[309] Map B also shows Guerrero's close proximity to Mexico City and Guadalajara, cities of significant narcotics concentration; drug trafficking flows from the ports of entry directly through Guerrero towards the cities of narcotics concentration.[310]

The goal of these criminal organizations is to control territory, transportation routes and the residents themselves of those regions.[311] The most common form of control is through the *cuota*.[312] As explained previously, *cuotas* must be paid to the criminal groups in exchange for "protection."[313] The more territories and businesses they are able to infiltrate, the greater the profit.[314] Thus, it is not only a matter of territorial expansion, but also a control of commerce and communities, all achieved through violence and fear.[315]

Map A indicates the current criminal groups in Guerrero according to the Mexican government.[316] According to this source, three cartels have expanded their control most significantly: *La Familia Michoacana*, *Los Tlacos*, and *Los Ardillos*.[317] These dominant groups each have strongholds in three regions: *La Familia Michoacana* has a presence in Tierra Caliente, the northern zone, and Costa Grande.[318] *Los Tlacos* operate in the central region, the northern zone, and La Montana.[319] And *Los Ardillos* are found across the central region, la Montana, and la Costa Chica.[320] Other groups responsible for violence in Guerrero include the *Jalisco Cartel New Generation (CJNG)*, *Guerreros Unidos*, *Los Viagras*, *Los Rojos*, and *Los Tequileros*.[321]

Ongoing clashes between groups vying for expansion leads to significant violence in Guerrero.[322] Referring to the map in the appendix, the key disputes by region include:

- Northern zone (*Norte*): between *Los Tlacos*, *La Bandera*, and *La Familia Michoacana*.
- *Tierra Caliente*: between *La Familia*, *CJNG*, and *Los Tequileros*.
- *Costa Grande*: between the CJNG, *Los Granados*, *Los Arreola*, *Los Maldonado*, and *Los*

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305 Garcia et al., *supra* note 304; Sheridan, *Twelve Mexican Police Officers Killed*, *supra* note 65; Interview with Abel Barrera Hernández, *supra* note 46.
306 Garcia et al., supra note 304.
307 *Id.*
308 *Tracking Cartels Infographic Series*, NATIONAL CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSE TO TERRORISM (START), June 2020, https://www.start.umd.edu/tracking-cartels-infographic-series.
309 *Id.*
310 *Id.*
311 Interview with Abel Barrera Hernández, *supra* note 46.
312 *Id.*
313 *Id.*
314 *Id.*
315 *Id.*
316 Lucena, *supra* note 297.
317 *Id.*
318 *Id.*
319 *Id.*
320 *Id.;* Interview with Abel Barrera Hernández, *supra* note 46.
321 Interview with Abel Barrera Hernández, *supra* note 46.
322 Lucena, *supra* note 297

Viagras.
• Central region (*Centro)*: between *Los Tlacos*, *Los Ardillos*, and *Guerreros Unidos*.
• *Montaña*: *Los Tlacos* and *Los Rojos* have an alliance for control of this mountainous region.
• *Costa Chica*: between *Los Ardillos* and *Los Tlacos*, as well as in the capital city of Chilpancingo.
• Acapulco: *Los Rusos* and the *Independent Cartel of Acapulco* dominate the area, gaining ground upon *CJNG* who had a strong presence there in the past.[323]

The expansion into other territories not only creates conflicts with the other criminal organizations, but also with community defense forces.[324] Once criminal groups have infiltrated a community, they attempt to make the community entirely dependent on them, controlling entry and exit into the territory, seizing all of the land and controlling every aspect of commercial activity.[325] Residents are unable to leave their area freely as the criminal groups use checkpoints to determine who comes and goes.[326] The criminal groups inform community members they can no longer buy products from others, but must go through the criminal group's suppliers.[327] For example, residents have been told they can only purchase mezcal from businesses approved by the dominant criminal cartel.[328] The goal of these groups is to dominate every aspect of community life, including forcefully recruiting males into their ranks.[329] Men who refuse are detained and can be killed.[330] Further, when a cartel takes over a new territory, the residents are then considered to have an obligation to be part of the group; any dissenters are assumed to belong to rival groups and may be killed.[331] Many of these groups have national networks across Mexico.[332]

Criminal organizations often threaten the heads of families and the owners of businesses.[333] Further, they may address threats to whole communities, if the criminal organization perceives resistance.[334] If the criminal organization is targeting a specific person, it may send a representative to that person's house to explain the violent consequences of not making payments or otherwise complying with instructions.[335] If the cartel targets a family, it may send pictures of family members to the head of the family, and threaten harm or kidnapping if they do not comply.[336] When criminal organizations threaten the entire community, they will post flyers and signs, or even leave mutilated bodies, among other means, to convey their messages. [337]

C. DETAILS AND REPORTED INCIDENTS CONCERNING THE SPECIFIC CARTELS

In Guerrero, criminal groups have used advanced, military-grade weaponry to

323 *Id.*
324 Interview with Abel Barrera Hernández, *supra* note 46.
325 *Id.*
326 *Id.*
327 *Id.*
328 *Id.*
329 *Id.*
330 *Id.*
331 *Id.*
332 *Id.*
333 Interview with Victoria, *supra* note 13.
334 Interview with the González Family, *supra* note 42.
335 Interview with Victoria, *supra* note 13; Interview with Sofia, *supra* note 66.
336 Interview with Nicolás, *supra* note 6.
337 Interview with the González Family, *supra* note 42

control politics, direct public transportation routes, and instill widespread fear through practices of extortion, kidnapping and public displays of brutal violence.

1 **Cartel Jalisco Nueva Generación (CJNG)**

CJNG is currently the fastest-growing cartel in Mexico, and is one of the biggest transporters of methamphetamine and fentanyl in the world.[338] The cartel profits through narcotics trafficking as well as extortion, selling weapons, stealing gasoline, and kidnapping.[339] To expand its power and control, *CJNG* infiltrates local defense militias, recruiting them into the cartel and arming them to fight against their rivals.[340] In 2019, Insight Crime named *CJNG* a "criminal winner" based on its territorial presence, its income from drug trafficking, its control of port infrastructure, and its success in laundering money.[341]

CJNG boasts a significant presence in the state of Guerrero and has engaged in extortion and kidnapping practices in their attempts to control transportation routes.[342] Nicolás, our interviewee described how he was kidnapped during his normal route selling fish between his town of Maraquelia and Acapulco.[343] Two pickup trucks drove in front of him and two followed him, forcing him to stop.[344] Armed men forced Nicolás out of his car and hit him in the head with a shotgun.[345] They told him he owed a debt of 9,000 pesos to *CJNG*, the group to whom he usually paid *cuotas*.[346] The men abducted Nicolás and forced him to pay a ransom fee in exchange for his freedom.[347] The men were dressed like soldiers with dark green uniforms and heavy weapons, but wore face masks to conceal themselves.[348]

2 **Nueva Familia Michoacana, also known as La Familia Michoacana**

Originally contained in the state of Michoacán, they have expanded their territorial control, especially in Guerrero, engaging in drug trafficking, extortion, and kidnapping.[349] This group engages in the use of fear tactics known as narco mantras, which are public messages to terrorize and subjugate the public with disturbing imagery, such as dumping five heads on a nightclub dancefloor to announce their power.[350] In 2020, Insight Crime found *La Familia Michoacana* to be one of the most active groups in Guerrero.[351]

In 2023, residents of at least 30 towns in San Miguel Totolapan in Guerrero created a community police force to defend their homes from criminal groups.[352] The force, known as *"Pueblos Unidos de San Miguel Totolapan,"* have stated that they do not trust state police for protection and must rely on themselves.[353] They denounce *La Familia Michoacana*, led by Jose Alfredo, *"El Fresa,"* and Johnny Hurtado Olascoaga, *"El Pez,"* because of their use of extortion and their attempts to control economic activity.[354] This community police

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338 MINIAN, *supra* note 30.
339 *Id.*
340 *Id.*
341 *Id.*
342 MINIAN, *supra* note 30; Interview with Nicolás, *supra* note 6. Interview with Nicolás, *supra* note 6.
343 Interview with Nicolás, *supra* note 6.
344 *Id.*
345 *Id.*
346 *Id.*
347 *Id.*
348 *Id.*
349 MINIAN, *supra* note 30.
350 Cohen et al., *supra* note 282
351 MINIAN, *supra* note 30.
352 *Guerrero Towns Form Vigilante Group Against Familia Michoacana*, PULSE NEWS MEXICO, Mar. 27, 2023, https://pulsenewsmexico.com/2023/03/27/guerrero-towns-form-vigilante-group-against-familia-michoacana/
353 *Id.*
354 *Id.*

force was likely a response, in part, to a shocking attack in San Miguel Totolapan on October 5, 2022. 20 staff members at city hall, including the mayor and other city leaders, were all killed when an armed group opened fire.[355] According to data from the Mexican consulting firm Etellekt Consultores, 60 local officials including 18 mayors have been assassinated since President Andres Manuel Lopez Obrador took office in 2018.[356] The attack on city hall was attributed to the ongoing rivalry between *Los Tequileros* and *La Familia Michoacana*.[357]

Additionally, *La Familia Michoacana* has been involved in the clashes over public transportation in the city of Taxco in Guerrero.[358] In January of 2024 bus and taxi drivers suspended their services in Taxco because of lack of security after one of their colleagues was murdered.[359] Organized crime has terrorized the city of Taxco in Guerrero with threats directed against the public by criminal organizations *La Familia Michoacana* and *Los Tlacos*.[360] In December of 2023 an armed commando group kidnapped twelve town councilmembers, only four of whom have been returned alive; the location of the others remain unknown. [361]

Finally, the violence and destruction caused by L*a Familia Michoacana* also extends to drone warfare. *La Familia Michoacana* is equipped with sophisticated drones, armored trucks with tactical weapons, bulletproof vests, and military uniforms.[362] An investigative journalist from Michoacan stated, "the use of drones is a tactic adopted from the *CJNG*, who provide *La Familia Michoacana* with increasingly sophisticated and quieter drones to carry out explosive attacks."[363] *CJNG* has reportedly been known to utilize drone strikes to forcibly displace residents from key trafficking routes, and a recent alliance between *CJNG* and *La Familia Michoacana* has resulted in increased usage of drones.[364] In early May of 2023, multiple drone attacks destroyed homes and forced the displacement of 600 residents from the town of Nuevo Poblado el Caracol in Guerrero; residents blamed the attack on *La Familia Michoacana*.[365] In January of 2024, the State Attorney General's office confirmed drone attacks in the town of Heliodoro Castillo, due to a confrontation between *La Familia Michoacana* and *Los Tlacos*.[366] One of the recovered drones, with a value of nearly $20,000, contained a targeting system that detects humans through body temperature.[367] Employing drone attacks to displace residents has occurred across Guerrero, also in towns bordering the Ayotac River, which is a route of strategic importance.[368] We interviewed Emilia, who survived a drone attack that destroyed her town of Las Balsas, Guerrero, and killed her husband.[369] She explained that, ten years ago, the community police force ran *La Familia Michoacana* out of town with machetes and guns; however, the community forces are no longer a match for the cartels and their heat-seeking, unmanned drones of

355 Karol Suarez & Franyeli Garcia, *Holding Public Office in Mexico is Risky Business: Drug Cartels Have Been Targeting, Killing Local Leaders*, THE COURIER JOURNAL, Aug. 6, 2023, https://www.proquest.comdocview/2846443296?accountid=28598&parentSessionId=ilwYfdX7sSw2ntS1ArFVKK9aFfL%2Bgoc4ncLGtFnhw%2F0%3D&sourcetype=Newspapers.
356 *Id.*
357 *Id.*
358 Zerega, *Organized Crime Paralyzes Taxco*, *supra* note 62.
359 *Id.*
360 *Id.*
361 *Id.*
362 Interview with David and Emilia, *supra* note 7.
363 Henry Shuldiner, *Mexico Drone Attacks Spike After CJNG, Familia Michoacana Alliance*, INSIGHT CRIME, May 22, 2023, https://insightcrime.org/news/mexico-drone-attacks-spike-after-cjng-familia-michoacana-alliance/.
364 *Id.; Drug Cartels Are Sharply Increasing Use of Bomb-Dropping Drones, Mexican Army Says*, CBS NEWS, August 23, 2023, https://www.cbsnews.com/news/drug-cartels-more-bomb-dropping-drones-mexico-army/.
365 Shuldiner, *supra* note 363.
366 *La Familia Michoacana and Its Strategy With Explosive Drones to Drive Out Rival Groups Out of Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, January 16, 2024.
367 *Id.*
368 *Id.*
369 Interview with David and Emilia, *supra* note 7.

today.[370]

3 Los Ardillos and Los Tlacos

Similarly to *La Familia Michoacana*, *Los Ardillos* have been actively seeking to control travel routes and public transportation.[371] In February of 2024, four bus drivers and two taxi drivers were caught in the crossfire in the midst of the ongoing fight between *Los Tlacos* and *Los Ardillos* in Chilpancingo.[372] Wars over transport also occur in Acapulco, Taxco, and Iguala, as the criminal groups seek to control transport routes across municipalities.[373] *Los Tlacos* have another battle for territory and transportation routes with *La Familia Michoacana* in the central mountainous region of the state, as well as in Iguala and Taxco.[374]

The strength of *Los Ardillos* in the capital city of Chilpancingo has certainly been confirmed through a meeting between the cartel leader, Celso Ortego Jiménez, and the mayor of Chilpancingo, Norma Otilia Hernandez.[375] Shortly after this breakfast meeting, the bodies and decapitated heads of five men and two women were found in the city center with messages stating, "Greetings Norma Otilia, I'm still waiting for the second breakfast that you promised me after you went looking for me. With affection, your friend."[376]

The overarching presence and control of *Los Ardillos* over the towns people of Chilpancingo is further evidenced by the riots occurring in the capital city after alleged *Los Ardillos* members were indicted for drug and weapons charges.[377] Thousands of protestors, angered by the jailing of the two cartel members, set upon Chilpancingo in July 2023.[378] The indictment of these two individuals triggered a large protest; it was estimated that 2,000 to 5,000 residents of communities controlled by *Los Ardillos* swarmed the capital city.[379] The demonstrators commandeered an armored security vehicle from state police, and rammed it through the gates in front of the state legislature building, as panicked government workers fled.[380] Officials stated that many protestors were likely forced to take part in the demonstration due to fear of *Los Ardillos* in their communities.[381]

Additionally, like many of the other criminal groups in Guerrero, *Los Ardillos* have engaged in extortionist practices. For example, Natalia owned a bakery in Tepecoacuilco de Trujano; she explained to us that she was forced to pay monthly *cuotas* to the criminal group *Tumbo* in order to continue operating her bakery.[382] This group is affiliated with *Los Ardillos* and wears green military-like uniforms.[383] These smaller criminal groups, like *Tumbo* in Tierra Caliente, are affiliated and are collaborating with *Los Ardillos*.[384]

We also spoke with Mateo, who attempted to run for public office in Acatape; however, his candidacy was stopped by threats from *Los Ardillos*.[385] The incumbent official was linked with *Los Ardillos*.[386] When *Los Ardillos*

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370 *Id.*
371 Ferri, *supra* note 26.
372 *Id.*
373 *Id.*
374 *Id.*
375 EL PAÍS MÉXICO, *La Alcaldesa de Chilpancingo*, *supra* note 138.
376 *Id.*
377 Mary Beth Sheridan, *Mexico Arrested Two Cartel Suspects. Thousands Besieged a State Capital*, THE WASHINGTON POST, July 11, 2023, https://www.washingtonpost.com/world/2023/07/11/mexico-narco-arrest-chilpancingo-guerrero/; Sheridan, *Twelve Mexican Police Officers Killed*, *supra* note 65.
378 Sheridan, *Mexico Arrested Two Cartel Suspects*, *supra* note 377.
379 *Id.*
380 *Id.*
381 *Id.*
382 Interview with Natalia, *supra* note 40.
383 *Id.*
384 *Id.*
385 Interview with Mateo, *supra* note 43.
386 *Id.*

discovered that Mateo wanted to run for office, they detained him at a checkpoint and threatened that "something bad would happen to him" if he did not stop criticizing the corruption in town government.[387] Mateo was fairly certain these individuals were associated with *Los Ardillos*, given that they control the checkpoints in the town, they were wearing police uniforms, were driving a Chevrolet Silverado, and were carrying guns.[388] He believed the current political leaders provided *Los Ardillos* with these uniforms so that they could conceal their identities.[389]

4 Community Police

In response to cartel violence in Guerrero and lack of government protection, citizen mobilization into self-defense groups has become commonplace.[390] While initially recognized as legitimate auxiliary security forces by local government, these self-defense groups have changed over time.[391] Some groups have been infiltrated by the cartels named above, impacted by the same forces of corruption and manipulation faced by the military and regular police in the region.[392] According to Mike Vigil, a former US DEA chief of international operations, the self-defense groups "started to see that there was a lot of profit to be made if they started to engage in criminal acts" and criminal organizations "started to penetrate them because … they could use them to expand their territory and push [other] cartels out of the area."[393]

The ties between various criminal groups, government forces, and community police forces allows perpetrators to enjoy impunity when committing violent acts in the name of public security.[394] According to José Miguel Vivanco, formerly of Human Rights Watch, many of these groups, "after a short amount of time end up corrupted… The phenomenon of self-defense groups is a clear demonstration of the failure of the State to guarantee security in various communities throughout the nation."[395]

D. INVOLVEMENT OF STATE ACTORS

State actors—including military, National Guard, municipal and state police, and local and federal government officials—are also responsible for human rights violations in Guerrero by actively taking part in killings and disappearances, providing criminal groups with arms and training, retaliating against individuals who report crimes, and fostering impunity, among other actions and omissions.[396]

National security forces are known to collaborate with criminal groups throughout Mexico, including those operating in the state of Guerrero, by providing them with arms and direct assistance.[397] The army has sold weapons to criminal groups and trained their members, enabling the cartels to take control of smuggling routes and large regions of the state.[398] For example, the Army helped *La Familia Michoacana* take over the town of

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387 *Id.*
388 *Id.*
389 *Id.*
390 Lucena, *supra* note 297; MINIAN, *supra* note 30, at 46; CHIAPAS SUPPORT COMMITTEE, *supra* note 224.
391 Lucena, *supra* note 297; TREJO ET AL., *supra* note 225
392 MINIAN, *supra* note 30.
393 *Id.*
394 *Id.*
395 MINIAN, *supra* note 30.
396 UNITED STATES DEPARTMENT OF STATE, *supra* note 17.
397 *La Verdad Vestida de Verde Olivo* [*The Truth Dressed in Olive Green*], TLACHINOLLAN CENTRO DE DERECHOS HUMANOS DE LA MONTAÑA, Jan. 29, 2024, https://www.tlachinollan.org/la-verdad-vestida-de-verde-olivo/; MINIAN, *supra* note 30.
398 Interview with Rodrigo, *supra* note 20.

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Las Balsas, Guerrero, after the citizens fought back.[399] An Army commander disarmed the townspeople and misled their defense efforts, providing a safe route for *LFM* to enter and depart from the town.[400] Soldiers and members of the National Guard are also known to idly observe while citizens are murdered, sometimes even escorting the criminals.[401]

The state's involvement extends to actively perpetrating violence and violating the human rights of Guerrero residents. In the notorious case from Iguala, 43 students from the Ayotzinapa Rural Teachers' College were forcibly disappeared in 2014.[402] The Interdisciplinary Group of Independent Experts (GIEI) reported collusion between military commanders of the 27th and 41st Infantry Battalions with the criminal group *Guerreros Unidos*.[403] The collusion was evidenced by information gathered on wiretaps relating to talk of payments and relationships with various soldiers.[404] Following an investigation, the Undersecretary for Human Rights released a report confirming that the disappearances were "state" crimes.[405] The report found various local, state, and federal officials – by commission or omission – were involved in carrying out or covering up the crimes of Ayotzinapa.[406] A separate case in Nuevo Laredo, Tamaulipas, led to the arrest of 30 marines in April 2021; they were charged with the forced disappearances of up to 40 citizens, including at least five children.[407] In July 2021, the head of the human rights unit of the Secretariat of the Navy apologized to the families of the victims, marking the first time the armed forces apologized for committing forced disappearances.[408]

From 2007 through July 2023, the army was responsible for the deaths of 5,488 civilians.[409] These killings are rarely followed with independent investigations.[410] In 2022, the National Human Rights Commission received 1,005 complaints against the Army and National Guard, the highest number in nine years.[411] These complaints frequently relate to forced disappearance, cruel and inhumane treatment, arbitrary detention, and extortion.[412] The increasingly militaristic approach to public safety in Mexico will only serve to increase violence and worsen human rights conditions in Guerrero and throughout the country.[413] Mexican soldiers will often become law enforcement officers after leaving the military.[414] The majority are never certified to serve as local or federal police officials.[415] In Guerrero, only 8.3 percent of officers are deemed fit for duty through official certification.[416] Thus, the corruption and serious deficiencies found in the military will continue at the state and local levels of law enforcement.

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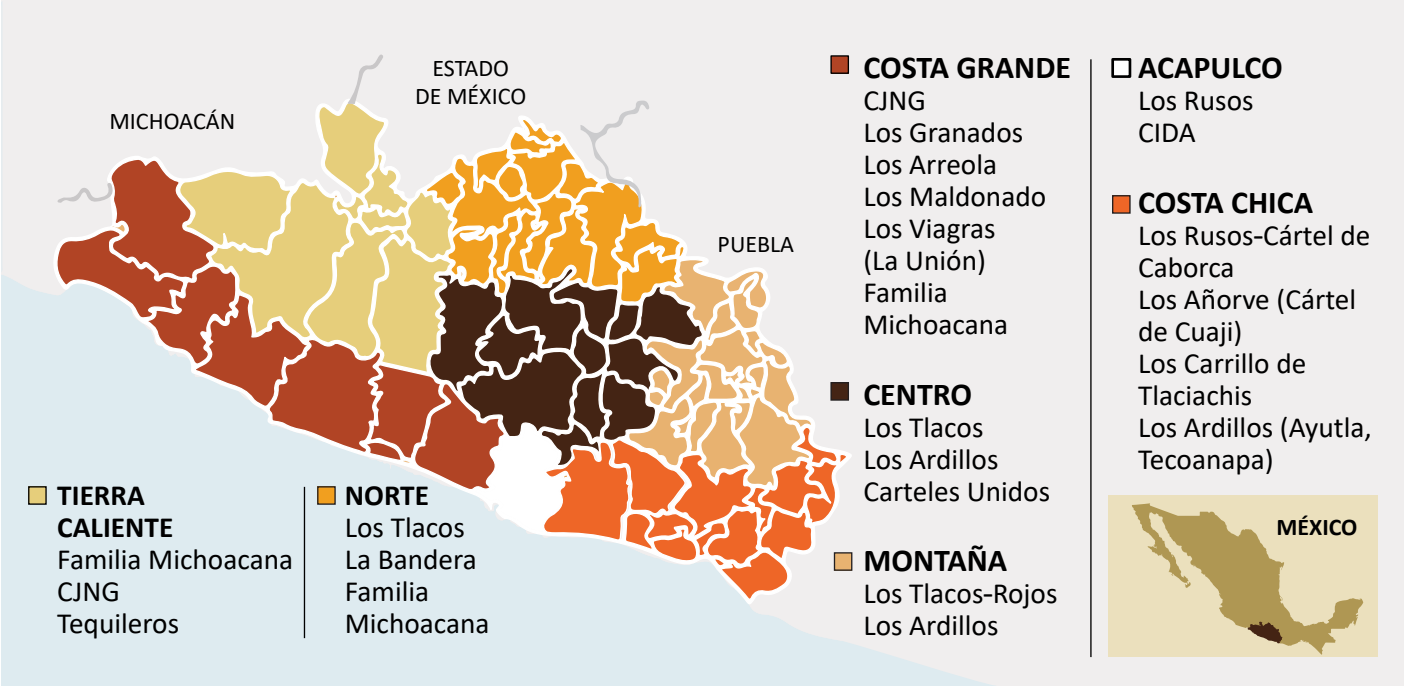
399 Interview with David and Emilia, *supra* note 7.
400 *Id.*
401 Interview with Santiago, *supra* note 3.
402 TLACHINOLLAN CENTRO DE DERECHOS HUMANOS DE LA MONTAÑA, *supra* note 397.
403 *Id.*
404 *Id*; Interview with Rodrigo, *supra* note 20.
405 TLACHINOLLAN CENTRO DE DERECHOS HUMANOS DE LA MONTAÑA, *supra* note 397.
406 UNITED STATES DEPARTMENT OF STATE, *supra* note 17.
407 UNITED STATES DEPARTMENT OF STATE, *supra* note 17; *Mexico Charges Thirty Marines Over Forced Disappearances in Border City*, REUTERS, Apr. 15, 2021, https://www.reuters.com/world/americas/mexico-charges-30-marines-over-forced-disappearances-border-city-2021-04-15/ (last visited May 21, 2024).
408 UNITED STATES DEPARTMENT OF STATE, *supra* note 17.
409 Mexico: Events of 2023, *supra* note 60.
410 *Id.*
411 *Id.*
412 MINIAN, *supra* note 30, at 61.
413 *Id*. at 61.; *Mexico: Militarization of Public Security Will Lead to more human rights violations and perpetuate impunity*, AMNESTY INTERNATIONAL, Sept. 9, 2022, https://www.amnesty.org/en/latest/news/2022/09/mexico-militarizing-public-security-human-rights-violations-impunity/.
414 Interview with Rodrigo, *supra* note 20.
415 MINIAN, *supra* note 30, at 61.
416 *Id.*

Political leaders seek support from cartels in their campaigns and grant them contracts to build roads and schools.[417] Further, when residents report cartel crimes to the authorities, the authorities often retaliate against those brave enough to come forward. We spoke with the Hernández family, who had suffered an assault. Two days after filing a complaint with the police, a patrol arrived at the Hernández family's home; an officer informed them that his supervisor wanted to meet with them.[418] The officer stated that his boss was the president of the municipality and that they should meet him on Saturday behind the town landfill.[419] After making inquiries, the Hernández family confirmed that the politician was controlled by the cartel.[420] Other residents of Guerrero also confirm that the authorities are working with the criminal groups. Jimena recounted to us how her mother was threatened the day after reporting crimes to the police.[421]

Residents have also described situations where law enforcement officials have been present while people were murdered. Santiago stated that a witness who was present when their two sons were murdered told them that police actually escorted the criminals as they left the crime scene.[422] Another resident from his town spoke of a tragedy some years earlier; the resident's husband took photographs showing police officers at the scene during the commission of multiple homicides.[423] These accounts all confirm a sustained collusion between law enforcement, military and criminal organizations in Guerrero.

E. EXHIBITS

Map A: the Principal Criminal Groups Operating in Guerrero



Source: El Sur Periódico de Guerrero, April 3, 2023, https://suracapulco.mx/impreso/2/operan-16-grupos-del-crimen-organizado-en-guerrero-segun-informacion-del-gobierno-estatal/

417 Interview with Rodrigo, *supra* note 20.
418 Interview with the Hernández family, *supra* note 13.
419 *Id.*
420 *Id.*
421 Interview with Jimena, *supra* note 4.
422 Interview with Santiago, *supra* note 3.
423 *Id.*

Map B: Major Cartel Operational Zones in Mexico

Source: START, Tracking Cartels Infographic Series: Major Cartel Operational Zones in Mexico, https://www.start.umd.edu/tracking-cartels-infographic-series-major-cartel-operational-zones-mexico

V. Federal and state government officials are unwilling or unable to protect Guerrero residents

Government officials in Guerrero have shown they are unwilling or unable to protect victims of violence.[424] Commentators inside and outside of Mexico have referred to Guerrero as a failed state in the hands of criminal organizations.[425] Cartels have infiltrated each level of government, blurring the line between criminal and state actors.[426] The people of Guerrero do not trust the government to be independent of the cartels or to guarantee their safety.

A. INFILTRATION

The people of Guerrero cannot trust the government to be independent of the cartels. There is a well-established tradition of collusion between government officials and criminal organizations, as already discussed in this report.[427] For example, on July 5, 2023, the mayor of Chilpancingo had breakfast with the head of *Los Ardillos*.[428] The state leader of the political party to which the mayor belonged came out in support of the meeting.[429] Yet rival political leaders have condemned the links between organized crime and elected officials, declaring "The one who should think about leaving the government is the governor… It is clear that she does not govern; organized crime governs."[430] The PAN leader, Marko Cortes, similarly asserted that government officials in Guerrero have submitted to criminal organizations.[431]

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424 Natalie Kitroeff and Emiliano Rodríguez Mega, *A Wave of Violence Terrorizes Mexico as Criminals Kill With Impunity*, NEW YORK TIMES, Dec. 20, 2023, https://www.nytimes.com/2023/12/20/world/americas/violence-mexico-killings.html; *Mexico: Events of 2023, supra* note 60; Urgent Need to Address Institutional Weaknesses, CE NOTICIAS FINANCIERAS: ENGLISH, Oct. 3, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1947347E75605650.

425 *Mexico: Events of 2023*, *supra* note 60; *Mexico, a Failed State in the Hands of Criminals, Warns PAN*, CE NOTICIAS FINANCIERAS: ENGLISH, Jul. 16, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F192D1C30E4F29A58.

426 Alma Guillermoprieto, *Forty-three Mexican Students Went Missing. What Really Happened to Them?*, THE NEW YORKER, Mar. 4, 2024; https://www.newyorker.com/magazine/2024/03/11/what-really-happened-to-the-forty-three; *Army Under the Spotlight*, CE NOTICIAS FINANCIERAS: ENGLISH, Oct. 8, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1948B0334FD227D8; Interview with Nestora Salgado, *supra* note 2.

427 *Mexico: Events of 2023*, *supra* note 60

428 *What Is Happening in Guerrero? HERE Everything We Know About What is Happening in Chilpancingo*, CE NOTICIAS FINANCIERAS: ENGLISH, Jul. 11, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F192B858BC4EAAEA8.

429 *Id.*

430 *PRI, PAN, and PRD See Ungovernability In Guerrero*, CE NOTICIAS FINANCIERAS: ENGLISH, Aug. 8, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1934B221A3E49940; *The Carousel of Death*, CE NOTICIAS FINANCIERAS: ENGLISH, Jul. 15, 2023, https://infoweb.newsbank.com/apps, /news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F192CD6A5A8E96380.

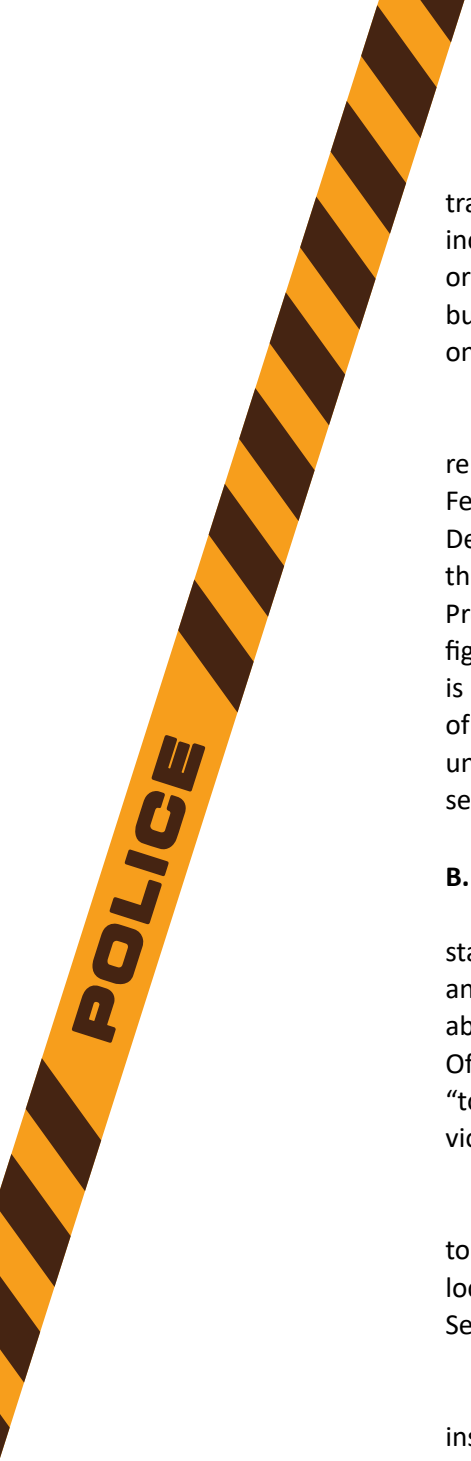
The infiltration between the government and the criminal organizations extends beyond the political leaders. In Guerrero, there has been a systematic infiltration by the cartels into military, police, and even community self-defense forces.[432] In March 2024, an organized criminal group, in view of witnesses, killed about thirty people, dismembered them, and put them in their trucks.[433] Afterward, the National Guard showed up, but they did nothing to either apprehend those responsible or clear the scene.[434] They simply drove through the town and then left the community. Senator Nestora Salgado has raised the concerns of her constituents to the Secretary of State and the governor of Guerrero, but neither has accepted her invitation.[435] "It does not matter what we, those of us who are trying to fight [organized crime], do; they are very infiltrated in our governmental systems."[436] The infiltration is everywhere. The Senator stated that more municipal presidents, congresspeople, district and municipal representatives, and law enforcement officials are colluding with the cartels than those who are not doing so.

The infiltration has extended to local security forces. According to our interview with Sofía, once a report is made to the police or the prosecutor's office, criminal organizations are frequently made aware of who made the report and the contents of the account.[437] Community members who file reports often must flee or face the retaliation of the cartels; sometimes the police themselves—far beyond simply ignoring the complaints—will threaten and attack the residents who report crimes.[438] For example, after Nicolás was kidnapped and had his truck and wallet stolen, he reported the crimes to the local prosecutor's office; then, someone in the prosecutor's office alerted the criminal organization of his report.[439] Shortly thereafter, the criminal organization killed a member of Nicolás's family and threatened his life.[440]

State security forces have actively participated in the violence against the residents of Guerrero. *Guerreros Unidos*, as mentioned above, worked with state forces to forcefully disappear the 43 students from Ayotzinapa.[441] The chief prosecutor on the case investigated the records and told a reporter this was "objective and resounding proof tying an authority of the state to organized crime."[442] Ángela María Buitrago, an international investigator, visited the Ayotzinapa campus after the forced disappearances and noted that every parent she met asked her to tell them the truth, not to lie, and not to "sell out."[443] Buitrago reflected that this was the "ultimate expression of a citizenry that no longer believed in anything at all." The officials are not trusted to conduct serious criminal investigations or to speak out against injustice.[444]

The criminal organizations have also infiltrated state functions, including public

431 CE NOTICIAS FINANCIERAS: ENGLISH, *Ungovernability In Guerrero*, *supra* note 430.
432 Guillermoprieto, *supra* note 426; CE NOTICIAS FINANCIERAS: ENGLISH, Failed State, *supra* note 425.
433 Interview with Nestora Salgado, *supra* note 2.
434 *Id.*
435 *Id.*
436 *Id.*
437 *Mexico: Events of 2023*, *supra* note 60; Interview with Sofia, *supra* note 66.
438 MINIAN, *supra* note 30; Interview with Nicolás, *supra* note 6; Interview with Andrea and Fernanda, *supra* note 6; Interview with Camila, *supra* note 265.
439 Interview with Nicolás, *supra* note 6.
440 *Id.*
441 Amanda Taub, *In Mexico, Drug Trade Flourished With the Help of the State*, NEW YORK TIMES, Sept. 6, 2023; Guillermoprieto, *supra* note 426; CE NOTICIAS FINANCIERAS: ENGLISH, *Army Under the Spotlight*, *supra* note 426.
442 Taub, *supra* note 441; Guillermoprieto, *supra* note 426; CE NOTICIAS FINANCIERAS: ENGLISH, *Army Under the Spotlight*, *supra* note 426.
443 Guillermoprieto,*supra* note 426; CE NOTICIAS FINANCIERAS: ENGLISH, *Army Under the Spotlight*, *supra* note 426.
444 Guillermoprieto,*supra* note 426; CE NOTICIAS FINANCIERAS: ENGLISH, *Army Under the Spotlight*, *supra* note 426; TLACHINOLLAN CENTRO DE DERECHOS HUMANOS DE LA MONTAÑA, *supra* note 397.



transportation, land management, and control of state capitals. There is an alarming increase in violence facing taxi drivers. The taxi drivers, whether they refuse to pay *cuotas* or not, risk retaliation from the cartels.[445] For example, on April 14, 2024, three attacks on buses and taxis occurred in Chilpancingo in less than 3 days, resulting in three vehicles set on fire, deaths and injuries.

Control of large areas of land has been ceded to criminal groups. Journalists have reported on deals between the current national government and criminal groups.[446] In February 2023, the President of the National Defense Commission of the Chamber of Deputies, Ricardo Villarreal, urged the federal government to act in Guerrero. He insisted that because organized crime groups seek to take over territories through the use of violence, President Obrador's policy of "hugs, not bullets" will not work, and the Mexican State has to fight the group's expansion.[447] The PAN deputy, Jorge Triana, stated that in Guerrero, there is an absence of not only governability but also of government.[448] The Bishop Emeritus of Chilpancingo-Chilapa, Salvador Rangel Mendoza, has declared that the state capital is under the power of organized criminal gangs.[449] This view was further supported after seven dismembered bodies were found in the streets of downtown Chilpancingo.[450]

B. LACK OF SECURITY

State protection is a very scarce commodity in Guerrero. Guerrero's federal and state officials have broken the trust of the people they serve by failing to provide security and maintain peace in their communities. Some government officials have done this by abandoning their positions. For example, the head of the Guerrero State Attorney General's Office, Sandra Luz Valdovinos Salmerón, requested a six-month unpaid leave of absence "to attend to personal matters."[451] Her separation came just as Guerrero faced a surge in violent crime from groups such as *La Familia Michoacana* and the *Sinaloa Cartel*.[452]

Some officials have intentionally limited the public's access to them. It is common to pass by a precinct or a municipal department and see police inside, but the doors will be locked.[453] The police often stop patrolling many communities at 4:00 p.m. In an interview, Senator Salgado expressed her deep frustration with this practice:

[This] doesn't make sense; in the night is when crimes happen, and they are all inside doing whatever they do. Who, then, is supposed to be restoring order and peace? They do show up when they hear about the deaths, but again, that is only after someone is

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445 CE NOTICIAS FINANCIERAS: ENGLISH, *What Is Happening in Guerrero*, *supra* note 428; CE NOTICIAS FINANCIERAS: ENGLISH, *The Carousel of Death*, *supra* note 430.
446 CE NOTICIAS FINANCIERAS: ENGLISH, Failed State, *supra* note 425.
447 *In San Lazaro, They Ask for "the Full Force of the State" in the Face of the Proliferation of Coca Plantations*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 17, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F18FBC876E078ED60; Anayeli Tapia Sandoval, *Impunidad en Guerrero: en el 2023 la FGE No Logró Esclarecer Ningún Caso de Homicidio Doloso* [*Impunity in Guerrero: in 2023 the FGE failed to clarify any case of intentional homicide*], INFOBAE, Feb. 21, 2024, https://www.infobae.com/mexico/2024/02/21/impunidad-en-guerrero-en-el-2023-la-fge-no-logro-esclarecer-ningun-caso-de-homicidio-doloso/.
448 CE NOTICIAS FINANCIERAS: ENGLISH, *Ungovernability In Guerrero*, *supra* note 430.
449 CE NOTICIAS FINANCIERAS: ENGLISH, *What Is Happening in Guerrero*, *supra* note 428.
450 *Id.*
451 *Despite Violence Crisis, Guerrero Prosecutor Asks for Six-month Leave of Absence*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 14, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F19736252887E4930; Alejandro Santos Cid, *La Fiscal General de Guerrero Deja el Cargo Durante Seis Meses en Plena Crisis de Violencia* [*The Attorney General of Guerrero Leaves Office for Six Months in the Midst of a Violence Crisis*], EL PAÍS MEXICO, Feb. 14, 2024, https://elpais.com/mexico/2024-02-15/la-fiscal-general-de-guerrero-deja-el-cargo-durante-seis-meses-en-plena-crisis-de-violencia.html.
452 CE NOTICIAS FINANCIERAS: ENGLISH, *Despite Violence Crisis*, *supra* note 451.
453 Interview with Nestora Salgado, *supra* note 2; Interview with Abel Barrera Hernández, *supra* note 46.

killed. The communities are left without any government or authority to protect them.[454]

The Senator receives National Guard security but with strict limits on where she can travel under their protection. Senator Salgado's hometown is outside of the National Guard's protection. In this way, even as a Senator, she is not guaranteed security by the government.[455]

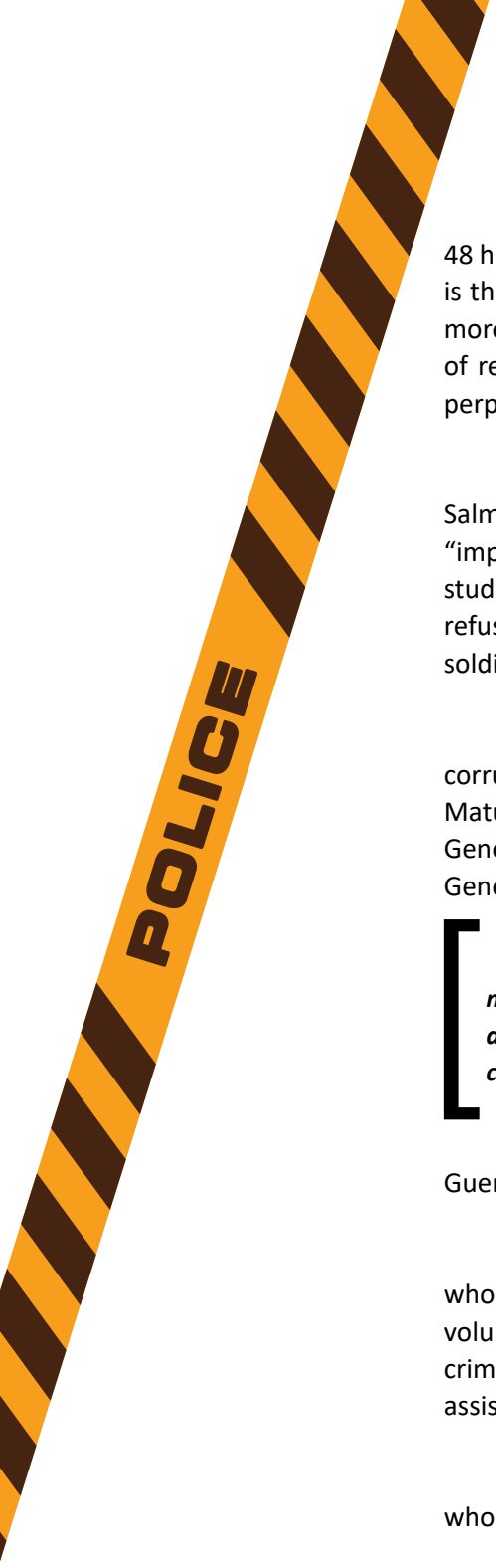
Because the people of Guerrero do not trust state officials to provide them security, communities have pursued options independent of the government. As discussed above, in response to the growing presence of criminal groups, many communities created Community Police Forces.[456] Such forces attempted to defend communities and to combat extortion and kidnapping, all of which local governments were not addressing.[457] A member of the community police in Ayutla De Los Libres, Felipe Ramirez,[458] explained to reporters, "The only thing we ask of the government is to leave us alone. If they can't control the security of our people, of our state, of our region, let us."[459]

In the absence of state security, Catholic priests have sought peace for communities.[460] Bishops in Guerrero have met with leaders of cartels such as *La Familia Michoacana* to broker peace agreements and have encouraged government officials to participate in the discussions. The Bishop of the Diocese of Chilpancingo-Chilapa, José de Jesús González Hernández, stated that the more than 156,000 murders over six years and the nearly 111,000 cases of disappeared persons show that the current security strategies have failed. However, even members of the clergy are not immune from cartel violence. On June 20, 2022, members of a criminal group killed two Jesuit priests and a tour guide in Cerocahui, Chihuahua, after the priests tried to provide first aid to the tour guide, whom the cartel members had pursued into a church.[461]

C. IMPUNITY

The justice system regularly fails to provide accountability for violent crimes and human rights violations in Mexico. About 90 percent of crimes are never even reported, and one-third of reported crimes are never investigated; in total, authorities "resolved" only one percent of all crimes committed in 2022.[462] In 2022, the *Instituto Nacional de Estadística y Geografía* (INEGI, or National Institute of Statistics and Geography) reported that the Judicial Branch received 5,420 complaints about public servants failing to fulfill their duties.[463]

454 Interview with Nestora Salgado, *supra* note 2.
455 *Id.*
456 MINIAN, *supra* note 30; Kitroeff et al., *supra* note 424; MEXICO'S MASS DISAPPEARANCES AND THE DRUG WAR (AYOTZINAPA: THE MISSING 43 STUDENTS), UNIVERSITY OF WISCONSIN-MADISON LIBRARIES, https://researchguides.library.wisc.edu/c.php?g=560513&p=3904772.
457 The New Yorker, Guerrero: *The Monster in the Mountains*, YOUTUBE, https://www.youtube.com/watch?v=Yq7lGqGAcX4.
458 *Id.*
459 CE NOTICIAS FINANCIERAS: ENGLISH, Failed State, *supra note 425.* Subsequently, some groups have been infiltrated by cartels and have engaged in criminal activities, as noted above.
460 *Chilpancingo is in the Hands of Crime*, CE NOTICIAS FINANCIERAS: ENGLISH, June 26, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F192666D995AEB860; *Meeting of Bishops with Cartel Leaders is Not a Negotiation, it is to Pacify the Area and Reduce Violence*, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 18, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1974A16010B4D718; *Dialogue Between Bishops and Narcos to Seek Peace Should Embarrass Government*: PRD, CE NOTICIAS FINANCIERAS: ENGLISH, Feb. 16, 2024, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F1973CE18CF5C57B0 (Jesus Zambrano, the leader of PRD, stated, "Given this absence of the State that has led to the country being bathed in blood, it has reached the extreme that…the clergy of the Catholic Church, have had to enter to seek mediations…this is something terribly frightening.").
461 UNITED STATES DEPARTMENT OF STATE**,** *supra* **note 17.**
462 CALDERÓN ET AL.**,** *supra* note 47.
463 NATIONAL INSTITUTE OF STATISTICS AND GEOGRAPHY (INEGI), ENCUESTA NACIONAL DE VICTIMIZACIÓN Y PERCEPCIÓN SOBRE SEGURIDAD PÚBLICA (ENVIPE) (Sept. 2022), https://



In 2014, Guerrero had the highest homicide rate reported in Mexico, which reached 48 homicides per 100,000 inhabitants, according to federal government figures. This figure is three times higher than the national average (16/100,000). Guerrero's homicide rate is more than seven times higher than the global average (6.2). As mentioned, the number of reported crimes is actually far lower than the real figure, largely due to impunity for perpetrators and victims' fear of reprisals.[464]

In Guerrero, the high rates of impunity are notorious. Sandra Luz Valdovinos Salmerón, the Attorney General of the State of Guerrero, has been accused of having an "impunity agreement" with the Sinaloa cartel.[465] In the infamous case of the 43 missing students of Iguala, Guerrero, the Secretary of National Defense, Salvador Cienfuegos, refused to let investigators question the soldiers involved, publicly stating, "I will not permit soldiers to be treated like criminals."[466]

High impunity rates place those who oppose violent cartels and government corruption in grave danger. After the murder of yet another journalist in Guerrero, Nelson Matus, efforts to combat impunity for killing journalists were demanded.[467] The Secretary General of the National Union of Press Editors, Abel Miranda, called for the Attorney General's Office to investigate the aggressions against journalists:

> ***impunity is like an invitation to commit more crimes under the posture that they can murder, and nothing will happen… [the state has made] silenced areas in which journalistic activity cannot be exercised due to threats from organized crime, which acts in close coordination with authorities of the three levels of government***.[468]

The lack of accountability will allow these serious crimes to continue unabated in Guerrero.[469]

Because high rates of impunity are well known in Guerrero, the number of people who risk reporting crimes to local authorities is disproportionately low, despite the high volume of violent acts committed in the state.[470] Authorities routinely do very little to help crime victims.[471] We spoke to several Guerrero refugees who attempted to request the assistance of political leaders, to no avail.

Even the rare cases that produce investigations are later dismissed by prosecutors who claim a lack of evidence.[472] Several interview accounts, including those from Gabriel,

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www.inegi.org.mx/contenidos/programas/envipe/2022/doc/envipe2022_presentacion_nacional.pdf; *Mexico: Events of 2023*, *supra* note 60.

464 OPEN SOCIETY JUSTICE INITIATIVE, JUSTICIA FALLIDA EN EL ESTADO DE GUERRERO (2017), https://centroprodh.org.mx/wp-content/uploads/2017/12/OSJIMexicoESP.pdf

465 Cid, *supra* note 451.

466 CE NOTICIAS FINANCIERAS: ENGLISH, *Army Under the Spotlight*, *supra* note 426; TLACHINOLLAN CENTRO DE DERECHOS HUMANOS DE LA MONTAÑA, *supra* note 397; *Mexico's Forgotten Mayors: The Role of Local Government in Fighting Crime*, INTERNATIONAL CRISIS GROUP, June 23, 2023, https://www.crisisgroup.org/latin-america-caribbean/mexico/99-mexicos-forgotten-mayors-role-local-government-fighting-crime; AMNESTY INTERNATIONAL, THREATS AGAINST ACTIVISTS IN MEXICO, Jan. 21, 2010, https://www.amnesty.org/en/wp-content/uploads/2021/07/amr410102010en.pdf.

467 Caicedo Smit, et al., *supra* note 9.

468 Caicedo Smit, et al., *supra* note 9; CE NOTICIAS FINANCIERAS: ENGLISH, *The Carousel of Death*, *supra* note 430; *Protest Against Murder of Journalist in Guerrero; Demand Justice*, CE NOTICIAS FINANCIERAS: ENGLISH, July 17, 2023, https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Asid/infoweb.newsbank.com&svc_dat=WORLDNEWS&req_dat=15F8AA7E6C0F4A0F8976DF6C4770FC4C&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F192D3A91CE2EC878

469 CALDERÓN ET AL., *supra* note 47.

470 OPEN SOCIETY JUSTICE INITIATIVE, *supra* note 464.

471 Interview with Jimena, *supra* note 4; Interview Elías, *supra* note 5; Interview with Nicolás, *supra* note 6; Interview with David and Emilia, *supra* note 7; Interview with the Hernández family, *supra* note 13; Interview with Victoria, *supra* note 13; Interview with Romina, *supra* note 14; Interview with Emilio and Julieta, *supra* note 46; Interview with Diego, *supra* note 46.

472 Interview with Victoria, *supra* note 13; Stephen Smith, *Sons of "El Chapo" Used Corkscrews, Hot Chiles and Electrocution for Torture and Victims Were Fed to Tigers, Justice Department Says*,

Emilio, Julieta, and Senator Salgado, indicate that police may visit homicide scenes only to collect the body and temporarily seal the area.[473] According to Santiago, the police routinely discount victims' stories and ask them to leave before "someone gets killed."[474] In fact, beyond failing to investigate, law enforcement in Guerrero will actually threaten or actively work with cartels to silence crime victims.[475] For example, after Camila reported her concerns to the police that a cartel was invading her mountain community and wanted to steal her home, two of her children were kidnapped, beaten, and dropped off at the police station.[476] The police called Camila to retrieve her children, but took no steps to apprehend the men who had kidnapped them.[477] In another example, Nicolás was kidnapped and had his truck and wallet stolen; later, he went to the prosecutor's office to report the crimes, but a staff member alerted a criminal organization of his efforts. Later, the criminal group killed his family member and threatened his life.[478]

CBS NEWS, Apr. 20, 2023, https://www.cbsnews.com/news/el-chapo-sons-fed-rivals-to-tigers-corkscrews-electrocution-hot-chiles-torture-justice-department-says/ (cartels have been known to use brutal methods like acid and wild animals like tigers to kill their victims, making identification of a homicide victim difficult).

473 Interview with Nestora Salgado, *supra* note 2; Interview with Emilio and Julieta, *supra* note 46; Interview with Gabriel, *supra* note 132.

474 Interview with Santiago, *supra* note 3.

475 Interview with Andrea and Fernanda, *supra* note 6; Interview with Abel Barrera Hernández, *supra* note 46; Interview with Camila, *supra* note 265.

476 Interview with Camila, *supra* note 265.

477 *Id.*

478 Interview with Nicolás, *supra* note 6.

VI.Why Guerrero refugees cannot safely relocate within Mexico

A. THE NATIONAL REACH OF CARTELS AND ORGANIZED CRIME GROUPS

The national reach of cartels and organized crime in Mexico is well documented.[479] When Guerrero residents seek safety in other parts of the country, the strategy often proves ineffective, as criminal organizations have strong ties across Mexico.[480] Criminal groups have extensive networks that are capable of conducting targeted killings even in areas controlled by rival organizations.[481] Through various methods, cartels constantly monitor and track the flow of people in and out of their territories.[482]

Cartels are known by Guerrero residents to operate in multiple regions. Emilio and Julieta explained to us that a specific cartel operating in Guerrero has presence in different states, including Chihuahua and Sinaloa along the U.S. border.[483] *La Familia Michoacana* is said to have many regions under their control.[484] Numerous refugees, like Elías, believe that leaving their town to go to another state in Mexico would not be any different for them than staying in Guerrero.[485] Various criminal groups are known to have a power and alliances in across the country.[486]

We interviewed many individuals who fled Guerrero and then were pursued by criminal groups in other areas. Nicolás, who had been kidnapped and beaten by members of a criminal group, was able to escape and relocate to the neighboring state of Oaxaca.[487] He then moved a second time, to the city of Monterrey, each time careful not to tell anyone where he was hiding for fear of being targeted again.[488] While walking home from work one day, Nicolás was stopped by a police patrol.[489] The officials checked his identification and took his money.[490] Shortly thereafter, the cartel went to his house looking for him; fortunately, Nicolás was not at home, and then left Monterrery as soon as possible.[491]

Jimena's family, originally from Acapulco, Guerrero, fled to the state of Morelos

479 MINIAN, *supra* note 30; Rebecca Plevin & Omar Ornelas. *'We're Going to Find You.' Mexican Cartels Turn Social Media Into Tools for Extortion, Threats, and Violence*, THE DESERT SUN, February 28, 2019, https://pulitzercenter.org/stories/were-going-find-you-mexican-cartels-turn-social-media-tools-extortion-threats-and-violence.
480 MINIAN, *supra* note 30.
481 MINIAN, *supra* note 30; Interview with Abel Barrera Hernández, *supra* note 46 ("Despite the fragmentation, and disputes over territory, some groups still have national reach and impose their presence.").
482 MINIAN, *supra* note 30.
483 Interview with Emilio and Julieta, *supra* note 46.
484 Interview Elías, *supra* note 5
485 *Id.*
486 Interview with Abel Barrera Hernández, *supra* note 46.
487 Interview with Nicolás, *supra* note 6.
488 *Id.*
489 *Id.*
490 *Id.*
491 *Id.*

due to the constant violence.[492] Her father had been threatened and pressured to work for the cartel, so they went into hiding.[493] Later, Jimena's husband was kidnapped and beaten, to obligate him to join the cartel.[494] Jimena told us, "they knew what school my son was attending and even described what my son looked like."[495] The harassment continued, forcing them to flee Guerrero.[496]

Lucía and her partner were interviewed at a shelter along their journey to the US; the interview was videorecorded.[497] The couple covered their faces with masks in attempts to hide their identity.[498] Nevertheless, later in the journey, they were contacted by a criminal group: the text message stated, "it doesn't matter where you are, we will find you because you ran away."[499]

David and Emilia emphasized to us the long reach of *La Familia Michoacana's* network.[500] They did not feel safe in Mexico City, learning of various instances of cartel pursuit. They recounted that a family of three was also killed after fleeing Guerrero for Cancun: the criminal organizations "would make sure that no one gets out alive."[501] Similarly, Andrea and Fernanda stressed to us that cartels "are all connected somehow; it sounds bad, but it is the truth."[502]

Another former Guerrero resident, Mateo, left his town because he did not feel safe.[503] While in Mexico City, studying for his master's degree, he was told that people were looking for him.[504] Later, someone called him from a public telephone and threatened him; although they did not identify themselves, he believed they were *Los Ardillos*.[505] Victoria relocated to Jalisco for some time but was harassed by cartels. [506] Camila moved to Sonora but was the victim of an attempted kidnapping, so she fled to the U.S. border[507]

The Hernández family, originally from Oaxaca, moved to Guerrero after two family members were killed.[508] Later, they moved to Puebla and lived there for some time.[509] Each time they moved, the criminal group found them; even when they changed their phone number, the cartel was still able to still threaten them by text.[510] Another interviewee, Elena, moved from Chilpancingo to Acapulco, and later to Sonora, but each time received threatening text messages that the cartel was following her. [511]

In fact, cartels will pursue their targets all the way to the US-Mexico border.[512]

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492 Interview with Jimena, *supra* note 4.
493 *Id.*
494 *Id.*
495 *Id.*
496 *Id.*
497 Interview with Lucía, *supra* note 4.
498 *Id.*
499 *Id.*
500 Interview with David and Emilia, *supra* note 7.
501 *Id.*
502 Interview with Andrea and Fernanda, *supra* note 6.
503 Interview with Mateo, *supra* note 43.
504 *Id.*
505 *Id.*
506 Interview with Victoria, *supra* note 13.
507 Interview with Camila, *supra* note 265.
508 Interview with the Hernández family, *supra* note 13.
509 *Id.*
510 *Id.*
511 Interview with Elena, *supra* note 27
512 Interview with Abel Barrera Hernández, *supra* note 46.

As emphasized by our interviewee Sofia, "they are all connected, they have connections everywhere."[513]

B. METHODS USED BY CARTELS TO LOCATE THEIR TARGETS NATIONWIDE

Cartels use a variety of methods to locate and target and locate fleeing Guerrero residents, including checkpoints and intelligence networks.[514] The checkpoints are often managed by government officials, but some are directly run by organized criminal groups.[515] In any case, many of these officials are corrupted by cartels, and share information with them, including access to government databases.[516] As a result, migrants will attempt to avoid these checkpoints and try not to reveal their true identities when stopped.[517]

Publicly-available information and government databases are readily monitored by cartels. Individuals have to record their current address in a public registry to work legally, making this information easily accessible to cartels.[518] Mexican lawyers specializing in information access have shown that victims are unable to safely relocate to other areas of Mexico because public registries and other personal information are easily accessible on the Internet.[519]

Cartels also use voter registration information to locate individuals.[520] As Elena recounted regarding her experience with *La Familia Michoacana*: "one of my cousins told me that…*La Familia Michoacana* was looking for me and that they had a list with my name and a photo of my voter ID."[521] Gabriel, a taxi driver, reported to us that he must file papers for his licensing, which makes it very easy for criminal groups to locate him.[522] He remembered four of five of his colleagues who were harassed and killed by the cartels.[523]

In addition, some corrupt Mexican officials have helped cartels obtain "state-of-the-art spyware."[524] Pegasus, one of the most potent applications, can infect cellphones without any sign of intrusion and extract every email, text message, photo, and calendar appointment.[525] At the same time, Pegasus uses the phone's camera and microphone to closely monitor the target, even when the phone appears to be turned off.[526]

Further, cartels monitor social media such as Facebook and apps like WhatsApp to target residents.[527] Because of the pervasive use of social media accounts, many

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513 Interview with Sofia, *supra* note 66. She also knew of other Guerrero residents who had fled to the border but needed to return because the cartel found them and threatened them.
514 WORLD REPORT 2024, *supra*note 276 (checkpoints continue to operate despite Supreme Court's ruling they are unconstitutional due to discrimination); AMNESTY 2023 MEXICO REPORT, *supra* note 55 (Immigration checkpoints inside Mexico are unconstitutional on the grounds that they are discriminatory); UNITED STATES DEPARTMENT OF STATE, *supra* note 17 (In May the Supreme Court overturned a legal provision that allowed immigration agents to stop anyone and demand proof of their legal status. The court declared the existing immigration law violates the constitutional rights to equality and nondiscrimination, since it had a disproportionate impact on Indigenous and Afro-Mexican persons. It also found the law violates the constitutional right to freedom of movement).
515 Interview with Nestora Salgado, *supra* note 2.
516 MINIAN, *supra* note 30.
517 Interview with Nestora Salgado, *supra* note 2 (one Guerrero resident who was previously extorted at checkpoints was grateful to have a flight out of Acapulco because it allowed her to bypass the dangerous checkpoints); Interview with Elena, *supra* note 27.
518 MINIAN, *supra* note 30
519 *Id.*
520 Interview with Elena, *supra* note 27.
521 Interview with David and Emilia, *supra* note 7.
522 Interview with Gabriel, *supra* note 132.
523 *Id.*
524 Cecile Schilis-Gallego & Nina Lakhani, *It's a Free For All: How Hi-tech Spyware Ends Up in The Hands of Mexico's Cartels*, THE GUARDIAN, Dec.7, 2020, https://www.theguardian.com/world/2020/dec/07/mexico-cartels-drugs-spying-corruption.
525 Natalie Kitroeff & Ronen Bergman, *How Mexico Became the Biggest User of the World's Most Notorious Spy Tool*, THE NEW YORK TIMES, April 18, 2023, https://www.nytimes.com/2023/04/18/world/americas/pegasus-spyware-mexico.html.
526 *Id.*

cartel targets have reported that it is easy for transnational cartels and gangs to find their "enemies" wherever they go.[528] In Guerrero, criminal groups create fake accounts and post hit lists on Facebook and WhatsApp, using nicknames and crude language to describe their targets.[529] Mariana, a former Chilapa resident who sought asylum in the United States, stated that "[a]t first, when the lists started appearing, people just went about their daily lives. They figured since they were not involved in crime, they had nothing to fear."[530] However, Mariana explained "they started killing people and we quickly recognized that being on one of these lists was going to get you killed."[531]

One Mexican asylum seeker was placed on an Internet hit list by the criminal gang *Los Ardillos* in Guerrero.[532] Over the next year, he was named on two additional hit lists posted by the same group but in different states throughout Mexico, suggesting that he would not be safe anywhere within the country.[533] Tania Nuñez Amador, an immigration attorney based in California, stated that for her Mexican asylum clients, many of whom are from Guerrero, virtual threats were often "the breaking point," that finally spurred them to flee and seek refuge in the United States.[534] "They might know everything about you, if they were able to find you on social media."[535]

527 MINIAN, *supra* note 30.
528 *Id.*
529 Plevin et al., *supra* note 479.
530 *Id.*
531 *Id.*
532 MINIAN, *supra* note 30.
533 *Id.*
534 Plevin et al., *supra* note 479.
535 *Id.*

VII. Appendix: representative case studies of asylum seekers from Guerrero

A. INTERVIEW WITH NICOLÁS

"You go out everyday to make a living and don't know if you will see your family again. That is the hardest part." Nicolás, a fish seller from Guerrero, understood how things worked under the power of an organized criminal group. He knew to pay the *cuota* when it was due. However, the cost of the *cuota* kept increasing, but the ability to work and gain financial stability was decreasing. After falling behind on a couple of payments, Nicolás received constant warnings from the cartel, who sent pictures of his children and family with threats that they would be killed because of his debts. Nicolás eventually obtained the money owed. But his cartel collector refused the payment, informing him they would collect it "the next time." That same evening, as Nicolás was returning home from work, he was "kidnapped, raped and beaten, and left bloodied." Nicolás was detained for three days, during which time he continued to face severe physical and sexual violence.

Nicolás, accompanied by his cousin, went to the local police station to report his ordeal. Within moments, they received a phone call from his uncle, the cousin's father, who warned him to leave the station, because "they" were coming for him. Nicolás immediately left Guerrero and went into hiding for nearly three months. He later learned that his cousin, who had gone to the station with him, was found dead. Nicolás moved again, seeking safety further away. After nearly six months of hiding in this new location in Monterrey, over 1,200 km away from Guerrero, Nicolás was stopped by patrol officers one evening as he returned home from work. The officers escorted him home, studied his identification card, and stole his money. Shortly after, the cartel found him, even though Nicolás never shared his locations with anyone, not even his family in Guerrero.

B. INTERVIEW WITH ELENA

Elena, an indigenous woman, was subjected to physical and sexual assault, psychological torture, and extorsion. Her family first endured the kidnapping, assault, and torture of her former husband. Elena retells the fear she felt, wondering where her husband was for three weeks and whether he was still alive. Elena's husband, previously a teacher, returned after three harrowing weeks, beaten and scarred. He explained that he was rescued soon before he was taken to an area, near the coast, where captives are often tortured and disfigured with acid. Her husband's psychological and physical trauma

affected his ability to be a husband and a father, resulting in Elena's secondhand trauma and causing their separation and Elena's new role as a single mother.

Elena returned to her hometown with her son. Afraid to practice as a lawyer, she worked in the market and cleaned houses. However, "the 'mafia' would come [to the market] with guns, asking for *cuotas*." Elena "was always struggling to find a safe job." She then found a job working in an office, but she was subjected to sexual harassment. Elena tried to report the assault to the respective authorities. However, she was almost immediately warned by a family member to leave because "they" were coming to find her and attack her.

Constantly surrounded by cartel members "out in [the] daylight with rifles," Elena and her small child were forced to leave Guerrero, leaving behind the father of her children and her other children. Elena settled in a new place several states away from Guerrero, selling food and working different jobs. Soon thereafter, the cartel found her and threatened her at gunpoint to pay the *cuota*. Cartel members constantly extorted Elena and her family members to pay *cuotas* as soon as they began earning any money. This continued to happen regardless of where Elena tried to sell her goods. On one occasion, she was selling food outside her own house when cartel members came up to her, pressing against her and groping her body while pushing a gun against her ribs and asking questions about who worked for. She was given a last warning: even if she sold food in front of her home, she had to pay the *cuota*. In fear for her life, Elena took her child to a refugee shelter in Nogales, México, where she waited for nearly a year to come to the United States. At the shelter, cartels would try to recruit her child while she was at work. Elena now lives in the United States and was recently granted asylum.

C. INTERVIEW WITH MATEO

Mateo, inspired by his father and grandfather, sought to enter politics to improve the situation in his hometown. He became a leader of an independent party and would speak to others about the corruption in the country. Mateo soon faced harassment and threats by *Los Ardillos* cartel, as well as local government officials. At the same checkpoints where Nicolás and Elena were harassed (see above), Mateo was warned that something "terrible" would happen if he did not stop criticizing government corruption in Guerrero. On two separate occasions, cartel members, dressed in police uniforms, harassed and detained Mateo. They abducted him from public buses and robbed all his money and belongings. Mateo was also warned they would unleash "the tiger" on him if he continued his political ambitions. This threat referred to the cartels' use of dangerous animals to torture detained persons.